

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI

On this the 25th day of February 2019
C.G.No:306/2018-19/Anantapur Circle

Present

Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

Y. Y. Siva Rami Reddy,
C/o. Sree Siddivinayaka Granites
Sajjaladinne,
Tadipatri,
Anantapur Dt.

Complainant

And

1. Assistant Accounts Officer/Tadipatri
2. Assistant Engineer/O/ Tadipatri Rural
3. Assistant Divisional Engineer/O/Tadipatri
4. Divisional Engineer/O/Gooty
5. Executive Director/O/Corporate Office/Tirupati

Respondents

ORDER

1. Y. Siva Rami Reddy of Sree Siddivinayaka Granites, Sajjaladinne, Tadipatri presented a complaint through post on 15.09.2018 and the same was registered as C.G.No.306/2018-19. The complainant in his petition has informed that the officials have imposed additional charges of Rs.46,414/- against his service connection No. 7231127001741 without any intimation though he has not connected any additional loads more than his contracted load of 74 HP . In spite of his repeated requests the additional load amounts were not deleted. Hence the complaint.
2. Respondents No.1, 3 and 4 have submitted written submissions separately but the contents are similar in nature. The Respondent No. 4 in his submission had appraised that on receipt of notices from the Forum the service connection under question was inspected on 20.09.2018 and found that the consumer is utilizing the supply for a connected load of 74 HP only. Based on the inspection report the respondent No.3 had submitted proposals to him for issuing final

DESPATCHED
DATE

C.G.No.306/2018-19_Anantapur Circle

6/3/19

assessment orders for Nil against the complainant's service. But he is having no option to issue final assessment orders for Nil as the ERO Tadipatri updated the payments and load enhanced from 74 HP to 94 HP by transferring the CC bill amount paid to the MATS case. A detailed report was also submitted to CGM/O/TPT and GM/IT/ TPT for deletion of payments entered against the service. If the Corporate Office permits to delete the same, final assessment order will be issued for Nil and the additional charges will be reduced from the CC bill.

3. In view of the reply of Respondent No.4 Executive Director/O/APSPDCL was also impleaded as respondent No.5 and notices issued to file written submission within 7 days. The Executive Director has filed her written submission as follows :

Additional load case was booked by ADE/DPE-2/ ATP against the complainant's service on 16.04.2013 with incriminating points of excess connected load over the contracted load for 20 HP and assessed an amount of Rs.40,000/- for regularization. Respondent No.3 had served a notice for development charges on 18.04.2013 for regularization of additional load within 30 days. As per the provisions contained in Clause No.12.3.3.1 (ii) of GTCS service of consumers who do not get the additional loads regularized shall be disconnected immediately on expiry of the notice period and these services shall remain under disconnection, until they are regularized. During 06/2018 the outstanding additional load case amount of Rs.40,000/- (Development charges of Rs.30,000/- and security deposit charges of Rs.10,000/-) was added in the CC bills for regularization and also enhanced the load from 74 HP to 94 HP by respondent No.1. The respondent No.1 had also reported that for closing of long pending case, Rs.40,000/- received towards CC charges was posted in MATS on 19.07.2018. Then the complainant had represented to the respondents No.3 and 4 that he was availing supply for only 56 HP and his unit running partially for the past four years due to very low sales of granite and requested to waive off additional load charges of Rs.40,000/-. The respondent No.4 had inspected the service on 20.09.2018 and found that connected load was 74 HP and requested for considering the inspection report for issuing final assessment order.

4. Points for determination are :

1. Whether the respondents are entitled to include the assessment amount in the CC bills and enhance the additional loads without observing the provisions of GTCS?
2. Whether the respondents are entitled to transfer the CC charges paid towards additional load amount?

The provisions of Clause 12.3.3.1 of GTCS is as follows:

Where the total connected load is 75 HP/56 KW or 150 HP in cases of LT Cat- III (B) or below at the time of detection:

- i) One month notice shall be given to regularize the additional connected load or part of additional load as per the requirement of the consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit, in accordance with the format prescribed in Appendix IX.
- ii) Service of consumers who do not get the additional loads regularized shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection, until they are regularized.

On perusal of the records it is noticed that though the additional load charges notice was issued on 18.04.2013, respondents were silent and not initiated any action as per the notice. But suddenly during 06/2018 raised the assessment amount as demand and the amount paid by the complainant towards CC charges has been accounted for towards the assessment amount and also raised the contracted load of the complainant's service from 74 HP to 94 HP from 01.08.2018 without physical verification that too after five years. The act of the respondents are against the provisions of GTCS and tariff orders issued by the Hon'ble Electricity Regulatory Commission. Respondents did not cite any authority which empowers them for inclusion of the assessment amount of additional load pertaining to 2013 during 06/2018 without any physical inspection. So also respondents have also not cited any authority for accounting for the amount paid by the consumer towards CC charges under the head assessment of regularization of additional load without any notice. So the act of respondents in levying additional load charges in the current electricity bill after five years without any physical verification and adjusting the amount paid by the consumers towards CC charges against the so called additional development charges levied against him is not legal, arbitrary and not sustainable and the same has to be withdrawn. Thus both the points are answered accordingly.

5. In result respondents are directed to with draw the assessment amount of Rs.40,000/- included in the CC bills together with the belated payment surcharge if any levied on such amount. The respondents are also directed to regularize the contracted load of the complainant as 74 HP only as per the physical inspection report of Respondent No.3 Dt : 20.09.2018.
6. Accordingly the complaint is disposed off in favour of the complainant.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh, Flat No:401, 4th Floor, Ashoka Chambers, Opposite to MLA Quarters, Adarsh Nagar,Hyderabad-500063**, within 30 days from the date of receipt of this order.

This order is passed on this, the day of 25th February 2019.

Sd/- Sd/- Sd/- Sd/-
Member (Finance) **Member (Technical)** **Independent Member** **Chairperson**

Forwarded By Orders



Secretary to the Forum

To

The Complainant
The Respondents

Copy to the General Manager/CSC/Corporate Office/ Tirupati for pursuance in this matter.

Copy to the Nodal Officer (Executive Director/Operation)/CGRF/APSPDCL/TPT.

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh ,Flat No:401 ,4th Floor, Ashoka Chambers, Opposite to MLA Quarters , Adarsh Nagar,Hyderabad-500063.

Copy Submitted to the Secretary, APERC,11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.