

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

**On this the 08<sup>th</sup> day of March 2019**

**C.G.No:321/2018-19/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*

M.D. Eliyaz,  
D.No.17-6-639,  
Gandhi Nagar,  
Hindupur,  
Anantapur -Dist

Complainant

***AND***

1. Assistant Accounts Officer/ERO/Hindupur  
2. Assistant Engineer/O/Hindupur D2  
3. Assistant Divisional Engineer/O/Hindupur  
4. Divisional Engineer/O/Hindupur

Respondents

**ORDER**

1. The case of the complainant is that he is having service No. 7311202054495 for his small scale industry for manufacturing of ice. He had received a notice to pay shortfall amount of Rs. 1,61,026/- (one lakh sixty one thousand and twenty six only) under the guise of wrong categorization as aqua culture.
2. Respondent No. 1 filed written submission stating that complainant obtained service connection under industrial category for manufacturing of ice, but erroneously his service connection was sub categorized as aqua culture and animal husbandry from the date of supply i.e. 14.10.2016 to till date. Hence they have revised the bill for shortfall amount for Rs.1,61,026/- and complainant is liable to pay that amount.
3. Respondent No.2 also filed written submission on similar lines.
4. A personal hearing was conducted on 13.02.2019 at Penukonda. Both the parties present and reiterated their contentions.

**DESPATCHED**  
DATE 20/03

C.G.No:321/2018-19/Anantapur Circle

5. Point for determination is whether the respondents are entitled to recover the shortfall amount from 14.10.2016?

Admitted fact in this case is that complainant obtained service connection for manufacturing of ice. But according to respondents they have erroneously sub categorized as aqua culture. It is an admitted fact that Licensee is charging aqua culture services at a subsidy rate than the general industrial services. So the complainant is not entitled for a subsidiary rate.

**Clause 3.4.1. of GTCS is as follows :**

“Where a consumer has been classified under a particular category and is billed accordingly and it is subsequently found that the classification is not correct (Subject to the condition that the consumer does not alter the category/purpose of usage of the premises without prior intimation to the Designated Officer of the company), the consumer will be informed through a notice, of the proposed reclassification, duly giving him an opportunity to file any objection within a period of 15 days. The company after due consideration of the consumer’s reply if any, may alter the classification and suitably revise the bills if necessary, even with retrospective effect, the assessment shall be made for the entire period during which such reclassification is needed, however, the period during which such reclassification is needed cannot be ascertained such period shall be limited to a period of twelve months immediately preceding the date of inspection.”

In view of the above provisions in GTCS, respondents have got right to raise a bill for shortfall amount subsequently when they found that classification is not correct. But the Licensee is not empowered to raise the shortfall amount beyond one year, if period from which reclassification has to be made cannot be ascertained. But in this case respondents ascertained the date from which the erroneous classification was done. So they are entitled to raise bill for the shortfall amount.

So complainant cannot take benefit of the mistake committed by the employees of the Licensee in wrong classification of category of the service and liable to pay the amount for utilization of electricity as per the prevailing tariff for this category for which he has been availing supply. But as the mistake was committed by the employees of the Licensee and the period of assessment is for 23 months, consumer can be permitted to pay the amount in liberal installments without any surcharge.

