

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

On this the 28th day of June 2019

C.G.No:419/2018-19/Kurnool 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

**S.Syed Asadulla ,
C/o. neelakanteswara talkies ,
Soganur Road,
Yemmiganur (M),
Kurnool -Dist**

Complainant

AND

**1.Assistant Accounts Officer/ERO/Yemmiganur
2.Assistant Executive Engineer/O/Yemmiganur
3.Deputy Executive Engineer/O/Yemmiganur
4. Executive Engineer/O/Adoni**

Respondents

ORDER

1. Complainant presented a complaint stating that he is having service connection No. 8132301004270 for his Sri Neelakanteswara Talkies, Yemmiganur. CC bills are being received with capacitor surcharge for the last two months i.e for Jan'2019 and Feb'2019. When they have contacted the AE/O/Yemmiganur he has advised to provide adequate capacitors. But without informing or issuing any notice the department has included the capacitor surcharge. At present he has provided adequate capacitors . Hence requested to waive the capacitor surcharge for the above two months.
2. Respondents No. 1, 2 and 4 filed written submission separately. But the contents are similar in nature. The respondents have stated that respondent No.3 has inspected the service under question during Dec' 2018 and noticed that capacitors are not in working condition and intimated the complainant orally to install new capacitors in place of defective one instead of one month notice in writing. The complainant has installed new

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any capacitor surcharge bill since the capacitors are in working condition and the power factor is greater than 0.95.

3. Now the complainant requested for withdrawal of capacitor surcharge for the months of Dec'2018 and Jan'2019.
4. Point for determination is whether the respondents are entitled to collect capacitor surcharge without issuing of notice?

The case of the complainant is that the respondents have issued CC bills duly including capacitor surcharge during the months of Dec'2018 and Jan'2019 amounting to Rs. 3529.37 and Rs.3,593.44 respectively. The respondents have included the capacitor surcharge without any prior intimation to provide adequate capacitors.

On the other hand the respondent No.4 himself has admitted that the respondent No.3 has advised the complainant orally to install new capacitors in place of defective one without issuing of one month notice in writing. The provisions under Clause No's: 12.1, 12.1.2 and 12.1.3 of GTCS are as follows :

12.1 "Failure to install capacitors by LT consumers

12.1.1 Capacitor Surcharge

Failure to install / maintain capacitors by consumers in accordance with the provisions under clause 5.13.1 will be treated as a violation of the GTCS and attracts levy of capacitor surcharge at the rates specified by the Commission in the tariff orders issued from time to time or otherwise.

12.1.2 Procedure for LT Consumers

If the capacitors already installed are found, during inspection of the Premises of an LT consumer, damaged or become defective or cease to function or derated, the consumer shall be served with a notice by the Designated Officer to get the same replaced/ rectified or corrected within 30 days from the date of the notice in accordance the format prescribed in Appendix VIII (A) herein, and intimate the fact of replacement/ rectification or correction to the Designated Officer of the Company who will inspect the capacitors again to verify their satisfactory performance. In the event of failure on the part of the consumer to comply with

the above notice, the company may levy a surcharge as specified by the Commission in the Tariff Orders issued from time to time or otherwise from the consumption month of the date of inspection till such time the capacitor is replaced/ rectified or corrected. Provided further that retrospective levy if any of surcharge shall not extend to beyond one year prior to the date of inspection. The consumer aggrieved by the retrospective levy, may appeal to the authority/officer designated for this purpose in the 'Designated Officers' Notification' whose decision shall be final".

12.1.3 The failure on the part of the consumer to comply with the above notice as per clause 12.1.2 shall be treated as violation of the GTCS and the company reserves the right to terminate the contract and collect the sum equivalent to the Minimum Charges for the balance initial period of Agreement".

The above rule clearly indicates that the respondents are not entitled to levy capacitor surcharge without following the provisions contained there above. Thus the point is answered accordingly.

5. In result the respondents are directed to withdraw the capacitor surcharge included in CC bills during 12/2018 and Jan'2019 and compliance reported within 15 days from the date of receipt of this order.
6. Accordingly the complaint is disposed off in favour of the complainant.

If aggrieved by this order, the Complainant may represent to the **Vidyt Ombudsman, Andhra Pradesh**, 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008, within 30 days from the date of receipt of this order.

This order is passed on this, the day of 28th June 2019.

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

Forwarded By Order



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 Vidyt Ombudsman, Andhra Pradesh , 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008.
Copy Submitted to the Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.

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