

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

On this the day of 28th June 2019

In C.G.No:400/ 2018-19/Ongole Circle

Present

Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao

Chairperson
Member (Finance)
Member (Technical)

Between

P. Tirupalu,
Radham Road,
Vasavi Nagar
Podili,
Prakasham-Dist

Complainant

AND

1. Junior Accounts Officer/ERO/Podili
2. Assistant Executive Engineer/O/Podili
3. Deputy Executive Engineer/O/Podili
4. Executive Engineer/O/Kanigiri

Respondents

ORDER

1. Complainant presented a complaint stating that the department officers have issued a notice to pay an amount of Rs.7,895/- alleging that he is availing additional load of 6 KW. But he is not availing such load. Hence requested to direct the officers to delete the case.
2. Respondent No.4 in his written submission has stated that it was noticed from the history of the case that an additional load case was booked against the service connection of the complainant on 28.08.2012 by respondent No.3 for excess load of 1.37 KW to the existing load of 0.26 KW and requested the complainant to pay an amount of Rs.2,525/- . It was also noticed that in master changes in service history, additional load was regularized during 10/2012 without receipt of additional load amount. Again in the month of 05/2016 additional load case was booked for excess load of 2 KW and a notice was served on the complainant for an amount of Rs.2,925/- . Hence total amount of Rs.5,450/- was included in the CC bill of the complainant in the month of 06/2018. Later the complainant has paid for the load regularization under voluntary scheme on 21.07.2018

DESPATCHED
DATE 4/7

from 3 KW to 6 KW. The complainant has filed complaint before the Forum represented that his service connection was released with 3 phase supply with contracted load of 3 KW from the date of supply itself from 20.09.1996 and he has produced Xerox copy of bi monthly bill for the months of 10/1997 and 11/1997. On verification of the office records it was identified that the consumer is having load of 3 KW from the date of supply itself. Respondent No.2 has also certified that 3 phase meter was existing since release of supply. The respondent No.4 has concluded that when additional load case was booked in 2012, the complainant has approached the then officers and regularized the load from 0.26 KW to 3 KW as he has already having 3 KW load without payment. The then concerned officers might have not closed the case but simply regularized the load and hence the amount was automatically included in the CC bill of 06/2018 and hence proposal submitted to Corporate Office for withdrawal of 1st case and the consumer need not pay the amount.

Again in the month of 05/2016 additional load case was booked for excess load of 2 KW to the existing load of 3 KW and a notice was issued on the complainant for an amount of Rs.2,925/- But the complainant has not paid the additional load amount prior to the date of announcement of voluntary scheme. Now the complainant has paid the amount under voluntary scheme for 3 KW. Additional load notice for 2 KW was issued in 05/2016 whereas the complainant paid the amount in voluntary scheme for 3 KW in 07/2018 after lapse of 26 months. Hence the voluntary scheme is not applicable to regularize the additional load and hence the complainant has to pay Rs.1,325/- towards the regularization of additional load as follows :

<u>S. No</u>	<u>Case</u>	<u>Load</u>	<u>Amount</u>	<u>Remarks</u>
1.	Case - 1	0.26 KW to 3 KW	Rs.2,525/-	(Will be withdrawn after receipt of approval from Corporate Office)
2.	Case -2	3 KW to 5 KW	Rs.2,925/-	(as per the notice)
		Amount paid under voluntary scheme	<u>Rs.1,600/-</u>	
		Balance to be paid	<u>Rs.1,325/-</u>	

3. Point for determination is whether the respondents are entitled to include the additional load amount automatically generated without serving of additional load notice?

The provisions of Clause 12.3.3.1 of GTCS is as follows:

12.3.3.1: 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. However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue.
- 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.

As per the above provisions it is the bounden duty of the respondents to issue additional load notice on the complainant and if he fails to regularize the additional load, the service shall be disconnected immediately on expiry of the notice period. But in the instant case the respondents have not initiated action as per the above provisions. However the complainant has availed the voluntary disclosure scheme announced by the Licensee and paid additional load for 3 KW totaling to a load of 6 KW by paying Rs.1,600/- during 07/2018. The argument of the respondents that the complainant has not paid the amount during 05/2016 for additional load amount of 2 KW and the complainant is not eligible to avail the opportunity of voluntary load regularization is not tenable. The scheme announced by the Licensee does not contain such stipulation. The respondents could have taken action as per the provisions contained above but they were silent till the complainant paid the amount under voluntary scheme and insisting the complainant to pay additional load amount at normal tariff is against the scheme.

Since the complainant is originally having a contracted load of 3 KW and the same was also certified by the respondents his initial contracted load shall be treated as 3 KW and the case booked by the respondents in case No.1 shall be withdrawn immediately. Further since the complainant has paid Rs.1,600/- for voluntary regularization of 3 KW the respondents shall regularize the load from 3 KW to 6 KW and the additional load amount of Rs.2,925/- is liable to be withdrawn. Hence the point is answered accordingly.

4. In result the respondents are directed to withdraw both the cases booked against the complainant service for payment of Rs. 2,525/- and Rs.2,925/- and regularize the total load as 6 KW. Further

the respondents are directed to submit compliance report within 15 days from the date of receipt of this order.

If aggrieved by this order, the Complainant may represent to the **Vidyut 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/-
Member (Finance)

Sd/-
Member (Technical)

Sd/-
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(Chief General Manager/Operation)/CGRF/APSPDCL/TPT.

Copy Submitted to the Vidyut 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.