

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

On this the 31st day of December 2019
C.G. No: 172/2019-20/Anantapur Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. A. Ramdas
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Independent Member

Between

M/s. Lakshmi Metal Industries,
Survey No.227,
Thondapadu,
Gooty,
Anantapur

Complainant

AND

1. Assistant Accounts Officer/ERO/Gooty
2. Assistant Executive Engineer/O/Gooty
3. Deputy Executive Engineer/O/Gooty
4. Executive Engineer/O/Gooty

Respondents

ORDER

1. The case of the complainant is that meter was at fault for the last one year. They asked the department to rectify the meter and they were asked to pay Rs.41,000/- and accordingly they paid the amount but the department issued back billing assessment. So they requested for cancellation of assessment and to refund 50% amount paid by them.
2. Respondent No.4 filed written submission stating that V. Jaya Raju DE DPE/Anantapur inspected ISC No.301 of the complainant and found the connected load at 129 HP. The billing is made under LT Cat-III. But as per Clause No. 12.3.3.3 of GTCS billing should be done under HT Cat- I (A). Excess load was detected in auto generation notice vide Case No. ATP/GTY/GTY/AG 374/18 Dt: 28.05.2018 with an amount of Rs.41,000/- and consumer also paid additional load

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amount. Subsequently on 09.08.2018 the load was regularized from 74.06 KW /100 HP to 95.84 KW/129 HP. Therefore the back billing is proposed for the billing difference of LT Cat-III to HT Cat-I (A) from the date of booking of excess load i.e. billing month from 05/2018 to 05/2019. Supply is using HT metering with CTPT Set ratio 10/5A with MF 1.0 and departmental DTR 160 KVA.

DEE /O/Gooty issued notice to the consumer. Consumer has paid 50% of the notice amount and represented to withdraw the case. But verifying the billing pattern of the above service it is found that the billing period from 05/2018 to 05/2019 the consumer has exceeded the RMD above his contracted load.

As per Clause No. 12.3.3.2 of GTCS where the total connected load is above 75 HP/56 KW or These services shall be billed at the respective HT tariff rates from the consumption month in which the unauthorized additional load is detected. For this purpose 80 % of connected load shall be taken as billing demand. The quantity of electricity consumed in any month shall be computed by adding 3% extra on account of transformation losses the energy recorded in LT meter. Hence back billing is correct and liable to pay the amount. Copy of provisional assessment order, final assessment order along with the RMD pattern are submitted.

3. Respondent No. 2 filed separate written submission. The contents of the written submission are similar to the contents of written submission of Respondent No.4. Respondent No. 2 further stated that service was inspected and found that contracted load exceeded, as consumer using standby motor of 40 HP along with the existing motor. He also furnished the details of the connected load.
4. The point for determination is whether raising of back billing for the period from 05/18 to 05/19 for a sum of Rs. 3,49,282/- is liable to be withdrawn ?

The submissions made by the respondents shows that an auto generated case was registered in the month of May'18. Subsequently on payment of ACD amount which was included in the bill the DPE wing said to have visited the premises on 18.05.2019 and proposed back billing for the period from 05/2018 to 05/2019. The written submission of the respondents further shows that consumer exceeded RMD continuously from May'17. Respondents did not give any explanation as to why they did not

physically inspect the premises and issued notice to the consumer wither to regularize the additional load or to remove additional connected load as per the provisions of Clause No. 12.3.3.3 of GTCS. Instead of inspecting the premises the DPE wing inspected the premises after one (1) year of auto generated case and proposed for back billing stating that the connected load is 129 HP. AEE in his written submission stated that the premises was physically inspected and found that contracted load exceeded as the consumer using standby motor of 40 HP and mentioned that connected load is 117 HP, the date of inspection is not mentioned.

At the time of personal hearing the consumer represented that motor of 40 HP was kept in the premises only as a precaution it was not connected and it is kept there as standby in case the other motor fails to work.

After personal hearing when Secretary of the Forum requested for clarification of the word "*using standby motor 40 HP*", AEE again inspected the premises on 22.11.19 and stated that the total connected load as on 22.11.2019 is 77 HP and there is no standby motor. It appears after personal hearing the consumer has removed the standby motor.

“Clause No.12.3.3.2 (iii) of GTCS is as follows:

One Month notice shall be given to regularise 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 required for conversion of LT service into LT 3(B) or HT service depending upon the connected load. 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”.

The above clause clearly states that one (1) month notice has to be issued to the consumer to regularize the additional connected load or to remove the additional connected load within one month. The above provision does not permit the respondents to register an additional load case basing on exceeding of RMD by way of auto generated case and on payment of ACD amount included in the bill to raise back billing. The clause

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relied by the respondents for raising back billing does not support the contention of respondents. The procedure adopted by the respondents is illegal, not sustainable and liable to be withdrawn. The point is answered accordingly.

“The Tariff Order for F.Y. 2018-19, issued by Hon’ble APERC for Category III - Industry is as follows :

1).....

2).....

3) *Metering and Load Conditions*

- i. *LT Trivector meter shall be provided for the consumers with contracted load of 15 KW/20 HP to 37.5 kW/50 HP.*
- ii. *For loads above 37.5 kW/50 HP to 75 kW/100 HP, the metering shall be provided on HT side of the Distribution Transformer.*
- iii. *Energy charges shall be billed on kVAh basis for all consumers with contracted load of 15 kW/20 HP and above. For loads below 15 kW/20 HP, billing shall be done based on kWh.*
- iv. *If the recorded demand of any service connection under this category exceeds the 75 kVA (1 kVA=1 kW), such excess demand shall be billed at the demand charges prescribed under HT Category – I (11 k V supply).”*
- v. *In cases where metering is provided on LT side of transformer (due to space constraints), 3 % of the recorded energy during the month shall be added to arrive at the consumption on High Tension side of the transformer”.*

Respondents are entitled to issue bills as per the above Tariff Order only.

5. In the result respondents are directed to with draw the back bill raised against consumer for the period from 05/18 to 05/19. Respondents are directed to issue bills for the above said period as per the tariff Orders issued by Hon’ble APERC for the F.Y. 2018-19 & 2019-20. However respondents are at liberty to inspect the premises and proceed against the consumer as per Clause No.12.3.3 of GTCS if they found that connected load is more than the contracted load.

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 Kesineri Admin

Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008 within 30 days from the date of receipt of this order.

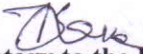
This order is passed on this, the day of 31st December 2019.

Sd/-
Member (Finance)

Sd/-
Independent Member

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 (Executive Director/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 within 30 days from the date of receipt of this order

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

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