

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

On this the 30th day of January 2020

C.G. No: 205/2019-20/Anantapur Circle

Present

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

Chairperson
Member (Finance)
Independent Member

Between

A. Ramanjaneyulu,
C/o. Y. Ranjit Kumar,
Main Road,
Rayalacheruvu (V),
Yadiki (M),
Anantapur -Dist .

Complainant

AND

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

Respondents

ORDER

1. The case of the complainant is that he received a bill for shortfall amount on account of HT billing and requested to revise the bill.
2. Respondent No.3 filed written submission stating that industrial service No.7231430000397 was released in the name of M/s. Swathi Enterprises, Rayalacheruvu (V) Yadiki (M) in Cat-III with a load of 71 HP. Load was enhanced to 99 HP in the month of 09/2018 after physical load report of Dy. EE/O/Tadipatri. Consumption of RMD has exceeded more than contracted load from June' 2014 to December'2016. ADE/ DPE-II/Tirupati had inspected the service on 16.12.2016 and recommended for back billing from June'2014 to December'2016 under HT tariff for Rs.4,91,240/- and issued assessment notice vide Case No. DPE/GTY/TDPO/5910/16, Dt: 29.12.2016.

DEE/O/Tadipatri issued PAO notice to the consumer for short fall billing vide Lr. No ADE/OSD/TDP/SBE/D.No.329/16, Dt: 06.01.2017. On consumer representation

DESPATCHED
DATE 03/02

after payment of Rs.1,00,000/- on 31.07.2019, the Executive Engineer /O/Gooty has issued final assessment order confirming the back billing. The above back billing amount has been included in the CC bills in the month of 07/2019 vide RJ No. 52/07-2019 of Rs.4,91,240/- The consumer is paying regular CC bills but not paid back billing amount and service is under live status. Consumer is exceeding RMD after back billing period from 01/2017 to 11/2019 and also liable to pay under HT tariff as per Clause No. 12.3.3.2 of GTCS . Consumer is liable to pay back billing amount.

3. Complainant filed an application not to disconnect the service connection during the pendency of the complaint before this Forum. Complainant also stated that he had already paid Rs.1,50,000/- of the disputed amount. Interim directions were issued not to disconnect the service connection No.7231430000397 on payment of Rs. 50,000/- in disputed bill amount within one week and on such payment the service connection shall not be disconnected for nonpayment of disputed amount during the pendency of the complaint before this Forum as per orders in I.A No. 16/2019-20 dt : 27.11.2019.
4. Respondent No. 3 also filed another written submission on 20.11.2019.
5. Respondent No. 1 filed written submission stating that the service connection was released under Cat - 3 with a load of 71 HP. An Auto Generated case for additional load was generated vide Lr. No. ADE/O/TDP/SER/F. List of Theft/D.No.175/11 Dt: 28.11.2011 for an additional load of 31 HP over contracted load of 71 HP. The payment for additional load for regularization of 31 HP was included in the CC bill in 2011 itself and consumer has paid the said amount along with CC charges.

ADE/DPE-II/APSPDCL/Tirupati has arrived short billing for additional load of 113 HP at the time of his inspection Dt : 09.05.2011.

The inspecting officer has also mentioned Recorded Maximum Demand is more than 75 KVA during every billing month in the assessment period from June'14 to December'2016 and recommended for back billing from June'2014 to December'16 under HT tariff of Rs.4,91,240/- vide Case No. DPE/GTY/TDPO/5910/16 dt : 29.12.2016.

Accordingly the Deputy Executive Engineer/O/Tadipatri has issued PAO notice to the consumer vide Lr. No. ADE/OSD/TDP\SBE/D.No.329/16,Dt: 06.01.2017 . The service is attracted to HT category billing as per Clause No. 12.3.3.2 of GTCS. On the recommendation of Dy. Executive Engineer/O/Tadipatri vide Lr. No. Dy.EE/Op/TDP/Sub-Er/F. Back-billing D. No. 678/19 Dt: 16.07.2019. Back billing was arrived for the difference in LT billing to HT billing for an amount of Rs.4,91,240/- and the same was included in the CC bill in the month of July'2019. Consumer made a representation by paying Rs.1,00,000/- to Executive Engineer/O/Gooty and he issued a final assessment order confirming HT back billing vide Order No. EE/O/Gooty/AE/Comml./File FAO.D.No.484/2019-20, dt: 20.08.2019.Consumer paid Rs.1,00,000/- on 31.07.2019 and Rs.50,000/- on 26.10.2019 against back billing amount and he is paying regular CC bills and the service is in live status. On the field report of Dy. Executive Engineer and approved by EE/O/ Gooty the contracted load was enhanced from 71 HP to 99 HP as per Lr. No.ADE/O/TDP/SBE/F. No./D. No.622 /18 Dt: 04.09.2018. Consumer is liable to pay the back billing as per the final assessment order

6. Point for determination is whether complainant is liable to pay shortfall amount for the period between June'2014 to December'2016 for an amount of Rs. 4,91,240/- ?

As per the version of the respondents and connected letters filed by them before the Forum shows that originally complainant has taken contracted load of 71 HP. An auto generated case was registered for 31 HP in 2011 and the same was included in CC bill of the consumer and consumer paid that amount but the load was not regularized and not enhanced to 102 HP. The copy of the notice said to have been given to the complainant vide case No. ATP/GTY/TDPO/E75803/11 shows that the service was inspected by T. Krishna Gopal Reddy, AE/Yadiki on 09.05.2011 and basing on that inspection report a notice was issued to the consumer for payment of Rs.62,000/- . Respondents have not filed any document to show that the notice was served on the complainant. But consumer paid Rs.62,000/- on 23.01.2015 vide PR No. 115-7963453. According to respondent No.1, it is an auto generated case but according to DEE /O/TDP the premises was inspected by AE/DPE. Unfortunately the load was not enhanced.

Again G. Reddeppa DEE/DPE-II said to have inspected the premises on 16.12.2016 and found the connected load at 84298 watts against the contracted load of 52966. The inspecting officer said to have found the total connected load of 113 HP against the contracted load of 71 HP by exceeding 42 HP. Basing on the inspection notes back billing was proposed for Rs.4,91,240/-. Para 5 of written submission's of respondent No. 1 shows that provisional assessment notice dt : 06.01.2017 was said to have been issued by Dy. Executive Engineer. Respondents have not filed any document that the provisional assessment notice was served on the complainant. Para 6 of written submission's of respondent No. 1 shows as per recommendations of Dy. EE/O/Tadipatri the back billing amount was included in the CC bill of July'2019. It appears after receipt of the bill in the month of July consumer paid Rs.1,00,000/- and made a representation and again paid Rs.50,000/- on 26.10.2019. DEE issued final assessment on 04.09.2018. Complainant filed the complaint before this Forum on 31.10.2019.

According to complainant on enquiry with ERO/Tadipatri he was informed that for the excess CMD, the service was already billed in HT Cat-I and the present short billing case booked for total consumed units. Respondents did not specifically deny on this aspect in their written submissions.

The letter addressed by ADE to AAO dt: 04.09.2018 shows that consumer approached stating the present contracted load is only 99 HP and also complained about not updating the contracted load and about registering of another case for development charges and short billing case vide case No. ATP/GTY/TDPO/E75803/11 and requested to update the contracted load to 99 HP. So this letter clearly shows that as on 04.09.2018 the connected load of the complainant is only 99 HP. It is surprising to note that after this letter only Dy. EE said to have recommended to include the back billing amount of Rs.4,91,240/- in the CC bill of July'2019. Respondents did not follow the procedure mentioned in Clause No. 12.3 of GTCS though they said to have found the consumer exceeding contracted load from 2011. Development charges either on account of auto generated case or on physical inspection by officers in 2011 was included in the bill and collected in the year 2015. Again without enhancing the contracted load to 102 HP inspection was conducted and recommended for enhancement of load to 113 HP and

raised back billing in December' 2016. Respondents without serving the provisional assessment notice on the consumer simply added that amount in the CC bill of July'19. In the absence of any document to show that consumer was served notice in respect of excess connected load it can be safely presumed copies of the letters were prepared and kept in the file without serving them on the complainant and ultimately included in the CC bill of July'19. Respondents indirectly informed about exceeding of connected load to the complainant in the month of July'2019 only by including the said amount in CC bill of July'19. Admittedly as per the version of ADE consumer has removed the excess load and limited his connected load to 99 HP and requested to update the contracted load to 99 HP in master data. One month notice as provided under Clause No.12.3.3.1 of GTCS was not given to the consumer giving an option either to regularize the additional connected load or to remove the additional connected load.

Respondents did not follow the procedure as contemplated under Clause No.12.3 of GTCS in this case. The claim was raised by the respondents after 2 years and 7 months after alleged detection of excess connected load for a period of previous 30 months. The claim is barred by limitation as per Sec. 56 (2) of the Electricity Act. Respondents are only entitled to collect CC charges as per the respective tariff orders issued by Hon'ble Commission for those service connections which exceeded 75 KVA under LT Cat-III.

In view of the above reasons raising of short fall billing for the period between June' 2014 to December' 2016 for an amount of Rs.4,91,240/- is not legally sustainable and liable to be set aside. The point is answered accordingly.

7. In the result the shortfall billing raised by the respondents for Rs. 4,91,240/- for the period between June'14 to December'16 is liable to be set aside. Respondents are directed to revise the bill within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon. The amount paid by the complainant as per the orders in I. A. No.16/2019-20 dt : 27.11.2019 and the amount paid by him towards back billing to the respondents be adjusted towards future bills.

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 30th January'2020.

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.