

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

On this the 21st day of July' 2020
C.G. No: 294/2019-20/Anantapur Circle

Present

| | |
|--|---------------------------|
| Sri. Dr. A. Jagadeesh Chandra Rao | Chairperson |
| Sri. A. Sreenivasulu Reddy | Member (Finance) |
| Sri. V. Venkateswarlu | Member (Technical) |
| Sri. Dr. R. Surendra Kumar | Independent Member |

Between

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| G. Tulasi C/o. M/s.MS Rocks., Chukkalur Road, Sajjaladinne, Tadipatri (M), Anantapur Dt. | Complainant |
|---|--------------------|

AND

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

1. The case of the complainant is that he received Provisional Assessment Order (here in after called as PAO) dt : 05.10.2019 on 22.11.2019. As per the said PAO, DE/DPE/Anantapur said to have inspected the premises on 18.09.2019 and found that the total load is 110.46 HP/ 82.4 KVA thus having additional load of 11.46 HP over the contracted load of 99 HP for their service connection vide ISC No. 7231127001959 and also observed that consumer is availing supply through HT meter for granite industry. An additional load case was booked through auto generation in the month of 12/2018 for load of 11.46 HP with an amount of Rs.16,900/- and included in the bill of 02/2019 and

DISPATCHED

DATE 23/07

the amount was paid by him but it was not regularized . Back billing was proposed for 6 months from April'19 to September'19 on the ground that the service has to be billed under HT Category-III as per the provisions of GTCS. The total HT billing for 6 months is Rs.10,28,034/- and total LT billing already billed is Rs.8,95,475/- and the difference amount payable is Rs.1,32,559/- . In the report it is further mentioned that meter is defective one and recording less energy consumption. So charges payable for unauthorized use is provisionally assessed in accordance with Clause No.7.5.1 of GTCS @1,32,559/-. He made a representation to respondent No.2 stating that no official has recorded MD over CMD at their unit and not issued any auto generated notice dt: :26.12.2018 and not mentioned in the CC bill of 03/2019. He did not pay the amount with knowledge. Hence he requested for re inspection of their unit to find out proper recorded MD over CMD. There is no unauthorized consumption and they are within the contracted load and not violated Clause No. 12.3.3.2 of GTCS.

2. Respondent No. 3 filed written submission stating that ISC No.7231127001959 is in the name of G. Tulasi C/o. M/s. M.S. Rocks Sajjaladinne (V) in Tadipatri (M) under LT Category -III with load of 99 HP and the service was released on 22.06.2017. An auto generated case was registered for an additional load of 11.46 HP for an amount of Rs.16,900/- vide Case No. ATP/GTY/TDPO/AG1702/18 Dt: 26.12.2018 and consumer paid that amount. After payment of additional load case amount the load shall be enhanced to 110 HP but in CBS software there is no provision to enhance contracted load more than 100 HP. Hence the billing has been done under LT with load of 99 HP only. But as per Clause No.12.3.3.3 of GTCS the service shall be converted to HT from LT. Based on the inspection EE/DPE/ Anantapur assessed for back billing towards the difference tariff from LT to HT from 04/2019 to 09/2019 for an amount of Rs. 132,559/- vide case No. DPE/GTY/TDPO/8791/19/dt:18.09.2019. PAO notice was issued to the consumer. Since the consumer has not complied with the conditions mentioned in the notice back billing amount was included in the month of 10/2019 and consumer had paid the amount of Rs.1, 32,559/- on 18.11.2019. Further billing towards difference of tariff from LT to HT raised from 11/2019 to 01/2020. A final assessment order was issued for an auto generated additional load case vide order No DE/OPN/Goody/AE/Comml/F.No.FAO/D.No.924/2019-20 dt:07.02.2020 showing

contracted load as 73.85 KW and connected load of the service after inspection is also 73.85 KW and a case was registered for additional load is nil and basing on Final Assessment Order an amount of Rs.16,900/- is to be withdrawn by AAO/ ERO/ Tadipatri in the month of March' 19.

3. The point for determination is whether the back billing amount levied on the service connection No.7231127001959 is liable to be withdrawn?

According to respondents additional load case was registered by way of an auto generated case. As per the written submission filed by respondent No.3 no physical inspection was made to ascertain the exact connected load in the premises after the auto generated case was registered. No documentary evidence is placed to show that a notice was issued for the additional load case booked through auto generated case on the consumer. Mere payment of additional load amount which was included in the CC bill does not amount to admission by the consumer that he is having 11.46 HP more than the connected load. EE/DPE/Anantapur said to have inspected the premises on 18.09.2019 but in the column No.2 i.e. incriminating points observed from the inspection report only the history of booking of additional load case through auto generated case is mentioned and consequently on payment of additional load case amount consumer service has to be billed under HT category and he is liable to pay the difference amount of LT to HT. So it clearly shows that the inspecting officer did not choose to conduct physical verification of the equipments available with ratings and the total connected load available in the premises. If the intention of the officers is to collect difference of tariff from LT to HT basing on the additional load case amount paid by the consumer through an auto generated case. There is no need to have a physical inspection it can be done in the office itself by seeing the historical data.

The written submission of Respondent No. 3 shows that he again inspected the premises and found the connected load is 73.85 KW only and consequently final order is passed withdrawing additional load amount of Rs.16,900/- which was booked through an auto generated one. When Respondent No. 3 himself found that there is no additional load and the amount paid for additional load amount is ordered to be withdrawn, the question of levying back billing for the difference of tariff from LT

to HT does not arise at all. Hence the back billing notice issued for payment of difference of tariff LT to HT is liable to be withdrawn. The point is answered accordingly.

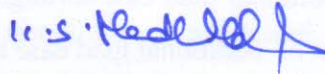
4. In the result respondents are directed to withdraw the back billing notice amount of Rs.1,32,559/- within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon.

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 21st July 2020.

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 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.