

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:126/2019-20/ Guntur Circle

Present

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

Chairperson
Member (Finance)
Independent Member

Between

M/s. Sri Viswasai Techno Blocks Pvt Ltd.,
Survey No.389/1B,
14th Mile,
Karlapudi (M)
Guntur Dt.

Complainant

AND

1. Assistant Accounts Officer/ERO/Rayapudi
2. Deputy Executive Engineer/O/ Guntur Rural -2
3. Executive Engineer/O/Amaravathi

Respondents

ORDER

1. The case of the complainant is that complainant is having service Connection No.9232107001493 in the name of M/s. Sri Viswa Sai Techno Blocks Pvt Ltd, Lemalle . AAO/ERO/Rural- 1 /Guntur has issued notice to pay bill under HT Cat -I. They are Cat-III consumers but they have levied bill for exceeding of load of entire demand charges and energy charges. But as per tariff order only difference of demand charges of connected load and contracted load have to be levied but they have charged under HT category against tariff orders.
2. Assistant Accounts Officer filed written submission stating that the service was billed for HT Cat -1 for the total demand and energy charges as the connected load of the consumer has exceeded the LT limits. As per the Tariff Order the service to be billed, the excess RMD recorded over and above the LT limits only to be billed where connected load is up to 75 KVA/100 HP. In case of consumers having contracted of 75 KVA/100 HP and connected

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load of above 75 KVA/100 HP clarification has been issued by CGM/R& IA/Tirupati. As per the clarification given by CGM comes under Case No.2 i.e. consumers having connected load over and above the LT limits and contracted load within the LT limits and not regularized the excess connected load.

Deputy Executive Engineer/ OSD/Amaravathi Capital has recommended the service to be billed under HT Cat-1 as the consumer has exceeded the LT contracted load of 75 KVA/100 HP. As per the recommendations and clarification CC bills of the consumer has been revised under HT Cat -I and shortfall notice was issued to the consumer and shortfall amount of Rs.5,44,274/- has been included in to the consumer account in the month of 06/19 vide RJ No. 08/06-2019. The consumer has to pay an amount of Rs.2,44,274/- up to 07/2019 CC bill.

3. Executive Engineer/O/Amaravathi filed written submission stating that consumer service recorded RMD exceeding the contracted load of 75 HP in the months from January'19 to May'19. Hence the service was billed under HT billing as per the clarification issued by CGM/R&IA. The present case is covered under Case - 2 according to which if the contracted load is under LT and connected load exceeds contracted load and also beyond LT limits and when the consumer not regularized the additional load by paying amount , the service shall be billed under HT tariff from the consumption month from which such an authorized load is detected and the bill shall be issued by concerned AAO/ ERO since service is LT and bill shall be scrutinized by HT wing of concerned circle office till the service is converted into HT category.
4. The point for determination is whether the respondents are entitled to raise shortfall notice by converting the service connection of the complainant from LT to HT billing from the month of January to May'2019 ?

The contention of the complainant is that respondents are only entitled to raise bill for the difference of connected load and contracted load but they are not empowered to raise bill for the entire load under HT category against tariff orders issued by the Hon'ble Commission.

On the other hand the contention of respondents is that the consumer is having excess load than LT limits. Complainant has not regularized the additional load. CGM R& IA issued a Memo. No.CGM (R&IA)/GM (R) /SAO/AAO/JAO/LT-1/F. / D.No.436/15 Dt:

01.05.2015 as per the clarification issued by the Corporate Office. The case of the complainant will come under case No. 2 i.e. connected load is beyond the LT limits and not regularized the additional load. So billing shall be made at the respective HT tariff rates from the consumption month. Accordingly back billing was raised as the complainant is having connected load beyond the LT limits.

The case file shows that consumer presented the complaint before the forum on 08.07.2019. The premises of the consumer was inspected by DEE/Operation on 29.08.2019 and found the connected load is 145.32 HP against the contracted load of 75 HP. According to the inspection report the MD is recording more than 100 KVA in every month.

Notice was issued by Assistant Accounts Officer to the consumer stating that the service exceeded RMD 75 KVA and to be billed under HT cat-1 for the month of 01/19 to 05/19 an amount of Rs.4,97,087/- raised and included in CC bill. Against that notice consumer had made a complaint to the forum on 08.7.2019 that bill was raised against the tariff order

Notice was issued to the consumer for payment of development charges on 31.08.2019 for Rs. 99,300/- the date of the inspection of the premises and issuing of notice for development charges is subsequent to filing of the complaint before the Forum.

Respondents have not placed any document to show that when the service of the consumer exceeded MD more than 100 KVA in every month as to why they have not issued notice as per Clause No. 12.3.2 of GTCS. Respondents filed written submission stating that they have raised short billing basing on the memo issued by CGM/ R & IA . The said memo was issued in the year 2015. The memo also give further instructions that one month notice shall be given to regularize the additional load or remove the additional load and service of the consumer shall be disconnected if the consumer do not pay required amount for release of additional load on expiry of one month notice and the agreement of the consumer shall be terminated in case the consumer fails to regularize the additional load within 3 months from the date of one month notice. Respondents simply followed part of the instructions mentioned in that memo which is suitable to them and ignored the remaining part of the instructions mentioned in the said memo. No explanation was given as to why notice was not

given for regularization of additional load immediately after they detected that the consumer service is exceeding the RMD over and above 100 HP.

Respondents are empowered only to convert the service from LT billing to HT billing after following the procedure mentioned in 12.3 of GTCS. No provision is placed before the forum that they are entitled to raise bill under HT category only basing on the fact that consumer service exceeded RMD over the contracted load and beyond 100 HP without physically detecting the connected load and issuing one (1) month notice for regularization or removal of additional load. Respondents are only empowered to raise the bill as per the tariff orders only. They are not permitted to issue HT billing only on the premise of exceeding RMD beyond HT limits. Thus the point is answered accordingly.

5. In view of the above reasons raising of short billing by issuing of HT billing for the service is not legal, sustainable and liable to be withdrawn.
6. In the result respondents are directed to withdraw short fall amount raised by them and issue bills as per the tariff orders for the F.Y. 2018-19 & 2019-20. However respondents are entitled to proceed against the consumer as per the provisions of Clause No.12.3 of GTCS from the date of inspection of the premises i.e. 29.08.2019.

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.

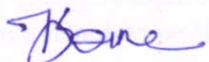
This order is passed on this, the day of 30th January 2020.

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.