

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

On this the 28th day of November 2019

C.G.No:178/2019-20/ Guntur Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. D. Subba Rao
Sri. A. Ramdas

Chairperson
Member (Technical)
Member (Finance)

Between

M/s. Chandra Sekhar Micro Chemicals,
Pillutla (V),
Machavaram(M),
Guntur Dt.

Complainant

AND

1. Junior Accounts Officer/O/Dachepalli
2. Deputy Executive Engineer/O/Dachepalli
3. Executive Engineer/O/Macherla

Respondents

ORDER

1. The case of the complainant is that they are having service connection No.1444361001031/ LT Category service since 10 years. They have received a notice dt : 01.12.2018 to pay Rs.5,80,141/- being shortfall amount. Officers did not physically inspected the service and recorded the connected load but they have given back billing for 2 years from 2016 to 2018. Rising bill for shortfall amount without notice is arbitrary. The service was disconnected without any notice. Hence service connection may be restored and the short billing may be withdrawn.
2. Respondent No. 1 filed written submission stating that connected load of LT service connection No.1444361001031 Cat-III (Industrial) has been exceeding connected load over the contracted load (RMD) beyond LT limits i.e. above 75 KW or 100 HP from 05/2014 continuously. Hence a notice was issued to the consumer for payment of shortfall amount of Rs.5,80,141/- from 10/2016 to 10/2018 (not included in CC bills) towards HT billing under HT Cat -1 as per Clause.No.12.3 of GTCS and as per Sec. 56 (2) of Electricity Act, 2003 through concerned officer with a copy to DEE/ OSD/ Dachepalli.

DESPATCHED

DATE 3/12

Executive Engineer/ DPE/GNT has inspected and booked additional load .
Meanwhile a case was auto generated vide Case No.GNT/MCRL/DCPAL/AG710/18 1.
May'2018 for excess connected load over the contracted load of 5.40 KW (Total load is
74.6 KW + 5.4 0 KW=80 KW) for Rs.11,300/- toward additional load charges and
same amount was included in CC bills in the month of Aug'18. Consumer paid additional
load charges and regularized excess load vide PR.No.0818-1086422 Dt: 08/08/18. Hence a
short fall amount of Rs.2,44,359/- was arrived for the period from 05/18 to 01/19 as per
Clause No. 12.3. of GTCS and under Sec. 56(2) of Electricity Act,2003 towards HT billing
and HT Cat-I and included in CC bills and the same was informed to the consumer
through the concerned officer with a copy to the DEE /OSD/Dachepalli and others for
taking necessary steps for switching over to HT.

Again shortfall amount of Rs.2,51,991/- was arrived towards HT billing for the
period from Feb'19 to Aug'19 towards HT billing under the Cat-I and included in the CC
bills from Feb'19 to 08/2019. Total demand raised towards HT billing under HT Cat-1 from
05/18 to 08/19 for Rs.4,96,350/- and consumer also paid Rs.50,000/- against shortfall
amount.

3. Complainant filed a petition to give interim direction for not disconnecting the service connection during the pendency of the complaint before this forum and respondents are directed not to disconnect the service connection during the pendency of complaint before this Forum on payment of 1/4th of the disputed amount after payment of Rs.1,13,211/- paid by him as per order in I.A .No.13/2019-20 dt : 26.09.2019.
4. Point for determination is whether the shortfall amount for billing the service under HT Cat-I from Aug'18 to Aug'19 under two separate bills issued to the consumer is liable to be revised?

According to respondents consumer exceeding the connected load over contracted (RMD) beyond LT limits since 05/2014 continuously. A notice was issued for shortfall for an amount of Rs.5,80,141/- from Oct'16 to Oct'2018. The statement further shows that the above said shortfall amount was not included in the bill. No reasonable explanation was given as to why it was not included in the bill and also as to why inspection of the premises

was not conducted even though Respondent 1 said to have addressed letters to the concerned officers for physical inspection and booking a case for additional load?

The written submission of Respondent No. 1 further shows that there was an auto generated case for an excess connected load of 5.4 KW over the contracted load of 74.6 KW. A bill was raised for Rs. 11,300/- towards additional load and the same amount was included in the CC bills in the month of Aug'2018. Consumer had paid that amount on 08.08.2018. So respondents have raised a shortfall amount of Rs.2,44,359/- from 05/18 to 01/2019 towards HT billing under HT Cat-I in the CC bills during the month of 1/19 as per Clause No. 12.3 of GTCS. Again another shortfall bill amount of Rs.2,51,991/- was arrived towards HT billing under HT Cat-1 and included in the CC bills from 02/2019 to 08/2019. The total demand raised towards HT billing is Rs.4,96,350/- . So the entire version of respondent No. 1 shows basing on the auto generated case they have included additional load charges amount in the CC bill and as the consumer paid that amount they have raised short fall bill from the date of auto generated case.

Respondents No 2 and 3 did not choose to file their written submissions to the reasons best known to them. No explanation was given as to why physical inspection of the premises was not conducted even after an auto generated case was registered?

12.3.3 Additional Connected loads detected in LT Services cases

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 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, 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 regularised, shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection, until they are regularised.*

12.3.3.2 : Cases where the total Connected Load is above 75 HP/56KW or

- i. *“These services shall be billed at the respective HT tariff rates from the consumption month in which the un-authorized 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 to the energy recorded in LT Meter.*
- ii. *The Company may at its discretion, for the reasons to be recorded and in cases where no loss of revenue is involved, continue LT supply. If the consumer, however, makes arrangements for switchover to HT supply, the Company shall release HT supply as per the rules.*
- iii. *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.*
- iv. *Service of such consumers who do not pay HT tariff rates or who do not pay the required service line charges, development charges and consumption deposit shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection unless the required service line charges, development charges and consumption deposit are paid for regularising such services by conversion from LT to HT category.*

- v. *If the consumer where required, does not get the LT services converted to HT supply and regularised as per procedure indicated above within three months from the date of issue of the notice, the Company is entitled to terminate the Agreement by giving required notice as per clause 5.9.4 of the GTCS, notwithstanding that the consumer is paying bills at HT tariff rates prescribed in clause 12.3.3.2 (i) above.*

12.3.3.3 : *Cases where the total Connected Load is above 75 HP/56 kW or Cases where the total connected load is above 150 HP under LT Category III (B). These services will be billed at the HT category I tariff rates from the consumption month in which the un-authorized additional load is detected till such additional load is removed and got inspected by the designated officer of the Company”.*

Respondents did not show any provision in GTCS which empowers them to book a case for additional load basing on the RMD. So also simply they cannot include additional load bill amount in CC bill and on payment of such amount they are not permitted to take advantage of it and raise a bill for shortfall amount for billing under HT Cat-I.

The provision specifically says that whenever the consumer exceeds the connected load of 75HP/ 56KW, a notice in writing as per Appendix IX shall be given to regularize the additional load. Consumer has an option either to remove the additional connected load or to continue with the connected load by paying necessary amount in accordance with the existing rules. Licensee has got power only to raise bill basing on the 80% of the connected load as billing demand and adding to it 3 % on account of transformation losses only after physical inspection of the premises. If the consumer even after physical inspection and after serving of notice did not choose to regularize the additional load the service connection shall be disconnected.

The Tariff Order for retail sale of electricity for the F.Y.2018-19 at page No. 304 - 3.3 (3) iv - LT Category- III: Industry issued by Hon'ble APERC is as follows:

“If the recorded demand of any service connection under this category exceeds the 75 KVA (1 KVA=1KW), such excess demand shall be billed at the demand charges prescribed under HT Category-I (11 KV supply)”

Contravening the above provisions, respondents have no discretion to register a case for additional load basing on the exceeding of RMD and including it in the current CC bill. So also respondents cannot take advantage of payment of additional load amount in CC bills and raise

shortfall amount avoiding the physical inspection. It clearly amounts to dereliction of duties on the part of the respondents. Respondents did not choose to inspect the premises even after a case is filed before this Forum.

So also in the absence of any provision authorizing the respondents to raise a bill on the basis of additional load amount paid by the consumer in an auto generated case which is included in CC bill, respondents have no right to raise the shortfall amount for billing under HT Cat-1 and the same shall be liable to be withdrawn. However respondents are at liberty to inspect the premises and if they found additional load they have to proceed in accordance with the GTCS provisions and Tariff orders.

5. In view of the above reasons respondents are directed to withdraw the bill raised for shortfall amount and issue revised bill as per the tariff order 2018-19 issued by Hon'ble APERC within 15 days of the receipt of this order and submit compliance report within 15 days thereon. The amount if any is paid by him as per orders in I.A .No.13/2019-20 dt : 26.09.2019 shall be adjusted in 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.

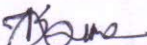
This order is passed on this, the day of 28th November 2019.

Sd/-
Member (Technical)

Sd/-
Member (Finance)

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.