

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

On this the 10th day of December 2019

C.G.No:181/2019-20/ Guntur Circle

Present

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

Chairperson
Member (Technical)
Member (Finance)
Independent Member

Between

A.Srinivasa Rao,
Mirchi Yard,
G.T. Road,
Guntur.

Complainant

AND

1. Assistant Accounts Officer/O/ Guntur T -1
2. Deputy Executive Engineer/ Guntur Town-3
3. Executive Engineer/O/Guntur Town -1

Respondents

ORDER

1. The case of the complainant is that the complainant is having Service Connection No. 1113300360356 LT-III (A). They have converted from HT service to LT-3 (A) category as they sustained losses in the business. During the month of May'18 there was short circuit, machines and capacitors were failed. On that officers came and inspected the premises. They have received back billing notice on 24.04.2019 and on 10.06.2019 for payment of Rs.4,76,728/-. Again another notice dated: 28.05.2018 was received for payment of additional load amount on 20.08.2019 for Rs.46,600/-. No notice was issued and without prior information the service was billed under HT category. They have also included additional load amount in the bill and taking advantage of the payment, respondents have issued back billing. Hence complainant is requesting to re- inspect the service and to withdraw the additional load charges.
2. Respondent No. 2 filed written submission stating that additional load case was created against the service No.1113300360356, M/s. Tirumala Industries Category-III in the month of 05/2018. The contracted load is 73.85 KW. MD recorded 98.2 KW. MD

DESPATCHED

19/12

recorded over the contracted load is 24.35 KW. An auto generated additional load amount of Rs.46,600/- was included in the bill, consumer paid the additional load charges. DPE

wing inspected the service on 03.04.2019 and issued back billing notice for an amount of Rs. 4,76,728/- to the consumer from the billing month of 06/2018 to 03.04.2019. Letter was also addressed to AAO/ERO to continue the billing under HT category.

3. Personal hearing was conducted through video conferencing. Complainant requested time to file additional information and subsequently filed copy of the assessment notice, deration of load on 25.01.2017 along with agreement and with annexure. He also filed the copies of the bills. Respondents also filed inspection report and account sheet of back billing.
4. The point for determination is whether back billing notice issued by respondents is sustainable or liable to be withdrawn?

According to respondents, complainant exceeded RMD in the month of May'18. Hence auto generated case was booked against him and an amount of Rs.46,600/- was included in the CC bill. Subsequently DPE wing inspected the service on 03.04.2019 and issued back billing notice for an amount of Rs.4,76,728/- from the billing month of 06/18 (06.06.2018) to 03.4.2019. The copy of the inspection notes of DEE/DPE shows that they inspected the premises on 03.04.2019. Column No.7 load details it is mentioned that contracted load is 73854 watts and connected load is 92810 watts.

It is mentioned in the Column No.8 "*Observations made at the time of inspections*" as:

"On verifying the MATS, it is found that Auto Generated Additional Load case was generated to this service on 28.05.2018 as per billing data for the month of 06.05.2018 for RMD 98.2 KW for an amount of Rs. 46,600/-. The same was paid consumer on 31.01.2018 vide PR No.0818-1396324. Hence as per the GTCS Clause No. 12.3.3.3 this service shall be billed in HT Cat -I. Hence back billing notice issued".

The inspecting officer also reiterated in Column No.7 that back billing was proposed on the ground that the additional load case generated to the service and on 28.05.2018 and amount was paid by the consumer on 31.01.2018, hence back billing was proposed. The back billing data furnished by the respondents from June' 18 to March'19 shows that only in the month of June'18,

the RMD exceeded by 1.67 KVA i.e. (76.7 KVA-75 KVA) In other months i.e. July' 18 to March '19 it is less than 75 KVA.

Clause No.12.3.3 of GTCS is as follows:

12.3.3 Additional Connected loads detected in LT Services cases

“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:

12.3.3.1 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 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”.*

The back billing data provided by respondents shows that the complainant had exceeded RMD only in the month of June'18. Instead of inspecting the premises, respondents have taken a shortcut method raised an auto generated case, included the amount towards additional load in the bill and subsequently on payment of that amount, inspected the premises leisurely in the month

of April'19 and raised back billing basing on the payment of additional load amount included in the bill. It is pertinent to note even after the inspection by DEE/DPE on 03.04.2019 a notice was not issued to the complainant as provided under Clause No.12.3 of General Terms and Conditions of Supply to regularize the additional load. The procedure adopted by the respondents is illegal. Complainant cannot be compelled to pay back billing on the ground that he exceeded RMD for 10 months even though he exceeded RMD only once in these 10 months that too in the month of June'18. Mere payment of amount for alleged additional load included in the bill does not itself amounts to admission of additional load and such payment cannot be taken as a ground to raise a back billing.

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

3.3(3) iv : *“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)*

3.3 (3) 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”*

Clause No. 12.3 of GTCS provides an option to the consumer to regularize the additional load or to remove the additional load within one (1) month. Respondents without giving notice as provided under Clause No.12.3.3.1 of GTCS registered an auto generated case basing on the exceeding of RMD included the additional load charges amount in the CC bill and taking advantage of the payment of such amount inadvertently by the consumer raised back billing and it is not legal and sustainable.

5. In view of the above reasons respondents are directed to withdraw the back billing issued to the complainant. Respondents are at liberty to conduct inspection of the premises and if they found excess additional load they are directed to follow the procedure as contemplated under Clause No. 12.3 of GTCS. Accordingly the complaint is disposed off .

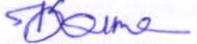
If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri

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 10th December 2019.

Sd/- Sd/- Sd/- Sd/-
Member (Technical) Member (Finance) 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.