

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 19th day of July 2019
C.G.No:21/2019-20/ Guntur Circle

Present

Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao

Chairperson
Member (Finance)
Member (Technical)

Between

K.Venkateswarulu,
Ganapavaram,
Guntur- Dist

Complainant

AND

1.Assistant Executive Engineer/O/ Ganapavaram
2.Deputy Executive Engineer/ O/Chilakaluripet
3.Executive Engineer/O/Guntur Town -2

Respondents

ORDER

1. Complainant presented a complaint requesting to withdraw the erroneous bill issued against his service connection No.9121557000319.
2. Respondent No.3 in his written submission has stated that service No. 9121557000319 is in the name of K. Venkateswarulu, Ganapavaram. An additional load case was booked against the service during 06/2011 for additional load of 3990 watts and the complainant has to pay Rs.3,975/- . During voluntary disclosure scheme the complainant has paid an amount of Rs.1,650/- on 30.05.2018 for 2 KW additional load to the existing load of 1.2 KW and thus the total contracted load became 3.2 KW. The scheme is not applicable to the consumers on whom additional load cases are pending. Hence the old additional load amount was included in the CC bill. Further based on the complaint before the CGRF the service was re-inspected by respondent No.2 on 06.06.2019 and recorded the total connected load as 3.2 KW. The complainant was requested to pay the balance Rs.1,200/- considering the amount paid during voluntary disclosure scheme.
3. Point for determination is whether the respondents are entitled to include the additional load amount in the CC bills?

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DESPATCHED

DATE

24/7

The case of the complainant is that he has voluntarily regularized additional load of 2 KW on 30.05.2018 by paying Rs.1,650/- and the total contracted load works out to 3.2 KW. But the respondents are insisting him to pay the additional load amount of Rs.3,975/- since they have noticed additional load during 06/2011. Since his contracted load and connected load are 3.2 KW only he is not liable to pay any additional load amount.

On the other hand respondents are arguing that since the complainant has not regularized the additional load notice during 06/2011 the additional load amount was included in the CC bill of 07/2018 and the voluntary disclosure scheme is not applicable to the consumers on whom additional load cases are pending. The complainant has to pay balance Rs.1,200/- towards the additional load amount.

The provisions of Clause 12.3.3.1 of GTCS is as follows:

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

As per the above provisions it is the bounden duty of the respondents to issue additional load notice on the complainant and if he fails to regularize the additional load, the service shall be disconnected immediately on expiry of the notice period. But in the instant case the respondents have noticed the additional load during 06/2011 and allowed the consumer to avail the additional load till 06/2018 and included the additional load amount as shortfall amount during 07/2018 without issuing of any notice. The voluntary disclosure scheme announced by the Hon'ble APERC does not contain any stipulation regarding non admissibility of the scheme to those consumers on whom additional load cases are pending.

In the absence of any stipulation regarding applicability of the scheme it cannot be said that the scheme is not applicable to some section of the consumers. The act of the respondents in including the additional load amount during 07/2018 stated to have been noticed during 06/2011 is against the principles of natural justice and not sustainable. The respondents ought to have acted as per the provisions of GTCS Clause 12.3.3.1(ii) only . Hence the point is answered accordingly.

5. In result the respondents are directed to withdraw the additional load amount of Rs.3,975/ - included in the bill of the complainant and compliance report within 15 days from the date of receipt of this order.
6. Accordingly the case is disposed off in the favour of complainant.

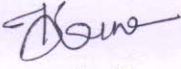
If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008 within 30 days from the date of receipt of this order.

This order is passed on this, the day of 19th July 2019.

Sd/-
Member (Finance)

Sd/-
Member (Technical)
Forwarded By Order

Sd/-
Chairperson


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(Chief General Manager/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.

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