

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

On this the 6th day of November 2019

C.G.No:7/2019-20/ Guntur Circle

Present

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

Chairperson
Member (Technical)
Member (Finance)
Independent Member

Between

James George,
Murikipudi,
Chilakaluripet,
Guntur- Dist

Complainant

AND

1.Junior Accounts Officer/S-ERO/Chilakaluripet
2.Assistant Executive Engineer/O/ Chilakaluripet Rural
3.Deputy Executive Engineer/ Chilakaluripet
4.Executive Engineer/O/Guntur Town -2

Respondents

ORDER

1. The case of the Complainant is that they have suddenly received a bill to pay an amount of Rs.1,71,835/- and requested to withdraw the bill on the ground that they have paid the amount as per the bills received by them and it is not legal to raise a bill suddenly for a huge amount.
2. Respondent No.3 filed written submission stating that the service was billed under LT Cat-III but only news printing presses will come under LT Cat- III and all other printing presses will come under Category -II. Received audit slip No.4 of 7/18 to raise a bill for shortfall amount of Rs.1,71,835/-. Accordingly the bill was raised and directed the complainant to pay the amount within 15 days. But the amount was not paid.
3. Respondents No.1 and 2 also filed written submissions on similar lines.
4. The point for determination is whether the bill issued for shortfall amount of Rs.1,71,835/- on service connection No.. 9121168001842 is liable to be withdrawn?

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The contention of the complainant is that they paid the electricity charges as per the bills received. If the respondents committed mistake of issuing bills under wrong category, they are not responsible for it and not liable to pay the amount and they collected amount from their customers basing on the working capital and they are not in a position to pay the entire amount. If at all the respondents wants to change the category they have to do it from a future date and they are not entitled to raise a bill for shortfall amount. Complainant cannot be penalized for the omissions and commissions committed by the respondents.

On the other hand respondents argued that the service of the complainant was utilized for printing press. Inadvertently the bill was raised under LT Cat -III. Only newspaper printing presses will come under LT Cat-III and all other printing presses will come under LT Cat -II as per the tariff order for the F.Y. 2017-18 issued by Hon'ble APERC. This was noticed by the audit department. So a bill for shortfall amount was raised and notice was issued to pay the amount within 15 days of the receipt of the notice. But complainant has not paid that amount and he is liable to pay the amount.

Clause No.3.4.1 of GTCS authorizes the Licensee to reclassify the service connection if erroneously classified under particular category and billed accordingly, after giving notice to the consumer of the proposed reclassification. Complainant has to file objections within 15 days. Licensee is permitted to reclassify and suitably revise the bills even retrospectively if necessary. In this case the service was released on 24.11.2014. The audit shortfall slip shows that Rs.1,71,835/- raised for wrong categorization on 01.11.2018. Again, another shortfall amount was raised for Rs.41,195/- on 22.02.2019. So it clearly shows that even though audit slip was given at 1st instance in Nov '18 that the service connection was continued to be wrongly categorized under LT Cat-III up to Feb'2019. So the above facts clearly shows that the shortfall amount bill amount was raised only due to lack of care while issuing bills by the respondents .

The grievance of the Complainant is that he is running a small printing press and paid regular electricity bills. So he is not in a position to pay the entire shortfall amount in lumpsum and he need not pay the said amount at all as it was happened due to fault of the respondents. Complainant has not placed any authority to show that the Licensee has no right to issue bill for shortfall amount on the ground that the service was billed under wrong

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category. On the other hand Clause No. 3.4.1 of GTCS authorizes the Licensee to reclassify the category and collect the shortfall amount with retrospective effect.

5. In view of the above reasons complainant is liable to pay the shortfall amount. But since the shortfall bill was raised only due to wrong classification of the category by the respondents and as it is not possible for a small entrepreneur to pay shortfall amount in lumpsum and that too with penalty. Since the mistake was happened due to lack of diligent care by the respondents. Complainant is not liable to pay surcharge for the shortfall amount and he can be permitted to pay the shortfall amount in 8 installments.

Complainant was directed to pay $\frac{1}{4}$ th of the disputed amount of Rs.1,71,835/- as per orders in I.A No. 04/ of 2019-20 / Dt: 01.06.2019 at the time of giving interim directions not to disconnect the service connection. The amount paid by him if any under the above order shall be deducted from the due amount.

6. In the result complainant is directed to pay the shortfall amount without surcharge in 8 installments. 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 6th November 2019.


Sd/-
Member (Technical)

Sd/-
Member (Finance)

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order


Secretary to the Forum

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