

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

**On this the 31<sup>st</sup> day of July 2020  
C.G.No:191/2019-20/Kadapa Circle**

**Present**

**Sri. Dr. A. Jagadeesh Chandra Rao**  
**Sri. A. Sreenivasulu Reddy**  
**Sri. V. Venkateswarlu**  
**Sri. Dr. R. Surendra Kumar**

**Chairperson**  
**Member (Finance)**  
**Member (Technical)**  
**Independent Member**

**Between**

P. Sireesha Latha,  
C/o. M/s. Sri Micro Pulverising Mill,  
Govindampalli (V),  
Obulavariapalli,  
Kadapa –Dist

Complainant

**AND**

1. Assistant Accounts Officer/S-ERO/Kodur  
2. Assistant Divisional Engineer/O/Kodur  
3. Divisional Engineer/O/ Rajampeta

Respondents

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**ORDER**

1. The case of the complainant is that she is having ISC No.2333411000592. She received a notice to pay shortfall amount of Rs.2,65,871/- which was arrived by billing in HT category as the MD exceeded 75 KVA. None of the officers had informed her of excess contracted load since November'2018 thereby depriving her of opportunity to rectify her machinery or capacitors to bring the load within the contracted load. An amount of Rs.3,39,044/- was paid through DD No. 675035 dt 12.09.2019. She is not having additional load more than 100 HP of contracted load recorded maximum demand might have recorded high only due to failure of capacitors or any other technical defect of equipment which could have been intimated by the competent authority from time to time, had it been intimated they would have rectified it and curtailed the chance of exceeding contracted demand.

No notice was served stating that she is utilizing additional load in excess of contracted load. As per General terms and conditions of supply, one month notice has to be issued for regularization of additional load if any. Since no notice was served respondents have no right to levy penalty on her. Respondents could not bill to the entire

**DESPATCHED**  
DATE 05/08

bill under HT rates but only exceeded portion alone can be billed under intimation to the consumer. Off late it has observed that there was an abnormality in meter readings already billed for the period from 01/2018 to 09/2019 (Complainant enclosed the details in a tabular form). It may lead to suspicious of malfunctioning of either the meter or the meter reader especially for the months of February'18 , 03/18,11/18 and 12/18. No back billing has to be done beyond 6 months as per GTCS. Their activity is to process the raw material purchased from AP MDC and sold it to the buyer at a price arrived by adding electricity charges and other expenditure incurred in that particular month, on monthly basis. If the respondents had intimated the fact of excess load on the month of exceeding contracted load itself, it could have either rectified or charged it as additional expenditure and could have collected from the buyer. Now she has no option as the price was already fixed and sold based on the actual expenditure of that particular month.

2. Respondent No.1 and 2 filed written submission. The service Connection No.2333411000592 of Govindampalli (V) of Obulavaripalli (M) Kodur Sub Division has been converted as LT-III A from HT with effect from 09.10.2015 and billing was made accordingly. But as seen from the meter readings the consumption has exceeded contracted load of 100.HP/75KW and as the consumption has exceeded the same has to be billed under HT billing. The bill for the month of June'19 was issued LT side under LT Category-III A instead of HT by the audit officers. Additional load notice was issued vide case No. KDP/RJPT/KODRO/AG 856/18/ dt :24.08.2018 duly paying an amount of Rs.7,400/- on 12.10.2018 and load was increased from 100 HP/ 75 KW to 104 HP/78.5 KW which clearly shows that the service comes under HT tariff as per GTCS. The contracted maximum load increased notice was already issued during the month of August'18 and the same was regularized during October'18. As per terms and conditions of agreement between the consumer and licensee. Licensee has discretion to raise the shortfall demand as and when it is identified. The meter readings of the service was taken from 1<sup>st</sup> to 3<sup>rd</sup> of every month (the readings were given in tabular form which shows that consumer exceeded contracted load in April'18, June 18 to March'19 and May'19 to September'19). The HT meter wing, Kadapa attended for periodical testing of the meter in the premises for every 6 months and the meter functioning is OK. The power factor of the service is also good as per the billing. There is no failure of capacitors and the capacitors existing in the mill were in good condition.
3. The point for determination is whether the complainant is entitled for withdrawal of shortfall bill of Rs.2,65,871?



The written submission of Respondent No. 2 shows that the consumer converted her service from HT to LT -3 (A) with effect from 09.10.2015 with a contracted load of 100 HP. Since exceeded contracted load during April'18 and June' 18. audit wing said to have levied shortfall amount of Rs.2,65,871/- for the period from November'18 to June' 19.

The written submission filed by Respondent No.2 clearly shows that an auto generated case was booked on 24.08.2018 for Rs.7,400/- and the consumer paid the amount on 12.10.2018. It appears audit wing raised shortfall amount of 2,65,871/- on the ground that on payment of additional load amount the contracted load was enhanced from 74.6 KW to 78.5 KW and service has to be billed under HT category. The written statement of respondent No. 2 does not disclose that either prior to generating of an auto generated case or subsequent to payment of additional load amount the service was physically verified and found that the connected load is more than 100 HP. On the other hand it appears basing on the boosting of MD auto generated case was generated and field officer on the presumption once MD boosts up invariably amounts to exceeding of contracted load above 100 HP. No provision from GTCS is furnished to show that the Licensee is empowered to bill the service under HT category only basing on the RMD recorded in the meter. On the other hand Clause No.12.3.3.3 of GTCS prescribes the procedure that has to be followed when a consumer exceeds the connected load over and above the contracted load. No authority is placed before this forum that the respondents are empowered to bill the service under HT category without physically inspecting the premises and without following the prescribed procedure under Clause No. 12.3.3.3 of GTCS. No documentary evidence is placed before this forum that respondents have followed provision laid down under Clause No. 12.3.3.3 of GTCS before converting the service from LT to HT.

In view of the above reasons issuing of shortfall amount of Rs.2,65,871/- is illegal , arbitrary and liable to be withdrawn. The point is answered accordingly.

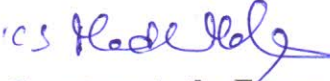
4. In the result respondents are directed to withdraw the shortfall amount of Rs.2,65,871/- within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon.

If aggrieved by this order, the Complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, 3<sup>rd</sup> 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 31<sup>st</sup> July 2020.

Sd/- Sd/- Sd/- Sd/-  
**Member (Finance) Member (Technical) 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 , 3<sup>rd</sup> 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, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills,  
Lakdikapool, Hyderabad- 500 004.