BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 31st day of January' 2020
C.G.No:213/2019-20/ Kadapa Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao	**Chairperson**
Sri. A. Ramdas	**Member (Finance)**
Sri. Dr. R. Surendra Kumar	**Independent Member**

Between

K. Kamal Basha, Complainant
14/55,
Near Railway Station,
Kamalapuram,
Kadapa -Dist

AND

1.Assistant Accounts officer/ERO/Yerraguntla Respondents
2. Deputy Executive Engineer/Yerraguntla
3. Executive Engineer/O/Proddatur

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ORDER

1. Complainant presented a complaint before this Forum for revision of bill for his Cat- III service vide service connection No.2234101002004 by withdrawing capacitor surcharge amount.

2. Respondents No. 1 to 3 submitted their joint written submissions to the forum stating that on verification and review of bill it was found that complainant had not maintained power factor properly because of which capacitor surcharges were levied in his bill. It is not possible to withdraw capacitor surcharge as per Clause 3.12 Part A, Tariff Order for Retail Sale of Electricity during the F.Y. 2019-20.

3. Point for determination is whether the respondents are entitled to levy capacitor surcharges as per Clause No.3.12 of Tariff order for the F.Y. 2019-20?

The respondents have not furnished the details of their inspection report in respect of the said Service Number and also not mentioned whether the complainant had installed any

DESPATCHED
DATE 4/2/20

capacitors or not and if installed the capacity of it and either damaged or in healthy condition .

The relevant rule for levy of power factor and capacitor surcharge is given under Clause No. 3.12 (4) at page No. 281 of Tariff Order for the F. Y. 2019-20 is as follows:

"Consumers, except Category - I (A) : LT and Category – V (A&B): LT, who are provided with metering capable of measuring active and reactive power under the orders of the Commission, shall maintain their power factor preferably in between 0.95 lag and 0.95 lead in the interest of the system security. The consumer should not maintain the power factor on leading side less than 0.95. If any consumer maintains the power factor less than 0.95 lead for a period of 2 consecutive months, it must be brought back in the range of (+) or (-) 0.95 within a period of 3 months failing which without prejudice to such other rights as having accrued to the Licensees or any other right of the Licensees, the supply to the consumer may be discontinued".

The relevant provisions contained in Clause No. 12.1.2 of GTCS which is as follows:

" If the capacitors already installed are found, during inspection of the premises of an LT consumer, damaged or become defective or cease to function or derated, the consumer shall be served with a notice by the Designated officer to get the same replaced/rectified or corrected within 30 days from the date of the notice in accordance the format prescribed in Appendix VIII(A) herein, and intimate the fact of replacement /rectification or correction to the Designated officer of the Company who will inspect the capacitors again to verify their satisfactory performance. In the event of failure on the part of the consumer to comply with the above notice, the company may levy a surcharge as specified by the Commission in the Tariff Order issued from time to time or otherwise from the consumption month of the date of inspection till such time the capacitor is replaced/rectified or corrected. Provided further that retrospective levy if any of surcharge shall not extend to beyond one year prior to the date of inspection. The consumer aggrieved by the retrospective levy, may appeal to the authority/officer designated for this purpose in the 'Designated Officers' Notification' whose decision shall be final".

A plain reading of the above stated rule position clearly stipulates that during the inspection of the premises if the capacitors already installed or damaged or become defective or ceased to function or derated, the complainant shall be served with a notice prescribed in Appendix VIII (a) of GTCS but contrary to this provision respondents without issuing of the notice and even without observing any defects in the capacitors installed straight away levied and included the capacitor surcharge in the CC bills. Hence the act of the

respondents in levying capacitor surcharge without observing the provisions contained in GTCS is not maintainable. In such a scenario the respondents are not entitled to levy the capacitor surcharge of 25% of monthly billing amount. The act of respondents is illegal, arbitrary and not sustainable. Thus the point is answered accordingly.

4. In result the respondents are directed to withdraw the capacitor surcharge included in the CC bills together with the belated payment surcharge if any levied on the capacitor surcharge and compliance reported within 15 days from the date of receipt of this order.

5. Accordingly the complaint is disposed off in favour of the 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 31st January 2020.

Sd/-	Sd/-	Sd/-
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.