

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:115/2019-20/Kurnool Circle

Present

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

Chairperson
Member (Finance)
Member (Technical)

Between

S.Mahammad Rafi,
10-111,
Santhapeta School Back,
Nandikotkur,
Kurnool -Dist .

Complainant

AND

1. AssistantAccounts Officer/ERO/Nandikotkur
2. Assistant Executive Engineer/O/Nandikotkur
3. Deputy Executive Engineer/O/Nandikotkur
4. Executive Engineer/O/Kurnool

Respondents

ORDER

1. Complainant presented a complaint stating that he is having industrial service connection bearing No. 8332213003603 at Nandikotkur. He has been receiving the electricity bills for extra amounts in the form of capacitor surcharge for the last 5 months and requested to reduce the bill amounts.
2. Respondent No. 1 in his written submission has stated that no extra charges have been levied in the complainant bill. Only capacitor surcharge of 25% on the bill amount was raised as there is no capacitor or the existing capacitor is not working. Hence requested to dispose the case.
3. No other respondents choose to file written submissions.
4. On perusal of the account copy of the said service connection it is noticed that the service connection under question is under LT Cat-III Industrial General with a contracted load of 10 HP and Capacitor surcharge of 25% levied during March, April, May, June, July as follows :

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DESPATCHED

DATE

24/7

Month	Capacitor Surcharge
March'19	476.26
April'19	855.38
May'19	1286.98
June'19	921.95
July'19	700.56

5. Point for determination is whether the respondents are entitled to levy capacitor surcharge without issue of notice?

The rule position regarding levy of capacitor surcharge is explained below:

"In accordance with Clause 12.1.1 of General Terms and Conditions of Supply Failure to install/maintain capacitors by consumers in accordance with the provisions under Clause 5.13.1 will be treated as violation of GTCS and attracts levy of capacitor surcharge at the rates specified by the commission in the tariff orders issued from time to time or otherwise.

Clause 12.1.2 of GTCS regarding the procedure to be followed in respect of LT consumers is reproduced here under:

" If the capacitors already installed are found, during inspection of the premises of a 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 notice in accordance with 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 Orders 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.

Clause 12.1.3 of the GTCS "The failure on the part of the consumer to comply with the above notice as per Clause 12.1.2 shall be treated as violation of GTCS and the company reserves the right to terminate the contract and collect the sum equivalent to the minimum charges for the balance initial period of agreement".

In accordance with the above rule position the Respondents should issue a notice for rectification/replacement of defective capacitor as per appendix VIII (A) on the consumer and if the consumer fails to replace/rectify the capacitor within 30 days from the date of the notice another notice as contemplated in appendix VIII(B) shall be issued for recovery of capacitor surcharge amount.

But as could be seen from the averments of Respondents it is noticed that the Respondents have straight away levied the capacitor surcharge referring to the tariff conditions but ignoring the provisions contained in GTCS as approved by the Hon'ble APERC. Hence the levy of capacitor surcharge without issuing the notices is not justifiable and the Licensee is not entitled to levy the capacitor surcharge without issuing the notices. Hence the point is answered accordingly.

6. In result the respondents are directed to withdraw the capacitor surcharge levied in violation of GTCS provisions immediately and compliance reported within 15 days from the date of receipt of this order.
7. Accordingly the complaint is disposed of 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 19th July 2019.

Sd/-

Member (Finance)

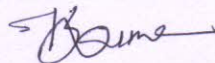
Sd/-

Member (Technical)

Sd/-

Chairperson

Forwarded By Order



Secretary to the Forum

C.G.No.115/2019-20/Kurnool Circle

DESPATCHED
DATE

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.