

**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: 23/2019-20/Kurnool Circle**

Present

**Sri. Dr. A. Jagadeesh Chandra Rao
Sri. A. Ramdas
Sri. Dr. R. Surendra Kumar**

**Chairperson
Member (Finance)
Independent Member**

Between

**K. Vijayeswar Reddy,
C/o. M/s. Sri Rama Chandra Stone Crushers,
Sanjeeva Nagar,
Nandyal,
Kurnool -Dist .**

Complainant

AND

**1. Divisional Electrical Engineer/O/Nandyal CCO
2. Superintending Engineer/O/Kurnool
3. Senior Accounts Officer/O/Kurnool**

Respondents

ORDER

1. The case of the complainant is that he is running the Sri Ramachandra Stone Crusher in the Tammurajupalli (V) of Panyam (M) in Kurnool Dt. He is having service connection No. KNL - 534 HT. On 04.08.2018 CTPT was failed in the factory and the same was not reconnected. On 19.07.2018 he applied for conversion of the load from HT to LT Cat -III. There were no arrears as on that date. He is receiving minimum bills from that day for Rs.55,780/-. He made a representation to CMD in November'18 and on 23.01.2019. He had also met Director /Finance, but his grievance was not resolved. The factory is not working since 6 months due to disconnection of the service. A notice was issued for termination of agreement on 22.01.2019. His grievance may be resolved by converting the same from HT to LT -III Category and by restoration of his service connection.
2. Divisional Electrical Engineer i.e. Respondent No.1 filed written submission stating that HT service connection KNL - 534 was regularized from bill stopped to live vide Memo

DESPATCHED
DATE 21/2/20

No: CGM (R&IA)/ GM(REV)/SAO/AAO/JAO/LT2/F.300/D.No.357/18 dt: 13.03.2018. The service connection was reconnected on 01.04.2018 as per the telephone message of Superintending Engineer/O/Kurnool dt: 22.03.2018. The consumer has paid CC charges for 04/2018 and 05/2018. Consumer has not paid the CC charges of Rs. 55,681/- for the month of 06/2018 to till date. Consumer has registered a complaint for conversion of existing HT service into LT Cat-III service with contracted load of 99 HP, due to nonpayment of CC charges, the estimate was not submitted. HT Meter was inspected for periodical testing and declared that CTPT was failed as IR values of CTPT set are unsatisfactory. Due to nonpayment of CC charges, the said defective CTPT set was not replaced with healthy CTPT till to date. HT service was disconnected on 01.10.2018 due to nonpayment of CC charges. The service is having arrears of Rs.3,34,459/- from 06/2018 to till date of adjusting the SD of Rs.1,27,200/-

Superintending Engineer/O/Kurnool sanctioned 10 equal installments for payment of arrears of Rs.4,01,121/- vide Lr.No.SE/O/KNL/SAO/AO/HT. Rev/S1/D.No.189/19 dt: 20.03.2019. Again termination orders were issued on the same day vide Proceeding No. SE/O/KNL/SAO/JAO/HT.REV/S1/D.No.192/19 dt: 20.03.2019. However the estimate was submitted to the higher authorities for conversion of HT service into LT - III service and awaited for approval.

3. The points for determination are:

1. Whether the complainant is not liable to pay minimum charges from the date of failure of CTPT?
2. Whether the complainant is entitled for conversion of his service from HT to LT Cat - III?

Point No's 1 & 2:

According to the complainant he has applied for conversion of his service from HT to LT -III in mee - seva on 19.07.2018 and he has no arrears as on that date. On 04.08.2018 CTPT of the meter was failed but it was not replaced and service was disconnected.

According to respondents complainant has not paid CC charges from the month of June'18 till date. Since consumer has not paid CC charges CTPT was not replaced. Respondents gave two different versions in respect of the application submitted by the complainant for deration of the load. At one place in written submission of respondent No.1, it is mentioned that estimation was not submitted to higher authorities on the application filed by the complainant for deration of the load due to nonpayment of CC charges and at another place, it is mentioned that estimate was submitted to higher authorities for conversion of HT service into LT Cat-III service and awaiting for approval. Respondents admitted about failure of CTPT during periodical testing on 04.8.2018 and the same was not replaced with a new one due to non - payment of CC charges.

According to respondents the service was disconnected on 01.10.2018. Complainant was permitted to pay the due amount in 10 equal instalments on 20.03.2019 and on the same day termination orders were issued. There was no explanation how contradictory orders were issued for one and the same service connection on the same day vide D. No's.189/19 and 192/19.

Complainant at the time of personal hearing stated that he had paid electricity charges and there were no arrears as on the date of his application for deration of load. Complainant also stated that he is not pressing his claim for compensation of Rs. 10,00,000/- and requested to restore the service connection and deration of load.

As seen from the account copy of the service connection No. KNL-534 complainant has paid CC charges for the month of June'18 of Rs.55,693/- on 13.07.2018. Complainant submitted application for deration of load on 19.07.2018. CTPT was failed on 04.08.2018. Due date for payment of CC charges for the month of July'18 for Rs. 55,681/- is on 20.07.2018. Due date for disconnection of the service on account of nonpayment of CC charges for the service is 05.08.2018. Complainant had registered his application for deration of load one day prior to the due date for payment of CC charges of July'18 and CTPT was failed one day prior to the due date for disconnection of service connection for nonpayment of CC charges. Respondents failed to replace CTPT set immediately after its failure. So also respondents failed to disconnect the service

connection on 05.08.2018 for nonpayment of CC charges and allowed the service connection continued on paper till 01.10.2018 even though there is no possibility for the complainant to use the service connection and there after proceeded for termination of agreement and agreement was terminated on 01.02.2019.

Clause No's . 5.9.4.2 and 5.9.4.3 of GTCS is as follows :

“ 5.9.4.2 : Deration of CMD or Termination of Agreement in respect of HT Supply:

The consumer may seek reduction of contracted maximum demand or termination of the HT Agreement after the expiry of the minimum period of the Agreement by giving not less than one month notice in writing expressing his intention to do so. However, if for any reason the consumer chooses to derate the CMD or terminate the Agreement, before the expiry of the minimum one year period of the Agreement, the CMD will be derated or the Agreement will be terminated with effect from the date of expiry of the initial one year period of the Agreement or after expiry of one month notice period whichever is later. The Company can also terminate the HT Agreement, at any time giving one month notice if the consumer violates the terms of the HT Agreement, or the GTCS or the provision of any law touching the Agreement including the Act and rules made there under, and AP Electricity Reforms Act, 1998. On termination of the HT Agreement the consumer shall pay all sums due under the Agreement as on the date of its termination.

5.9.4.3 : Termination of LT Agreement and HT Agreement on account of disconnection:

Where any consumer, whose supply is disconnected for non-payment of any amount due to the Company on any account, fails to pay such dues and regularise his account within three Months from the date of disconnection, the Company shall after completion of 3 months period, issue one Month notice for termination of the LT or HT Agreement, as the case may be. If the consumer still fails to regularise the account, the Company shall terminate the Agreement with effect from the date of expiry of the said one-Month notice. Such termination shall be without prejudice to the rights and obligations incurred or accrued prior to such termination.

Provided that where the Company fails to issue notice or terminate the Agreement as prescribed above, the consumer shall not be liable to pay the minimum charges for the period beyond 4 months from the date of disconnection and the Agreement shall be deemed to have been terminated at the end of 4 months period from the date of disconnection.

Provided further that where the minimum period of the Agreement is not yet completed by the date of such termination, the consumer shall be liable to pay the minimum charges as otherwise applicable calculated up to the date of completion of the period of Agreement.

In the case of consumers who were sanctioned phased Contracted Demand and supply released for initial or intermediary phased demands, the consumer may seek deferment or cancellation of such of the phased demands which are scheduled beyond minimum period of Agreement, by giving three Months notice in advance or in lieu thereof pay three months charges towards such deferment or cancellation of such phased demands”.

Respondents also did not issue notice to the complainant that CTPT set will be replaced and his application for deration of load will be considered only on payment of CC charges of July'18. Respondents have not furnished any authority that they need not replace CTPT set on account of non - payment of CC charges and that deration of CMD could not be made on account of nonpayment of CC charges.

Complainant also did not pay CC charges of July'18 and requested for replacement of CTPT set and deration of load. No complaint was made by the complainant to the higher authorities for not replacing CTPT set and deration of load.

Complainant allowed the respondents for disconnection of service connection for non-payment of CC charges on 01.10.2018. Complainant submitted an application on 17.11.2018 to SE/O/Kurnool i.e. Respondent No.2 after disconnection of the service with a request for waiver of minimum charges and restoration of service after derating the load. Subsequently complainant also presented a representation to the CMD on 23.01.2019 with a request for waiver of minimum bill and to grant installments for payment of the arrears. It appears that consumer approached this Forum only after his request for waiver of minimum charges was not considered.

4. In view of the above reasons the Forum is of the view that the date of disconnection shall be reckoned from the date of failure of CTPT i.e. on 04.08.2018 and the deration of load from HT to LT-III shall be reckoned after expiry of one month period from 18.08.2018 the date of application for deration of load dt: 19.07.2018 as per Clause No. 5.9.4.2 of GTCS.
5. In the result the termination agreement made by the respondents for the service connection No. KNL-534 is hereby set aside. Respondents are directed to issue revised bill as per the tariff order issued by the Hon'ble Commission for the F.Y. 2018-19 by taking the date of disconnection as 04.08.2018 and deration of load form HT to LT-III after expiry of one month i.e. 18.08.2018 from the date of application of deration of CMD dt: 19.07.2018, within one week from the

date of receipt of this order to the complainant and on receipt of payment of the amount, the service connection shall be restored immediately as per the procedure and compliance report shall be submitted within 15 days thereon.

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.

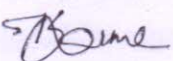
This order is passed on this, the day of 31st January 2020.

Sd/-
Member (Finance)

Sd/-
Independent Member

Sd/-
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 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.