

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

On this the day of 24th August 2020
In C.G.No:261/ 2019-20/Ongole 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

M/s. ATC Telecom Infra Structure Pvt. Ltd,
C/o. M/s. ATC India, 4th Floor,
1-8-304-307/381/344,
Gowra Plaza,
SP Road,
Begumpet,
Secunderabad.

Complainant

AND

1. Assistant Accounts Officer/ERO/Ongole Rurals
2. Deputy Executive Engineer/ O/Ongole Rural 1
3. Executive Engineer/Operation /Ongole

Respondents

ORDER

1. The case of the complainant is that the complainant is a Pvt. Ltd company incorporated under companies Act, 1956 having local office at Vijayawada. They have received regular bill in the month of June' 18 with arrears for service connection No.4344111000546, LT -II (B) ERO, Ongole Prakasham Dt. When they approached the concerned officers, they informed that the arrears pertains to KW up-gradation charges for the period of January '13 from 15 KW to 28 KW for a total amount of Rs.41,750/- demand dt :24.01.2013. Since their connected load for the said service do not exceed 15 KW they requested for physical inspection but their grievance is not resolved.
2. Respondents No. 1 and 2 filed separate written submission stating that ADE/DPE/ Ongole inspected the service on 22.01.2013 and found connected load of 27.92 KW against a contracted load of 15 KW. Hence an additional load notice was served to the complainant for payment of Rs. 41,750/-. Consumer has not paid the amount for

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regularization of additional load and not approached the office till to date. Additional Load amount was included in the month of June' 18 through central billing system which is already noticed and generated in MATS as per the departmental procedure in vogue.

3. Personal hearing through video conferencing was conducted on 18.06.2020. Complainant was absent. Respondents present and reiterated their version.
4. The point for determination is whether the complainant is liable to pay additional load amount of Rs.41,750/- ?

The facts of the case shows that ADE/ DPE/Ongole inspected the premises on 22.01.2013 and said to have issued notice to the consumer. The copy of the notice said to have been served on the consumer was not filed before this forum to prove that actually notice was served. Respondents also did not explain as to why they have not initiated action for about 5 years when the consumer kept silent after the notice for payment of additional load. Respondents unilaterally included the said amount after 5 years in CC bill of June' 18. No authority is placed that respondents are empowered to include the additional load amount in CC bill after 5 years and insisting for payment. Surprisingly no physical inspection was made even after the present complaint is filed by the complainant in disputing that they never exceeded the contracted load of 15 KW, even assuming that ADE/ DPE/Ongole found additional load of 27.92 KW and issued notice. Consumer has got a right to derate his load within one month of the notice as per Clause No.12.3.3 of GTCS and seek for re-inspection. In the absence of any documentary evidence that the notice was actually served on the consumer for regularization of additional load, including that amount in the CC bill after 5 years is irregular, arbitrary and liable to be set aside.

In the result respondents are directed to withdraw the additional load amount of Rs.41,750/- together with surcharge imposed if any and issue revised bill within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon. However Respondents are at liberty to inspect the premises and if found excess load more than the contracted load, they are at liberty to initiate action as per Clause No. 12.3.3 of GTCS. The point is answered accordingly.

5. The complaint is disposed off accordingly.

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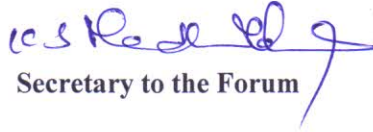
18.06.2020

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 24th August 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 , 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.