

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the day of 31st December 2019
C.G.No:165/2019-20/Tirupati Circle

Present

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

Chairperson
Member (Finance)
Independent Member

Between

M/s. Amico Flour Mills,
Opp Vaartha Paper,
Renigunta Road,
Tirupati,
Chittoor-Dist

Complainant

AND

1. Assistant Accounts Officer/ERO/Tirupati Town,
2. Deputy Executive Engineer/O/OSD-2
3. Executive Engineer/O/Tirupati Town
4. Deputy Executive Engineer/DPE/Tirupati

Respondents

ORDER

1. The case of the complainant is that respondents raised a shortfall amount of Rs.3,56,700/- on the complainant's service and the same may be withdrawn. Complainant stated that they have received notice on 02.08.2019 stating that they are having connected load of 118.5 HP for short billing but actually they are having only 91.6 HP. The short billing notice of Rs.3,56,701/- may be withdrawn. He also further stated that last year also they received notice that they are having additional load but on their request DE inspected the premises and withdrawn the notice issued for additional load the same may be considered.
2. DEE/DPE/HT filed written submission stating that consumer is having service connection No.5534501003174 having contracted load of 98 HP but recorded maximum demand is 118 HP as per the previous history. It is detected that the consumer is having un-authorized exceeded contracted load which exceeded from LT to HT. Even though the consumer exceeded the contracted load LT limits to HT limits and billing is done under LT -III category instead of giving bill under HT billing even though the maximum demand recorded in the meter of this service is more than 75 KVA/100 HP. As per Clause No. 12.3.3 of GTCS since consumer exceeded

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contracted load, it has to be billed under HT category. Therefore short billing was proposed from 04/2018 to 03/2019.

3. DEE /Opn-II /Tirupati filed written submission stating that consumer made a representation for withdrawal of additional load amount as noticed by ADE/ DPE/ Tirupati dt : 09.07.2018. The service was inspected by him and found that connected load is 96.6 HP and recommended for withdrawals of additional load amount vide Case No.DPE/TPTT/TPT02/2245/18&TPT/TPTPP/TPT02/AG808/18. After that final assessment order was given for the same service in the reference cited (3) vide Lr. No.DE/OPN/Tirupati-Town/D.No.153/19 dt: 18.02.2019. Again the same service was inspected by ADE/DPE/TPT and issued provisional assessment notice vide reference cited 4 i.e. Lr. No. Dy.EE/OSD-II/TPT/F. No./D. No. 353/19 Dt.24.04.19.
4. Complainant filed an application for interim direction not to disconnect the service connection during the pendency of the complaint before this forum . Complainant also stated he had already paid 50 % of the assessed amount to avoid disconnection. Hence an interim order was issued not to disconnect the service connection during the pendency of the complaint before this forum as per the orders in I.A.No.14/2019-20 dt: 22.10.2019.
5. The point for determination is whether the short billing issued for Rs.3,56,701/- is liable to be withdrawn ?

The letters filed by the respondents along with written submission shows that an auto generated case for additional load of 8.84 HP was generated on 28.05.2018 on the ground that MD 6.69 KW exceeded over the contracted load of 73.11 KW. On 09.07.2018 ADE/DPE/TPT inspected the premises and registered a case for additional load of 14.60 HP and total connected load as 112.60 HP against contracted load of 98 HP. Consumer after receipt of notice raised objection and requested for re - inspection. Accordingly the service was re- inspected on 20.12.2018 and found the connected load is at 96.6 HP.

Again DEE/DPE/HT inspected the premises on 17.04.2019 and basing on his inspection notes provisional assessment was issued on the ground that the total connected load of the consumer is 118 HP against the contracted load of 98 HP. The time gap between the inspection conducted by AE/O/ Dameddu and ADE/Opn /TPT-2 is only 4 months. DPE/HT mentioned the total load as '88 KVA/118 HP' in Col No. VI connected load in the inspection notes. He did not choose to mention the details of the connected load. Connected load particulars have to be mentioned in Column No. IX of Appendix – IV (A) of GTCS, but the inspection notes prepared by ADE/ DPE/ HT/

TPT did not disclose the load particulars. On the other hand only total load is mentioned. So no reliance can be placed on this inspection notes as the inspection notes is not prepared in accordance with the prescribed proforma given in Appendix IV (A) of GTCS. The inspecting officer also failed to note down the load particulars. No explanation was given in his written submission as to why the load particulars were not given in inspection notes when consumer is continuously insisting that he never exceeded contracted load and the RMD might have shot up due to mal functioning of machinery or any other technical reason. On the other hand it is an admitted fact that ADE/OP-2/TPT along AEE Damineedu physically inspected the premises after complainant questioned the correctness of the finding of the inspecting officer on 09.07.2018 and about registering a case for additional load on the basis of auto generated case and found that the connected load is 91.6 HP only. When the operating staff found the connected load is less than contracted load of 98 HP it is not reasonable to raise short billing under HT on the ground that RMD exceeded over the contracted load.

“Clause No. 12.3.3 of GTCS is as follows:

12.3.3 Additional Connected loads detected in LT Services cases

12.3.3.1 : *Where the total Connected Load is 75 HP/56 KW or 150 HP in cases of LT Cat III (B) or below at the time of detection:*

i. *One Month notice shall be given to regularise the additional Connected Load or part of additional load as per the requirement of the Consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit, in accordance with the format prescribed in Appendix IX.*

However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue.

ii. *Service of consumers who do not get the additional loads regularised, shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection, until they are regularised.*

12.3.3.2 Cases where the total Connected Load is above 75 HP/56KW or

i. *“These services shall be billed at the respective HT tariff rates from the consumption month in which the un-authorized additional load is detected. For this purpose, 80% of Connected Load shall be taken as billing demand. The*

quantity of electricity consumed in any Month shall be computed by adding 3% extra on account of transformation losses to the energy recorded in LT Meter.

- ii. *The Company may at its discretion, for the reasons to be recorded and in cases where no loss of revenue is involved, continue LT supply. If the consumer, however, makes arrangements for switchover to HT supply, the Company shall release HT supply as per the rules.*
- iii. *One Month notice shall be given to regularise the additional Connected Load or part of additional load as per the requirement of the Consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit required for conversion of LT service into LT 3(B) or HT service depending upon the connected load. However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue.*
- iv. *Service of such consumers who do not pay HT tariff rates or who do not pay the required service line charges, development charges and consumption deposit shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection unless the required service line charges, development charges and consumption deposit are paid for regularising such services by conversion from LT to HT category.*
- v. *If the consumer where required, does not get the LT services converted to HT supply and regularised as per procedure indicated above within three months from the date of issue of the notice, the Company is entitled to terminate the Agreement by giving required notice as per clause 5.9.4 of the GTCS, notwithstanding that the consumer is paying bills at HT tariff rates prescribed in clause 12.3.3.2 (i) above.*

12.3.3.3 : *Cases where the total Connected Load is above 75 HP/56 kW or Cases where the total connected load is above 150 HP under LT Category III (B). These services will be billed at the HT category I tariff rates from the consumption month in which the un-authorized additional load is detected till such additional load is removed and got inspected by the Designated officer of the Company”.*

The above provision clearly provides that one month notice has to be given to the consumer to regularize the additional load or to permit him to remove the additional load. Respondent instead of following the above specific provision raised short billing on the ground that meter has recorded RMD more than the contracted load. The provisions of GTCS clearly shows that respondents are only permitted to issue notice for short billing for additional contracted load only after detecting it but not basing on the reading in the meter.

No provision is placed before the Forum by the respondents showing that they are entitled to raise bill under HT Category only basing on the ground that RMD exceeded the connected load without physically detecting that connected load is more than 100 HP/75 KW and without giving option to the consumer either to reduce the connected load or to regularize it within one month. Respondents have not followed the procedure laid down under Clause No.12.3.3 of GTCS. The procedure adopted by respondents is illegal, arbitrary and not sustainable.

The Tariff order issued by Hon'ble APERC for the F.Y. 2019-20 for Cat -III(A) LT Industry (General) and Category - III (B) ; LT seasonal industries (Off season) at page No.264 specifically given the procedure that has to be adopted for raising the bill. It is as follows:

“Other Conditions applicable to Category- III (A) LT Industry (General) and Category - III (B) ; LT seasonal industries (Off season)

1. *The connected load shall not exceed the contracted load specified in the agreement as per sanction accorded for the service. The fixed charges shall be computed based on contracted load or actual Recorded Demand whichever is higher.*
2. **Metering and billing:**
 - i) *For the purpose of billing, 1 KVA shall be equal to 1 KW and 14 HP=0.75 KW*
 - ii) *LT Trivector meter shall be provided for the consumers with contracted load of 15 KW/20HP to 37.5 KW/50HP.*
 - iii) *For loads above 37.5KW/50 HP to 75 KW/100 HP, the metering shall be provided on HT side of the Distribution Transformer.*
 - iv) *Energy charges shall be billed on KVAH basis for all consumers with contracted load of 15 KW/20HP and above. For loads below 15 Kw/20HP, billing shall be done based on KWH.*
 - v) *If the recorded demand of any service connection under this category exceeds the 75 KVA, such excess demand shall be billed at the demand charges prescribed under Category-III: HT Industry (General).*

- vi) *In cases where metering is provided on LT side of transformer (due to space constraints), 3% of the recorded energy during the month shall be added to arrive at the consumption on High Tension side of the transformer.*
- vii) *If the metering is on HT side, 1% of total energy consumed shall be deducted from recorded energy for the purpose of billing”.*

Respondents have to raise the bill in accordance with the above provisions only.

The point is answered accordingly.

6. In the result respondents are directed to issue revised bill as per Tariff Order for the F.Y. 2018 - 19 and F.Y. 2019-20 respectively. The amount paid by the consumer if found excessive the same shall be adjusted in future bills.

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.

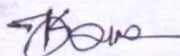
This order is passed on this, the day of 31st December 2019.

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.