

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

**On this the 3<sup>rd</sup> day of November 2020**  
**C. G. No: 295/2019-20/Tirupati Circle**

**Present**

**Sri. Dr. A. Jagadeesh Chandra Rao**  
**Sri. V. Venkateswarlu**  
**Sri. Dr. R. Surendra Kumar**

**Chairperson**  
**Member (Technical)**  
**Independent Member**

**Between**

**K.Malleswari,**  
**W/o. Anand Naidu,**  
**P. Kothur,**  
**Pantrampalli,**  
**Chittoor Dist.**

**Complainant**

**AND**

1. Senior Accounts Officer/Tirupati
2. Deputy Executive Engineer/Chittoor Rural III
3. Executive Engineer/O/Chittoor Town
4. Superintending Engineer/O/Tirupati

**Respondents**

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**ORDER**

1. The case of the complainant is that she is having granite factory in Cherlopalli (V). She obtained service connection with a contracted load of 97 HP. On 21.02.2017, she applied for enhancing the contracted load to 120 KVA and Respondents gave notice on 29.06.2017 to pay Rs.3, 10,010/-. Accordingly she paid the amount on 03.07.2017. ADE/Operation orally informed to use the additional load after payment of the above said amount. She has not received CC bill in August' 2017 under HT billing. So she enquired in the ERO office, subsequently she received bills for the months from August' 2017 to October' 2017. She is receiving HT bills from October' 2017 and she is paying them regularly. ADE orally informed in November' 2019 that she is in arrears in the bill of 11/2017 and directed to pay the arrears bill. Claiming bill after 2 years is

**DESPATCHED**

**DATE** C.G.No,295/2019-20/Tirupati Circle

illegal. No notice was issued to her and demanding her to pay the amount is illegal. Hence requested to withdraw the said bill.

2. Respondent No.2 filed written submission stating that the ISC No 5113215001330 is in the name of the complainant and service has been converted to HT service with effect from 07.10.2017. DPE wing had inspected the service after conversion of the service to HT on 24.11.2017 at 13.55 Hrs and observed that the multiplying factor was changed from 0.5 MF to 1.0 MF with effect from 06.06.2017 but not effected for the billing from 06.06.2017 to 11.06.2017. There was no display in the meter on 12.09.2017 and exceeded RMD from 10.08.2017 to 12.10.2017. The same fact was also observed by this office. The matter was informed to HT meter wing. The defective meter cubicle was replaced on 23.09.2017. These defects found when service remained under LT category as such DPE wing recommended for back billing to service due to RMD exceeded for three months and to raise bill for difference under HT category. Only Dilip Singh worker of the factory was present when DPE wing inspected the premises and nobody signed in the inspection report. After receipt of letter from DPE wing, Tirupati office of Respondent No.2 issued assessment notice to complainant to pay an amount of Rs. 86,475/- and she was also informed that complainant can file appeal after payment of 50 % of assessment amount to avoid disconnection within 7 days . Complainant refused to receive the notice and the AE/Rural/Chittoor in the presence of S. Ramesh, lineman and 3<sup>rd</sup> party person by name M. Uma affixed the notice to the wall of the premises. Though the service was not disconnected complainant was orally requested to pay the assessment notice amount but complainant did not paid the amount. Complainant was directed to pay the assessment amount.
3. Respondent No.3 filed separate written submission on similar lines.

4. Heard both parties in the personal hearing conducted through video conferencing on 18.08.2020.
5. The point for determination is whether the notice issued to the complainant for payment of arrears amount of Rs. 86,475/- is liable to be withdrawn?

According to respondents, complainant is liable to pay the amount mentioned in the notice on 3 counts. They are:-

- 1) Change of MF from 0.5 to 1.0, from 06.06.2017 to 11.06.2017.
- 2) There was no display in the meter on 12.09.2017 and defective metering cubicle was replaced on 23.09.2017.
- 3) RMD exceeded more than 3 months. So the billing has to be made under HT category from 10.07.2017 to 06.10.2017.

In this case according to the respondents mistake of change of MF from 0.5 to 1.0 had taken place between 06.06.2017 to 11.06.2017, 'no display' in the meter had occurred between 12.09.2017 to 23.10.2017 and exceeding of RMD had taken place in the months of August, September and up to 6.10.2017 or 12.10.2017. According to the respondents provisional assessment order for shortfall billing was detected on 24.11.2017 by ADE/DPE and notice was issued on 30.12.2017 and the same was refused by the complainant and notice was affixed to the wall of the premises. So the mistake was detected within 2 years and notice was served on the complainant. So the limitation provided under Clause. 2 of Section 56 of the Electricity Act is not applicable to the facts of the present case. So the contention of the complainant that notice was issued after two years and as such she is not liable to pay the amount is not correct.

It is appropriate to refer the judgment of the Hon'ble Apex Court delivered in Civil Appeal No.1672/2020 (Arising out of SLP (Civil) No. 5190 of 2019) in between:

7.3: *"Sub-section (1) of Section 56 confers a statutory right to the licensee company to disconnect the supply of electricity, if the consumer neglects to pay the electricity dues.*

*This statutory right is subject to the period of limitation of two years provided by sub-section (2) of Section 56 of the Act.*

7.4: *The period of limitation of two years would commence from the date on which the electricity charges became "first due" under sub-section (2) of Section 56. This provision restricts the right of the licensee company to disconnect electricity supply due to non-payment of dues by the consumer, unless such sum has been shown continuously to be recoverable as arrears of electricity supplied, in the bills raised for the past period.*

*If the licensee company were to be allowed to disconnect electricity supply after the expiry of the limitation period of two years after the sum became "first due", it would defeat the object of Section 56(2).*

8. *Section 56(2) however, does not preclude the licensee company from raising a supplementary demand after the expiry of the limitation period of two years. It only restricts the right of the licensee to disconnect electricity supply due to non-payment of dues after the period of limitation of two years has expired, nor does it restrict other modes of recovery which may be initiated by the licensee company for recovery of a supplementary demand".*

Complainant is also liable to pay electricity consumption charges during the period of 'no display'. Respondent No.3 stated that the average proposed are not made in accordance with Clause No.7.5.1.4.1 of GTCS. The calculations made by the respondents was not enclosed in written statements.

It is brought to the notice of this forum by ADE/O/Chittoor/Rural-III on 23.10.2020 that ADE/HT Meters issued revised bill stating that 16900 units has to be deducted. Accordingly respondents have deducted Rs. 1,14,413/-. It is also brought to the notice of this

forum after deducting the above said amount only, a notice was issued to the complainant to pay an amount of Rs.86,475/-

So the above version given by ADE shows that billing was revised for the no display period and no further deduction can be given.

According to the respondents, complainant has exceeded RMD more than 75 KVA for three months i.e. for the months of August, September and up to 06.10.2017. But as per the assessment calculation filed by the respondents the assessment period is between 10.08.2017 to 12.10.2017 According to the version given by the respondents HT category was sanctioned to this service No. on 29.06.2017 and HT service was released on 07.10.2017. Respondent's contention is that since consumer exceeded the RMD under LT limits is liable to be billed under HT billing. Hence they raised shortfall bill for the difference amount between LT billing and HT billing. Respondents have not stated under what provision they are entitled to raise shortfall billing only on the ground that consumer has exceeded RMD?

Sub -clause (iv) in Clause. 3.3 – LT Cat-III in tariff order issued by the Hon'ble Commission for the F.Y. 2017-18 at page No.274 is as follows

***“If the recorded demand of any service connection under this category exceeds the 75 KVA (1KVA=1KW), such excess demand shall be billed at the demand charges prescribed under HT Category-I (11 KV Supply)”***

So respondents are only entitled to collect charges as per the above said provision on account of exceeding of RMD by the complainant in this case. According to the complainant, she has applied for enhancement of load from 97 HP to 120 KVA on 21.02.2017. She received notice for payment of Rs. 3,10,010/- on 29.06.2017 and accordingly she paid the amount on 03.07.2017. As per the version of respondents also HT Category was sanctioned on 29.06.2017 and after payment by the complainant, HT service was released on 07.10.2017. The shortfall

billing raised by the respondents is during the intervening period of converting the service from LT to HT only. Respondents without any authority are not entitled to raise shortfall billing only on the ground that complainant exceeded RMD. Complainant is only liable to pay as per the tariff order issued by the Hon'ble Commission for the F.Y. 2017-18.

Complainant is liable to pay the difference of MF amount and the amount for exceeding RMD over CMD for the months of August, September and up to 06.10.2017 (Since the service was converted to HT on 07.10.2017 and not up to 12.10.2017 as mentioned in the assessment calculation by the respondents ) as per Sub clause (iv) of Clause No. 3.3- LT Cat-III Industry as per the Tariff Order for the F.Y. 2017-18.

In view of the above reasons complainant is liable to pay the revised bill. The point is answered accordingly.

6. In the result respondents are directed to issue revised bill as per the observations made by this forum in this order and issue revised bill within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon.

If aggrieved by this order, the Complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, 3<sup>rd</sup> 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.

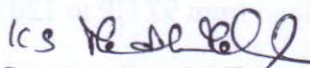
This order is passed on this, the day of 3<sup>rd</sup> November'2020.

Sd/-  
Member (Technical)

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 , 3<sup>rd</sup> 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, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills,  
Lakdikapool, Hyderabad- 500 004.