

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 31st day of December 2019
C.G.No:78/2019-20/Tirupati Circle

Present

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

Chairperson
Member (Finance)
Independent Member

Between

M.Swarnalatha,
S.S.Puram,
Rajulakandriga,
Nagalapuram (M)
Chittoor-Dist

Complainant

AND

1. Assistant Accounts Officer/ERO/Nagalapuram
2. Assistant Executive Engineer/O/ Nagalapuram
3. Deputy Executive Engineer/O/Nagalapuram
4. Executive Engineer/O/Puttur

Respondents

ORDER

1. The case of the complainant is that meter is defective and showing excess connected load and the same may be rectified.
2. Executive Engineer i.e. Respondent No.4 filed written submission stating that DEE/O/Nagalapuram recommended for HT billing from 02/19 to 04/2019 against service connection No.5331119000059 due to recorded maximum demand exceeded more than 75 KVA i.e. 87, 86 and 79.5 KVA respectively. Accordingly the LT demand has been calculated as per HT tariff and the difference amount of Rs.97,789/- was raised vide R.J. No.06/04-2019. The assessment notice was served on the consumer for an amount of Rs. 96,305/- towards short billing i.e. LT to HT billing for the period from 06/2019 to 09/2019 which is to be included during November'19. Further an amount of Rs. 32,738/- was raised vide RJ No.29/10-2019 for the consumption of 09/2019 billed in October'2019.
3. AAO also filed written submission on similar lines.
4. During the pendency of the complaint before the Forum husband of the complainant approached the Forum and filed an application stating that they have presented a complaint before the Forum on 21.05.2019. DPE wing inspected their premises on

20.09.2019 and issued notice stating that they are having additional load and subsequently the service connection was disconnected and requested to restore the service connection.

5. Interim directions were issued in I.A. 15/2019-20 on 14.11.2019 to restore the service connection on payment of $\frac{1}{4}$ th amount of the disputed bill of Rs.96,305/-.
6. Personal hearing was conducted through video conferencing on 19.11.2019. Respondents are directed to submit the copies of inspection report to the Forum. Accordingly it was received on 28.11.2019.
7. The point for determination is whether raising of bills for shortfall amount by the respondents are liable to be withdrawn?

As seen from the record DEE addressed a letter to JAO to bill the service under HT-I category for the months from February'19 to April'19 on the ground CMD is exceeded 75 KVA continuously for 3 months. Accordingly a bill was raised for an amount of Rs. 97,789/- . Again shortfall billing was given for an amount of Rs. 96,305/- for the period from 06/2019 to 09/2019 and the same was included in November'19 bill. Again shortfall bill was raised for Rs.32,738/- for the consumption of 09/2019 billed in October'19. So it clearly shows that 3 times short billing was raised between February'19 to November'19. It is pertinent to note that no physical inspection was made to note down the actual connected load of the consumer in the premises. DPE wing inspected the premises on 24.09.2019 and prepared inspection notes .The copy of inspection notes only reveals about the MD history. The particulars of the connected load that has to be noted in Column No.VI of the inspection notes was not at all filled. So it clearly shows that inspection was not conducted as per procedure and not prepared inspection report as per Appendix IV A of GTCS. So the so called inspection notes cannot be taken into consideration. DEE who said to have found exceeding of CMD consecutively for 3 months from February'19 to April'19 and in the months between June'19 to September'19 and in November '19 did not choose to visit the premises and note down the actual connected load. The DPE wing who said to have inspected the premises after filing of the complaint on the ground that the meter is not functioning and she received excess bills did not choose to physically verify the connected load and also not verified whether the contention of the complainant that meter is not working or not. No provision is placed before this Forum which entitles the respondents to raise short billing from LT to HT only on the ground CMD exceeded without detecting additional load in the premises and issuing of notice directing the consumer either to regularize the additional load or remove the additional load within one month.

“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 do not authorise the respondents to raise shortfall bill amount basing on the recording of RMD in the meter without following the procedure laid down there under.

The retail supply Tariff Order for the F.Y. 2019-20 issued by Hon'ble APERC at page 264 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 1 HP = 0.75 kW
 - ii. LT Trivector meter shall be provided for the consumers with contracted load of 15 KW/20 HP to 37.5 kW/50 HP.

- iii. For loads above 37.5 kW/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/20 HP and above. For loads below 15 kW/20 HP, 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 can issue bill basing on the above provision only. They are not competent to raise short fall amount only basing on the ground that complainant exceeded contracted load basing on the recording of RMD in the meter.

In view of the above reasons, the short fall bills raised by the respondents is not legal, not sustainable and liable to be withdrawn. The point is answered accordingly.

8. In the result respondents are directed to withdraw the bills raised towards short billing and directed to re issue bills as per the tariff order issued by the Hon’ble commission for the F.Y.2019-20 within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon. The amount paid by the complainant as per the interim directions in I.A.No.15/2019-20 Dt: 14.11.2019 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.

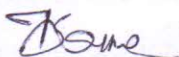
This order is passed on this, the day of 31st December 2019.

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.

Copy Submitted to the Secretary, APERC,11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.