

**BEFORE THE FORUM**  
**FOR REDRESSAL OF CONSUMER GRIEVANCES**  
**IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI**  
**On this the 31<sup>st</sup> day of December 2019**  
**C.G.No:84/2019-20/Tirupati Circle**

**Present**

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

**Chairperson**  
**Member (Finance)**  
**Independent Member**

**Between**

M.Mahaboob Ali Baig,  
M/s. C/o. Mahaboob Ali Rice Mill,  
Main Road,  
Kalakada (M),  
Chittoor-Dist

Complainant

**AND**

1. Assistant Accounts Officer/ERO/Kalikiri,  
2. Assistant Executive Engineer/O/ Kalakada,  
3. Deputy Executive Engineer/O/Kalikiri  
4. Executive Engineer/O/Piler

Respondents

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**ORDER**

1. The case of the complainant is that their connected load is 99 HP only. RMD exceeded due to defect in the capacitors but the respondents basing on the RMD, had issued notice for payment of Rs.1,84,905/- which is irregular. Hence the same may be withdrawn.
2. Respondents filed written submissions stating that the complainant is having service connection No. 5731200000132 Cat- III with sanctioned load of 99 HP. The provisional assessment for shortfall amount was raised based on the present MD recorded. According to inspection report of DEE/DPE/HT/TPT dt: 02.05.2019, the connected load is 117 HP whereas the contracted load is 99 HP. At the time of inspection it was found that consumer is having connected load of 121.98 (117 HP) as per inspection notes and exceeded contracted load by 22.98 HP (18 HP) as per inspection notes and billing was done under LT - III category instead of HT billing. The said fact was intimated to the consumer through the bills issued from time to time every month. The maximum demand recorded in a meter is the maximum load used by the consumer for the duration of ½ (half an hour) in a given period of billing month which is significant factor both for the

**DESPATCHED**

08/01



consumer and utility department to decide the connected load which exceeded the sanctioned load. Clause No. 12.3.3 of GTCs empowers the Licensee to issue HT Category billing when the consumer un-authorizedly exceeded the contracted load and RMD suitably fit for HT category billing. Therefore short billing proposed from the consumer from 07/2018 (November'2018) to 05/2019. The additional load connected by the consumer to the mains was detected on 28.05.2018 (25.10.2018) and issued notice to the consumer vide Case No.TPT/PILR/KLKO/AG1073/18(2310/18 as per inspection notes) and the same was regularized by the consumer by paying Rs.29,800/- on 01.09.2018 (Rs.5,200/- on 29.12.2018) as per inspection notes. A provisional assessment notice was also issued to the consumer by Lr No. DEE/O/KLI/SE/F./D.No.468/2019 Dt : 08.05.2019 and requested the consumer if he is not agreeable to the above assessment he may make a representation to concerned DE/Operation within 15 days and if there is no representation the electricity charges payable by him will be included in the subsequent CC bill.

3. Complainant also filed an application dt: .04.06.2019 for issue of interim directions not to disconnect the service connection No.5731200000132 for nonpayment of disputed bill during the pendency of his complaint before the Forum.
4. An interim order was passed in I.A. No. 05/2019-20 not to disconnect the service connection No. 57312 00000132 subject to payment of ¼ th of the disputed bill of Rs. 1,84,905/- during the pendency of the complaint before this Forum.
5. The point for determination is whether issuing of bill for additional load amount of Rs.1,84,905/- is sustainable ?

According to the respondents V. Sreenivasulu, DEE/DPE/HT/TPT inspected the premises on 02.05.2019 and found the connected load as 117 HP against the sanctioned load of 99 HP. Basing on the inspection report, a provisional assessment notice was issued to the consumer. The provisional assessment notice dt : 08.05.2019 issued to the consumer shows that additional load connected to the consumer mains was detected on 25.10.2018 and a notice was issued to the consumer vide case NO.TPT/PILR/KLKO/AG/2310/18 and the same was regularized by the consumer by paying Rs.5,200/-. Aggrieved by issuing of provisional assessment notice the present complaint is filed before this Forum.



Respondents filed joint written submission in C.G. No.85/2019-20 and 84/2019-20 it appears that respondents simply copied down the written statement in both the cases and filed them in these two cases. In this case according to provisional assessment notice, notice was issued vide Case No. TPT/PILR/KLKO/AG 2310/18 for payment of Rs.5,200/-. But in written submission it was mentioned that a case was registered vide Case No. 1073/18 for payment of an amount of Rs.29,800/- and the said facts relates to C.G. No.85/2019-2020. Respondents also mentioned the date of detection of additional load to the mains as 28.05.2018. But according to inspection notes it was 25.10.2018. So also according to inspection notes the additional load detected was 18 HP but in written statement it was mentioned as 22.98 HP additional load was detected. Respondents are directed to be more careful in future while filing written statements with correct Case numbers and the amounts mentioned therein. Otherwise it will be very difficult for the Forum to mention the correct numbers and amount in the orders passed by the Forum.

Respondents did not file the copy of notice said to have been issued to the consumer for regularization of additional load. The inspection notes dt: 26.08.2019 at 12.30 Noon prepared by N. Rajasekhar Reddy, DEE/O/Piler shows that the total connected load is 99 HP + 240 W, the inspecting officer mentioned the connected load in Column No. VI. In Column No. VII of the inspection notes as:

***“ During inspection it is observed that the consumer has connected load of 99 HP + 240 W. The contracted load is 99 HP. The RMD is being exceeded in previous months due to improper maintenance of capacitor ”***

The inspection report prepared by V. Sreenivasulu DEE /DPE/HT/ TPT on 02.05.2019 shows that he had only mentioned MD history in the Column No. VI “**Connection Load**”. He has not recorded the actual connected load of the equipment in the premises.

In the Column No. VII “**discriminating points**” the inspecting officer stated as:

***“As per Clause No.12.3.3 of GTCS the consumer has un-authorized exceeded the contracted load and RMD is suitably fit for HT Category billing as per Clause No. 12.3.3.3 of GTCS. Therefore the short billing proposed for the value of energy and value of demand are short billed to be recovered from the consumer as per Clauses. 12.3.2 and 12.3.3.2 (ii) in order to save revenue loss sustained by APSPDCL LT to HT shortfall done for the period from 12/2018 to 05/2019, because the consumer agreed and regularized the exceeded load vide Case No. TPT/PILR/KLKO/AG2310/18 and***



*paid the requisite amounts on 31.12.2018 from that date onwards the consumer contracted load is HT category range”*

So, the above contents of inspection notes clearly shows that as the consumer paid additional load amount, the billing was converted from LT to HT. The inspecting officer did not record the connected load. He has not prepared the inspection notes in prescribed proforma as given in Appendix IV ( A) of GTCS. The inspecting officer come to conclusion that total load is 87 KVA/117 HP only basing on the MD history. The inspecting officer who prepared the inspection on 26.08.2019 after 3 months of prior inspection found the connected load is 99 HP + 240 W and he specifically stated that RMD is exceeded in previous months due to improper maintenance of capacitor .

Respondents also not filed any document to show that a physical inspection was made and found that consumer is having additional connected load after detecting of additional load to the mains on 25.10.2018. Respondents also not filed that they have issued notice to the consumer under the provisions of Clause No.12.3.3.1of GTCS prior to the payment of Rs.5,200/- on 29.12.2018. Respondents also did not state whether they have issued separate bill for payment of additional load charges or simply included in the bill. On visit of MATS login for this service connection, it came to light that an auto generated case was registered against this service No. on 25.10.2018. Mere payment of an amount which allegedly included in the bill on account of an auto generated case does not amounts to admission by the consumer that he is having additional load and regularized it and that payment will not empower the respondents to raise back billing without following the procedure contemplated in Clause No. 12.3.3 of GTCS.

**“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 k W 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 shows that a notice of one month shall be given to the consumer to regularize the additional connected load or part of additional load as per the requirement of consumer or to remove the connected load. Nowhere in the provision empowers the respondents to unilaterally levy short billing by converting the service connection from LT to HT only basing on the recording of RMD in the meter without physically detecting the connected load.

Respondents also did not file any document to show that a notice to regularize additional load by paying Rs.5,200/- was given to the consumer and he accepted it and paid the amount. Simply paying an amount which is included in the bill does not amount to having connected load. The procedure adopted by the respondents in issuing notice for short billing is not legal, valid and sustainable. The point is answered accordingly.

*“The Tariff Order for F.Y. 2018-19, issued by Hon’ble APERC for Category III - Industry is as follows :*

- 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. For the purpose of billing, 11 KVA shall be treated as being equal 1KW.*
- 2) *.....*
- 3) *Metering and Load Conditions*
  - i. *LT Trivector meter shall be provided for the consumers with contracted load of 15 KW/20 HP to 37.5 kW/50 HP.*
  - ii. *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.*



- iii. *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.*
- iv. *If the recorded demand of any service connection under this category exceeds the 75 kVA (1 kVA=1 kW), such excess demand shall be billed at the demand charges prescribed under HT Category – I (11 k V supply)."*
- v. *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".*

Respondents are entitled to issue bills as per the above Tariff Order only.

Tariff order for the F.Y. 2018-19 issued by Hon'ble APERC is also same as that of the Tariff Order for the F.Y. 2019-20 on material aspects. Respondents are only entitled to raise bill as per the above Tariff Orders when the consumer exceeds RMD over the connected load.

6. In the result respondents are directed to withdraw the bill raised for shortfall amount and directed to issue revised bill as per the tariff order for the F.Y. 2018-19 & 2019-20 under LT - Cat- III within 15 days from the date of receipt of this order and compliance report within 15 days thereon. However respondents are at liberty to inspect the premises and if they found connected load is excess than the contracted load to proceed against them as per the provisions of Clause No. 12.3.3 of General Terms and Conditions of Supply.

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 31<sup>st</sup> 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 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

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