

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:85/2019-20/Tirupati Circle

Present

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

Chairperson
Member (Finance)
Independent Member

Between

Y.Venkata Ramana,
C/o. M/s. Lakshmi Venkateswara Rice Mill,
Devalampeta Road,
Yerraiahgaripalli,
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

ORDER

1. The case of the complainant is that he is having connected load of 99 HP only but due to defect in the capacitors the MD had been shown as if he exceeded the contracted load. They have received a bill for payment of Rs. 3,72,570/- which is irregular and the same may be withdrawn.
2. Respondents filed written submissions stating that the consumer is having service connection No.5731200003967 under Cat - III with sanctioned load of 99 HP. Provisional Assessment order for shortfall amount based on present MD recorded was issued, according to inspection report of DPE/PILR/KLKO/3798/19 dt: 02.05.2019 and as per inspection report of ADE/ DPE consumer has exceeded contracted load of 22.98 HP and he is having connected load of 121.98 HP and the sanctioned load of 99 HP. Provisional assessment order was issued to the consumer dt: 06.05.2019 vide Lr. No. DEE/O/KLI/SE/F./D.No.452/2019. At the time of inspection it was found that connected load exceeded the contracted load by 22.98 HP and billing is done under LT-III category instead of HT billing even though the maximum demand recorded for this service is more than 75 KVA/ Month many a times and the same is being intimated to the consumer

DESPATCHED

DATE

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through the bills issued regularly 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 is significant factor both for the consumer and utility department to decide the connected load which is exceeded the sanctioned load. Where the consumer has un- authorisedly exceeded contracted load and RMD suitably fit for HT category billing as per provisions of Clause No. 12.3.3.3 of GTCS. Therefore the short billing was proposed for the period from 07/2018 to 05/2019. The additional load connected by the consumer to the mains was detected on 28.05.2018, issued notice to the consumer vide Case. No.TPT/PILR/KLKO/AG1073/18 and the same was regularized by the consumer by paying Rs.29,800 on 01.09.2018 and agreed that the excess load is being connected which crosses the LT limits. Hence short billing was raised from LT to HT for the above period. Provisional assessment order notice was issued to the consumer by Lr. No. DEE/O/KLI/SE/F. D.No.452/2019/ Dt: 06.05.2019 and requested that consumer if he is not agreeable to the above assessment he may make a representation to concerned EE/O 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 in dt : 04.06.2019 for interim directions not to disconnect the service connection for non-payment of the disputed bill.
4. An interim order was passed in I. A. No 06/2019-20 not to disconnect the service connection No. 57312000003967 subject to payment of ¼th of the disputed bill Rs. 3,72,570/- during the pendency of the complaint before this Forum.
5. Personal hearing was conducted at Tirupati on 19.11.2019.
6. The point for determination is whether the short billing raised against the service connection.No.57312000003967 for Rs.3,72,570/- towards short billing from 02.07.2018 to 02.05.2019 is liable to be withdrawn ?

According to respondents additional load connected by the consumer to the mains was detected on 28.05.2018 and issued notice to the consumer vide Case No. TPT/PILR/KLKO/AG1073/18 and the same was regularized by the consumer by paying Rs.29,800/- on 01.09.2018 and agreed that excess load connected by him crossed the LT limits. Subsequently DEE/DPE inspected the premises on 02.05.2019 and found the connected load is at 121.98 HP against the sanctioned load of 99 HP. It is pertinent to note that the inspection was conducted after lapse of 11 months of detection of additional load connected by the consumer to the mains. The inspection notes prepared by the DEE/DPE/HT/Tirupati Dt: 02.05.2019 shows that he has only mentioned MD history in Column No. VI '**connection load**'. He has not mentioned the total connected load as on

the date of inspection in his inspection notes. The inspection notes prepared by DEE/DPE/HT/TPT is not in accordance with the prescribed proforma given under Appendix IV (A) of GTCS.

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 28.05.2018 Respondents also not filed any document to show that they have issued notice to the consumer under the provisions of Clause No.12.3.3.1 of GTCS prior to the payment of Rs.29,800/- by consumer on 01.09.2018. 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 28.05.2018. Mere payment of an amount which was allegedly included in the bill on account of 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 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 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 shows that an option was given to the consumer either to regularize the additional connected load or to remove the same within one (1) month from the date of receipt of notice from the respondents. Without giving one month notice respondents are not permitted to convert the service of the consumer from LT billing to HT billing. No provision is placed before the forum without detecting additional connected load in the premises of the consumer, Respondents are entitled for converting the service connection from LT billing to HT billing only basing on exceeding of Recorded Maximum Demand recorded in the meter and without physical inspection of the premises of the consumer and detection of additional load.

The procedure adopted by the respondents is not legal, sustainable as such the bill raised by the respondents by converting the billing of the service connection from LT to HT is not legal and liable to be withdrawn. The point is answered accordingly.

“The Tariff Order for the 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 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.

7. In the result respondents are directed to withdraw the bill raised for shortfall amount and directed to issue revised bills as per the Tariff Orders 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**, 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.