

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 6th day of June 2020
C.G.No:183/2019-20/Vijayawada Circle

Present

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

Chairperson
Independent Member

Between

Y.N.V.K. Srinivas,
S/o. Late Venkataratnam,
Chinapandraka,
Kruthivenu Mandal,
Krishna -Dist.

Complainant

AND

1. Assistant Accounts Officer/Sub-ERO/Pedana
2. Deputy Executive Engineer/O/Pedana
3. Executive Engineer/O/Machilipatnam

Respondents

ORDER

1. Complainant presented a complaint stating that he is having Sc No.6244407000160 for his rice mill since 40 years. He is having 99 HP and his consumption load is less than 99 HP only. But in July' 19 an amount of Rs.2,96,750/- was included in CC bill without any notice stating that he is utilizing additional load and bill was issued for HT category instead of LT category. He is having less than 99 HP only. Previously on 08.02.2018 amount was included in the CC bill alleging that he is having additional load without giving any notice. Without observing the said facts they paid the amount. Now subsequently they issued bill for Rs. 2,96,750/- and when enquired in the office, he came to know that bill was given for shortfall amount. Complainant is requesting to withdraw the shortfall amount by taking physical load into consideration and issue bills under LT category only.
2. Respondents No. 1 to 3 filed joint written submission stating that service was released under LT Cat- III (A) with a contracted load of 75 HP. During July'2018, consumer has paid an amount of Rs.12,200/- towards additional load of 6 HP totaling the contracted load to 81 HP. During Feb'2018 to April'18 the consumer has exceeded

10/6

contracted load by 31.79 HP totaling to a connected load of 106.39 HP. Thereby an auto generated additional load amount of Rs.44,900/- has been included in the CC bill vide Case No. VIJ/MCP/PEDN/AG1283/18. The consumer has paid the additional load amount of Rs.44,900/- on 28.09.2018. Hence additional load is regularized and the total contracted load reached to 106.39 HP which comes under tariff applicable to HT supply. Later the shortfall amount of Rs. 2,96,000/- towards fixed charges was raised for the period from October'18 to June'2019 and included in CC bill of 07/2019. The above service was inspected by DEE/O/Pedana on 18.12.2019 and observed that connected load at the time of inspection is 80 HP.

3. The point for determination is whether the shortfall amount of Rs.2,96,000/- issued by the respondents towards shortfall amount of fixed charges for the period from 10/2018 to 06/2019 is liable to be withdrawn?

The written statement of the respondents clearly shows that on payment of Rs.12,200/- for additional load amount by the consumer during July'18 the contracted load of the consumer became 81 HP from 75 HP. Subsequently an auto generated case for additional load of 31.79 HP was raised and included in the bill. On payment of the amount respondents raised shortfall bill for the fixed charges for the period from October'18 to June'19 on the ground that on account of payment of additional load the contracted load of the consumer exceeded LT limits. Hence he is liable to pay fixed charges that are applicable to HT category. The shortfall amount was included in the CC bill of 07/2019.

According to the version of the consumer in the complaint, no physical inspection was made and on account of including of additional load amount in the CC bill they have paid and their connected load is less than 99 HP and that too including the amount in the CC bill without giving notice and after payment, raising shortfall amount towards fixed charges under HT category is illegal.

The written statement further shows that the service was inspected by DEE/O/Pedana on 18.12.2019 (i.e. subsequent to filing of the complaint before this forum) and observed that the connected load at the time of inspection is 80 HP. The file also shows that copy of the letter addressed from DEE/O/Pedana to EE/O/Machilipatnam dt: 20.12.2019 to the effect that the connected load of the service is less than contracted load and requested to arrange to derate the contracted load to 81 HP and to issue necessary instructions to JAO/Sub-ERO/Pedana to bill the service under LT Cat-III.

The contents of the above said letter clearly shows that the connected load of the consumer is less than contracted load of 81 HP and additional load case was registered basing on the auto generated case without physical inspection . In this connection it is relevant to refer Clause No.12.3.3.2 of GTCS which is as follows :

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.*

Respondents did not follow the above provision. Including additional load amount on account of auto generated case in the CC bill and on payment of the said amount by the consumer inadvertently raising shortfall amount towards fixed charges from the date of payment of additional load amount is against the above provision. Hence it is arbitrary, illegal and liable to be set aside. The point is answered accordingly

4. In the result the back billing amount raised by the respondents for an amount of Rs.2,96,000/- is hereby set aside . The additional load amount of Rs. 44,900/- paid by the consumer on account of inclusion of that amount in CC bill shall be adjusted towards future CC bills. Respondents are directed to 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**, 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 6th June 2020.

Sd/-
Independent Member

Sd/-
Chairperson

True Copy
09/06/2020
Member/Finance

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/TP'T

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh, Flat No: 401, 4th Floor, Ashoka Chambers, Opposite to MLA Quarters, Adarsh Nagar, Hyderabad-500063.

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