

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

On this the 23rd day of March' 2021

C.G.No:57/2020-21/ Guntur Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao

Sri. R.M.M. Baig

Sri. Y.Sanjay Kumar

Sri. Dr. R. Surendra Kumar

Chairperson

Member (Finance)

Member (Technical)

Independent Member

Between

K.Chand Bee,
M/s. Elahee Mineral Industries,
Madina Estates,
Guntur Road,Pidiguralla,
Guntur Dt.

Complainant

AND

1.Assistant Accounts Officer/ERO/Piduguralla

2.Deputy Executive Engineer/Piduguralla

3.Executive Engineer/O/Macherla

Respondents

ORDER

1. The case of the complainant is that complainant is having service connection No. 1422100008302 under LT Cat -III for 99 HP load and the service is in existence since 20 years. An amount of Rs.1, 10,470/- towards "ACD" is included in CC bill and service was disconnected on two occasions. Surcharge of 24% is also included on ACD. But Respondents are crediting only 6% interest on their balance of ACD per annum. Their economic condition is not good due to Covid - 19. About 60 families are depending on the industry. Hence requested to withdraw ACD bill amount from their regular bill, refund the interest collected on the ACD due amount for the last 6 months and credit the same to their account. She has paid bills regularly up to the date of presenting the complaint.

2. Respondent No. 2 filed written submission stating that a notice was issued to the consumer to pay ACD amount of Rs.1,10,470/- as per ACD demand notice issued vide Lr. No. AAO /ERO /PDRL /JAO /SA /D.No.807/20,dt: 23.05.2020.

DESPATCHED

Since consumer has to keep security deposit with APCPDCL equivalent to 2 months CC bills as per the regulations of Hon'ble APERC. Consumer has not paid the ACD amount within the due date and un-paid ACD amount was included in the regular CC bill. Consumer has failed to pay ACD amount within the due date mentioned in the ACD notice. Surcharge has been calculated and included in the CC bill at 18 % per annum. Service is liable for disconnection.

3. Personal hearing was conducted through video conferencing on 17.02.2021. Mastan Valli H/o. K. Chand Bee, Complainant, Respondent No.3 present and heard.
4. Point for determination is whether ACD amount included in the CC bill is liable to be withdrawn along with surcharge?

The contention of the complainant is that without giving notice Additional security deposit amount is included in CC bill and also included surcharge on it in the CC bill and it is against rules. It is relevant to refer Clause. 6 of **“Regulation No. 06/2004 (amended vide Reg. No. 02/2019 with effect from 16.02.2019)**

6. ***“Review and payment of Additional Security Deposit for the electricity supplied:***

1) General Review

Subject to the billing periods of three months or two months as specified in Clauses 4, the adequacy of the amount of security deposit in respect of consumers shall be reviewed by the licensee generally once in every year (preferably after revision of tariff for the respective year) based on the average consumption for the period representing 12(twelve) months from April to March of the previous year.

Provided that in case of HT consumers, the adequacy of the amount of security deposit shall also be reviewed based on the previous six (6) months average consumption by the Distribution Licensee during October of every year and shall serve one month notice for making payment, if required.

2) Demand notice for Additional Security Deposit

- a) *Based on review as per sub-clause (1) above, demand for shortfall or refund of excess will be made by the licensee.*

Provided, however, that if the security deposit payable by the consumer is short by or in excess of not more than 10% of the existing security deposit, no demand for shortfall will be made for payment of Additional Security Deposit and the consumer shall not be entitled to demand the refund of the excess.

- b) *If the existing security deposit of a consumer is found to be in excess by more than 10% of the required security deposit, refund of the excess security deposit shall be made by the Licensee by adjustment of the then outstanding dues from the consumer to the Licensee or any amount becoming due from the consumer to the Licensee immediately thereafter.*

- c) *Where the consumer is required to pay additional security deposit, the Licensee shall issue to the Consumer a 30 days advance notice specifying the amount payable with supporting calculations.*

3) *Surcharge for belated payment of additional security deposit*

- a) *The consumers shall pay the additional security deposit within thirty days from the date of service of the demand notice issued by the licensee.*

- b) *If there is any delay in payment, the consumer shall pay surcharge thereon at 18% per annum or at such rates as may be fixed by the Commission from time to time, without prejudice to the licensee's right to disconnect supply of electricity, as per this Regulation.*

4) *Disconnection for non-payment of security deposit for the electricity supplied*

In the case where additional security deposit is demanded by the licensee in terms of Clause 6, and the consumer does not make

payment, the supply to the consumer shall be liable for disconnection, without any further notice”.

The above regulation shows that initial security deposit shall be reviewed once in a year (preferably after revision of tariff of respective year) based on the average consumption for the year representing to twelve (12) months from April to March of the previous year. In the case of HT consumers, the adequacy of security deposit shall be reviewed based on six months average consumption during October of every year and shall serve one month notice for making payment, if required.

Respondents did not file any documentary evidence to show that a notice demanding for the shortfall of the security deposit has been issued. The grievance of the complainant is also that the balance of security deposit amount has been included in the CC bill without giving a notice to her. No provision is placed by the respondents before this forum that they are empowered to include shortfall amount of ACD in CC bill without giving a notice of one month for making the payment. Serving of notice is mandatory. Since respondents fail to prove that notice was issued to the complainant, inclusion of shortfall amount of ACD in CC bill without one month notice is not valid and sustainable. The point answered accordingly.

5. In the result, Respondents are directed to withdraw ACD amount of Rs.1,04,070/- included in the CC bill of the complainant's service No.1422100008302 and also the surcharge levied if any on the above said amount within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon. However Respondents are at liberty to issue notice to the complainant to pay the required amount as security deposit in accordance with Regulation 06/2004 as amended vide Regulation. 02/2019.

If aggrieved by this order, the Complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, 3rd Floor, Sri Manjunatha Technical Services, Plot

