

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:80/2020-21/ 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

A.Srinivasa Rao,
M/s. Sri Tirumala Industries,
25-16-223/B,
G.T. Road,
Guntur Dt.

Complainant

AND

1. Assistant Accounts Officer/ERO/Guntur Town-1
2. Deputy Executive Engineer/Guntur Town-3
3. Executive Engineer/O/Guntur Town-1

Respondents

ORDER:

1. The case of the complainant is that he is the Proprietor of M/s. Sri Tirumala Industries having service No.1113300360356 under Cat LT-III (A). Their service was converted from HT category to LT Cat-3(A). They have presented a complaint on 05.09.2019 and 22.10.2019 against issuing of back billing case notices for an amount of Rs. 4,76,728/- and as per the order of the forum the above said amount is withdrawn. Auto generated case was registered from 06/2018 to 03/2019 and basing on that back billing notice was issued towards HT shortfall amount and notice was served on 03.04.2019. The shortfall amount between April' 19 to October' 19 for an amount of Rs. 2,66,914/- was not reduced. But back billing amount of Rs.4,76,728/- and auto generated HT billing amount of Rs.4,49,053/- for the period between November' 19 to August' 2020 total an amount of Rs.9,25,781/- was withdrawn. The meter was damaged in the month of August'19. Meter was changed in September'19. Even after change of meter the service is billed under HT. ADE

inspected the premises in the month of November'19 and withdrawn the HT shortfall billing from the ledger between November' 19 to August'20. But HT shortfall billing for the period between April' 19 to October' 19 is not withdrawn and they received CC bill in the month of November'2020 for Rs.4,39,261/- which includes the HT shortfall billing amount and surcharges. Hence requested to withdraw the HT shortfall billing amount and surcharge thereon from CC bill of November'2020.

2. Respondent No.3 filed written submission stating that the service is billed under LT -III with sub- category (A) for Chilli Powder Industry. The service was physically inspected by AE/DPE-1 Guntur on 03.04.2019 and found that the total connected load of the service is 120 HP + 3290 watts in the presence of A. Praveen Kumar, Son of the complainant and he signed in it. But on verification of the MATS data of the service by the AE/DPE-1/Guntur, it was found that the additional load of 24.35 KW was already regularized totaling to 98.2 KW or 130.93 HP contracted load on payment of Rs.46,600/- on the auto generated additional load case No. GNT/GNTT/GNT-3/AG177/18, Dt: 28.05.2018. (due to exceeding the CMD of 73.85 KW with RMD of 98.2 KVA for May'2018). Hence additional load case could not be booked again and serving of additional load notice to consumer by obtaining dated acknowledgment was not taken place as the total load of the service is 120 HP + 3290 W which is less than the contracted load of 130.93 HP after payment of additional load charges against the auto generated additional load case on 20.08.2018 through CC bill.

In view of the above reasons, the inspecting officer proposed for short billing under HT Industrial category tariff from the date of auto generated additional load case on 28.05.2018 for an amount of Rs.4,76,728/- vide Case No. DPE/GNT/GNT/6594/19 Dt: 03.04.2019 which was completely withdrawn as per the orders of the forum dt: 10.12.2019 issued in C.G No.181/2019-20 /Guntur Circle.

However the service was billed at HT Industrial category tariff from 03.04.2019 i.e. from the date of physical inspection of the service by AE/DPE-1/ Guntur as the total connected load of 120HP + 3290 W has been confirmed during the inspection which falls under HT Industrial category tariff and also consumer has not made any

application for deration of load which is above 100 HP even though this aspect is well known to the consumer as the service was converted previously from HT category to LT category by applying for deration of load to 73.85 KW or 98.47 HP i.e. below 100 HP limit for applicability of LT Cat-III A.

Subsequently consumer made a representation on 09.10.2019 to the DEE/O/ Town-3/Guntur stating that they are using only one motor of capacity of 74 HP. Basing on the representation, Dy. EE/O/ Town-3/Guntur had inspected the service on 09.10.2019 and found that total connected load using on the said service is only 58.59 KW or 78.12 HP. Accordingly basing on the inspection of Dy.EE/O/ Town-3/Guntur, the HT billing was withdrawn from 09.10.2019 for an amount of Rs.4,49,053/- by limiting the total contracted load to 99 HP under LT Cat-III A.

HT billing was done for the period in between two physical inspections of the said service on 03.04.2019 by the AE/DPE-1/ Guntur who found total connected load as 120 HP + 3290 W during his inspection and on 09.10.2019 by Dy. EE/O/Town-3/Guntur who found the total connected load is only 58.59 KW or 78.12 HP. Both the inspections are made in the presence of A. Praveen Kumar S/o. A. Srinivasa Rao (Complainant herein) who signed in the inspection notes. Thus he acknowledged the connected loads available at the time of both the inspections. HT billing amount of Rs.2,66,895/- for this period is not levied based on the auto generated case. But only based on confirmed connected load used by the consumer during the physical inspection of the service.

In view of the above, issuing of notice demanding consumer again for the same additional load charges is not correct. It is the legitimate revenue to be paid by the consumer for the utilization of more than 100 HP loads which falls under HT Industrial category tariffs as per the GTCS Clause No.12.3.3.3.

The fact of availability in the service was also revealed from the recorded readings in the energy meter of the service as the excess RMDS of 76.7 KVA for April'18, 98.2 KVA for May'18 and 76.7 KVA for June'18 continuously for 3 months against CMD of 73.85 KW. It clearly shows that consumer using the loads more than 100 HP according to his

requirement after conversion of HT service to LT service. Hence the complaint may be dismissed.

3. Personal hearing through video conferencing was conducted on 07.01.2021 and 17.02.2021. Complainant's son A. Praveen Kumar, respondent No.3 present and heard.
4. Point for determination is whether HT billing issued for the period from April' 19 to October' 19 for an amount Rs.2, 66,914.57 is liable to be withdrawn?

Complainant himself stated that he got converted the service No.1113300360356 from HT to LT Cat -III (A). Complainant filed an application for withdrawal of bill issued from Nov'19 to August'2020 and his complaint was registered as C.G No.181/2019-20 in view of non-compliance of procedure as per Clause No. 12.3.3.3 of GTCS. This forum directed to withdraw the back billing. Complainant filed this complaint stating that respondents did not withdraw HT shortfall billing for the period between Apr'19 and Oct'19. Complainant admitted that respondents have also withdrawn HT shortfall billing from November'19 to August'2020.

According to respondents physical inspection was conducted on 03.04.2019. Mr. A. Praveen Kumar S/o. Complainant was present and it was found that total physical connected load as on the date of inspection was 120HP +3290 W. C. G. No. 181/2019-20 filed by the Complainant was registered by the forum on 13.09.2019. Complainant in that complaint did not state about the physical inspection conducted by AE/DPE/Guntur on 03.04.2019. According to respondents, on the representation of complainant (i.e. subsequent to filing of C.G. 181/2019-20) that they are using only motor of capacity of 74 HP, Dy.EE/O/T-3/Guntur inspected the premises on 09.10.2019 and found that total connected load using on the service is only 58.59 KW or 78.12 HP. Basing on the said inspection EE/O/Town-3/Guntur said to have withdrawn HT billing from 9.10.2019 for an amount of Rs.4,49,053/- by limiting his total contracted load to 99 HP under LT Category-III (A).

The contention of the complainant is that HT shortfall billing for the period between 03.04.2019 and 09.10.2019 i.e. the period between the two (2) inspections referred above also has to be withdrawn on the ground that it is also raised against his service on the basis of alleged auto generated case. But in fact the billing for this

disputed period was raised only on confirmation of the connected load after physical inspection of the service. It is an admitted fact that Mr. A. Praveen Kumar, S/o. complainant who also appeared before this forum for personal hearing through video conferencing was present and signed in it. No application was filed by complainant objecting the contents of physical inspection notes. Complainant also did not state that he is not having connected load as mentioned by the inspecting officer in his report dt: 03.04.2019.

Subsequently after six months on his representation that he is using only one motor of 74 HP. Dy.EE/O/Town-3/Guntur inspected the premises on 09.10.2019 in the presence of Mr. A. Praveen Kumar (S/o. The complainant and who was present on the earlier occasion of inspection on 03.04.2019) and found that the connected load is 58.59 HP and A. Praveen Kumar also signed in it. Respondents have also withdrawn HT shortfall billing from 09.10.2019 i.e. the date of second inspection.

According to respondents, on verification of MATS data of the service by AEE/DPE -1/Guntur, it was found that additional load of 24.25 was already regularized totaling to 98.2 KW or 130.93 HP contracted load on payment of Rs.46,600/- on the auto generated additional load case No. GNT/GNTT/GNT-3/AG177/18 Dt : 28.05.2018 . The physical connected load of 120 HP + 3290 W which is less than the contracted load of 130.93 HP after payment of additional load charges on 20.08.2018 through CC bill. Hence additional load case was not booked.

It is relevant to refer Clause No. 12.3.3.2 of GTCS which is as follows:

Clause 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 regularize 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 regularizing 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 regularized 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.

So the question of issuing notice under Clause No. 12.3.3.2 of GTCS in this case does not arise at all since consumer is having load more than 100 HP, the service shall be billed at the respective HT tariff rates from the consumption month in which unauthorized additional load is detected. Since the complainant who is having more than 120 HP + 3290 W, his service shall be billed under respective HT tariff rates from the date of inspection. As per Clause No. 12.3.3.2 (iii) of GTCS, if the consumer opts to remove the additional connected load and later if the additional load is found connected during subsequent inspections, penal provisions shall be invoked as per the rules in vogue. So the contention of the complainant is that as this forum in its order in C.G No.181/2019-20 directed the respondents to withdraw the amount for the period

between June '18 to 03.04.2019 and as respondents themselves have withdrawn HT short fall billing from 09.10.2019, is entitled for withdrawal of HT shortfall billing between 03.04.2019 and 09/2019 is not correct. Complainant who is having connected load more than LT limits is liable to pay CC bills as per respective HT tariff rates from the date of inspection. Respondents have rightly issued HT shortfall billing for the period between two inspections. There are no merits in the complaint and complaint is liable to be dismissed. The point answered accordingly.

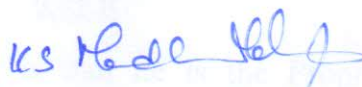
5. Hence the complaint is dismissed.

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 23rd March'2021.

Sd/- Sd/- Sd/- Sd/-
Member(Finance) Member(Technical) Independent Member 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 (Chief General Manager (O&M)/ Operation)/ CGRF/ APSPDCL/ Tiruati.

Copy to the Chairperson/CGRF/APCPDCL/Vijayawada

Copy submitted to the Chairman & Managing Director/APCPDCL/Vijayawada

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.