

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

On this the 16th day of January' 2021

C.G.No:50/2020-21/Kadapa Circle

Present

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

Chairperson
Member (Finance)
Independent Member

Between

P. Pratap Reddy,
Thurupupalli,
Anantharaupeta,
Koduru,
Kadapa Dt.

Complainant

AND

1. Senior Accounts Officer/ ERO/Kadapa
2. Executive Engineer/O/Rajampeta
3. Superintending Engineer/O/ Kadapa

Respondents

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ORDER

1. The case of the complainant is that Licensee has not waived fixed charges /demand charges for the month of June'2020 for an amount of Rs. 14,04,375/- and to refund the amount paid by him.
2. Respondents filed joint written submission stating that representation of the consumer for waiver of minimum consumption charges was forwarded to CGM, Revenue & IA APSPDCL, Tirupati . In G.O. Rt. 103 Dated 15.05.2020, the Government after careful examination of the matter issued operational guidelines vide G.O. Rt. No.104 dated 19.05.2020 for implementation of Re -Start Programme. Under guideline No.2.12, it is stated that the eligibility for waiver of Fixed/ Demand charges against the Contracted Maximum Demand (CMD) for MSME (or) penalty /interest in respect of deferment shall be recommended by the committee. Due to under Category-III C, the service

has no demand charges, it has only energy, ED and customer charges. The committee also rejected stating that service is not eligible and the same was mentioned in the reply given to consumer vide Memo No. CGM(R& IA)/GM (Rev) /AO/HT/AAO/HT/D.No.1107/2020 dt : 24.08.2020.

The relief measures relating to the power sector are as follows: {(Extract of point No. 9 (ii and V)}..

- ii) ***“Waiver of fixed/demand charges against the Contracted Maximum Demand (CMD) for MSME manufacturing and allied units for a period of 3 months from April-2020 to June-2020.***
- V). ***deferment of fixed/demand charges against the Contracted maximum demand (CMD) for large and Mega units for 3 months without interest or penal charges from April-2020 to June-2020”***

As per G.O. Rt NO.104 dt: 19.05.2020 of Industries & Commerce (P & I) Department, Operational guidelines were issued by the Government of A.P. that the eligibility for waiver of fixed/demand charges against contracted maximum demand for MSME and Penalty /Interest in respect of deferment for large and mega units shall be recommended by the Committee which shall be disbursed into the bank account of the unit concerned. The scrutiny committee under the chairmanship of GM, DIC will verify and recommend to the Directorate of Industries for availing relief under ‘RESTART POLICY’.

As per the instructions issued above, waiver/ deferment of fixed /demand charges only are covered. Waival of minimum consumption charges is not covered under this scheme. The fact was also intimated to the consumer by letter dated 24.08.2020.

It is further submitted that Licensee has no authority for waiver and the committee under the chairmanship of GM, DIC (as per G.O.RT No.104 dt: 19.05.2020) is competent authority for waiver of fixed/demand charges. Committee examined the consumer request for waiver and rejected.

DESPATCHED
DATE 18/11/20

3. Personal hearing was conducted through video conferencing on 23.12.2020. Respondent No. 2, complainant present and reiterated their versions. Complainant also sent another mail on 29.12.2020 stating that energy charges will be billed on the basis of actual energy consumption or 50 KVAH/KVA month of contracted demand whichever is higher. Tariff Order for the F.Y. 2020-21 at page 229 says:

6.5 : “Monthly minimum charges: Every consumer whether he consumes energy or not shall pay monthly minimum charges calculated on the billing demand plus energy charges specified for reach category to cover the cost of a part of the fixed charges of the Licensee” .

G.O Rt. No.104 dt: 19.05.2020 was issued by the Government of A.P. to help out the MSME units in the state impacted by Covid -19 pandemic states. The above said G.O. was brought to help the MSME units in distress time and it is applicable in spirit and intent.

4. The point for determination is whether the complainant is entitled for waiver of minimum consumption charges?

According to the respondents, the committee constituted under the chairmanship of GM,DIC is competent to examine the request of consumers for waiver of fixed/demand charges and that committee had already rejected the application of the consumer and that licensee is not competent to waive the minimum energy charges. The relevant points for waiver/deferment of fixed /demand charges are given in G.O.Rt No.103 at points II & V in para 9 at page 3 of G.O. Rt. No. 103 dt :15.05.2020 are as follows :

ii : *“Waiver of fixed/demand charges against Contracted maximum demand for MSME manufacturing and allied units for a period of 3 months from April 2020 to June’2020.*

v: *Deferment of fixed/demand charges against Contracted Maximum Demand for large and mega units for 3 months to all large and mega industries without interest or penal charges from April’ 2020 to June’ 2020”.*

Complainant’s contention is that the above said GO’s were issued by the Government of A.P. to help out MSME units in state affected by Covid-19 pandemic and it has to be applied in letter and spirit. Complainant himself mentioned in the letter addressed by it to the CMD of the Licensee stating that Ferro Alloys Industries falling under intensive category, have a separate Tariff comprising of energy charges and minimum consumption charges without demand charges in view of their very high load factor. According to the complainant, the Go’s issued by the Govt. of A.P. for waiver of fixed/demand charges for a period of 3 months for manufacturing and allied units is also applicable to it on the ground that Ferro Alloys Industries falling under power intensive category is liable to pay energy charges and minimum consumption charges and as the unit was completely closed in the month of June’2020, it need not pay minimum consumption charges.

The proceedings before this Forum are summary in nature. This Forum can interfere and pass orders when Licensee fails to follow the directions given by the Hon’ble Commission from time to time or fail or omit to follow the provisions of GTCS and the Electricity Act. This Forum is not competent to interpret the GO’s so as to give a finding whether minimum charges payable by Ferro alloys industries have

also to be waived. Admittedly a committee constituted as per Clause 2.8 of G.O. Rt. No. 104 Industries and Commerce (P& I) Department dt : 19.05.2020 is competent to determine the eligibility of the units for waiver.

Respondents took a specific plea that the committee examined the request of complainant and rejected. So this forum is not competent to pass any orders in this case. The complaint is not maintainable before this forum.

5. In view of the above reasons 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 16th January' 2021.

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 (Chief General Manager /O& M)/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.

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