

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

On this the 30th day of November 2020

C.G.No.24 /2020-21/ Nellore Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

S.Gouse Basha,
C/o.M/s. Khaja Mineral Suppliers,
D.No.5/26,
Brahmana Street,
Gudur,
Nellore Dt..

Complainant

AND

1.Deputy Executive Engineer/ O/Gudur
2.Executive Engineer/O/Gudur

Respondents

ORDER

1. The case of the complainant is that he received a notice for short billing after 9 months. After receipt of notice, he approached AEE and other officers and informed about the grievance. There after the officers inspected the premises and converted the service to LT billing. He has paid Rs.22,500/- without knowing for what purpose he had paid that amount. His service is in agriculture feeder. He is getting only supply for 4 to 5 hours only. It is the responsibility of the respondents to rectify the mistake. Hence requested to revise the bill.
2. Respondent No. 2 filed written statement stating that additional load notice was issued to complainant on 25.03.2019 for exceeding contracted load of 76.2 KW by utilizing 86.2 KW i.e. excess load of 11.6 KW and requested to pay an amount of Rs.22,500/- for regularization of additional load. After expiry of one month notice period, this amount was included in CC bill issued during 05/2019 duly furnishing the details in CC bill. Since then the

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details of this amount had been furnished separately in monthly CC bill including notice number till the consumer had paid the amount on 11.07.2019. After receipt of additional load payment, the difference amount due to additional load was not included immediately and the same was pointed in internal audit and due to that notice was issued by AAO dt: 05.11.2019 for shortfall amount from August'19 to October'19 for Rs.1,28,757/- and since then the difference of LT and HT has been included by RJ every month up to 02/2020. The consumer removed the connected load and applied for deration from 116 HP to 100 HP with due knowledge only. It is true that when the load was changed in the master in the month of 09/2019 due to exceeding of load, the existing load 100 HP has been entered as 75 KW instead of 100 HP erroneously and that was rectified in the month of 03/2020. It was happened due to manual mistake at the time of changing of load. Reasons for change of billing from LT to HT is due to exceeding of LT limits and after payment of additional load amount only, but not due to mistake. The load has been derated from 116 to 100 HP with effect from 23.03.2020, on the application of the complainant dt: 13.02.2020 and since then billing is being done in LT tariff. Based on the MD recorded as 86.20 KW more than LT limits of 75 KW the billing was done under HT tariff as per rules and regulations in vogue. According to rules and regulations the consumer shall be deemed to have full knowledge of the provisions of Electricity Act and all regulations and notifications made there under. All the information had been served to the consumer as per the departmental procedure.

3. The point for determination is whether the shortfall billing raised by the respondents is sustainable?

According to the respondent's written statement, the additional load case was booked against the service of the complainant by way of an auto generated case on 25.03.2019. According to respondents they have served

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notice in respect of detection of additional load and to pay the additional load amount to the consumer. But the copy of the notice served on the complainant was not filed by the respondents before this forum.

According to respondents after lapse of one month of notice the amount was included in CC bill of May' 2019 and the amount was paid by the complainant on 11.07.2019. Respondents admitted that even after the additional load amount paid by the complainant, the load was not changed in the master. This fact was found by the internal audit and on their query only a short fall billing was raised against the complainant. Respondents did not specifically state whether they have physically inspected the premises and found the exact connected load after registering auto generated case or subsequent to payment of additional load amount ^{made} by the complainant. Mere payment of additional load amount which is included in the CC bill itself is not sufficient to conclude that complainant admitted about his connected load and his connected load is more than 100 HP. It is an admitted fact that immediately after receipt of shortfall billing notice, complainant approached the respondents with an application for deration of load from 116 HP to 100 HP on 13.02.2020 and the load was derated with effect from 23.03.2020. Without application by the complainant respondents will not derate the load even if they found that complainant is having a load of 100 HP only and not 116 HP. So, mere filing of application for deration of load by the complainant is itself not sufficient to conclude that complainant is having 116 HP and to get the service converted to LT from HT only he has filed an application for deration.

Respondents have not shown any authority that they can raise bills against the consumer under HT only on the premise that consumer had paid additional load amount which was included in the CC bill basing on auto generated case. There is a specific provision in GTCS under Clause No. 12.3.3 for the additional loads detected in LT service cases. Respondents

without following the provisions therein are not expected to unilaterally convert the service from LT to HT on the ground that as per the auto generated case consumer is having excess load or only basing on the fact of exceeding RMD by the consumer.

The tariff order issued by the Hon'ble Commission for the F.Y. 2019-20 provided procedure for LT-III consumers when they exceed 75 KVA under sub - clause (2) (v) (b) of LT Category -III (A).

Respondents are permitted to raise bills as per the above said provision only. Respondents without following specific provisions of Clause No.12.3.3 of GTCS raised bill and the same is not sustainable and liable to be set aside. The point is answered accordingly.

4. In the result respondents are directed to issue revised bill basing on the observations made by the forum above and as per tariff order for the F.Y.2019-20 issued by the Hon'ble Commission for category-III (A) 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 30th November'2020.

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order

123 H. S. K. G.

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.

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