

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

On this the 27th day of May 2021

C.G.No:86/2020-21/Tirupati Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

M.Gurumurthy,
D.No:13-15/1,
Srinivasa Nagar, Avilala,
Tirupati,
Chittoor-Dist.

Complainant

AND

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

Respondents

* * *

ORDER

1. The case of the complainant is that he has applied for 5 LT new electrical connections for his house on 25.11.2019 and 20.08.2020 for a load of 17 KW (3KW X 4 No's, 5 KW X 1 No.). He had paid Rs.25,090/- as development charges in November'2019. When he approached AE, he informed him to install DTR and new lines are to be provided for erecting transformer. Dy.EE/O/Tirupati also inspected the site and informed that he had to pay the estimate charges including the cost of DTR, new lines and poles cost after lapse of more than one year. AE and Dy.EE are interpreting the meaning of multi storied building in their own way and stating that the height of the building is more than 15Mts. So many times, he had done re- registration of

DESPATCHED
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application by paying Rs. 100/- even though no action had taken. He also approached Executive Engineer and explained about his grievance but he had also supporting his staff and not acting according to G.O. Ms. No. 168 (MA & UD Department) dt : 07.04.2012. Recently Hon'ble APERC issued certain guidelines on 08.01.2021 on Licensee's duty for supply of electricity for new LT connection as stipulated in proceedings No. Secy/E-202/16/ 2020-21 dt:08.01.2021. Hence his rights be protected and take appropriate action against the officers.

2. Respondents No. 1 to 3 filed joint written submission stating that complainant has applied for release of five domestic electrical service connections (Load of $4 \times 3 \text{ KW} + 1 \times 5 \text{ KW} = 17 \text{ KW}$) for the building bearing No. D.13-15/1 Avilala Village. The complainant is already having 3 service connections (13 KW) for the said building. To comply with his request, for releasing of services, the capacity of the existing Distribution transformer has to be enhanced from the existing 160 KVA to 250 KVA since the existing DTR is already over loaded. Further since there is a space constraint at the premises of the complainant to erect a suitable capacity Distribution transformer. Hence the only remedy left to release the new services is to enhance the capacity of DTR from 160 KVA to 250 KVA as per the sanction given by respondent No.3 stating that the height of the building is more than 15 Mts. So services can be released subject to payment of estimated amount of Rs.1,83,660/-. But the complainant deferred with the height of the building and requested to release a service connection considering the building height is less than 15 Mts. APSPDCL authorities got inspected the said building by another official and reported that the complainant has constructed G+5 floors with a total height of 19.7 Mts and top floor is partly completed and part of the ground floor, one residential portion constructed. Even for the G+4, total height of the building is 16.4 Mts. As per the proceedings in APERC/E-202/DD-Dist/2016 dt: 09.09.2016 of APERC and

DEFERRED

Memo No. CGM/Opn/SPDCL/TPT/ F.Dev. Charges/ D.No.320/2016 dt:16.09.2016 specifically mentioned that if any building height is more than 15 Mts excluding the stilt floor, the cost of the DTR will be collected from the consumer. As per the existing rules vide Memo No. CGM/O/SPDCL/TPT./EE/C/F.Reg 4/ D.No.100/21 Dt 27.01.2021, which is as follows :

Amounts to be collected from the applicants for new service connections/additional loads		
Category	Amounts to be collected	Exemptions/Remarks
All LT categories except Agriculture	i) Cost of distribution Transformer including DTR structure put together (or) development charges whichever is higher ii) Cost of 11 KV line iii) Cost of LT line iv) Security Deposit	i) Cost of meter and allied metering equipment shall be borne by the Discom ii) The consumer applies for load below 20 KW for multistoried building, service to be released in the existing DTR, unless consumer applies for dedicated DTR and pays the requisite charges. iii) The consumer applies for load above 20 KW or more than 5 No's services, cost of dedicated Distribution Transformer including DTR structure to be collected.

If the consumer applies for a load above 20 KW or more than 5 No's of services cost of dedicated DTR including DTR structure to be collected. Notice was issued to complainant on 29.12.2020 for enhancing the capacity of DTR. But complainant did not comply the same and presented the complaint with malafide intention. Hence the complaint may be dismissed.

3. Personal hearing through video conferencing was conducted on 19.04.2020. Both the complainant and Dy. EE/O/Tirupati present. No oral evidence is produced by both parties. Both parties reiterated their version mentioned in the pleadings.
4. Point for determination is whether complainant is entitled for 5 service connections without payment of cost of Distribution Transformer and line cost?

The contention of the complainant is that he has applied for 5 LT new electrical connections with a load of 17 KW in the month of November' 2019, the height of his multi storied building is less than 15 Mts. So he is not liable to pay DTR cost as the proceedings issued by Hon'ble APERC withdrawing the exemption of payment of cost of DTR for the multistoried building below 15Mts is subsequent to his application for release of new service connections.

On the other hand the contention of the respondents is that complainant is already availing 3 service connections with 13 KW for the said building Complainant constructed G+5 floors with a total height of 19.7 Mts and top floor is partly completed and in part of the ground floor, one residential portion is constructed. Even the total height for G+4 is 16.4 Mts.

CGM/O/ APSPDCL/TPT issued a Memo dt: 27.01.2021 as per the Proceedings of Secy/E-02/16/2020-21, dt: 08.01.2021. Complainant is liable to pay the amounts: 1. Cost of DTR including DTR structure or development charges, 2. Cost of 11 KV line 3. Cost of LT line and 4. Security Deposit by all the LT category service connections.

Though complainant disputed the height of the construction of G+ 4 is more than 15 Meters, he has not submitted any application in writing to the respondents for measurement of the building in his presence. So also he did not chose to get measured the height of the building by a competent person

from municipal corporation, Tirupati. He has also not filed copy of approved plan for construction of multi storied building. So there is no documentary evidence filed by the complainant before the Forum to show that the height of his multistoried building is below 15 Mts and not 16.4 Mts as claimed by the respondents.

The complaint is filed before this forum on 25.01.2021 and it is registered on 29.01.2021. Admittedly by the date of presenting the complaint into the Forum, the Hon'ble APERC issued orders permitting the licensee to collect cost of distribution transformer by withdrawing the exemption for payment of DTR cost for the multi storied buildings below 15 Mts. So the height of the multi storied building is not relevant for the purpose of payment of DTR as the exemption granted earlier for the multi storied buildings below 15 Mts is withdrawn. So the contention of the complainant that though he had applied in November'2019, the same was not considered. So he is not liable to pay cost of DTR is not tenable as his complaint was filed before the Forum subsequent to the order of Hon'ble Commission permitting to withdraw exemption of payment of cost of DTR by the licensee. So also complainant failed to prove that the height to his multistoried building is below 15Mts after the exemption granted as per G.O. Ms. No. 168 (MA & UD Department) dt : 07.04.2012.

Complainant admitted that there is no space available in his premises to erect DTR. The cost of exempting DTR is given for multi storied buildings where DTR can be erected exclusively in that premises. But in this case as there is no space available in the premises the question of providing DTR free is not applicable.

According to respondents, the existing 160 KVA DTR is already over loaded and capacity of nearby existing 160 KVA DTR is to be enhanced to 250 KVA for releasing of service connections to the/complainant . There is also space constraint at the premises of the complainant to erect suitable

DTR. The only remedy available in this case is to release new services by enhancing the capacity of DTR. So the services can be released subject to payment of estimated amount of Rs.1,83,660/-.

Even according to complainant, the nearby DTRs are at a distance of 500Mts and 700 Mts. But according to him there is no over load. But on the other hand according to respondents the existing contracted load of DTRs is 225 KW against the DTR capacity of 160 KVA and load of another adjacent DTR is 372 KW against the DTR capacity of 315 KVA.

Already complainant contracted load is 13 KW and now proposed service connections for the complainant is 17 KW totaling to 30 KW.

Complainant during the personal hearing represented that at least 2 services may be released. But he did not submit any written application to that effect. Complainant applied for 5 service connections and his request to withdraw 3 service connections orally at the time of hearing cannot be considered as it appears the said oral representation was made only after knowing the estimated cost for release of services. There is a chance to utilize more capacity than connected load subsequently which may result over load and may cause disturbances in power supply and also may result in failure of DTR in peak times which may cause inconvenience to all other residents of that area who are getting power supply at the one and the same DTR. Respondents only estimated the difference of cost of enhanced DTR. According to respondents there is no other alternative for them to release service connections without enhancing the capacity of nearby DTR.

The contention of the complainant that though there is no space in his premises to erect DTR and supply has to be provided to him by erecting a DTR with a structure in a public place at the cost of licensee cannot be considered in the absence of any provision under GTCS or Regulations issued by

the Hon'ble APERC exempting him to pay the cost of DTR. On the other hand respondents are relying upon the memo issued by CGM/O/APSPDCL/Tirupati which was issued as per the proceeding of Hon'ble APERC. This Forum is only competent to intervene when respondents not followed the provisions of GTCS or Regulations issued by the Hon'ble APERC from time to time. Respondents raised estimate in this case as per the procedure only. There are no merits in the complaint. The point answered accordingly.

5. In the result 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.

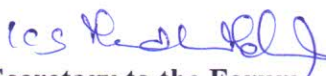
This order is passed on this, the day of 27th May'2021.

Sd/-
Member(Technical)

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)/ Operation)/ CGRF/ APSPDCL/ Tirupati.

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.