

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

On this the 16th day of November' 2021
C.G.No.19/2021-22/Anantapur Circle

Present

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

Chairperson
Member (Technical)
Member (Finance)
Independent Member

Between

M/s.Nithin Sai Constructions,
15-324, 5th Floor, Room No-2,
Nithin Complex, Subhash Road,
Anantapur.

Complainant

AND

1. Assistant Accounts Officer/ERO/Anantapur (E)
2. Deputy Executive Engineer/O/Anantapur(E)
3. Executive Engineer/O/Anantapur

Respondents

ORDER

1. Complainant represented by K. Basha filed this complaint stating that an abnormal bill was issued for an amount of Rs.4,31,353/- for the month of June' 21 against service Number. 7123116000700 and they also paid huge amount in August' 2020.
2. Respondent No. 3 filed written submission stating that on 21.09.2019 Mr. V.M Ravi Shankar former Dy.EE/ DPE/Anantapur registered a case for additional connected load of 45 KW against the service No.7123116000700 with a contracted load of 74 KW making the total load to 118 KW vide case No. DPE/ATP/ATPE/12104/ATP. The notice for payment of additional connected load with development charges and security deposit charges of Rs.90,200/- was served on the consumer and

DESPATCHED
DATE 17/11

was added in CC bill for the month of Nov'2019 and updated in EBS 118.36 KW.

Senior Accounts Officer/O/Anantapur reviewed the billing of this service and instructed for raising of shortfall amount of Rs.2,80,355/- in the CC bill. Accordingly that amount was raised in the CC bill for the month of July' 2020 and was paid in total. But CC charges were not prepared under HT billing from 08/2020 to 04/2021 and communicated to consumer by AAO/ERO/East/Anantapur. The service was billed under LT billing from 08/2020 to 04/2021 instead of HT billing having connected load of 118.36 KW. The same was pointed out by internal audit of the Sub-ERO /Rurals East-Anantapur during their statutory internal audit in the month of 04/2021. On the recommendation of internal audit, shortfall amount of Rs.3,97,636/- was raised for the period 08/2020 to 04/2021 and included in CC bill of 06/2021.

Consumer presented a representation dt:24.07.2021 for verification of the connected load and for load deration from 118.36KW to 50 KW. The connected load was verified and a report was submitted for approval of load deration. Approval was accorded vide Memo No. EE/O/ATP(Comml) /Reduction of load / D.1776/2021-22 dt: 31.07.2021. The shortfall amount was raised and levied in the CC bill in accordance with connected load of 118.36 KW as per rules and regulations of GTCS in vogue. Based on the consumer's representation approval for load deration has been accorded.

3. AAO/ERO/Rural East/Anantapur also filed separate written submission stating that the service was released on 19.8.2017 with a contracted load of 20 KW with 3 phase supply. On 27.05.2019(not 2021) an auto generated case was booked for additional load of 8.100 KW vide case No ATP/ATP/ATPE/AG 2224/19 for Rs.18,100/- . The same was paid by the

consumer and load was enhanced from 20 KW to 28.100 KW. Dy.EE/DPE/Anantapur inspected the premises on 21.7.2019 and booked a additional load case for 45 KW i.e. contracted load 74 KW and connected load is 118.364 KW. A case for Excess load of 45 KW is registered vide case No.DPE/ATP/ATPE/12104/19 for Rs.90,200/- and load was enhanced from 28.1 KW to 118.364 KW. As per the instructions of SAO /O/ Anantapur demand raised from 12/2019 o to 07/2020 and billed HT side for Rs.2,80,355/- as the load of service was exceeded 75 KW/100 HP as per the GTCS. In the month of 04/2021 internal audit inspected the ERO and observed that this service is billing at LT side and it has to be billed under HT, hence billing was done from HT side from Aug '2020 to April'2021 and shortfall amount arrived for Rs.3,97,636/- and notice was issued to consumer for payment of shortfall amount.

4. Personal hearing was conducted through video conferencing on 21.09.2021. Mr. G. Adenna advocate present and requested time for filing of Vakalat and the documents. Hence the case was adjourned. Again it was heard on 21.10.2021. Advocate of the complainant and Basha authorized agent of complainant present. Heard both parties.
5. The point for determination is whether the shortfall amount raised by the respondents for the period between 08/2020 to 04/2021 for an amount of Rs. 3,97, 636/- is liable to be withdrawn?

The case of the complainant is that they have obtained service connection 7123116000700 for their private fuel station with connected load of 24.01 KW but without information it was enhanced to 118.36 KW and this fact only came to their notice on seeing the CC bill of July'21. Previously also they received CC bill in the month of Nov'2019 for an amount of Rs.90,200/- and CC bill of July' 2020 for an amount of Rs 2,80,000/- but before they could able to verify the same, the lineman

and AE threatened to disconnect the service connection, hence they did not pursue that matter due to pressure of other works. When again they received a bill in July' 21 for an amount of Rs.4,31,353/-, then they realized that there was some mistake and made a representation to ADE and on that representation ADE inspected their service and informed that their load is less. Since they have not used any machinery and consumed electricity, the amounts collected from them earlier may be refunded and the CC bill of June'2021 may be withdrawn.

The LT inspection report of Mr. V.M Ravi Shankar DEE/DPE-1/Anantapur dt : 25.09.2019 shows that he inspected the service No. 7123116000700 on 21.09.2019 at 12.15 Hrs and found the connected load as 118364 watts against the contracted load of 74000 watts.

The inspection notes dt:25.09.2019 shows that the inspecting officer inspected the premises in the presence of Mr. K. Naga Sudhakar, RMC plant manager, Mr. G.V. Krishna Reddy AE/Anantapur Rural and Mr. R. Adinaryana ALM/ Anantapur Rural section and all of them signed in the inspection notes. The notice for development charges was issued on 27.09.2019 , the amount of Rs.90,200/- was paid by the complainant on 4.11.2019. The written statements of Respondent No. 1 and 3 shows that as per the instructions of SAO/O/Anantapur, a bill for shortfall was raised for an amount of Rs.2,80,355/- towards difference between LT and HT billing in CC bills of July'2020 and paid.

The written statement of Respondent No.1 shows that the service was released on 19.8.2017 with a contracted load of 20 KW , an auto generated case was booked for additional load of 8.100 KW vide Case no. ATP/ATP.ATPE/AG2224/19 and the load was enhanced to 28.100 KW. The service was again inspected by Dy.EE/ DPE/Anantapur on 21.07.2019 and an additional load case was booked for 45 KW i.e. from

contracted load of 74 KW to 118.364. In the inspection report also the inspecting officer mentioned that the contracted load is 74 KW. But the written statement of respondents No. 1 and 3 did not show when the contracted load from 28.100 KW to 74 KW was enhanced and when the development charges for the above difference of load was collected. The discrepancy with regard to contracted load as on the date of inspection 21.09.2019 was not explained by the respondents. Even though the inspecting officer found that the connected load of 118.36 and basing on that inspection collected development charges of Rs.90,200/- and as per instructions of SAO/O/Anantapur, a bill for shortfall amount was raised for the difference between LT and HT billing, the account was not updated and continued to raise bills under LT billing. The defect was came to light only when the internal auditors pointed out the defect in billing. Then a bill for Rs.3,97,636/- for the period 08/2020 to 04/2021 was raised. So all these facts clearly shows that the accounts were not updated as and when the additional load amount was paid. Had the accounts of the consumers are updated regularly, this case would not have arisen at all.

The procedure that has to be followed when additional connected loads detected in LT service case is provided in Clause. 12.3.3 of GTCS. After payment of development charges the procedure mentioned in Clause.12.3.3 V of GTCS has to be followed and the same is as follows:

12.3.3.V. "If the consumer where required, does not get the LT services converted to HT supply and regularised 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".

In this case though development charges were collected from the complainant, no steps were taken for conversion of service from LT to HT. No reasonable explanation was given as to why the procedure contemplated in Clause. 12.3.3 of GTCS was not completely followed in this case.

The procedure for billing in cases where the total connected load exceeds the load above 75 HP is provided in Clause. 12.3.3.3 of GTCS which is as follows:

12.3.3.3 : *“Cases where the total Connected Load is above 75 HP/56kW or Cases where the total connected load is above 150 HP under LT Category III (B). These services will be billed at the HT category I tariff rates from the consumption month in which the un-authorized additional load is detected till such additional load is removed and got inspected by the Designated officer of the Company”.*

The above clause clearly shows that the service whose total connected load is above 75 HP has to be billed at HT tariff rates from the consumption month in which the unauthorized additional load is detected or removed and confirmed by the designated officer of the company. In this case, on the representation of the complainant dt: 24.07.2021 for verification of connected load in the premises, the premises was inspected by Dy.EE/R/East/Anantapur on 26.07.2021 and found the total load is 7.2 KW. Complainant requested for load deration from 118.36 to 50 KW and the same was derated as per the proceedings of Respondent No. 3 vide Memo No. EE/O/ATP/AEE(Comml)/Reduction of load . D.No.1776/ 2021-22-31.07.2021.

The complaint was registered through online on 29.07.2021 i.e. subsequent to the representation to Respondent No.3 for inspecting the

premises and after the inspection of the premises by Respondent No.2 and his report that the total connected load is 7.2 KW. Complainant applied for deration of 50 KW. When his total connected load is 7.2 KW complainant did not explain as to why he applied for deration of load to 50 KW when his connected load is only 7.2 KW. The ADE report dt: 26.07.2021 shows that only two water motors of 2 HP each and 2 fuel bunks of 2 HP each and the remaining connected load is in respect of fans, lights, CC TV Cameras and colour television in the premises. Whereas the inspection conducted by Dy.EE/DPE/Anantapur on 21.09.2019 shows that existence of cement mixture plant of 29840 watts , cement loading machine M/C 37000 watts and cement silo MC.18650 watts and others in total of 118364 watts. The time gap between these 2 inspections is about 22 months .So basing on the inspection: 26.07.2021, it cannot be concluded that the connected load is 7.2 KW and within the limits of LT and the service has to be billed only under LT.

On perusal of the inspection notes dt: 21.09.2019 shows that K. Naga Sudhakar RMC plant manager was present during course of inspection and he signed in it without any protest. The inspection report also shows machines for cement loading, soil and mixture plants .There is no necessity for the inspecting officer to prepare a false report in respect of the connected load. The presumption is that officials performed their duties as per prescribed procedure. So, the contention of the complainant that no inspection was made and no person by name K. Naga Sudhakar is their employee and no notice was issued to them cannot be considered after two (2) years of date of inspection that too when they have not protested and paid the development charges as well as shortfall amount due to the difference of billing from LT to HT.

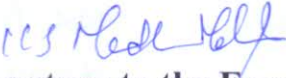
The inspection report of Dt: 21.09.2019 by DEE/DPE – clearly shows that the connected load is 118 KW as on 21.09.2019. It is an

admitted fact that service is billed under LT even though the contracted load is more than LT limits. Clause. 12.3.3.3 of GTCS provides that the services whose connected load is above 75 HP are to be billed under HT tariff from the month in which un authorized additional load is detected till such additional load is removed and got inspected by the designated officer of the company. In this case on the application of the complainant for deration of load ,inspection was conducted and deration was effected on 31.7.2021.The shortfall billing was raised for the months of Aug'2020 to April'2021 i.e. prior to the deration of load. So consumer is liable to pay CC bills under HT tariff and respondents have raised short fall bill being the difference between LT and HT tariff and complainant is liable to pay the shortfall amount. There are no merits in the complaint. The point answered accordingly.

6. In the result complaint is dismissed.

Sd/- Sd/- Sd/- Sd/-
Member (Technical) Member (Finance) Independent Member Chairperson

Forwarded By Order


Secretary to the Forum

This order is passed on this, the day of 16th November'2021

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.

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 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.