

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

On this the 31st day of January' 2022
C.G.No.20/2021-22/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

S. JagadeeshGuptha,
Managing Partner,
M/s. Aravind Industries,
Plot No.#46,47 & 54, Industrial Estate,
Gooty Road,
Guntakal,
Anantapur Dt.

Complainant

AND

1. Executive Engineer/O/Gooty
2. Superintending Engineer/O/Anantapur
3. Senior Accounts Officer/O/Anantapur

Respondents

ORDER

1. The case of the complainant is that they are having HT service No. ATP – 501. They have installed solar plant in October'2018. On 22.02.2021, they have received a demand letter from Superintending Engineer/O/Anantapur Circle that import and export readings have wrongly noted in the reading cards and as per the revised readings they have arrived a difference of ₹.12,98,867.53. But no proper opening readings and closing readings were mentioned. They wrote several letters but no action was taken. The revision was happened after 27 months, their food processing unit of roasted chicory powder and they use Agricultural commodity as raw material. There will be

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huge ups and downs in the market in respect of prices. There will be very meager margins to them. They will calculate selling prices month wise and fix the prices. Their industry is a small industry. In the pandemic situation they are not in a position to pay the demand notice amount. The mistake is on the part of the department, penalty is imposed against the innocent customers which are against the common principle of justice. Hence set aside the demand raised by the respondents.

2. Respondent No1 filed written submission stating that service was released with a CMD of 100 KVA on 14.03.1987. Additional load was released on 28.11.2020. Consumer has been paying electricity bills promptly. The consumer has installed 100 KW solar plant on 17.10.2018 by replacing the existing Uni -directional meter with Bio -directional solar net meter with both import and export energy and other associated parameters. It is pertinent to note from the consumption pattern, the average consumption per month was more than 20,000 units. Readings are taken by Dy. EE /O/Guntakal and was submitted to Accounts Wing in Circle Office, Anantapur for billing. While submitting the readings the export and import readings were wrongly entered i.e.export readings as import readings and import readings as export readings and same readings were billed by over sight by the accounts wing from the date of synchronization of 100 KW solar plant. As per the technical specification of solar generation panel, the average units generated by 1 KW solar unit per day could be 4.0 to 4.5 KWH units which is a maximum capacity generated per day. So the average maximum units generated per month for 100 KW solar plant could be 13500 units only. The billed units from October' 2018 to December' 20 reveals that the export units were more than 13500 units which is impossible and irrational for 100 KW solar unit. It clearly discloses that the import and export consumptions billed were wrong. After rectification of billing the consumption pattern from January'21 is as follows:

S.No	Month/ Year	load	RMD	BMD	Import/ RKWH	RKVAH	RKVAH	Export Solar
1	Jan-21	120	105	105	18697	18961	16871	2091
2	Feb-21	120	114	114	19184	21958	21958	0
3	Mar-21	120	113	113	20363	20459	17578	2882
4	Apr-21	120	105	105	14709	14762	9801	4962
5	May-21	120	111	111	14395	14619	9837	4782
6	June-21	120	111	111	10521	10628	5575	5076
7	July-21	120	104	104	17037	17131	14338	2793
8	Aug-21	120	112	112	23825	24823	23386	1437
9	Sep-21	120	110	110	22271	23931	21200	2732

From the consumption pattern, it is pertinent to note that import and export consumption are similar to their actual utilization before synchronization of the plant. The export solar generated units per month never exceeded 5100 units and establishes the fact that the billing for the period from October' 2018 to December' 2020 was wrong. The data obtained from MRI Dump for back billing reveals that they are real figures and not assessed units. The actual consumption is back billed and APSPDCL lost the interest on revenue on account of postponement of realization. A back billing notice was served on the consumer apart from explaining him about human error occurred from the date of synchronization of 100 KW solar unit in October' 2018 to till identification and rectification of billing i.e. 01/2021. Consumer is well aware of the facts as the consumption recorded in the consumer register was properly recorded as import and export. Consumer is well aware of the facts, but intentionally denying the consumption pattern. The erroneous officer had been punished under some other activity and was transferred to Kurnool. The back billing was done taking into consideration of ought to be billed and already billed units as per the records. No excess units are billed in the back billing notice.

3. Personal hearing through video conferencing was conducted on 21.10.2021, and 11.01.2022. Complainant S. Jagadeesh Gupta present on behalf of complainant. EE/O/Gooty and SAO/O/Anantapur present on behalf of respondents. Heard both sides.
4. Point for determination is whether the back billing issued by the respondents for the period from October'2018 to December'2020 is valid ?

The contention of the respondents is that at the time of raising bills export units were recorded as import and vice versa for the period from October'2018 to December'2020 and the same was detected only in January'2021. They are entitled to raise back billing after the mistake was detected and notice was issued to the consumer and also explained to him about the mistake crept in the record.

Complainant complained in the personal hearing that the MRI data was not furnished to him. Hence respondents were directed to furnish the entire data to the complainant.

Apart from it, this forum passed an interim order dt:10.11.2021 directing the EE Meters & Protection/Anantapur to inspect the Service ATP- 501 after issuing notice in advance and in the presence of complainant or his authorized representative and concerned field officers to retrieve the data within 7 days and if it is not possible to retrieve the data in the premises of the complainant, the meter should be brought to the MRT Lab and after issuing notice well in advance to the complainant, check the meter in the lab in the presence of consumer or authorized representative and furnish the data with his remarks to this forum. SE /O/Anantapur was also directed to furnish his remarks on the information furnished by EE/M& P/ Anantapur .

Accordingly EE/M&P/Anantapur filed his report. SE/O/Anantapur furnished his remarks. They have also attached dump recording.

Again in the personal hearing, complainant had requested time to furnish his calculations. Accordingly he furnished his calculations. After receipt of calculations given by complainant, the same were forwarded to the respondents. Respondents again furnished their own calculations. Again the calculation sheet prepared by respondent was forwarded to the complainant. According to that statement, complainant is due for an amount of ₹.12,35,188.

Complainant sent a mail on 25.01.2022 stating that both of them analyzed complete MRI Data and concluded the total difference billing amount as ₹.12,35,188 and not ₹.12,98,675 as mentioned in earlier D.No.426/21 dt:22.01.2021. Complainant further stated that their net profit after deduction of income tax was ₹.24,91,259 and the demand is almost 6 months profit. So they may be given 24 equal installments to pay the amount as already pandemic is challenging them.

So this letter shows that ultimately complainant has accepted that while recording consumption, the export units are recorded as import units and vice versa and erroneously bill was raised and he is liable to pay ₹12,35,188.

According to respondents, the mistake was happened while sending the data to Accounts Section/ Anantapur and the delinquent officer was already punished in some other matter and transferred. This shortfall was raised only due to mistake of the field officers who recorded the units incorrectly. The mistake was detected in the month of January'21 and a back billing notice was served on the complainant. Since the wrong calculation was made by mistake resulting in raising wrong bill and collection of lesser amount than liable to be paid from the complainant. Respondents are entitled to correct the mistake, issue revised bills and collect the actual amount due by the complainant. The bill is raised for 27 months. Now complainant is only requesting to permit him to pay the shortfall amount in 24 instalments as the back billing is for 27 months

and due to financial constraints on account of pandemic and the bill is more than six months of profit.

Taking the plea of the complainant and facts of the case into consideration, complainant is permitted to pay the amount in instalments as this mistake was happened only due to negligent act of field officers. The point answered accordingly.

Licensee is requested to initiate departmental inquiry against the delinquent officer.

5. In the result complainant/consumer of service No. ATP-501 is permitted to pay the shortfall amount of ₹.12,35,188 within 18 months without surcharge. If the complainant fails to pay any one of the installments, respondents are at liberty to recover the balance amount in lump sum in accordance with law.

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

Forwarded By Order

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Secretary to the Forum

This order is passed on this, the day of 31st January'2022

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.