

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

On this the 6th day of August' 2022

C.G.No.80/2021-22/Kurnool Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao

Sri. K. Ramamohan Rao

Sri. S.L. Anjani Kumar

Sri. Dr. R. Surendra Kumar

Chairperson

Member (Finance)

Member (Technical)

Independent Member

Between

Smt.A.Rajamma,

Owk (V),

Owk (M),

Kurnool Dt.,

Complainant

AND

1. AAO/ERO/Banaganapalli,

2. Executive Engineer/O/Nandyal

Respondents

ORDER

1. The case of the complainant is that she is having a rice mill in Owk Village & Mandal of Kurnool Dt. with USC No.8421323004120 with 99 HP. But she is receiving bills for 153 HP. She sustained heavy loss and requested to issue CC bills of 99 HP and withdraw the bills issued for 153 HP.
2. Respondents filed written submissions stating that an additional load case was booked against the service vide case No. KNL/NDL/KLKT-/AG2869/19 dt: 25.03.2019.As per the notice issued, the consumer utilizing the load of 113.5 KW (153 HP) though the contracted load was 73.85 KW (99 HP). Complainant was found utilizing excess load of 40 KW (54 HP). Accordingly, a notice was issued by Dy.EE/ Operation Sub Division/Koilakuntla to regularize the additional load of 40 KW by paying development charges of ₹48,000, Security Deposit of ₹27,000 and supervision charges of ₹100 i.e., ₹75,100. Consumer was informed that if he had any objections,^s he can make a representation to EE/O/Nandyal within 10 days.

DESPATCHED

DATE 6/8

Consumer has regularized her load by paying required amounts as stated in the notice vide PRNo.0719-22000275195 dt : 27.07.2019. After regularization of additional load, the consumer contracted load is 153 HP. Consumer connected load was recorded only in master record but contracted load was not updated and remained at 99 HP. As per tariff orders, the service is to be billed with HT Tariff since LT tariff is applicable up to 150 HP for the rice mills. Accordingly CC bills with HT tariff are being issued to the consumer.

AE/O/Owk addressed a letter to AAO/ ERO/Banaganapalli for the updating of contracted load of the consumer with 153 HP stating that consumer has represented for deration of load from 153 HP to 115 HP vide representation dt 31.01.2021.

Based on the letter of AE/O/Owk, a letter was addressed to GM /IT & Sap /Corporate Office/Tirupati duly requesting for updating of contracted load of the consumer from 99 HP to 153 HP to enable the consumer for filing of application for deration of load. The updating of contracted load from GM/IT& SAP/Corporate Office/Tirupati is awaited. On receipt of intimation of updating of contracted load from 99 HP to 153 HP from Corporate office, further action for deration of load will be initiated.

3. Personal hearing through video conferencing was conducted on 17.5.2022, Mr.Chandrudu Father in law of complainant and EE/O/Nandyal present. Heard both sides. EE/Nandyal is directed to submit inspection notes of DPE.
4. In response to the directions given in personal hearing, EE/O/Nandyal filed additional submission stating that additional load case was booked basing on the billing data only on the ground RMD exceeded 153 HP. Notice was issued to the consumer on 25.3.2019 by Dy.EE/O/Koilkuntla. The original case docket is not traced. Hence attested copy of notice downloaded from MATs was submitted.
5. On perusal of the file it came to light that the service was under disconnection. There is arrears of ₹10 lakhs as on May'22. All these facts are not mentioned in the complaint. Complainant also did not state what is the disputed amount and for what period it is. So complainant is directed to file information on this aspect.

6. Complainant filed additional submissions. But only repeated the facts that were mentioned in her earlier complaint. Additional submission of complainant was furnished to respondents. Respondent. No.2 filed written submission stating that as per billing data, the consumer was utilizing a load of 152, 152 and 151 HP in Feb'19, March'19 and April'19 respectively. Hence additional load case was registered. Consumer has not given any written objections when she paid the additional load amount. Chandrudu approached EE office in January'21 to know the procedure to derate the load. The accumulated balance arrears till June 22 is ₹11,00,905.
7. Personal hearing through video conferencing was again conducted on 5.7.2022 Chandrudu father in law of complainant and respondent. No. 2 present. Heard both sides.
8. The point for determination is whether complainant is liable to pay HT tariff for her service from May'2021?

The grievance of the complainant is that she is having connected load of 99 HP only but respondents are issuing bills for 153 HP. She is not liable to pay HT tariffs and she is only liable to pay CC charges for 99 HP. The written submissions submitted by respondents shows that since RMD is 152 HP in Feb'2019 and March'2019 and 151 HP in April'2019, an additional load case was booked basing on the billing data. Though the connected load is revised but contracted load was not revised and remained at 99 HP.

According to respondents when Chandrudu on behalf of the complainant approached to ascertain the procedure for deration of load, a letter said to have been addressed to GM/IT & Sap/Corporate Office/Tirupati requesting for updating of contracted load, so that the contracted load can be derated basing on the request of the complainant. So, it clearly shows that though an additional load case was booked against the complainant in March' 19, respondents and the officers in the Corporate Office did not make necessary changes in the master record of the complainant's service. The contracted load was enhanced only on 28.03.2022 i.e. after 9 days after presenting of complaint before this forum. Respondent. No. 1 admitted that the additional load amount was added in the bill in the month of June'19. Complainant paid that amount in July'2019.

Admittedly LT tariff is applicable to the rice mills having contracted load up to 150 HP. The additional submission of Respondent. No. 2 shows that notice for additional load issued was not traced. So there is no evidence on the record to show that a notice was issued to the complainant whether to regularize the additional load or derate the load. So the contention of respondents that since complainant did not file any objection, they have enhanced the load cannot be considered in the absence of any documentary evidence to prove that actually a notice was issued and served on the complainant to show that she is having additional load. According to respondents though they said to have made changes of connected load in the master, but they could not change the contracted load due to some technical issues. The contention of respondents that consumer approached them only on 31.01.22 for deration of load and thereafter a letter was addressed to GM/IT and SAP for enhancing the contracted load so that they can derate the load is not correct. The record shows that respondents raised bills under HT category only from April'2021. It appears after receipt of bills under HT tariff complainant approached concerned officers and on their advice only she filed an application for deration of load.

Cl.12.3.3 prescribes the procedure to be followed when additional loads are detected in LT services which is as follows:

“12.3.3: Additional Connected Loads detected in LT Services Cases

12.3.3.1 Where the total Connected Load is 75 HP/56 kW or 150HP in cases of LT Cat III(B) or below at the time of detection:

- i. One Month notice shall be given to regularize the additional Connected Load or part of additional load as per the requirement of the Consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit, in accordance with the format prescribed in Appendix IX.*

However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue. ii. Service of consumers who do not get the

additional loads regularized, shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection, until they are regularized.

12.3.3.2 Cases where the total Connected Load is above 75 HP/56kW or

- i. These services shall be billed at the respective HT tariff rates from the consumption month in which the un-authorized additional load is detected. For this purpose, 80% of Connected Load shall be taken as billing demand. The quantity of electricity consumed in any Month shall be computed by adding 3% extra on account of transformation losses to the energy recorded in LT Meter.*
- ii. The Company may at its discretion, for the reasons to be recorded and in cases where no loss of revenue is involved, continue LT supply. If the consumer, however, makes arrangements for switchover to HT supply, the Company shall release HT supply as per the rules.*
- iii. ¹One Month notice shall be given to regularize the additional Connected Load or part of additional load as per the requirement of the Consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit required for conversion of LT service into LT 3(B) or HT service depending upon the connected load. However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue.*
- iv. Service of such consumers who do not pay HT tariff rates or who do not pay the required service line charges, development charges and consumption deposit, shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection unless the required service line charges, development charges and consumption deposit are paid for regularizing such services by conversion from LT to HT category.*

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 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.