

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

On this the 23rd day of September' 2021
C.G.No.13 /2021-22/ Nellore Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

P.Rakesh Kumar Reddy,
PGR. Complex,
Paletivari Street,
Kota (V) &(P),
Nellore Dt.

Complainant

AND

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

Respondents

ORDER

1. The case of the complainant is that he had applied for new service connection for aqua purpose on 06.02.2021. Executive Engineer/O/Gudur issued demand notice for payment of service line charges of Rs.2,34,812/- and security deposit of Rs.24,500/- in total Rs.2,59,312/-. He paid the amount as per the demand notice on 05.03.2021 and service No.3111157001368 was released. As per the proceedings No. Secy. 10/2015 dt:29.05.2015 of APERC and Lr.No. APERC/E-202/DD-Dist/2016 Dt:11.01.2016, wherein it is the Licensee's duty for supply of electricity and recover expenditure as per Reg. 04 of 2013. Respondents are not following guidelines and collected excess amount from him. They can collect charges from

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the apartment owners and multistoried buildings and not from the farmers. Hence requested to refund the excess amount paid by him with interest @ 24% per annum.

2. Respondent No.3 filed written submission admitting that complainant applied for aqua service connection and demand notice was issued for payment of Rs.2,34,812/-towards service line charges and Rs.24,500/- towards security deposit charges. Consumer paid the amount vide PR No. 3245184 dt: 05.03.2021. Amounts were collected as per demand notice, no excess charges collected.
3. Personal hearing through video conferencing was conducted on 26.08.2021. Both complainant and Executive Engineer/O/Gudur present. Heard both sides.
4. The point for determination is whether the respondents are empowered to collect cost of Distribution Transformer while releasing service connection for aqua culture?

Respondent No.3 only stated in his written submission that demand notice was issued for service line charges and for security deposit but he did not state under what Regulation the estimate was prepared. When respondent No. 3 was directed to submit copy of estimate prepared by them,they have furnished the Memo No. CGM/O/SPDCL/TPT/EE/C/F.Reg.4/D.No.100/21 Dt:27.01.2021. On careful examination of copy of the estimate furnished by Respondent No. 3, it reveals that the cost of erection of DTR was also included in the estimated cost. Date of estimation was not mentioned but the estimated amount was paid on 05.03.2021. So, it appears the estimate was prepared basing on the above said memo dt: 27.1.2021 referred above. But the above said memo was superseded

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vide Memo No. CGM/O/SPDCL/TPT/EE/C/F.Reg.04/D.No.147/21 dt: 02.02.2021. It clearly shows that the estimate was prepared basing on the superseded memo dt: 27.01.2021. The only inference that can be drawn is either the field officers did not consider the fact of superseding the memo dt : 27.01.2021 by memo dt : 02.02.2021 or the superseded memo was not at all communicated to the field officers and the field officers continued to collect the amount basing on the superseded memo. It appears that the SAP module was not amended resulting in continuing to collect the amount basing on the superseded memo.

The Hon'ble APERC issued proceedings No. Secy/E-202/16/2020-21/ dt : 08.01,2021. "The Hon'ble Commission revoked the guidelines mentioned in para. 3 of ref. 2(i.e. Proceedings No. Secy/10/2015/Dt: 29.05.2015) and also withdrawn the directions given for implementing of said guidelines communicated in ref. 3 to 5 i.e.(Lr.No.APERC/E-202/DD-Dist/2016 dated: 11.01.2016, Lr.No. APERC/E-202/DD-Dist/2016 Dt: 09.09.2016 and Lr. No.E-202/DD-Dist/2016, Dt: 03.10.2016).

DISCOMs are permitted to collect cost of DTR where ever they are provided as per Clause.8 (3) of Reg. 04/2013 irrespective of height of category of the building included under said clause".

Sub - Clause No. (3) and (4) of Clause. 8 of Reg. 4/2013 is as follows:

"3) The Distribution Licensee shall recover full cost of transformer in case of commercial complexes, apartments and multi storied buildings

where a dedicated transformer is provided while extending new LT service connections. In such cases, the Distribution Licensee is not entitled to collect development charges and shall own the transformer and maintain it. The Distribution Licensee shall not extend power supply to any other consumer from the dedicated transformer other than the consumer who has borne the full cost of transformer.”

4. In case of LT supply, the responsibility of erection of distribution transformer lies with the Distribution Licensee and shall not charge cost of transformer to any consumer except those consumers mentioned in para 3 above and levy only development charges”.

Respondents are bound to prepare the estimate as per Reg. 04/2013 and the orders of Hon'ble APERC referred above. Respondents did not submit any orders of the Hon'ble APERC permitting them to collect cost of DTR from the LT consumers other than the consumers mentioned in Clause 8(3) of Reg. 04/2013. In the absence of any proceedings authorizing the licensee to collect cost of DTR from the ~~LT~~ consumers who applied for Aqua Service, it is not entitled to include cost of DTR in the estimate and collect it. The estimate prepared in this case is not in consonance with the Regulation.04/2013 and orders issued by Hon'ble APERC from time to time. Hence the estimate is liable to be revised. The point answered accordingly.

5. In the result respondents are directed to revise the estimate as per Reg. 04 of 2013 issued by Hon'ble APERC within 7 days and refund the excess amount paid if any

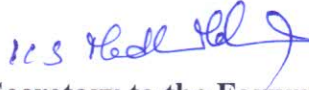
by the complainant with interest@ 6% per annum from the date of this order till the date of payment and submit compliance report within 30 days from the date of receipt of this order.

- Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order


Secretary to the Forum

This order is passed on this, the day of 23rd September 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, SingareniBhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.