

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED
TIRUPATI
On this the 30th day of March' 2022
C.G.No.68/2021-22/Nellore Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao	Chairperson
Sri. K.Rama Mohan Rao	Member (Finance)
Sri. Y. Sanjay Kumar	Member (Technical)
Sri. Dr. R. Surendra Kumar	Independent Member

Between

T.Ramaiah, Gollapalem, Mandapam (P), TP Gudur, Nellore Dt.	Complainant
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AND

1. Assistant Accounts officer/ERO/Indukurpeta	Respondents
2. Executive Engineer/O/Nellore Rurals	

ORDER

1. The case of the Complainant is that licensee is empowered to collect Development charges only for the LT consumers as per Regulation 4 of 2013 issued by Hon'ble APERC. But collected an amount of ₹.77,024 towards DTR cost but licensee is empowered to collect Development charges for 23HP @ ₹.900 Per HP i.e., ₹.20700 only and is entitled for refund of ₹.56,324. The case was registered as CG. No 68/2021-22/Nellore Circle and sent to Respondents for written submissions.
2. Respondent NO.2 filed Written submissions stating that as per Regulation 6 of 2021 issued by Hon'ble APERC, All consumers of LT services other than Agricultural Services whose contracted load exceeds 20KW shall be provided with a dedicated transformers on collecting full cost of the transformer. Where the dedicated transformer are provided, distribution

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licensee shall not collect development charges and shall own the transformer and maintain it. Hence cost of DTR was collected while releasing 23HP of Additional load to the existing load,(Total load is 48HP), the consumer is not entitled for refund of DTR cost as the Additional load is released for prawn culture under Cat V(C) to the Complainant for SCNO.3531567002623 at Eduru village, in Thotapalli Gudur Mandal.

3. Personal hearing was conducted through video conferencing on 16.3.2022 Complainant and EE present heard both sides.
4. The point of determination is whether licensee is entitled to collect cost of DTR while releasing Additional load of 23HP to the existing service connection SCNO.3531567002623 ?.
5. Complainant stated that he applied for Additional load of 23HP, and paid an amount of ₹.77,024 for release of the said Additional load. But licensee is only entitled to collect Development charges @ ₹.900per HP(23HPX₹900perHP) i.e.,₹.20,700 only. The Regulation 6 of 2021 issued by Hon'ble APERC came in to force on 31.12.2021. The additional load was released prior to 31.12.2021. So licensee is not empowered to collect cost of DTR from LT consumers. He also further stated that he has not requested to provide dedicated DTR, so he is not liable to pay cost of enhanced DTR on the ground that dedicated DTR is provided.
6. On the other hand EE represented that estimate is programmed in SAP and whenever the estimate is generated, the demand amount will be shown as per the developed program and they have to collect the amount shown in the SAP.
7. Admittedly the submission of application for release of Additional load for the service under Cat V (C) for 23 HP and release of additional load after payment of estimated amount for additional load was prior to 31.12.2021. Respondents did not give any explanation as to how the software application is developed, implemented and collected the amount

even prior to issuing of Regulation 6 of 2021 issued by Hon'ble APERC. Hon'ble APERC permitted the licensee to install dedicated DTR and collect cost of DTR where the connected load exceeded 20KW from all the LT consumers except Agricultural consumers vide Reg.NO.6 of 2021 and the same was published in AP Gazette on 31.12.2021 and it came in to force only from 31.12.2021. Licensee is empowered to collect charges as permitted by the Hon'ble APERC but officers are not expected to developed software and implement it, so as to enable them to collect amounts not authorized by the Hon'ble APERC.

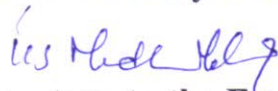
8. In the present case, the Master changes in the Ledger for the said service shows that Additional load was released on 8.10.2021. So the amount was paid and Additional load was released prior to 31.12.2021. Since the additional load was released prior to issuing of Regulation 6 of 2021, Respondents are not empowered to collect the cost of DTR and they are entitled to collect Development charges only.

Since the Respondents collected enhanced cost of DTR erroneously instead of collecting Development charges for release of Additional load, Complainant is entitled for refund of the excess amount. Respondents are requested to revise the estimate for collection of Development charges only instead of enhanced cost of DTR and refund the excess amount collected if any with interest. Thus, The point answered accordingly.

9. In the result Respondents are directed to refund the excess amount collected with interest @ 6% PA from the date of receipt of the amount by the licensee till the date of refund within one month from the receipt of this order and submit compliance report within 15 days thereon.

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 30th March '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.

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.