

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.69 /2021-22/Nellore Circle

Present

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

Between

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

1. Assistant Accounts officer/ERO/Indukurpeta 2. Executive Engineer/O/Nellore Rurals	Respondents
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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 the licensee has collected an amount of ₹.1,62,463.33 including cost of DTR. He has applied service with a contracted load of 48HP. Hence, he is liable to pay ₹.43,200 towards Development charges @ ₹.900 per HP(48HPX ₹.900).Licensee has collected an excess amount of ₹.1,19,263.33and the same may be refunded. The case was registered as CG. No 69/2021-

DESPATCHED

DATE

30/3

22/Nellore Circle and sent to Respondents for written submissions.

2. Respondent 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 dedicated transformers on collecting full cost of the transformer. Where the dedicated transformer are provided, distribution licensee shall not collect development charges and shall own the transformer and maintain it. Hence, the consumer is not entitled for refund of DTR cost as the service is released for 48HP contracted load for prawn culture under Cat V (C) to the complainant at SFNo.33 of Siva Rama puram fields. V.K.Pudi 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 for consideration is whether licensee is entitled to collect Cost of DTR for releasing service connection under Cat V (C) for 48HP SCNo.3531562001535 on 25.8.2021?
5. Complainant stated that estimate was approved on 13.7.2021 the amount was paid on 15.7.2021. The regulation 6 of 2021 issued by Hon'ble APERC came in to force on 31.12.2021. The service was released prior to the issuing of Regulation 6 of 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, hence, he is not liable to pay cost of DTR on the ground that dedicated DTR is provided.

6. On the other hand EE/Rurals/Nellore 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 service under Cat V(C) for 48 HP and release of service after payment of estimated amount was prior to 31.12.2021 Respondents did not give any explanation as to how the software application was 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 develop software and implement it, so, as to enable them to collect amounts not authorized by the Hon'ble APERC.

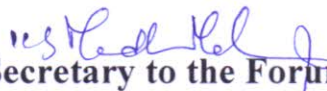
8. In the present case, since the service was released prior to issuing of Regulation 6 of 2021, Respondents are not empowered to collect the cost of DTR and they are entitled to

collect Development charges only. The written submissions of EE/Rurals/Nellore shows that total amount of ₹.2,36,134 was collected from the complainant and out of it ₹.24,000 is towards Security Deposit and ₹.2,12,134 is towards Service line charges. As per the Complainant, the cost of DTR is ₹.1,62,463.33. Hence the Respondents are directed to revise the estimate for collecting Development charges only instead DTR cost and refund the excess amount collected if any with interest. Thus, the point answered accordingly.

9. In the result Respondents are directed to refund an 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
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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.