

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

On this the 17th day of August' 2022
C.G.No.12 /2022-23/ Anantapur Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. K. Ramamohan Rao
Sri. S.LAnjani Kumar
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

M/s. Sri Narasimha Granites ,
Rep By. M. Rajamma & C. Saraswathi
Sy.No.1258 A/2 B2
Chukkalur Road,
Tadipatri,
Anantapur Dt.

Complainant

AND

1.Executive Engineer/O/Gooty
2.Superintending Engineer/O/Anantapur
3.Senior Accounts Officer/O/Anantapur
4. Assistant Accounts Officer/ERO/Tadipatri

Respondents

ORDER

1. The case of the complainants is that they are running the business under partnership and are having Service No.7231129001630 under Category-LT-III A. Respondent No. 4 added an amount of ₹4,68,767 in CC bill of May'2020 without any prior notice. Their representative approached respondent.No.4 and requested to delete the amount, but the same was not considered. On the other hand they are adding its interest every month in monthly CC bills and collecting regularly.

Subsequently EE/O/Gooty issued Final asesment order along with Provisional Assessment Order. As per the inspection, a shortfall billing was issued for the period from 18.9.2019 to 18.11.2019 and from 19.11.2019 to 23.01.2020 based on the MRI data due to voltage drop in Y phase of defective

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DATE 17/8

CTPT Set. According to EE/O/Gooty, Dy.EE/DPE/Kurnool has not furnished calculation sheet for arriving assessed units for the defective period as he was relieved and allotted to TSSPDCL, a final order was passed basing on the consecutive consumption of three (3) months average units in the preceding 12 months against the principles of natural justice. EE took 3 months average consumption as 19580 units and assessed an amount of ₹2,58,644 and intimated to file an appeal before SE/O/Anantapur along with 50% payment u/s.127 of the Act.

Aggreived by the orders of EE , they filed an appeal to SE/O/Anantapur along with 50% payment with a request to set aside the Final Assessment order issued by EE. But SE/O/ Anantapur did not consider their appeal and passed final order of assesed amount for ₹1,82,976 without any personal hearing and giving an opprtunity to file their objections. AAO issued demand notice to pay an amount of ₹26,946 . Again AAO issued another Provisional Assessment Order (PAO) with an amount of ₹69,588. AAO stated that PAO amount ₹69,588 was added in earlier CC bills but he suppressed the said PAO amount in his report vide D.No.964/22 dt:08.03.2022.

This complaint is filed on the following grounds :

1. EE/O/ Gooty has passed Final Asseement Order (FAO) without any material. There was no inspection of their unit on 03.2.2020 by Dy.EE/DPE/ Kurnool. EE has issued FAO without inspection report and without any technical data of defective CTPT. The Final Assessment Order of EE/O/Gooty is invalid.
2. EE/O/Gooty has not furnished any technical data of meter dump and voltage drop in Y- phase in the assessment order.
3. EE/O/ Gooty passed Final Assessment Order without conducting personal hearing and not providing an opportunity to file their objections.
4. SE/O/Anantapur has passed a FAO without conducting personal hearing and not providing any prior opportunity to file their objections.

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5. Clause. 7.5.1.4.1 of GTCS provides only initiating of proceedings on defective meters but not on defective CTPT. So the issuance of assesment order is violation of GTCS Rules.
 6. A case for un authorised use of electircity was not registered in PAO, hence proceedings u/s.126 and 127 of the Act are not applicable.
 7. Respondent No.4 has collected ₹93,465 of interest by the monthly CC bills since June' 20 to March' 22 without any prior notice, but they did not reveal the collected interest ₹93,465 in the assessment report dt : 08.03.2022 (Ref. No.9)
 8. Respondent.No. 4 collected ₹72,073 and ₹57,249 for the impunged PAO of EE/O/ Gooty (Ref. 5 and 6)
 9. Respondent.No.4 collected an amount of ₹26,953 under threat of disconnection as per his asseessment report (Ref. 9)
 10. In two PAOs refered in 3 and 10 reveals that Y phase PT voltage missing from 11.02.2020 15.30 Hrs due to Y phase screw loose. But the said two PAOs were issued without any technical data, MRT Lab report and rectification report dt : 04.04.2020. When the PAOs are invalid,the final assesment is also invalid.
 11. Complainant prays to set aside the order of SE/O/Anantapur, EE/O/Gooty and final report of AAO/ERO/Tadipatri and issue directions to return the collected amounts of ₹72,073 plus ₹57,249 plus ₹42,135 plus ₹93,465 plus ₹26,953 along with interest from the date of collection (₹2,91,275)
2. Respondents filed written submission stating that service No.7231129001630 was released in the name of M/s. Sri Narasimha Granites Chukkalur (V) Tadipatri (M) on 07.03.2013 with a load of 91.95HP. Back billing has been levied against the service for ₹4,81,630 in April'2020 by ADE/DPE/Kurnool as per case No.DPE/GTY/TDPO/956/ 20 Dt: 03.02.2020. EE/Opn/Gooty has issued a FAO for ₹2,58,644 in November'2020 vide order No. DE/O/GTY/AE/Comml/File/FAO/D.957/20-21 dt: 27.11.2020 . An amount of ₹ 2,22,986 was

withdrawn as per the orders of FAO and effected in the consumer ledger in the month of 11/2020. Consumer paid ₹1,29,322(50%)on 21.01.2021 against FAO and approached to SE/O/Anantapur. SE/O/Anantapur has given FAO for ₹1,82,980. As per the FAO order of SE/O/Anantapur againan amount of ₹75,664 was withdrawn in July'2021. As per FAO principle amount of back billing was withdrawn but surcharge was not withdrawn. Again total surcharge of ₹31,243.36 (₹23,859.50 +₹3,064.39+₹4,319.47) was withdrawn. The total amount of ₹3,29,893 (₹2,22,986+₹75,664+₹31,243) was wtihdrawn and the same was intimated to complainant vide letter dt: 8.03.2022. Consumer has paid balance of back billing amount as per FAO given by SE/O/Anantapur for₹1,82,980 and balance of back billing amount payable is nil.

3. Personal hearing was conducted on 8.06.2022. Complainant was absent, hence adjourned to 05.7.2022. On 5.7.2022 Mr. Ashok S/o. Saraswathi (Mg.Partner of firm) and EE/O/Gooty present. . Heard both sides.
4. Complainant sent written arguments through mail on 22.07.2022. Since complainant is disputing about the fact of inspection by ADE/DPE, DPE /KNL was directed to submit the copy of inspection in case No.DPE/GTY/TDPO/9562/20/Dt: 03.02.2020. and also a report from EE/ /Meters & Protection-II/ Anantapur to send the copies of the inspection reports and accordingly they were submitted.
5. The points for determination are whether the shortfall billing raised by the respondents for the period between
 1. 18.09.2019 to 23.01.2020 (18.09.2019 to 18.11.2019 & 19.11.2019 to 23.01.2020) and
 2. 11.02.2020 to 04.04.2020 are liable to be withdrawn?

Points No. 1 and 2:

According to report of EE/M&P-II/Anantapur on the complaint of AE/O/Rural Tadipatri dt: 18.11.2019, the service was inspected on the same day and found that 'Y' phase currents recorded as zero. Hence CTPT set was replaced on the same day and supply was restored.

Again complaint received from AE/O/Rural/Tadipatri regarding Y phase potential showing zero in the meter display and same was inspected on 04.04.2020 at 10.21 Hrs and found Y Phase meter terminal test block PT link screw knob made of plastic which was broken, hence screw loosened and not in tact at meter to terminal block and it was rectified with new screw at 11.14 Hrs. He also submitted copies of test report of service dt: 18.11.2019 and 04.04.2020.

The copy of the report dt: 18.11.2019 shows that the service was inspected and CTPT set was replaced in the presence of B. Siva Sankar representative of the complainant. It was specifically mentioned that CTPT set was replaced on the ground that existing CTPT Y- CT secondary current is zero while the DTR load currents are normal.

The copy of the Dy.EE/DPE HT/ Kurnool dt : 03.02.2020 shows that he inspected the service in the presence of B. Siva Sankar supervisor on 03.2.2020. In the report, it was clearly mentioned that 'Y' phase voltage drop due to CTPT set defective from 18.09.2019 to 18.11.2019, hence shortfall amount was assessed for the said period. During the inspection, it was found that Yphase voltage missing due to Y phase PT link screw loosened the same was rectified on 23.01.2020. From the dump analysis, the Y phase voltage missing from 19.11.2019 to 23.01.2020. Hence shortfall amount was assessed for the said period.

So the above report shows that Y phase voltage was dropped to zero due to defect in CTPT set from 19.11.2019 to 23.01.2020 and the same was detected from MRI Dump analysis and rectified on 23.01.2020.

The copy of the inspection report dt: 04.4.2020 shows that service was inspected on 04.04.2020 by AEE/HTM-II/Anantapur in the presence of one Krishna Naik cutting labour, found Y phase screw loosened and replaced the Y phase PT knobs and on account of Y phase PT voltage missing, recommended back billing from 22.01.2020 to 04.4.2020.

According to respondent.No.1, PAO notice was served on the complainant. Dy.EE/DPE/ Kurnool has not furnished calculation sheet for arriving assessed units for the defective period and he was allotted to TSSPDCL and relieved, hence could not contact him. The final assessment was made basing on the consecutive consumption of average in the preceding 12 months as per Clause. 7.5.1.4.1 of GTCS and assessed the total amount payable by the complainants as ₹2,58,644. Complainants not satisfied with FAO issued by him preferred an appeal to SE/O/Anantapur. Superintending Engineer re-assessed the calculations by taking three months average of June' 19 to September'19 and shortfall amount was assessed as ₹1,82,980. Complainants paid the amount. Surcharge amount of ₹31,243 was also withdrawn by AAO/ERO/Tadipatri Dt: 31.05.2022.

The copy of reports of AEE/M&P/Anantapur Dt:18.11.2019 and 4.04.2020 and copy of report of Dy.EE/DPE HT/Kurnool dt: 03.02.2020 clearly shows that there was defect in CTPT Set and drop of Y phase in voltage and short billing was raised. Since Dy.EE/DPE has not furnished the MRI Dump, EE/O/Gooty made final assessment as per Cl. 7.5.1.4.2 of GTCS and reduced the amount from ₹4,81,630 to ₹2,58,644.

Complainants being not satisfied with the order of EE/O/Gooty preferred an appeal to SE/O/Anantapur against issuing of Final assessment order.

SE/O/Anantapur considering the facts of the case reassessed as per Clause.

7.5.1.4.1 of GTCS and reduced the amount to ₹1,82,980 from ₹2,58,644. So the contention of the complainants that the Final Assessment orders were not passed by EE/O/Gooty and SE/O/Anantapur in accordance with rules and violated the principles of natural justice is not tenable.

Respondent.No.1 in his letter Dt:04.07.2022 stated that while disposing of the appeal by SE/O/Anantapur, KWH consumption was taken instead of KVAH of preceding three months, if KVAH units are taken, complainants are liable to pay ₹2,26,073 and final order may be issued by this forum for the above said amount.

Admittedly, SE/O/Anantapur on appeal, finalized the assessment. No authority is placed before this forum that this forum is competent to revise the assessment made by SE/O/Anantapur on the ground that while calculating the escaped energy mistakenly took KWh units into consideration instead of KVAH units. This forum is not competent to enhance the amount of assessment after final assessment order was passed by SE/O/Anantapur and that too in the complaint filed by the complainants.

The other contention of the complainants is that Cl.7.5.1.4.1 of GTCS is only applicable for the proceedings initiated for the defective meters and not for CTPT Set.

Clause.2.2.37 of GTCS defines the meter which is as follows:

“Meter” means an equipment used for measuring electrical quantities like energy in kWh, kVAh, Maximum Demand in kW or kVA, reactive energy in kVArh etc., including accessories like Current Transformers (CT) and Potential Transformers (PT) where used in conjunction with such Meter and any enclosure used for housing or fixing such Meter or its accessories and any devices like switches or MCB or fuses used for protection and testing purposes”

Cl.7.5.1 of GTCS defines the procedure for replacement of meters. Cl.7.5.1.2 of GTCS says that the associated circuitry including CT/PT shall be tested at the premises of the consumer.

When the meter was found defective, licensee is empowered to compute the assessed units as per Clause. 7.5.1.4.1 to Cl. 7.5.1.4.4. The report of AEE/HT Meters-II/Anantapur dt: 18.11.2019 clearly shows that CTPT set was defective. So also the report of Dy.EE /DPE/Kurnool shows that there was Y phase voltage drop from 18.09.2019 to 18.11.2019 and KVA error was (-) 50.63%. He also specifically mentioned Y phase voltage missing due to loosening of Y phase PT link and from the dump analysis the Y phase voltage was missing from 19.11.2019 and it was rectified on 23.01.2020. Dy.EE/DPE/ Kurnool recommended back billing from 18.09.2019 to 18.11.2019 & from 19.11.2019 to 23.01.2020 and he also issued calculation sheet in his report and also issued PAO for ₹4,81,630 .

EE/O/Gooty at the time of finalizing the case, since the MRI dump taken by Dy.EE/DPE/Kurnool was not available, made final assessment relying on Clause.7.5.1.4.2 of GTCS. When appeal was filed, SE/O/Anantapur re-assessed the amount as per Clause. 7.5.1.4.1 of GTCS. Complainants did not specifically deny the fact that CTPT set was not replaced on 18.11.2019 and the screw of loosened knob of Y-phase terminal test block was not tightened by the concerned officers on 4.4.2020. The inspection by AEE/HTM-2/Anantapur dt: 18.11.2019 and Dy.EE/DPE/Kurnool dt: 03.02.2020 were conducted in the presence of one and the same person B. Siva Sankar, supervisor of the complainants firm. So Respondents have proved that there was defect in CTPT set and Y phase current was zero on both the occasions. When the meter was found defective respondents are entitled to assess the escaped units as per Clause. 7.5.1.4. of GTCS and respondents have rightly followed the above said clause of GTCS.

The contention of the complainants that respondents have no authority to raise shortfall billing on the ground that the copy of MRI dump has not furnished

to the complainants but no authority has cited before this forum that since copy of MRI dump was not furnished to the complainants along with PAO, no shortfall bill can be raised. Respondents on the basis of reports submitted by the competent officers after the service was inspected and found that there was defect in the CTPT set and Y phase current was zero, raised supplementary bill for the escaped energy.

The other contention of complainant was that the provisions of Sec.126 and 127 of Electricity Act are applicable only when case was registered for unauthorized use of electricity and as this case was not registered u/s.126 of Electricity Act, the assessment is not valid. If case was registered u/s.126 of Electricity Act, the provisional assessment and final assessment have to be made in accordance with Clause 9 of GTCS and in that case licensee is empowered to impose penalty. But in this case, assessment was made for the un-escaped consumed energy only.

Again on 04.04.2020 the service was inspected by AEE/HT Meters-II/ Anantapur to rectify the voltage drop at TTB of the service.No.1630. Back billing was raised on account of Y Phase PT missing from 11.02.2020 to 04.4.2020. Final assessment orders were passed raising back billing for an amount of ₹69,588.Complainants without preferring an appeal to Superintending Engineer/O/Anantapur against Final assessment order passed by EE/O/Gooty for the period from 11.02.2020 to 04.04.2020 directly filed the complaint before this forum. Complainants did not place any material before the forum to show that FAO passed by EE/O/Gooty is not correct. EE/O/Gooty after considering the data has rightly asserted the escaped energy and passed reasoned order.

Respondents have followed the procedure contemplated under GTCS and under the Electricity Act. The assessment orders were made in accordance with rules. There are no grounds to interfere with the final assessment orders passed by SE/O/Anantapur for the period from 18.09.2019 to 23.01.2020 and EE/O/Gooty

for the period from 11.02.2020 to 04.04.2020. There are no merits in the complaint.

The points No.1 and 2 answered accordingly.

6. In the result the complaint is dismissed.

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

Forwarded By Order


Secretary to the Forum

This order is passed on this, the day of 17th August'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 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.