

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

**On this the 30<sup>th</sup> day of May' 2023**  
**C.G.No.75/2022-23/Kurnool Circle**

*Present*

**Sri. K. Ramamohan Rao**

**Chairperson(I/c)**  
**and Member (Finance)**

**Sri. S.L. Anjani Kumar**

**Member (Technical)**

**Smt. G. Eswaramma**

**Independent Member**

*Between*

**B.V.Krishnaiah**  
4-449-B,  
Ayyalurumetta,  
Nandyal,  
Kurnool Dt.

**Complainant**

**AND**

1.Asst. Accounts Officer/ERO/Nandyal

**Respondents**

2.Deputy Executive Engineer/O/Nandyal

3. Executive Engineer/O/Nandyal

4. Executive Engineer/DPE/Kurnool

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**ORDER**

1. The case of the complainant is that the department inspected service connections vide 1) SC No.8431205064442 2) 8431205056393 on 20.10.2021. But the services are in the same premises. Hence the department clubbed 2 services load into one service and issued HT billing to SC No.8431205056393. In this connection the complainant has stated that they are having 2 services, one service having service vide SC No.8431205064442 which was given to lease to run M/s. Jaideep Seeds on 23.07.2021 for 5 years time period. The complainant utilizing another service vide SCNo. 8431205056393 for running M/s. Babburi Agro Industries. The complainant further stated that later they constructed a compound wall between the two premises and physically separated those premises. The EE/DPE/Kurnool has also re-inspected the premises on 21.11.2022 and sent report to EE/O/Nandyal stating that the said services

**DESPATCHED**  
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are located in different compounds and nature of the business also different furnished the load details of each service in his report). The complainant further stated that now the department issuing LT tariff bill to service No. 8431205056393 and 8431205064442. The department issued notice to pay Rs.6,91,962/- towards HT tariff bill for SCNo.8431205056393. The complainant also stated that they are only running the unit during seasonal period for about 3 to 5 months only. Hence requested to resolve their grievance.

2. The case was registered as C.GNo.75/2022-23/Kurnool Circle and sent to respondents for written submissions.
3. The EE/O/Nandyal has submitted written submission stating that, the complainant Sri.B.V.Krishnaiah, H.No.4-449-B, AyyaluruMetta, Nandyal filed a complaint before the Chairperson, Consumer Grievances Redressal Forum (CGRF) vide C.G No. 75/2022-23, Kurnool Circle regarding clubbing of 2No's services i.e. 8431205064442 & 8431205056393.
4. The EE/O/Nandyal called a detailed report from the Deputy Executive Engineer/ Operation Sub-Division/Nandyal Town.
5. The Deputy Executive Engineer/Operation/ Sub-Division, Nandyal town submitted a report stating that on 20-10-2021, the Executive Engineer/DPE/Kurnool inspected the 2No's services (1) SC No. 8431205056393, LT Cat-III,CL:71HP (2) SC No.8431205064442, LT Cat-III, CL:74HP and found that the 2services are existing in the same premises with same purpose i.e., seed processing and recommended to club both the services as per Clause No.3.5 of GTCS and also recommended to issue single bill under HT Cat-III(A) tariff with the load of 239HP to avoid loss of revenue to the department . Further stated that on same day of 20-10- 2021 an additional load case also booked to the SC No.8431205056393 as contracted load 71.0 HP, Connected load 177.04692 HP and hence additional load notice served for excess load (rounded) 107.00 HP for an amount of Rs.2,13,718/-vide Case No. DPE/NDL/NDLT/23102/21. The consumer Sri. Babburi Venkata Krishnaiah represented that SC No. 8431205056393 has contracted load of 71HP and their connected load is only 56.25HP.

But the department authorities issued additional load notice for excess load of 107HP and requested to re-inspect the service and also submitted another representation stating that SC No.8431205064442 service given to lease to M/s Jaideep seeds for 5 years from 23-07-2021. The nature of work is also different for both the services.

The Executive Engineer/Operation/Nandyal addressed a letter to the Superintending Engineer/Operation/Kurnool after inspection of both services i.e. SCNo's.8431205056393 & 8431205064442 stating that the services inspected on 17-02-2022 and found that the service SCNo. 8431205064442 is given to lease to tenant i.e. M/s Jaideep Seeds from 23-07-2021. A compound wall also constructed between two firms with separate entrance gates. The nature of wok also different for both the services. Hence stated that, it is not possible to club both the servicesand the connected load at the time of inspection to SC No. 8431205056393 is 53.5 HP and connected load toSC No. 8431205064442 is 85HP. Hence requested to accord approval to issue Final Assessment Order (FAO) for zero amount.

As per oral instructions of the Superintending Engineer/ Operation/Kurnool, the Executive Engineer/Operation/Nandyal addressed a letter to the Executive Engineer/DPE/Kurnool to re-inspect the said services by both DPE and Operation wing. The Executive Engineer/Operation/Nandyal also addressed a letter with point wise information raised in Lr. No. EE/DPE/ KNL/AE.T/F.No.21/D.No.1144/21, Dt:27-10-2021 to the Executive Engineer/ DPE/Kurnool .

The Executive Engineer/DPE/Kurnool reported that 2No's services (1) 8431205056393 & (2) 8431205064442 inspected along with Deputy Executive Engineer/ Operation/Nandyal Town and observed that SC No. 8431205056393 is having 60HP only and SC No. 8431205064442 is having load of 87HP and certified that "both services are located in different compounds and nature of business also different".

The Executive Engineer/Operation/Nandyal has issued an approval based on the Executive Engineer/DPE/Kurnool report for waive off clubbing of both services i.e. 8431205056393 & 8431205064442 and withdrawal of manual billed HT charges from 20-10-2021 and permission to issue the bill under LT billing only because the services connected load is 8431205056393 – 60 HP & 8431205064442 – 87 HP only and

nature of work is also different. The Superintending Engineer/Operation/Kurnool returned the withdrawal proposal for SC No. 8431205056393. Hence requested to close the case.

6. Personal hearing through video conferencing was conducted @11.30A.M. on 10.3.2023. Complainant Mr.B.V.Krishnaiah, EE/O/Nandyal, EE/DPE/Kurnool present. Heard both sides.

The complainant stated that SC No.8431205064442 was released during 2011, SCNo. 8431205056393 was released during 2010. The complainant further stated that they have not utilized more than contracted load from the date of release of supply and they do not know two services should not be in the same premises. Hence at the time of first inspection both the service premises were not separated and stated that, M/s. Babburi Agro industries utilizing for cotton Ginning purpose, their industry is a seasonal industry running during the period from December to February. Another service leased to M/s. Jaideep Seeds utilizing for seed processing which is different in nature. Hence requested to waive the levied amount by the department towards HT billing done for the period from 05/2022 to 10/2022 for SCNo.8431205056393.

The EE/O/Nandyal has stated that at the time of first inspection EE/DPE/Kurnool has clubbed the said 2 services into one stating the remarks in his report which is as follows:-

- 1. Management of above two services are same.*
- 2. Both services are utilising the supply for same purpose.*
- 3. Both services are in one compound with same purpose.*
- 4. Both services have same name of the consumer.*
- 5. No separate set-up and staff for both the services.*

*It is clearly established that both firms are availing supply under different service connections situated within a single premises by splitting the units.*

*Hence as per Clause 3.5 of GTCS recommended to club both the above said two services and also recommended to issue single bill under HT category III(A) tariff to avoid loss of revenue to the department . As per the recommendation of the inspected officer i.e., EE/DPE/Kurnool, the EE/O/Nandyal clubbed the said two services and issued HT billing to the SCNo.8431205056393.*

On receipt of complainant's letter on 02.11.2022, the EE/O/Nandyal wrote a letter to the EE/DPE/Kurnool to re-inspect the said services stating that the complainant attended the remarks mentioned in the first inspection by the EE/DPE/Kurnool. On 21.11.2022 the EE/DPE/Kurnool has inspected the said premises and found that one service premises having service SC No.8431205064442 contracted load is 74HP load connected load is 87HP utilising for ginning mill. Hence additional load case booked to regularise 13HP load, which the service was given to lease to run M/s.Jaideep seeds on 23.7.2021 for 5 years time period. The complainant utilizing another service SCNo. 8431205056393 to run M/s. Babburi Agro industries, the contracted load is 71HP, connected load is 60HP

During second inspection it was found that the two premises were separated with compound wall by the complainant. The EE/DPE/Kurnool has recommended to waive the clubbing of the said two services and also recommended to issue LT billing to both the two said services. Hence requested to close the case.

The AAO/ERO/Nandyal has stated that from the date of inspection from 20.10.2021 to 4/2022 the SCNo.8431205056393 and SCNo.8431205064442 loads clubbed into one and HT bill issued for SCNo.8431205056393 for a total load of 145HP (sum of said two services contracted load), from 5/2022 to 10/2022 HT billing done for SC No.8431205056393 for total load of 239HP ( sum of two said services connected load as per the inspection report). When complainant approached the department they verified the records and found that as per inspection report of the EE/DPE/Kurnool, the connected load of both the services recorded during 1/2022 is 138.5HP only, hence revised the HT bill issued for the period from 5/2022 to 10/2022 to the contracted load of 145HP only . The AAO/ERO/Nandyal has stated that they deducted the excess CC bill levied from May'2022 to October'2022, for SC No. 8431205056393 duly considering the total contracted load of both the services SC No.8431205064442 and 8431205056393. The AAO/ERO/Nandyal has also furnished the details of already billed, to be billed and balance to be billed. This forum noticed that the department deducted difference amount of CC bill levied for the months from May'2022 to October'2022 Rs.2,63,032/-, i.e., out of total billed amount of Rs.691962.45, the department already deducted through credit RJ for Rs.2,63,032/- and billed for Rs.4,28,930/- from May'2022 to October'2022.

7. Point for determination is whether respondents are entitled to waive the levied amount towards HT billing done for the period from 05/2022 to 10/2022 for SC No. 8431205056393 or not?

On verification of records this forum noticed that the Executive Engineer/DPE/Kurnool inspected the 2No's services (1) SC No. 8431205056393, LT Cat-III, CL;71HP (2) SC No.8431205064442, LT Cat-III, CL:74HP, and the EE/DPE/Kurnool has submitted the report with 5 points of remarks to the field officers stating that the 2services are existing in the same premises with same purpose i.e., hence recommended to club both the services as per Clause No.3.5 of GTCS and also recommended to issue single bill under HT Cat-III(A) tariff for SC No. 8431205056393 with the load of 239HP to avoid loss of revenue to the department. Further on same day of 20-10-2021 the EE/DPE/Kurnool has booked an additional load case to the SC No.8431205056393 as contracted load 71.0 HP, Connected load 177.04692 HP and hence additional load notice served for excess load (rounded) 107.00 HP for an amount of Rs.2,13,718/- vide Case No. DPE/NDL/NDLT/23102/21.

On receipt of complainant's letter on 2.11.2022 the EE/O/Nandyal wrote a letter to the EE/DPE/Kurnool to re-inspect the said services stating that the complainant attended the remarks mentioned in the first inspection by the EE/DPE/Kurnool. On 21.11.2022 the EE/DPE/Kurnool has inspected the said premises and found that one service premises having service SC No.8431205064442 contracted load is 74HP load connected load is 87HP utilizing for ginning mill. Hence additional load case booked to regularize 13HP load, which the service was given to lease to run M/s. Jai deep seeds on 23.7.2021 for 5 years time period, the complainant utilizing another service SC No. 8431205056393 to run M/s. Babburi Agro industries, the contracted load is 71HP, connected load is 60HP. Further during second inspection the EE/DPE/Kurnool has noticed the compound wall constructed between the two service premises which was constructed by the complainant to physically separate the two premises. Hence, the EE/DPE/Kurnool has recommended to waive clubbing of the said two services and also recommended to issue LT billing to both the said two services.

This forum also noticed that the said two service numbers are found in the name of Mr. B. Venkata Krishnaiah as per records. One of the premises given to lease for a

further stated that they do not know that two services should not be in the same premises, hence at the time of first inspection both the service premises were not separated and stated that, nature of their industry M/s.Babburi agro industries is for cotton Ginning purpose, their industry is seasonal industry, so the industry running during the period from December to February. Another leased service M/s.Jai deep seeds utilizing for seed processing unit, which are different business natured. Hence requested to waive the levied amount by the department towards HT billing done for the period from 5/2022 to 10/2022 for SC No.8431205056393.

Here in this case the complainant given the premises to lease to M/s.Jaideep seeds for a period of 5 years on 23.7.2021 where as the respondents conducted first inspection on 20.10.2021 i.e., the complainant leased another premises 3months before the date of inspection by the respondents. This forum noticed that the complainant not known about the separation of premises physically which were located in the same premises to avoid clubbing of services as per Clause No.3.5 of GTCS issued by the Hon'ble APERC .The only issue noticed by this forum is that the complainant did not registered the lease agreement concluded to M/s.Jaideep Seeds. The photograph evidences produced by the respondents also shows that the complainant constructed the compound wall in between the factories for separation of the premises.

On the other hand the complainant stated that their industry is seasonal one and they are utilizing the unit from December to February and stated that they never exceeded the contracted load. The time taken to re-inspect the premises is almost one year on 21.11.2022 where as first inspection done on 20.10.2021. This forum cannot decide from which date the complainant separated the premises physically unless re-inspection conducted by the respondents if produced as a evidence. While reviewing the consumption pattern of the SC No.8431205056393 the complainant utilized between 2000units to 11000units (kvah units). But RMD not exceeded during the period from 2/2021 to 2/2023 and for SC No.8431205064442 also the complainant utilized between 500 units to 8500units (KVAH units) but not exceeded the RMD during the period from 2/2021 to 2/2023. The complainant seeking withdrawal of the HT billing done for the period from 05/2022 to 10/2022 which includes seasonal and un-seasonal period. So the

forum cannot decide that the complainant not utilized during remaining months i.e. during un-season period.

There are no merits in this case for withdrawal of the of the HT billing done for the period from 05/2022 to 10/2022for SC No.8431205056393.

For the period from May'2022 to October'2022 out of total billed amount of Rs.691962.45, the department already deducted through credit RJ for Rs.2,63,032/- and billed for Rs.428930/- from May'2022 to October'2022, hence the department correctly deducted Rs.2,63,032/- excess billed amount from May'2022 to October'2022.

Thus the complainant is liable to pay the remaining outstanding amount towards HT billing done for Rs.428930/- for the period from 05/2022 to 10/2022 for SC No.8431205056393 to avoid disconnection of the services by the respondents,as the department already deducted the excess bill amount of Rs.263032.00 from the CC bills issued for Rs.691962.45 for the period from May'2022 to October'2022 . The point answered accordingly.

The respondents are also directed to verify the records whether the complainant followed the procedure after concluding lease agreement to another service of M/s.Jai deep seeds SC No.8431205064442. i.e., Agreement produced or not and see that Security Deposit charges collected to the lease premises as per the Hon'ble APERC guidelines.

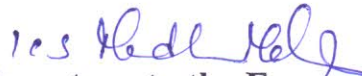
8. Hence the complaint is dismissed.

Sd/-  
Member (Technical)

Sd/-  
Independent Member

Sd/-  
Chairperson (I/c)

**Forwarded By Order**

  
**Secretary to the Forum**

**This order is passed on this, the day of 30<sup>th</sup> May'2023**

If aggrieved by this order, the Complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, 3<sup>rd</sup> 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 , 3<sup>rd</sup> 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, 4<sup>th</sup> Floor, Singareni Bhavan, Red  
Hills, Lakdikapool, Hyderabad- 500 004.