

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

On this the 20th day of October' 2022

C.G.No.11 /2022-23/ Nellore circle

Present

**Sri. K.Rama Mohan Rao
Sri.S.L.Anjani Kumar**

**Chairperson(I/c) & Member (Finance)
Member (Technical)**

Between

P.Eswaraiah,
Penugoludibba(V),

Complainant

Mandapam(P),

T.P.Gudur(M)

Nellore Dt.

AND

1.Assistant Accounts Officer/ERO/Indukurpeta

Respondents

2.Executive Engineer/O/Nellore Rurals

3. CGM/O&M/Tirupati

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 ₹1, 68,732.85 towards DTR cost but licensee is empowered to collect Development charges for 48HP @ ₹900 Per HP i.e. ₹ 43,200 only and is entitled for refund of ₹1,25,532. The case was registered as CG. No 11/2022-23/Nellore Circle.
2. Respondent No.2 filed written submission stating that the complainant Sri. Pokapudi Eswaraiah, Eduru Penugoludibba (V), TP Gudur (M) has applied for service to his fishpond and the estimate for extension of supply to 1No. 48HP Industrial loads for Aqua culture to complainant Sri. Pokapudi Eswaraiah, Eduru Penugoludibba (V), TP Gudur (M) has been prepared and sanctioned vide WBS No.E-2021-04-05-21-05-006 for an amount of ₹2,79,990 vide his Lr.No.125/22 dt: 13.06.2022

The service line charges is to be collected from the consumer, as total cost of the estimate excluding the cost of the metering equipment ₹2,79,990 towards service line

charges and ₹24,000 towards SD charges including DTR cost. The modification is done in SAP accordingly in SAP for collecting the service line charges from the prospective consumers, since all the calculations regarding Development charges, Service line charges & Security deposit is being done by SAP generated calculations only. There is no manual intervention and modification in SAP, demand calculation which is fixed by SAP wing as per the guidelines in vogue. Hence the cost of service line charges is collected from the consumer as per the said guidelines and as per the SAP generated demand notice only.

On verification of instruction guidelines issued by the Corporate office/APSPDCL/Tirupati towards collection of Transformer cost for All LT categories except Agricultural consumers, it is observed that the Corporate office/APSPDCL/Tirupati issued instruction guidelines vide Memo. No.CGM/O/SPDCL/TPT/EE/C/F.Reg.4/D.No.147/2021, dt:2.2.2021 by superseding already issued instruction guidelines vide reference Memo.No. CGM/O/SPDCL/TPT/EE/C/F.Reg.4/D.No.100/2021, dt:27.1.2021. It clearly shows that the Corporate office/APSPDCL/Tirupati issued instruction guidelines to the field officers for collection of transformer cost from All LT categories except Agricultural consumers without any prior instructions/ without obtaining approval from Hon'ble APERC.

Accordingly Respondents have collected cost of DTR as per the memo issued by CGM/O/SPDCL/TPT/EE/C/F.Reg.4/D/No.100/21 Dt: 27.01.2021.

According to Respondents Hon'ble APERC permitted the licensee to collect cost of DTR from LT consumers other than Agriculture services whose contracted load exceeded 20 KW as per the letter of Secretary /APERC dt:31.12.2021 vide reference Lr.NO. APERC/Secy/F.NO.S-19/(Vol.II)/D.No.694/2021, dt:31.12.2021.

The Hon'ble APERC issued Reg. 6 of 2021 empowering the DISCOMS to collect cost of DTR from all the LT consumers other than agricultural consumers for release of services with a contracted load exceeding 20 KW by providing dedicated DTR. It was published in the gazette on 31.12.2021. Admittedly it is not mentioned in Regulation. 6 of 2021 that it will be applicable retrospectively. So it will be applicable from 31.12.2021 only and as a sequel respondents are entitled to collect cost of DTR from 31.12.2021 onwards only.

3. Personal hearing was conducted through video conferencing on 03.8.2022 and 25.08.2022. On both the occasions Complainant absent and EE/O/R/Nellore present. Heard.
4. Several phone calls made by the secretary of this forum to the complainant to attend personal hearing through video conferencing, but there is no response from the complainant. As seen from the above, Video conferencing was conducted 2 times for this said case but the complainant was absent on both the occasions. The secretary of this forum again contacted to the registered mobile number mobile No.9701258479 of the complainant @ 12.45P.M. on 25.8.2022 , the complainant's son answered the phone call and stated that the said service was transferred to his name Mr.P.Murali and he is the present registered consumer to the said service and also stated that he is very busy, he is unable to attend the video conferencing and requested to close the grievance.
5. Again personal hearing through video conferencing was conducted on 11.10.2022. Consumer absent. EE/O/Nellore Rural present.
6. The point for determination is whether licensee is entitled to collect cost of DTR while releasing Aqua culture service of 48HP for SC No.3531567002723?

Complainant stated that he applied for new Aqua culture service of 48HP and paid an amount of ₹1,68,732.85 for release of the said service. But licensee is only entitled to collect Development charges @ ₹900 per HP (48HP X ₹900perHP) i.e. ₹43,200 only. The Regulation 6 of 2021 issued by Hon'ble APERC came into force on 31.12.2021. The new Aqua culture service was released prior to 31.12.2021. So licensee is not empowered to collect cost of DTR from LT consumers. He is not liable to pay cost of DTR on the ground that dedicated DTR is provided.

On the other hand EE/O/Nellore Rurals represented that estimate is programmed in SAP and whenever the estimate is generated, the demand amount will be shown as per the developed programme and they have to collect the amount shown in the SAP.

As per the available information submitted by the Respondents, complainant submitted an application for release of aquaculture service with a load of 48HP. The estimate was prepared and sanctioned on 17.5.2021, the amount was paid by the complainant on 22.05.2021 and the service was released on 25.6.2021 with service number 3531567002723.

On verification of the ledger it is observed that the said Agricultural service was transferred from Mr. P.Eswaraiah to Mr. P. Murali son of P. Eswaraiah on 28.7.2022. But, at the time of registration of this case the service was in the name of P. Eswaraiah only.

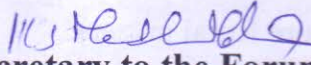
Since the service connection was transferred to his son's name, he has to present a fresh application for refund of DTR cost, the same will be examined and orders will be issued accordingly. There is no need to keep the file pending before this forum when he is not a complainant. The complainant grievance is dismissed. Accordingly, the C.G.No.11/2022-23/Nellore Circle is disposed off. The point answered accordingly.

7. In the result the complainant is dismissed.

Sd/-
Member (Technical)

Sd/-
Chairperson(I/c)

Forwarded By Order


Secretary to the Forum

This order is passed on this, the day of 20th October '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.