

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

On this the 27th day of May' 2022
C.G.No.01 /2022-23/ Nellore circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. Y. Sanjay Kumar
Sri. K. Ramamohan Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Technical)
Member (Finance)
Independent Member

Between

Mr.M.Subramanyam,
Iskapalli,
Alluru,
Nellore Dt.

Complainant

AND

1.Junior Accounts Officer/S-ERO/N.R.palem
2.Executive Engineer/O/Kavali

Respondents

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, 81,170 towards DTR cost but licensee is empowered to collect Development charges for 45HP @ ₹900 Per HP i.e. ₹ 40,500 only and is entitled for refund of ₹1,40,670.The case was registered as CG. No 01/2022-23/Nellore Circle.
2. Respondent No.2 filed written submission stating that the complainant Mr.M.Subramanyam, Iskapalli Village, AlluruMandal has applied for service to his fishpond and the estimate for extension of supply to 1No. 45HP Industrial load for Aqua culture to complainant Mr.M.Subramanyam, Iskapalli(V)Allur(M)has been prepared and sanctioned vide WBS No.E-2020-04-02-51-01-022 for an amount of ₹.3,64,705. As per the revised guidelines of

DESPATCHED

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APSPDCL vide Memo. No.CGM/O/SPDCL/TPT/EE/C/F.Reg.4/D.No.100/21 dt:27.01.2021 the service line charges is to be collected for the consumer, as total cost of the estimate excluding the cost of the metering equipment ₹.3,55,395 towards service line charges and ₹.22,500 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.

3. Personal hearing was conducted through video conferencing on 17.5.2022 Complainant and EE/O/Kavali present. Heard both sides.
4. The point for determination is whether licensee is entitled to collect cost of DTR while releasing Aqua culture service of 45HP for SCNo.3251513002296?

Complainant stated that he applied new Aqua culture service of 45HP and paid an amount of ₹.1,81,170 for release of the said service. But licensee is only entitled to collect Development charges @ ₹.900 per HP (45HP X ₹900 per HP) i.e. ₹.40,500 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/Kavali 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.

As per the available information submitted by the Respondents, complainant submitted an application for release of aquaculture service with a load of 45HP. The estimate was prepared and sanctioned on 17.4.2021, the amount was paid by the complainant on 27.05.2021 and the service was released on 20.7.2021 with service number 3251513002296.

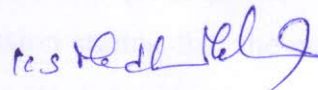
Admittedly the submission of application for release of new Aqua culture service under Cat V (C) for 45HP after payment of estimated amount for releasing of new Aqua culture service was prior to 31.12.2021. Respondents did not give any explanation as to how the software application is developed, implemented 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 into 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.

In the present case, the service was released on 20.07.2021. Since the Aqua cultureservice 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 cost of DTR erroneously instead of collecting Development charges for release of Aqua culture service. Complainant is entitled for refund of the excess amount. Respondents are directed to revise the estimate for collection of Development charges only instead of cost of DTR and refund the excess amount collected if any with interest. The point answered accordingly.

5. 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 date of receipt of this order and submit compliance report within 15 days thereon.

Forwarded By Order



Secretary to the Forum

This order is passed on this, the day of 27th May '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/ 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, SingareniBhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.