

**BEFORE THE FORUM**  
**FOR REDRESSAL OF CONSUMER GRIEVANCES**  
**IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI**  
**On this the 27<sup>th</sup> day of July' 2022**  
**C.G.No.03 /2022-23/ Nellore circle**

*Present*

**Sri. Dr. A. Jagadeesh Chandra Rao**  
**Sri. K. Ramamohan Rao**  
**Sri. S.L. Anjani Kumar**  
**Sri. Dr. R. Surendra Kumar**

**Chairperson**  
**Member (Finance)**  
**Member (Technical)**  
**Independent Member**

*Between*

B.Mastanamma,  
Utukur Peddapalem (V),  
Utukur (P),  
Vidavalur (M),  
Nellore Dt.

Complainant

*AND*

1.Junior Accounts Officer/S-ERO/N.R.palem  
2.Executive Engineer/O/Kavali  
3. CGM/O&M/Tirupati

Respondents

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**ORDER**

1. The case of the complainant is that licensee is entitled to collect only development charges for release of service to LT consumers as per Regulation. 04/2013. But respondents collected cost of DTR ₹.1,80,165 instead of development charges for 48 HP @ 900 per HP i.e. ₹43,200. Hence requested to refund the difference of amount of ₹1,36,965. She also further stated that she has submitted an application on 18.01.2021, amount paid on 10.03.2021 and service was released on 25.05.2021.
2. Respondent No.2 filed written submissions stating that complainant applied for service connection to fish pond. The estimate for extension of one No. 48 HP service for aquaculture was prepared and sanctioned vide sanction No.

**DESPATCHED**

DATE

C.G.No.3/2022-23/Nellore Circle

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SDR/KVL/NP.No.375/2020-21dt 02.02.2021 vide WBS No.E-2020-04-02-51-03-035 for an amount of ₹2,18,725.

As per the revised guidelines of APSPDCL vide Memo No. CGM/O/SPDCL/TPT/EE/C/F.Reg.4/D.No.100/21 Dt: 27.01.2021, service line charges has to be collected from the consumer as total cost of the estimate excluding the cost of metering equipment (₹2,26,658 as 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 and security deposits 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. Service line charges are collected as per the guidelines and SAP generated demand notice.

3. Respondent No.3 filed written submission stating that Hon'ble APERC issued guidelines vide Lr. No. APERC/Secy/F.No.S-19 (Vol.II) /D.No.694/21 Dt:31.12.2021 stating that the consumers of LT services other than the Agriculture service whose contracted load exceeds 20 KW shall be provided with dedicated transformers on collecting full cost of transformer.

In all these six cases dedicated DTRs are erected as the load per service is 48 HP. Hence cost of DTR has been collected and there is no possibility to extend supply to another consumer.

4. Complainant sent a letter subsequently that Mr. K Gurrappa S/o. K. Narayana will represent her in the personal hearing.
5. Personal hearing was conducted through video conferencing on 08.06.2022. Mr. K. Gurrappa represented in this case and also in five other similar cases. In all these cases, complainants are illiterate women. Hence complainants were directed to appear in the personal hearing and the matter was adjourned.

6. Again personal hearing was conducted through video conferencing on 15.07.2022. Complainant present for video conferencing from EE office Kavali. Heard complainant and Respondent No.2.
7. The point for determination is whether respondents are empowered to collect cost of DTR for release of service of 48 HP for fish pond under LT category for SC. No. 3251311003999 when service was released on 25.05.2021?

According to respondent No. 2 they 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 Respondent. No. 3, 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.

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.

Respondents did not explain how respondent. No. 3 is empowered to issue a circular and collect the amount for release of service connections even prior to approval and sanction from the Hon'ble APERC and basing on such circular collect cost of DTR from LT consumers. Licensee is empowered to collect charges for release of service connections as permitted by the Hon'ble APERC. Officers of licensee are not expected to issue circulars, develop a

software programme and implement it, so as to enable them to collect amounts not authorized by the Hon'ble APERC.

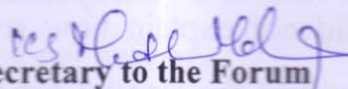
In this case, according to complainant submission of application, sanction of estimate payment and release of service connection are prior to 31.12.2021. Respondent No. 2 did not dispute about this fact. Respondent No.2 also filed copy of estimate which shows that it was prepared and sanctioned on 02.02.2021 i.e. prior to issuing of Reg. 6 of 2021.

Respondents in this case collected cost of DTR erroneously and illegally without prior permission from Hon'ble APERC. Respondents are only empowered to collect development charges for release of fish pond under LT category. Respondents are directed to revise estimate for collection of development charges only instead of cost of DTR and refund the excess amount collected towards cost of DTR with interest. The point answered accordingly.

8. Respondents are directed to refund excess amount collected for Service no. 3251311003999 with interest @ 6% per annum from the date of receipt of the amount by the licensee till the date of refund within 1(one) month from the date of receipt of this order and submit compliance report within 15 days thereon.

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 27<sup>th</sup> July '2022

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/ Tiruati.

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.