

**BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI**
On this the 3rd day of September' 2022
C.G.No.7 /2022-23/ Nellore Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. K. Rama Mohan Rao
Sri. S.L. Anjani Kumar
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

P.Narasamma,
Utukur Peddapalem,
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

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 Reg. 04/2013. But respondent had collected cost of DTR ₹1,86,823 instead of development charges for 48 HP at 900 per HP i.e. ₹43,200. Hence requested to refund the difference amount of ₹1,43,623. She also further stated that she has submitted an application on 30.03.2021, estimate was approved on 25.05.2021, amount was paid on 10.06.2021 and service was released on 24.09.2021.

2. Respondent No.2 filed written submissions stating that complainant applied for service connection to fish pond. The estimate for extension of 1 No.48

HPservice for aqua culture was prepared vide sanction No. SDR/KVL/NP.No.36/2021-22 dt: 25.05.2021 vide WBS No.E-2021-04-02-51-03-001 for an amount of ₹ 2,40,500.

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, serviceline charges has to be collected from the consumer as total cost of the estimate excluding the cost of metering equipment (₹2,33,039 as service line charges and ₹24,000 towards SD charges including DTR cost) Modification is done in SAP accordingly in SAP for collecting the service line charges from the prospective consumers. 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 are in vogue.

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 transformer on collecting full cost of transformer. In all these six cases dedicated DTRs are erected as the load for 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. Narayana will represent her in the personal hearing.

5. Personal hearing was conducted through video conferencing on 08.06.2022. Mr. 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. Complainant was absent on 15.07.2022 during the personal hearing .Respondent No.2 present. Again personal hearing through video conferencing was conducted on 25.08.2022.Complainant and Respondent No.2 present.
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. 3251311004025?

According to respondent No. 2 they have collected cost of Distribution Transformer as per the memo issued by CGM/O/SPDCL/TPT/EE/C/F.Reg.4/ D.No.100/21Dt: 27.01.2021.

According to Respondent. No. 3 Hon'ble APERC permitted the licensee to collect cost of DTR from LT consumers other than AGL services whose contracted load exceeded 20 KW as per order issued by Secretary, Hon'ble APERC dt:31.12.2021

Respondents did not explain how they are competent to collect cost of DTRs, when the services were released to the LT consumers even prior to issuing of Regulation 06 of 2021 dt:31.12.2021.

Respondents did not file any document to show that Respondent No. 3 is empowered to issue a circular and collect the amount for release of service connection even prior to approval and sanction from the Hon'ble APERC. Hon'ble APERC issued a Regulation. No. 6 of 2021 permitting the licensee to install dedicated DTR and collect cost of DTR where the connected load exceeded 20 KW from all the LT consumers except Agriculture consumers. It was published in the gazette on 31.12.2021 and it came into force only from 31.12.2021. 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 and develop a software programme and implement it, so as to enable them to collect amounts not authorized by the Hon'ble APERC.

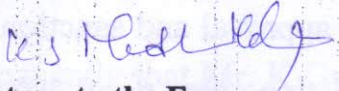
In this case, according to complainant submission of application, sanction of estimate, payment and release of service connection are prior to 31.12.2021. Respondent No. 2 did not dispute about this fact. Respondent No. 2 also filed copy of estimate which shows that it was prepared on 25.05.2021 i.e., prior to issuing of Reg. 06 of 2021.

Respondents in this case collected cost of Distribution Transformer 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 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 3rd September'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.