

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.27/2022-23/Tirupati Circle

Present

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

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

Between

Shaik Alimazahar,
D.No.19-13-13/1-26/5A ,
Narayanapuram,
Tirupati,
Chittoor Dt.

Complainant

AND

1.Executive Engineer/O/Tirupati
2. Dy. Executive Engineer/OSD-II/Tirupati

Respondents

ORDER

1. The case of the complainant is that he has applied for 5 No's new domestic services (5 KW-2 No's services and 3 KW 3 No's services total load of 19 KW load on 28.05.2021. But the department released only 2 No's services (1 Service with 5 KW load and 1 Service with 3 KW load) and not released remaining 3 No's services. The complainant several times approached the concerned AE/O/Korlagunta and Dy.EE/Town-II/ Tirupati he was informed that he is not eligible for releasing of more than 20 KW load or for releasing of more than 5 services without DTR cost as per Memo. No. CGM/O/SPDCL/TPT/EE/C/F. Reg.4/ D.No.100/2021 dt: 27.01.2021.
2. Dy. Executive Engineer/OSD-II/Tirupati filed written submission stating that complainant Sri. Shaik Alimazahar applied for 5 No's service connections on 25.05.2021 (2x5 KW+3x3 KW=19 KW). After receiving consumer's application, Asst. Engineer/O/Korlagunta had personally inspected the premises and noticed the following points:

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1. Building is constructed with ground plus 3 floors (Ground Floor- 2 BHK, First Floor: Single BHK + 1 No.2 BHK, IInd Floor 1 SBHK + 1 DBHK, III rd Floor :Pent House)
2. The consumer had already taken one No. service for construction purpose vide SC.No.179542 with a contracted load of 5 KW)
3. On 28.05.2021 he applied for 2 No's 3 Ph service and 3 No's single phase services for newly constructed building.
4. After inspection by the Asst. Engineer/o/Korlagunta and noticed that total 6 No's services with connected load of 24KW load.

After site inspection, the Asst. Engineer/O/Korlagunta has informed the consumer that as per Memo. No. CGM/O/SPDCL/TPT/ EE/D.No.100/21 Dt: 27.01.2021 he is having more than 5 No's services and the total connected load is more than 20 KW. Complainant was requested to pay the DTR Cost, then only the service will be released. But the consumer not paid the DTR cost and stated that the consumer giving pressure from higher officials of the department to release the service. The consumer did not agree to pay the DTR cost and denied AE/O/Korlagunta instructions. Dy.EE/Town-2/Tirupati has issued notice to the complainant, stating that DTR cost will have to be borne by the consumer to release the balance services (notice enclosed).

3. Personal hearing through video conferencing was conducted on 11.10.2022 @ 11.30 AM the DEE/Town-2/Tirupati present and brother of the complainant Mr.Shaik Alimkausar present. Heard both sides.

The Dy.EE/Town-2/Tirupati has issued notice to the complainant for willingness to pay DTR cost for releasing of balance services. The complainant rejected to take the notice. The Dy.EE/Town-2/Tirupati has requested the complainant to submit willingness letter to pay DTR cost for release of balance services.

The complainant's representative Mr.Shaik Alimkausar (brother of the complainant) has stated that they have applied for the new service connection before the date of Hon'ble APERC guidelines dt: 31.12.2021, where as the date of

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registration of new service connection is dt:28.5.2021 which is prior to the date of Hon'ble APERC Guidelines.

4. The point for determination is whether respondents are entitled to collect cost of DTR for release of 3No's domestic services registered on 28.5.2021.?

According to Dy.EE/Town-2/Tirupati they have issued notice to collect 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.

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/Hon'ble 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 the department is empowered to issue a circular and collect cost of DTR 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, complainant submitted application on dt:28.5.2021 which is prior to the date of Hon'ble APERC Guidelines dt:31.12.2021. Dy.EE/Town-2/Tirupati did not dispute about this fact, issued notice with a condition that the complainant did not register the application for releasing of services with extension of estimate. Hence

informed to register within 7 days from the date of the notice issued i.e.17.6.2022, further mentioned that if not registered application with extension of estimate informed the complainant that '**all other live services will be disconnected**' without issuing further notice. But the complainant rejected to take the notice served by the department, approached the forum to resolve the grievance.

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.

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.

Respondents in this case issued notice to collect cost of DTR erroneously and illegally without prior permission/approval from Hon'ble APERC. Respondents are only empowered to collect development charges for release of 3Nos.domestic services

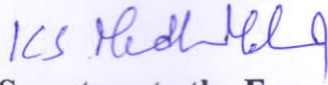
under LT category. Respondents are directed to collect development charges only instead of cost of DTR and release 3 No's domestic services which were registered prior to the Hon'ble APERC guidelines and submit compliance report within 15 days from the date of receipt of this order. The point answered accordingly.

5. In the result the complaint is disposed off in favour of the complainant.

Sd/-
Member (Technical)

Sd/-
Chairperson

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.