

**BEFORE THE FORUM**  
**FOR REDRESSAL OF CONSUMER GRIEVANCES**  
**IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI**  
**On this the 31<sup>st</sup> day of March' 2023**  
**C.G.No.74/2022-23/Tirupati Circle**

*Present*

**Sri. K.Rama Mohan Rao**

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

**Sri.S.L.Anjani Kumar**

**Member (Technical)**

**Smt. G. Eswaramma**

**Independent Member**

*Between*

The Secretary,  
Tiruchanur Panchayat,  
Tirupati Rural (M),  
Tirupati.

Complainant

**AND**

- 1 Assistant Accounts Officer/O/APSPDCL Tirupati
2. Dy. Executive Engineer/OSD-III/APSPDCL/Tirupati
3. Executive Engineer/O/APSPDCL/Tirupati (Town)

Respondents

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**ORDER**

1. The case of the complainant is that they are having electric service connection with service No.5522300006963 in the name of "The Executive Officer" Tiruchanur. It was wrongly categorized under Category- II during the month of 1/2022, as they are utilizing supply for supply of safe drinking water to the public under "NTR Sujala Sravanthi Scheme". Hence requested the forum to restore the category to Category-IV (A) and also requested to arrange to adjust the excess amount collected by the department by billing the said service under Cat-II (A) from 1/2022 onwards to their future CC bills.
2. The case was registered as C.G.No.74/2022-23/Tirupati Circle and sent to respondents for written submissions.
3. The Respondent No.3 has submitted written submission stating that, the SC No.5522300006963 belongs to Executive Officer, Grampanchayath, Tiruchanur, and was released on 05.07.2011 under Cat-IV (A) and being utilized to supply water for public purpose. The Respondent No.3 has also stated that, earlier the premises were inspected by DPE wing and same was noticed by DPE wing also. But they changed

**DESPATCHED**

DATE

31/3

the category of the said service from Category-IV (A) to II (A) during the month of 01/2022. The Assistant Engineer/Tiruchanur also stated that the consumer is utilizing the service for commercial purpose and Assistant Engineer/Tiruchanur sent a letter to Assistant Accounts Officer/ERO-I/Tirupati, during the month of 03/2022 duly recommending for change of category from Category-IV (A) to II(A). The service category was changed to Category-II (A) in the month of 03/2022.

On receipt of the complaint from the complainant the EE/O/Tirupati has issued oral instructions to inspect the said premises. As per the oral instructions of the EE/O/Tirupati, the service premises was inspected by the Deputy Executive Engineer/OSD-III/Tirupati on 28.10.2022 and observed that the service was released for the purpose of water plant under "NTR Sujala Sravanthi Scheme" and the Executive Officer, Gram Panchayath, Tiruchanur has issued the water plant to K.Chandra Sekhar Reddy of Tiruchanur duly passing the Panchayath resolution.

Further stated that, as per the Deputy Executive Engineer/OSD-III/Tirupati inspection report, Mr.K.Chandrasekhar Reddy handed over the water plant to K.Venkatarathnam on monthly rental basis for Rs 15,000/- per month and the same was confirmed by K.Venkatarathnam on 28.10.2022. Now the 3<sup>rd</sup> party consumer Sri K.Venkatarathnam running the plant for the purpose of public utilization for commercial purpose. In the inspection report the Deputy Executive Engineer/OSD-III/Tirupati has also stated that at the time of inspection by Deputy Executive Engineer/OSD-III/Tirupati dated 28.10.2022 many private vehicles moving in and around the water plant in the name of "Hemasri R.O.Water" the vehicles are moving with water cans and hence the said unit is not running under the name of "NTR Sujala Sravanthi" scheme. Hence requested to close the case. (Enclosed the Xerox copies of photo evidences showing vehicles standing near the unit at the time of physical inspection).

4. The Respondent.No.2 has also submitted the written submission on 31.1.2023 to this forum. But the contents of the written submission are same as that of the written submission submitted by the Respondent.No.3.
5. The Respondent. No. 1 also submitted his written submission on 30.1.2023 stating that the said service No.5522300006963 of Tiruchanur was released on 05.07.2011

under Category- IV (A) in the name of Executive Officer and billed under the same Category IV (A) up to 12/2021. But the category of the said service was changed from Category -IV (A) to II (A) in the month of 1/2022 as per the oral instructions of AE/O/Tiruchanur stating that the consumer utilizing supply for commercial purpose. The AE/O/Tiruchanur has also submitted the letter in the month of 3/2022 to change the category of the said service from Cat-IV(A) to Category-II (A). In view of the above as per the instructions of AE/O/Tiruchanur the said service category was changed into Category- II. Hence requested to close the case.

6. Personal hearing through video conferencing was conducted @ 11.30A.M. on 13.2.2023. Complainant Mr. K.Venkatarathnam, EE/O/TPT, Dy.EE/OSD-III/TPT, AAO/ERO/Town-1/TPT & Sr.Asst./ERO/Town-1/TPT present. Heard both sides.

The complainant has stated that the department changed the said service category wrongly from Cat-IV (A) to Cat- II (A). Hence he is receiving huge amount of CC bills from 1/2022 onwards. Hence requested to change the category from Cat-II(A) to Cat- IV (A) and also requested to adjust the balance CC bill excess amount paid by him to future CC bills.

When this forum questioned about the activity of the unit in the personal hearing, the complainant stated that in their unit, the RO water distributed at door step of a consumer @ Rs. 10/- for 20 litres Can and supply of water at plant @ Rs.4/- for 20 litres Can.

The Dy.EE/OSD-III/Tirupati has stated that the complainant is selling water with Mini Autos at door steps of people at higher rates. Further stated that as per the field verification the justification for change of category of the said service from Category-IV (A) to Cat- II (A) is reasonable and justified. Hence requested to close the case.

The EE/O/TPT has stated on receipt of complaint from the complainant and field staff, the EE/O/TPT has directed the field officers to inspect the unit physically and submit the field report. The field officer Dy.EE/OSD-III/TPT has inspected the unit on 28.10.2022 and submitted the report stating that the complainant utilizing the said service for commercial purpose. i.e., selling RO water to the public at high rate". The DPE wing also noticed the same during inspection at the unit that the complainant

utilizing supply for commercial purpose but not for sanctioned purpose of NTR Sujala Sravanthi Scheme.

The EE/O/Tirupati has also produced the Inspection report and notice served to the complainant on 26.12.2020 towards regularization of additional load of 14KW. Hence stated that the usage of supply is on high side i.e., the complainant exceeded contracted load of 3.73KW by connecting excess load of 14KW as the complainant utilizing supply for commercial purpose and hence consumption is also on high side. Hence stated that the change of category of the said service from Cat-IV (A) to Cat-II (A) is reasonable and justified. Hence requested to close the case.

7. Point for determination is whether the category of service vide SC No. 5522300006963 can be changed from Category-II (A) to Category-IV (A) or not?

Consumption demand and RMD statement for the months from 1/2021 to 3/2023 is as follows:

**Section:** TIRUCHANUR CCO Dist Name:00-TOWN USC No:5522300006963  
**Name:** The Executive Officer

LT2/1 Phase:3 Group:M1 Sd Avil:36570 Conn.Load:17.158 Ctr.Load:17.158  
Sc Type: NON-SLAB

Month /Year	Sta /Cat/Sub	OMR	Units	OPKVH	KVAHu	RMD	EC	ED	SUR	OTH	Cap	CMD
Jan-21	01/LT4	15676	1359	18270	1582	18.04	9513	81.54	150	0	0	11205
Feb-21	01/LT4	17035	884	19852	975	13.17	6188	53.04	150	0	0	7476
Mar-21	01/LT4	17919	1132	20827	1260	13.34	7924	67.92	150	0	0	9227
Apr-21	01/LT4	19051	1317	22087	1472	15.13	9219	79.02	171.1	0	0	10705
May-21	01/LT4	20368	1021	23559	1149	14.01	7147	61.26	235.69	0	0	8605
Jun-21	01/LT4	21389	859	24708	979	7.53	6013	51.54	150	0	0	6850
Jul-21	01/LT4	22248	1129	25687	1265	7.75	7903	67.74	369.87	0	0	8977
Aug-21	01/LT4	23377	1091	26952	1172	8.79	7637	65.46	402.97	0	0	8817
Sep-21	01/LT4	24468	1852	28124	2176	12.46	12964	111.12	355.38	0	0	16719
Oct-21	01/LT4	26320	1698	30300	1995	12.89	11886	101.88	263.81	2277.9	0	13262
Nov-21	01/LT4	28018	1538	32295	1831	13.91	10766	92.28	205.38	0	0	12149
Dec-21	01/LT4	29556	2469	34126	2901	15.49	17283	148.14	355.38	0	0	19055
Jan-22	01/LT2	32025	3712	37027	4310	14.66	25984	222.72	355.38	0	0	27723
Feb-22	01/LT2	35737	1612	41337	1912	13.53	13384	114.72	349.01	0	0	15235
Mar-22	01/LT2	37349	1862	43249	2180	14.77	15260	130.8	557.75	0	0	17337
Apr-22	01/LT2	39211	2174	45429	2558	14.4	25346	153.48	254.39	0	0	27149
May-22	01/LT2	41385	2320	47987	2724	13.73	26956	2724	313.66	0	0	31385
Jun-22	01/LT2	43705	2851	50711	3344	14.19	33249	3344	284.64	-4.5	0	38295
Jul-22	01/LT2	46556	3279	54055	3866	14.31	38547	3866	750.77	0	0	44638

Aug-22	01/LT2	49835	1989	57920	2392	13.76	23586	2392	677.6	0	0	29172
Sep-22	01/2/0	51824	2238	60313	2741	13.39	27128	2741	628.42	1092.74	0	33005
Oct-22	01/2/01	54062	2099	63054	2586	12.54	25555.46	2586	973.19	0	0	31673
Nov-22	01/LT2	56161	1827	65640	2013	9.95	19739.78	2013	662.35	0	0	24913
Dec-22	01/LT2	57988	1754	67653	1914	9.46	18734.25	1914	954.79	0	0	24159
Jan-23	01/LT2	59742	1819	69567	1988	10	19485.75	1988	555.96	0	0	24535
Feb-23	01/LT2	61560	1591	71555	1822	10	17801.17	1822	971.78	0	0	23040
Mar-23	01/LT2	63152	1601	73377	1789	9	17465.67	1789	426.85	0	0	22185

As seen from the demand consumption from the above table for the period from 1/2021 to 3/2023, this forum noticed that the complainant utilized consumption between 859units to 3712 units and no shortfall consumption recorded since 2 years i.e., the consumption utilized by the complainant is more and also RMD recorded between 10KVA to 18KVA (except 6/2021 & 7/2021 recorded RMD about 7 KVA).

*As per "Clause 1.4.1in Retail Supply Tariff for the F.Y. 2022-23 Volume-I" Consumers who are utilizing supply for street lights, panchayats, Municipalities, Municipal corporation and supply to NTR sujala pathakam shall be billed under Category-IV."*

#### **1.4 CATEGORY-IV: INSTITUTIONAL – LT**

##### **1.4.1 CATEGORY-IV (A): UTILITIES - LT (Street Lightning, NTR Sujala Pathakam, CPWS and PWS)**

###### **Applicability**

**This tariff is applicable for:**

- (i) **Supply of energy for lighting on public roads, streets, thoroughfare including parks, markets, car-stands, taxi stands, bridges, PWS schemes in the Local Bodies viz., Panchayats/ Municipalities / Municipal Corporations.**
- (ii) **Supply of energy to the Composite Water Supply Schemes (CWSS) / PWS Schemes operated and / or maintained by Local Bodies viz., (Panchayats, Municipalities, Municipal Corporations) etc.**
- (iii) **Supply of energy to NTR Sujala Pathakam (Drinking water schemes notified by the Government of AP and/or concerned statutory authority) Metering is compulsory irrespective of tariff structure.**

<i>Description</i>	<i>Fixed Charges(Ra./k W/month)</i>	<i>Energy Charges (Ra./kWh or kVAh)</i>
<i>Street Lighting, CPWS/ PWS Schemes and NTR Sujala pathakam.</i>	75	7.00

The complainant enclosed a copy of letter along with his grievance which shows that Mr. K.Chandrasekhar Reddy is the President of M/s. Hare Rama Hare Krishna Sahakarasangam and the said sangam authorities taken over the said unit area from Sarpanch of Tiruchanur Gramapanchyathi for a period of 10years, after 10year time period the said unit area will be again taken up by Tiruchanur Gramapanchayathi.

A letter signed by the Panchayath Secretary, Tiruchanur Gramapanchayat also enclosed. This forum noticed that the Panchayath Secretary concluded agreement with Mr K. Chandrasekhar Reddy, President of M/s. Hare Rama Hare Krishna Sahakarasangam with Regd.No.401/2010 to sell water cans @ Rs.2/- per can at plant and to sell water can @ Rs.10/- towards supply of RO water to distribute at door step of the consumer for the period from 01.04.2020 to 31.03.2033.

Now the present complainant Mr.K.Venkatarathnam has taken the unit for monthly rental basis for Rs.15,000/- per month and running the unit. During the personal hearing the complainant informed to this forum that he is selling water @ Rs.4/- per can at plant and selling water Can @ Rs.10/- to distribute at door step of the consumer. The complainant himself agreed in the personal hearing that he is selling water @ Rs.4/- instead of Rs.2/- per Can at unit. The complainant further stated that he could not be able to pay the monthly rental charges if he sells water @ Rs.2/- per Can, hence he is selling water @Rs.4/- per Can.

In the written submission submitted by AAO/ERO/Town-1/Tirupati this forum noticed that the change of category of the said service was done in the month of 1/2022 and as per ledger the category of the said service was changed during 3/2022 and DPE wing also booked additional load case vide Case No. DPE/TPTT/TPTOC/3694/20 for regularization of additional load of 14.00 KW as the complainant exceeded the contracted load of 3.73 KW. Hence this forum opined that complainant utilizing supply for commercial purpose i.e. other than sanctioned purpose with connected load of 17 KW

While observing the photographic proof submitted by the respondents, this forum also noticed that the vehicles are parked at the said R.O. Plant and in the front side of the vehicle's mirror it is mentioned as "Hemasri RO Water" and phone number mentioned at front side of the vehicle mirror as well as on the top of the water Can is '8341546694' and name as Chitti Babu". This forum also noticed that the cell number mentioned in the vehicle mirror and on top of the water Can bearing number 8341546694 is in the name of "Ramesh KVR water"(private water seller person name).

On the other hand the G.O.Rt.No.740 dated: 25.6.2014 issued by Panchayath Raj & Rural Development (EWS.II) Department, regarding supply of safe potable water in a Can to be supplied to each household under the scheme 'NTR Sujala Pathakam' is only Rs.2.00.

*As per "Clause 1.2.1.1 in Retail Supply Tariff for 2022-2023 Volume-I"*  
Consumers who undertake Non-domestic activity

**1.2.1: CATEGORY-II (A): COMMERCIAL-LT**

**1.2.1.1. CATEGORY-II(A)(I):COMMERCIAL-LT**

**Applicability**

***This tariff is applicable to:***

- (1) ***Consumers who undertake non-domestic activity.***
- (2) ***Consumers who undertake commercial activity.***
- (3) ***Consumers who do not fall in any other Category i.e., Category-I(A):LT, Category-II(B):LT, Category-II(C):LT, Category-II(D):LT, Category-III:LT to Category-V: LT.***
- (4) ***Consumers who avail supply of energy for lighting, fans, heating, air conditioning and other electric appliances in any commercial or non-domestic premises such as Shops, Business Houses, Offices, Public Buildings, Hospitals, Hostels, Hotels, Choultries, Restaurants, Clubs, Theatres, Cinema Halls, Bus Stations, Railway Stations, Timber Depots, Photo Studios, Printing Presses etc.***
- (5) ***Educational institutions run by individuals, Non-Government Organizations or Private Trusts and their student hostels are also classified under this category.***
- (6) ***This tariff is also applicable to Airports, Resorts, Amusement Parks, MICE Centers, Golf Courses, Botanical Gardens, Urban / Rural Haats, Tourism and***
- (7) ***Hospitality Training Institutes, Wayside Amenities, Spiritual / Wellness centers and Museums etc.***

<i>Description</i>	<i>Fixed Charges Ra./ kW/Month</i>	<i>Energy Charges (Ra./kWh or kVAh)</i>
<b><i>II (A) (i): Commercial - LT</i></b>		
<i>0-50</i>	<i>75</i>	<i>5.40</i>
<i>51-100</i>	<i>75</i>	<i>7.65</i>
<i>101-300</i>	<i>75</i>	<i>9.05</i>
<i>301-500</i>	<i>75</i>	<i>9.60</i>
<i>Above 500</i>	<i>75</i>	<i>10.15</i>
<b><i>Monthly minimum charges:</i></b>		
<i>Single Phase Supply</i>		<i>Rs.65 /month</i>
<i>Three Phase Supply</i>		<i>Rs.200/month</i>

Hence, it clearly shows that the complainant is running the unit for commercial activity only.

This forum is of the opinion that the respondents changed the category from Category-IV (A) to Category-II (A) commercial correctly after inspection as the complainant utilizing supply for commercial purpose. i.e. selling water @ Rs.4/- per can at plant and selling water Can @ Rs.10/- to distribute at door step of the consumers.

During the personal hearing the Complainant stated that the department personnel visited the premises whenever the mini private vehicles parked at their unit. It clearly shows that the complainant himself agreed that he is distributing water to the consumers at door step through private vehicles. This forum cannot decide for what rate he is distributing water to the consumer.

The field officers responsibility itself is to inspect the field thoroughly, hence this forum will not comment on the responsibility of the field officers.

Here in this case no back billing notice was served to the complainant for difference of tariff rate under Category II (A) instead of already billed units under Category-IV (A) towards misused units. Hence there is no question of huge amount of CC bill levied to the said service by the licensee. It is noticed that the licensee assessed the consumed units only under Category II (A) after the inspection date, as per the consumption pattern since 2 years the complainant also not utilized less units. The licensee only changed the category after the inspection only. There are no merits to intervene in this case by this forum. The complainant is liable to pay the CC



charges as levied by the respondents under Category II (A) to avoid disconnection of the service.

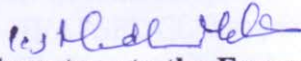
The complainant submitted during personal hearing that the licensee has not changed other consumers of same natured service category into Category-II even though they are selling water through private vehicles to the consumers. Hence, the respondents are also directed to inspect all other such similar natured services and confirm that other consumers are utilizing supply under Category -IV (A) only, if any consumer utilizing supply to commercial purpose, utilizing for commercial activity re-categorize those services also into Category - II (A) within a week, to avoid such comments by the consumers in future. The point is answered accordingly.

8. Hence the complaint is disposed off.

Sd/-  
**Member (Technical)**

Sd/-  
**Independent Member**  
**Forwarded By Order**

Sd/-  
**Chairperson (I/c)**

  
**Secretary to the Forum**

**This order is passed on this, the day of 31<sup>st</sup> March'2023**

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/ Tirupati.

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.