

CONSUMER GRIEVANCES REDRESSALFORUM
SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED,
TIRUPATI

This the 19th day of December' 2023

C.G.No.81/2023-24/Anantapur Circle

CHAIRPERSON **Sri. V. Srinivasa Anjaneya Murthy**
Former Principal District Judge

Members Present

Sri. K. Ramamohan Rao	Member (Finance)
Sri. S.L. Anjani Kumar	Member (Technical)
Smt. G. Eswaramma	Member (Independent)

Between

M/s. Sri Balaji Enterprises, D.No. 1/44, Sy.No.101,
Main Road, Rayalcheruvu, Anantapur District. Complainant

AND

1. Assistant Accounts Officer/O/Tadipatri	
2. Dy. Executive Engineer/O/Tadipatri	
3. Executive Engineer/O/Gooty	Respondents

This complaint came up for final hearing before this Forum through video conferencing on 14.12.2023 in the presence of the complainant and respondents and having considered the material placed by both the parties, this Forum passed the following:

ORDER

- 01.** The complainant filed the complaint stating that he is operating pulverizing unit in the name of M/s. Balaji Enterprises in Rayalcheruvu (V) with electrical service connection No. 7231430000397, that basing on the orders of the Pollution Control Board the said service was



disconnected in May'2022, that subsequently the Pollution Control Board directed the respondents to issue re-connection of the service and due to unexpected circumstances, the complainant could not operate the unit and now the respondents are demanding for payment of monthly minimum charges for the closure period of the unit and he requested for waiver of the said minimum monthly charges as he could not run the unit on the directions of the Pollution Control Board but there was no response from the respondents and hence he filed this complaint to direct the respondents to waive the monthly minimum charges during the closure period.

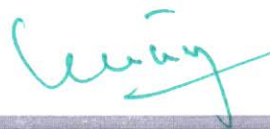
02. The said complaint was registered as C.G.No.81/2023-24 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that the service connection of the complainant was released on 17.07.1983 under Category-LT-III, that as per the orders of the A.P. Pollution Control Board the service of the complainant was disconnected in May'2022 and after completion of four months as per GTCS Clause No.5.9.4.3 the service was bill stopped in October'2022 and the security deposit was adjusted towards arrears but the meter and line were not removed, that in November'2023 the A.P. Pollution Control Board issued orders for temporary restoration of supply to the service of the complainant and accordingly the respondent No.3

issued sanction order on 24.11.2023 directing the complainant to pay a sum of Rs.3,17,749/- towards arrears, fixed charges, customer charges, reconnection fees, security deposit, FSA charges and surcharge for restoration of the service. The respondents further submit that the complainant did not pay the said amount but made a representation to the Corporate Office, Tirupati for waiver of monthly minimum charges and the CGM (Revenue & IA) Corporate office, Tirupati called for a detailed report from the SE/O/Anantapur and accordingly a detailed report was submitted by the Circle Office, Anantapur and they will follow the orders of the Circle Office and orders are yet to be received.

03. Heard the complainant and respondents through video conferencing. No documents are marked for the complainant. Exs.R1 to R4 are marked for the respondents.
04. Now the point for determination is:

“Whether the complainant is entitled for waiver of monthly minimum charges during the closure period of the unit”?

05. **Point:** Admittedly, the A.P. Pollution Control Board in its inspection of the unit of the complainant observed that the complainant was operating the industry without obtaining CFE/CFO of the Board, not providing



required dust control measures and letting out the emissions into atmosphere and thereby causing pollution problems in the surrounding area and then ordered for closure of the unit and under **Ex.R1** directed the SE/O/Anantapur to disconnect the power supply to the unit of the complainant. **Ex.R2** shows that basing on Ex.R1, the SE/O/Anantapur ordered for disconnection of the service of the complainant and accordingly the respondents disconnected power supply to the unit of the complainant. **Ex.R3** shows that the Pollution Control Board on 13.11.2023 permitted for temporary operation of the unit by the complainant and directed the APSPDCL to restore power supply for a period of two months to the unit of the complainant. **Ex.R4** shows that basing on Ex.R3 orders of the Pollution Control Board, the EE/O/Gooty issued sanction order for restoration of power supply to the unit of the complainant subject to payment of Rs.3,17,749/- towards minimum monthly charges, customer charges, FSA charges etc.,. The complainant is asking for waiver of monthly minimum charges since the closure of his unit was not on his own but because of the order of the Pollution Control Board.

06. Agreement Format is available in Appendix-IA for supply of electricity for LT Categories-III and IV in General Terms and Conditions of Supply and



in the said agreement format Clause No.10 refer *Monthly Minimum Charges* which reads as follows:

“I/we shall pay minimum charges every month as prescribed in Tariff, and the General terms and Conditions of Supply even if no electricity is consumed for any reason whatsoever and also if the charges for electricity actually consumed are less than the minimum charges. The minimum charges shall also be payable by me/us even if electricity is not consumed because supply has been disconnected by the company because of nonpayment of electricity charges, theft of electricity or un authorized use of electricity or for any other valid reason”.

07. Clause.No.10 of the Agreement referred supra clearly shows that the consumer/complainant agreed to pay monthly minimum charges though no electricity was consumed by him for any reason and he further agreed to pay monthly minimum charges though the company disconnect the supply for any valid reason. Here in the case on hand Ex.R1 shows that the unit of the complainant was closed on the orders of the Pollution Control Board as it was observed by the Board that the complainant while operating the unit did not take any of the pollution control measures mentioned in its order and thereby directed for disconnection of power supply to the unit. Here, there was a valid reason for closure of the unit of the complainant and hence the complainant is under the obligation to pay



the monthly minimum charges during the closure period of the unit also since he is bound to abide Clause No. 10 of the agreement referred supra. Hence, the complainant cannot seek for waiver of the monthly minimum charges during the closure period of the unit in view of Clause No. 10 of the agreement executed by him. Hence, this complaint is devoid of merits and is liable to be dismissed. Accordingly, the point is answered.

08. The complainant is informed that if he is aggrieved by the order of the Forum, he may approach the Hon'ble Vidyut Ombudsman, 3rd Floor, Plot.No.38, Adjacent to Kesineni Admin Office, Sriramachandra Nagar, Mahanadu Road, Vijayawada-08 in terms of Clause.13 of Regulation.No.3 of 2016 of Hon'ble APERC within 30 days from the date of receipt of this order and the prescribed format is available in the website vidyutombudsman.ap.gov.in.

Typed to dictation by the computer operator-2 corrected and pronounced in the open Forum on this 19th day of December'2023.

Wing 19/12/23

CHAIRPERSON

K. Ramesh Babu
Member (Finance)
19/12/2023

A. S. S. S. S.
Member (Technical)
19/12/2023

G. E. S. S. S.
Member (Independent)
19/12/2023

Documents marked

For the complainant: Nil

For the respondents:

Exhibit No.	Description of the document
R1	Copy of the Order of A.P. Pollution Control Board, Zonal Office, Kurnool Dt: 18.04.2022.
R2	Copy of the Order of SE/O/Anantapur Dt: 18.04.2022 ordering disconnection of the service to the unit of the complainant.
R3	Copy of the Order of A.P. Pollution Control Board, Vijayawada Dt: 13.11.2023
R4	Copy of Memo. No. EE/O/GTY/Comml./F.No. 20/D.No.1350/23 Dt: 24.11.2023 issued by EE/O/Gooty.

Copy to the

Complainant and All the Respondents

Copy Submitted to

The Chairman & Managing Director/Corporate Office/APSPDCL/ Tirupati.

The Hon'ble Vidyut Ombudsman, 3rd Floor, Plot No.38, Sriramachandra Nagar, Vijayawada-08.

The Secretary/Hon'ble APERC/Hyderabad-04.

The Stock file.

