

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

This the 09th day of February' 2024

C.G.No.119/2023-24/Ananthapur 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. Saheb Granites, Chukkalar Road,
Sajjaladinne, Tadipatri, Ananthapur District.

Complainant

AND

1. Assistant Accounts Officer/ERO/ 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 09.02.2024 in the presence of the complainant and respondents and having considered the complaint and submissions of both the parties, this Forum passed the following:

ORDER

1. The case of the complainant is that he is running stone polishing Industry with a contracted load of 99 HP with Service No.7231127000595, that suddenly the said service connection was disconnected on 01.11.2023 and reconnected on 01.01.2024 by

Dy.EE/O/Tadipatri and as such there was no consumption of power during the months of November and December'2023 but the respondents raised two CC bills on 19.01.2024 for Rs.22,004/- with alleged arrear amount of Rs.3,67,186/- and December'2023 for Rs.16,338/- with alleged arrears amount of Rs.3,39,190/-, that he approached the respondents and requested them to delete the alleged amounts as there was no consumption during those months, but there was no response from the respondents and hence he filed this compliant with a request to give necessary directions to the respondents to withdraw the said two bills.

2. The said complaint was registered as C.G.No.119/2023-24 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that the said service was disconnected on 30.10.2023 for non-payment of CC charges, that for the consumption of 4,812 units during the month of October'2023 CC bill for Rs.80,073/- was issued in the month of November'2023, that during the month of November'2023 zero units consumption was recorded but CC bill for monthly minimum charges, FPCCA and True up charges instalment along with other components was issued in the month of December'2023, that earlier the complainant filed C.G.No.20/2023-24 challenging the FAO order before this Forum and it was rejected and then the complainant filed W.P.No.33280/2023 in

which the Hon'ble A.P.High Court on 28.12.2023 issued interim order directing for restoration of the service connection subject to condition of payment of Rs.50,000/- by the complainant and further directed the complainant to pay the electricity charges and as per the directions of the Hon'ble High Court they restored the service connection and issued the bills in November and December'2023 which reflects the CC charges and other fixed charges for the month of October and the fixed charges for the month of November'2023 and that they have not issued CC bills for consumption charges for the months of November and December since during that period there was no power supply. The respondents further submit that the complainant has to pay the fixed charges i.e. monthly minimum charges, FPCCA charges, true up charges instalment and other components though there was no consumption of power as per Clause.No.2.2.38 of GTCS and so also as per ClauseNo.10 of the agreement entered by the complainant for supply of electricity with the DISCOM. The respondents further submit that W.P.No.33280/2023 is still pending before the Hon'ble A.P. High Court and as such this complaint is not maintainable.

3. Heard both the parties through video conferencing.
4. Now the point for determination is:

“Whether the complaint is maintainable under Clause No.10.2 (a) of Regulation No.03 of 2016 in view of Pendency of W.P. No.33280 of 2023 before the Hon'ble A.P. High Court”?



5. **POINT:** Clause.10.2 (a) of Regulation.No.03 of 2016 reads as follows:

The Forum may reject the complaint at any stage under the following circumstances:

“In cases where proceedings in respect of the same matter and between the same complainant and the Licensee are pending before any court, tribunal, Arbitrator or any other authority or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority”

6. Admittedly, the complainant challenged the final assessment order issued by respondents under Sec.126 of the Electricity Act before the Hon'ble High Court of A.P by filing W.P. No.17825 of 2023 in which the Hon'ble High Court of A.P. granted stay of all further proceedings in pursuance of the final assessment order in question issued by the respondents.
7. The complainant previously filed C.G.No.20/2023-24/Anantapur Circle before this Forum challenging the action of respondents from change of the category of the service connection from III to II and the same was rejected by this Forum on 27.10.2023 on the ground that the said subject matter and the subject matter in W.P.No.17825 of 2023 pending before the Hon'ble High Court are one and the same. The complainant filed W.P.No.33280/2023 before the Hon'ble High Court challenging the order of this Forum in C.G.No.20/2023-24 in which the Hon'ble High Court issued interim order for restoration of the service connection and further directed the petitioner to continue payment of the electricity

charges and admittedly the said W.P.No.33280/2023 is still pending before the Hon'ble High court.

8. This Forum opines that as per Clause No.10 of the agreement entered into between the complainant and the DISCOM, though there was no consumption of energy in a particular month, the consumer has to pay the monthly minimum charges along with fixed charges like True up charges, FPPCA charges etc., and according to the respondents they have raised the CC bills i.e. November²⁰²³ bill for the consumption of the power of the October month in which period the service connection was in live condition and for the month of November'2023 for the monthly minimum charges and fixed charges as stated supra the bill was issued in the month of December'2023 and if the complainant still feel that he is not supposed to pay the said fixed charges for those two months, he is at liberty to pursue the matter before the Hon'ble A.P. High Court in W.P.No.33280/2023 and not by way of filing of this complaint before the Forum.

9. For the aforesaid discussion, we have no hesitation to hold that the subject matter of this complaint and the subject matter in W.P.No.33280/2023 before the Hon'ble A.P. High Court are one and the same and between the same parties and hence this complaint is not maintainable under Clause.No.10.2 (a) of Regulation.No.03 of 2016.



Hence this complaint is liable to be rejected. Accordingly, the point is answered.

10. *In the result*, the complaint is rejected. There is no order as to costs. The Respondents are directed to follow the orders of the Honourable A.P. High Court in W.P.No.33280 of 2023.
11. 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 Reg.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 09th day of February'2024.

Chaitanya 09/02/2024

CHAIRPERSON

R. Ramachandra Rao
Member (Finance)
09/2/2024

M. Mune 9/2
Member (Technical)

G. S. Srinivas
Member (Independent)

Documents marked

For the complainant: Nil

For the respondents: Nil

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.

