

CONSUMER GRIEVANCES REDRESSALFORUM

SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED, TIRUPATI

This the 16th day of November' 2023

C.G.No.28/2023-24/Kurnool 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

Smt.S.Ramanamma, C/o. Sri Lakshmi Maddiletyswamy
Modern Rice Mill, 216/A, Kotapadu (V), Sirivella (M),
Nandyal, Kurnool District.

Complainant

AND

1. Assistant Accounts Officer/ERO/Allagadda
2. Dy. Executive Engineer/O/Allagadda
3. Executive Engineer/O/Nandyal

Respondents

This complaint came up for final hearing before this Forum through video conferencing on 06.11.2023 in the presence of the complainant's husband and respondents and having considered the complaint and submissions of both the parties, this Forum passed the following:

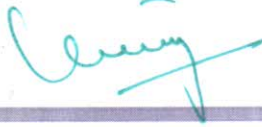
ORDER

1. The case of the complainant is that she is having service Connection No.8411514001080, that the respondents issued additional CC charges for 05 months from December'2019 to April'2020 on the pretext that she consumed additional load than the sanctioned load but she used additional load for 03 months only and she did not use

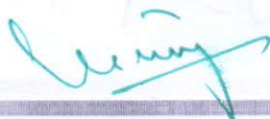


additional load for two months i.e. January and April'2020 and thereby requested to direct the respondents to withdraw the bill amount for the months of January and April'2020 and to order refund of the said amount.

2. The said complaint was registered as C.G.No.28/2023-24 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that during the course of inspection by ERO/Allagadda, it was pointed by internal audit party that the service connection of the complainant has exceeded 75 KVA/100 HP connected load which the service is having 99 HP only and the shortfall arrived as per the tariff conditions of part B, HT-111(A) for an amount of Rs.1,35,002/- for the period from December'2019 to April'2020 and the said shortfall amount was included in the CC bill Dt:30.11.2021 and the same was paid by the complainant on 20.03.2021. It is further contended that the complainant earlier filed a complaint before this Forum on 26.08.2022 which was rejected by the Secretary of the Forum on 01.09.2022 and the complainant represented the matter to the Chairman & Managing Director/Tirupati on 09.09.2022 to which the respondents submitted a detailed report.



3. Heard the respondents and the husband of the complainant through video conferencing. No documents are marked for the complainant. Ex.R1 is marked for the respondents.
4. Now the points for determination are:
 1. Whether the complaint is barred by limitation?
 2. Whether the complainant is entitled for withdrawal of bill amounts for the months of January' 2020 and April 2020 as prayed for?
5. **POINT No.1:** The respondents contend that the complainant did not file the complaint within two years from the date of cause of action and hence, it is barred by limitation. We have considered this aspect carefully. The complainant originally filed this complaint on 26.08.2022 and the secretary of this Forum on 01.09.2022 returned the complaint raising an objection that the claim of the complainant is barred by limitation and further the complainant did not enclose necessary documents supporting her claim. Then the complainant represented the complaint on 16.10.2023. So far the point of limitation is concerned the HT billing amount for the months of January and April'2020 was included in the CC bill for the month of March'2021 and the demand notice was issued to the complainant for payment of the said amount in March'2021. Hence, the starting point of limitation of two years shall start from the date of demand



i.e. in the month of March'2021 though the charges related to the months of January and April'2020. Admittedly, the complainant filed this complaint originally on 26.08.2022 which was returned and represented by the complainant. Hence, the complaint was filed within the period of two years limitation and as such the complaint is maintainable under Law. Accordingly, this point is answered.

6. **POINT No.2:** It is the claim of the complainant that she is having SC No. 8411514001080 and she used additional load for three months only i.e. for the months of December'2019, February'2020 and March'2020, but the respondents collected additional load charges for the months of January and April'2020 also though she did not use additional load and thereby requested to direct the respondents to refund the additional charges collected for the months of January and April'2020. On the otherhand, the respondents contend that originally the contracted maximum demand load of the service connection of the complainant was 99 HP but she exceeded that load and hence HT tariff was applied and HT billing was issued.
7. Perused the entire material. The respondents produced Ex.R1/Copy of the internal audit slip issued by internal auditors. The sum and substance of Ex.R1/Internal audit slip is as follows:



“on review of the meter reading register and consumer ledger of the service connection of the complainant the contracted load is 99 HP, that additional load notice was issued to the complainant on 25.11.2019 and additional amount was included during the month 01/2020 and in the same month amount was realized but additional load was not updated to master, still the consumer has been utilizing the load more than 75 KVA but HT billing not issued and huge amount of revenue loss was occurred. As per GTCS of part A Conditions, the LT tariff is applicable to the consumers having the connected load below 100 HP only. Here the service having the connected load as per the RMD is more than 100 HP and hence the billing to be issued in HT- I as per part B tariff conditions.


HT-III A billing:

Month	RMD in KVA	Units	Energy Charges	Demand Charges	Customer Charges	Tr. Hire charges	Total
Dec.2019	77.50	2345	14,773.50	36,812.50	1406	2900	55,892.00
Jan.2020	62.00	5600	35,280.00	29,450.00	1406	2900	69,036.00
Feb.2020	75.40	14242	89,724.60	35,815.00	1406	2900	1,29,845.60
Mar.2020	77.90	10127	63,800.10	37,002.50	1406	2900	1,05,108.60
Apr.2020	72.00	5840	36,792.00	34,200.00	1406	2900	75,298.00
						Total Amount	4,35,180.20

According to the aforesaid the HT bill to be issued for the respective services. The reasons for not issuing HT bill to the consumer where CMD exceeds 75 KVA may be explained to the audit.

Difference to be billed = Rs.4,35,180.20-Rs.3,00,178.20=Rs.1,35,002/-.

The above shortfall amount may be billed and realization particulars intimated to the audit”.



8. As per the above audit objection, the respondents have billed the CC charges for the months from December'2019 to April'2020 under HT category on the pretext that the CMD exceeded 75 KVA during those months as pointed out by the audit party referred supra.
9. The complainant while admitting that she exceeded the contracted load and CMD exceeded 75 KVA for the months December'2019, February'2020 and March'2020, vehemently contended that for the months of January and April'2020 the CMD does not exceed 75 KVA and it was below 75 KVA and as such she claimed that the action of the respondents in collecting the HT charges for the said two months i.e. January and April'2020 is illegal. The Executive Engineer/O/Nandyal in his letter dated 07.09.2023 addressed to the Superintending Engineer/O/Kurnool clearly stated that as per high value meter reading register and consumer ledgers, on verification of monthly readings, he found that RMD exceeds only in three months out of five months and the service was Rice Mill and during season period only RMD exceeds one or two months in a year and this observation of the Executive Engineer/O/Nandyal is supporting the claim of the complainant that she did not exceed CMD of 75 KVA for the months of January and April'2020.



10. Even according to Ex.R1/the internal audit report submitted by the respondents, HT charges shall be collected if the CMD exceeds 75 KVA only, whereas even according to the readings mentioned in Ex.R1/the internal audit report the CMD for the months of January and April'2020 was noted as 62 and 72 KVA respectively which clearly shows that the said utilized load was below 75 KVA CMD and as such the finding of the auditors in Ex.R1/the internal audit report so far those two months concerned, is not correct since the CMD for the said months was below the CMD of 75 KVA. Hence, the action taken by the respondents in collecting HT charges for the months of January and April'2020 concerned, is not legal and the CC charges for those two months are to be collected under LT category only. Hence, the said finding of Ex.R1/internal audit report so far January and April'2020 CC charges are concerned, is liable to be set aside. Accordingly, the point is answered.

11. ***In the result***, the complaint is allowed. The finding of the auditors in Ex.R1/The internal audit report for collection of HT charges so far the months of January and April'2020 concerned is set aside. The respondents are directed to revise the CC charges of SC.No.8411514001080 of the complainant for the months of January and April'2020 and collect the CC charges for those two months under LT category only and to issue a revised bill for those two



months. Since the complainant already paid the CC charges for the months of January and April'2020 under HT category, the respondents are directed to adjust the excess charges collected from the complainant for those two months, in the future CC bills of her service connection and to submit a compliance report within 15 days from the date of receipt of this order. There is no order as to costs.

12. The complainant is informed that if she is aggrieved by the order of the Forum, she 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 16th day of November'2023.


16/11/23
CHAIRPERSON
Consumer Grievances Redressal Forum
APSPDCL::TIRUPATI


Member (Finance)
16/11/2023


16/11/2023
Member (Technical)


16/11/2023
Member (Independent)

Documents marked

For the complainant: Nil

For the respondents:

Exhibit No.	Description of the document
R1	Copy of the internal Audit Slip.

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.

