

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

**This the 19<sup>th</sup> day of June'2024**

**C.G.No.05/2024-25/Kurnool Circle**

**CHAIRPERSON**

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

**Members Present**

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

***Between***

Sri. B.Sivananda Prasad, D.No.3-326, Byrmal Street,  
Nandyal Town & District.

Complainant

***AND***

1. Assistant Accounts Officer/ERO/Nandyal
2. Executive Engineer/O/Nandyal
3. Superintending Engineer/O/Kurnool
4. Senior Accounts Officer/Circle Office/Kurnool

Respondents

This complaint came up for final hearing before this Forum through video conferencing on 29.05.2024 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 previously he along with another four partners run Sai Baba Rice Mill in Nandyal under partnership, that the said Rice Mill is having HT service connection

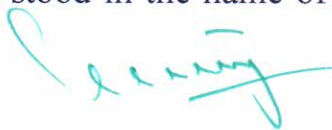


SC.No.KNL-550 under Category- III (A) released in his name, that in October'2017 the said service connection was bill stopped and they paid the outstanding CC charges of Rs.3,80,997/- on 01.12.2018, that their partnership was dissolved and they have also shared the assets and liabilities of the firm, that the Rice Mill building was dismantled and machinery was sold out, that the complainant later constructed a building in his own land and leased out the same to Vijaya Diagnostic Centre, that the complainant for his new building is having service connection SC.No.8431206089154 under Category LT-II since November'2018, that in March'2024 the respondents issued true up charges for an amount of Rs.40,693/- against HT SC No.KNL-550 which was already terminated in October'2017 and included that amount in the CC charges bill of SC.No. 8431206089154 and demanded for payment of the said amount and that the respondents are not justified in raising demand for Rs.40,693/- pertains to HT SC. No.KNL-550 which was already dismantled and hence the complaint with a request to direct the respondents to withdraw the said true up charges of Rs.40,693/-.

- 02.** The said complaint was registered as C.G.No.05/2024-25 and notices were issued to the respondents calling for their response. The



respondents submitted their response stating that the HT SC.No. KNL-550 released in the name of the complainant herein for their Rice Mill was disconnected in the month of April'2017 for non-payment of CC charges and issuing of bills were stopped in November'2017. The SC No.8431206089154 was released in the name of the complainant in November'2018. The Hon'ble APERC accorded permission for recovery of true up cost of 3<sup>rd</sup> control period ( F.Y.2014-15 to F.Y.2018-19) in 36 instalments commencing from 01.08.2022 in respect of HT/LT services vide common orders on true-up distribution business for the 3<sup>rd</sup> control period released on 30.03.2022 and accordingly the APSPDCL issued orders for recovery of true up charges vide Memo No. CGM (Fin.)/GM(R&IA)/AO/AAO (Rev)/AAO-HT/JAO-HT/D.No.1167/22 Dt: 07.07.2022. During the course of internal audit conducted on the accounts of ERO/Nandyal, the auditors noticed that the true up charges in respect of SC.No.KNL-550 for the period from 04/2014 to 07/2017 for 353854 units @ Rs.0.23 paisa per unit is to be collected and thereby they ordered for recovery of the said shortfall amount of Rs.40,693.32 P by including the same in the CC charges bill of SC.No.8431206089154 since both the service connections stood in the name of the complainant herein



and as such the said shortfall amount is mentioned as Rs.2,260.74 Ps per month for the period from August'2022 to January'2024 and included in the CC charges bill for the month of March'2024 issued against SC.No. 8431206089154 and hence there is no irregularity or illegality in the demand for the said amount raised by the respondents.

03. Heard both the parties through video conferencing.

04. Now the point for determination is :

*“Whether the complainant is entitled for true- up refund of charges as prayed for”?*

05. **Point:** Admittedly the HT SC.No. KNL-550 was issued in the name of the complainant herein he being one of the partner of their partnership business and the partnership firm utilized the said service connection during the period F.Y.2014-15 to F.Y.2018-19. Admittedly, the said service was disconnected and bill stopped in November'2017. According to the respondents, on the directions of the Hon'ble APERC, they have raised the demand for true up charges against HT SC.No.KNL-550 for the period from 04/2014 to 07/2017 since the complainant utilized the said service connection during that period. It is the further contention of respondents that they have raised true up charges for the period in which the service connection was utilized and


they have not raised any demand subsequent to the bill stop period. The respondents further contended that since HT SC.No. KNL- 550 stood in the name of the complainant herein, the true up charges pertaining to that service connection are included in the CC charges bill of SC.No.8431206089154 which stood in the name of the complainant herein.

- 06.** We have considered the respective contentions of both the parties. We have gone through the common order on Tariff for Retail Sale of Electricity during F.Y.2022-23 of the Hon'ble APERC (Volume-II) in which in Chapter-XV the determination of the true up for distribution business for 3<sup>rd</sup> Control Period (F.Y.2014-15 to F.Y.2018-19) and decision of the Hon'ble APERC on true up charges is available. The decision of the Hon'ble APERC on true up charges for the period F.Y.2014-15 to F.Y.2018-19 is available under S.Nos.468 and 470 in Page Nos.473 and 474. Under S.No.468 the Hon'ble APERC fixed the true- up amount per unit in Rupees as 0.23. Based on the said per unit true-up cost, the Hon'ble APERC ordered the DISCOMs to recover the same from the consumers and the said order is under S.No.470 which reads as follows:

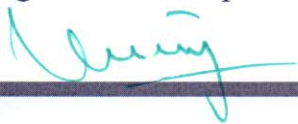
***470. Based on the per unit true-up cost determined in this order, the DISCOMs shall determine the total***

*true-up amount to be recovered from each consumer based on his consumption during the 3<sup>rd</sup> control period.*

- 1. The true-up charges shall be collected from the registered consumers only.*
- 2. With a view to avoiding sudden financial burden on the consumers, the Commission finds it appropriate to prescribe a reasonable recovery period, as requested by many of the objectors. Considering the fact that the per unit charges true-up cost for the consumers of APSPDCL and APCPDCL is higher compared to the consumers of APEPDCL, the Commission directs that APSPDCL and APCPDCL shall recover the true-up costs in 36 instalments commencing from 01-08-2022. APEPDCL shall recover the true-up costs in 18 monthly instalments commencing from 01-08-2022. With a view to spare the consumers of interest burden, the Commission further directs that the instalment payments shall not carry any interest.*
- 3. Equal monthly instalments of True-up shall be clearly shown in the CC bills issued every month.*
- 4. The True-up charges shall not be applicable to the supply connections taken on/after 01.04.2019.*
- 5. In respect of the service connections which were taken over by the new entities under the corporate insolvency resolution plan approved by the committee of creditors under the insolvency and bankruptcy code 2016 dated 16.12.2019, the DISCOMs shall act as per law.*



07. Admittedly, the complainant utilized the HT SC.No.KNL-550 during the period April'2014 to July'2017 for which the respondents charged true-up charges @ Rs.0.23 Ps per unit for the consumed units of 353854 as per the orders of the Hon'ble APERC referred supra and hence this Forum see no illegality or irregularity in the action initiated by the respondents. Since the HT SC.No.KNL-550 was not presently in existence and since it stood in the name of the complainant, the respondents rightly included the said true-up charges pertaining to HT SC.No.KNL-550 in the CC charges bill of SC.No. 8431206089154 stood in the name of the complainant and the complainant is under the obligation to pay the same. If the said true-up charges pertains to the dissolved partnership firm of the complainant, the complainant being one of the partners shall pay the said charges first and if he is so advised, take steps to recover the share amount of the other partners from them and he cannot refuse to pay the said charges claiming that the same pertains to the partnership firm. Hence, this Forum has no hesitation to hold that the respondents raised the true up charges of HT SC.No. KNL-550 and demanded the complainant to pay the same rightly by following the orders of the Hon'ble APERC with regard to fixation and collection of true up charges for the period F.Y. 2014-2015 to



F.Y.2018-19 referred supra and we do not see any merits in the complaint. Hence, the complaint is liable to be dismissed. Accordingly, the point is answered.

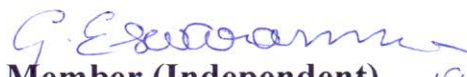
08. In the result, the complaint is dismissed. There is no order as to costs.
09. The complainant is informed that if he is aggrieved by the order of the Forum, he may approach the Vidyut Ombudsman, 3<sup>rd</sup> Floor, Plot. No.38, Adjacent to Kesineni Admin Office, Sriramachandra Nagar, Mahanadu Road, 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 the 19<sup>th</sup> day of June'2024.

  
19/6/24  
**CHAIRPERSON**

  
**Member (Finance)**  
19/6/2024

  
**Member (Technical)**

  
**Member (Independent)** 19/6/2024





**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 Vidyut Ombudsman, 3<sup>rd</sup> Floor, Plot No.38, Sriramachandra Nagar, Vijayawada-08.**

**The Secretary/Hon'ble APERC/Vidyut Niyantrana Bhavan, Adjacent to 220/132/33/11 KV AP Carbides Sub Station, Dinnedavarapadu Road, Kurnool-518002, State of Andhra Pradesh.**

**The Stock file.**

