



**BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh & Telangana**

:: Present ::

C. Ramakrishna

Date: 10-09-2014

Appeal No. 62 of 2013

Between

M/s. Jayanti Boards Ltd., Mandapaka, Tanuku, West Godavari Dt.

... Appellant

And

1. The Divisional Engineer, Operation, APEPDCL, Tadepalligudem
2. The Senior Accounts Officer, APEPDCL, Eluru

... Respondents

The above appeal filed on 01-05-2013 has come up for final hearing before the Vidyut Ombudsman on 04-09-2014 at Rajahmundry. The appellant, as well as respondent 1 above were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the grievance of the appellant that the respondents have not correctly calculated their R&C penalty bill for the month of February 2013. The dispute revolves around the calculation of off-peak

PCL limits for the month in question as there is an element of expensive power purchase involved for a part of the month from February 1, 2013.

3. The appellants stated in their appeal that they were billed 10,908 units in place of 1,989 units in the billing month of February, 2013; that this is incorrect and that the R&C billing has to be done on the same basis as it was done for the previous months of November, 2012 and December, 2012; that since they have purchased expensive power from February 1, 2013, the EPS billing schedule should be calculated from that date; that for the period 22-01-2013 to 31-01-2013, the bill is to be calculated on the same basis as it was done in the previous months; that the DISCOM has not split the units for the purpose of penalty and has wrongly calculated chargeable units as 10908 instead of 1989; and that therefore, the applicable penalty should be reduced by Rs. 2,14,056/-. The appellants are thus seeking a reduction of Rs. 2,14,056/- from the off peak penal PCL charges of Rs. 2,61,792/- that were billed on them. The appellants enclosed copies of all the correspondence that they entered into with the respondent officers and the SE, Eluru in this regard. In the letter written by them to the SE, Eluru they contended that they are liable to be charged R&C penalty only for 1989 units as per their calculation reflected below:

PCL for 23-01-2013 to 22-02-2013	96961.8 Units
Expensive power purchased 01-02-2013 to 21-02-2013	21168.0 Units
Total:	118129.0 Units
Off peak consumption for the above period	120118.0 Units
Difference for which penalty is applicable	1989.0 Units

4. Notice was issued for hearing the matter. The respondent SAO filed his written submission stating that according to the agreement entered into by the consumer with the DISCOM for Expensive Power Supply Scheme (hereinafter referred to as 'EPSS' for short), the consumer is entitled to utilize 28,224 units and 70 kVA demand during the calendar month of February, 2013; that the appellants utilized the power accordingly for the month of February, 2013; that for all HT consumers, including the appellants, the billing period always commences on 22nd of the month and ends on the 21st of the subsequent month; that the bill for the month of February for the appellants, has accordingly been split into two periods -- one commencing on 22-01-2013 and ending on 31-01-2013 and the other commencing on 01-02-2013 and ending on 21-02-2013; that the consumer appellant is entitled to expensive power for the latter period in accordance with the agreement referred supra; and that the details of units and recorded demand are as under:

Particulars	kVAh	Demand (kVA)
Total units consumed during 02/2013	1,26,516	283.6
Less: Expensive units 28,224*21/28	21,168	70
Units & demand billed in 02/2013	1,05,348	213.6

5. He went on to submit that the balance 7056 units were carried forward to March 2013 bill and adjusted; that while calculating the R&C penal charges for the month of 02/2013, the EPSS units and demand were deducted from the total recorded units before comparing with the R&C quotas; and that the appellants' contention that their R&C quotas should be calculated for

the entire month of instead of splitting in two spells is not correct as they have purchased EPSS units from 01-02-2013 to 21-02-2013 for the billing month in question. In support of his submissions, he submitted copies of lot of correspondence that he engaged in this regard.

6. The key point that arose for consideration in this appeal is whether or not the R&C penalty calculation made by the DISCOM is correct.

7. The PDL and PCL limits as communicated by the respondent DE to the appellants for the billing month of February i.e., 23-01-2013 to 22-02-2013 were as under:

PDL off peak : 240.6 kVA

PCL off peak : 96,961.8 Units

PDL peak : 120.3 kVA

PCL peak : 14,917.2 Units

8. The detailed calculations filed by the respondents for the month of February, 2013 were looked into. The appellant's contention is that his total off peak PCL of 96,962.8 Units should be clubbed with the expensive power units (21,168) for the period February 1, 2013 to February 21, 2013 to arrive at his eligible off-peak consumption for the billing month is not correct. When the billing month of February, 2013 has part of it not covered by his expensive power purchase, that portion needs to be scrutinized to know whether or not there were any R&C violations. Unless that separation is done, it is not possible to know the R&C violations in that period and consequently bill the consumer correctly. Hence, the practice followed by the respondents is correct. They have not taken the expensive power purchase

into consideration from 22-01-2013. The consumer is wrongly representing that the respondents have taken the EPSS power into consideration from 22-01-2013. The respondents have done the calculations correctly and there is no discrepancy there.

9. Therefore, the appeal of the consumer fails and is dismissed.

10. This order is corrected and signed on this 10th day of September, 2014.

VIDYUT OMBUDSMAN

To

1. M/s. Jayanti Boards Ltd., Mandapaka, Tanuku - 534 218, West Godavari
Dt.
2. The Divisional Engineer, Operation, APEPDCL, Tadepalligudem
3. The Senior Accounts Officer, ERO, APEPDCL, Vidyut Bhavan, R.R. Peta,
Eluru - 534 101

Copy to:

4. The Chairperson, CGRF, APEPDCL, P & T Colony, Seethammadhara,
Near Gurudwara Junction, Visakhapatnam - 530 013.
5. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills,
Hyderabad - 500 004.