

**VIDYUT OMBUDSMAN**  
**O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**  
**4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004**

Present

**K.Sanjeeva Rao Naidu**  
Vidyut Ombudsman

**Dated: 04-09-2012**

**Appeal No. 42 of 2012**

Between

Sri. G. Faruk,  
M/s. Gattu Traders. Lessee of Sri Vijayalakshmi Enterprises,  
Yemmiganur – 518360. Kurnool Dist

**... Appellant**

**And**

1. Addl. Asst. Engineer / Operation / APCPDCL/ Yemmiganur
2. Asst. Divisional Engineer / Operation / APCPDCL / Yemmiganur / Kurnool
3. Asst. Accounts Officer, ERO / APCPDCL / Yemmiganur / Kurnool
4. Divisional Engineer / Operation / APCPDCL / Adoni / Kurnool
5. The DE., DPE / APCPDCL / Kurnool
6. Superintending Engineer / Operation / APCPDCL / Kurnool Circle / Kurnool

**....Respondents**

The appeal / representation received by this authority on 22.06.2012 against the CGRF order of APCPDCL C.G. No. KNL-81 / Dt. 05.03.2012 / Kurnool Circle Dt. 18.04.2012. The same has come up for final hearing before the Vidyut Ombudsman on 18.08.2012. Sri. K.A. Rawoof, Advocate for the appellant present. Sri. G. Chandra Sekhar, ADE / O / Yemmiganur, Sri. Y. Uligappa, AAE / O / Yemmiganur on behalf of the respondents present. Heard both the parties and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

**AWARD**

The petitioner filed a complaint before the CGRF against the Respondents for Redressal of his Grievances. In the complaint, the appellant has mentioned about the grievances as hereunder:

They have received a letter from the ADE, Yemmiganur and the AAO, Yemmiganur regarding Development Charges and shortfall amount of fixed charges for additional load case booked by Sri A. Venugopal, D.E./DPE/KNL on 9-09-2009 for having connected load of 89 H.P, against the contracted load of 73 H.P.

The factory and service No.4150 is in the name of N. Nagesh, Proprietor of Sri Vijayalakshmi Enterprises, Yemmiganur Town. However, the factory is running by M/s. Gattu Traders, Yemmiganur Town since 2008. The Connected load never exceeded the contracted load (i.e. 73 H.P.). This is evident from the demand notices issued to them every month.

Hence request to solve his problem as early as possible.

2. The 3<sup>rd</sup> respondent AAO, ERO, Yemmiganur furnished his written submissions as detailed below.

Sri A. Venugopal, DE/DPE inspected ISC.No.4150 of Yemmiganur, on 9-09-2009 and booked a case for exceeding the contracted load by 16 HP (89-73 HP).

Based on the above, shortfall of fixed charges and customer charges were arrived to Rs.50843/- for the period from October 2009 to October 2010, duly applying the tariff of LT Category III (B). Since the connected load exceeded 75 HP, the above said amount was included in January 2011 CC bill through J.E.No. 02/01-2011.

The calculation sheet showing the shortfall amount of Rs.50,843/- is shown as follows.

Connected load: 88.70 HP

$$\begin{aligned}\text{CMD in KVA} &= (\text{HP} \times 0.746) \div 0.90 \\ &= (88.70 \times 0.746) \div 0.90 \\ &= 73.50 \text{ KVA}\end{aligned}$$

$$\text{Billed KVA} = 73.52 \times 0.8 = 58.8179 \text{ KVA}$$

$$\text{Fixed charges} = 58.8179 \times 100 = \text{Rs.} 5882$$

$$\begin{aligned}\text{Additional customer charges} &= \text{Rs. } 730 \\ &\text{Rs. } 6612\end{aligned}$$

$$\text{Less already billed } 73 \times 37/\text{HP} = \text{Rs. } 2701 \text{ (-)}$$

$$\text{Short fall amount/month} = \text{Rs. } 3911$$

$$\text{Total Short fall amount for 13 months} = \text{Rs. } 50843$$

3. The Forum examined the complainant and recorded his statement and also examined Respondents 2 & 3 and recorded their statement. After hearing both sides and after considering the material on record, the Forum passed the following order on 18.04.2012.

*As the additional load of 16 HP was noticed by the DE/DPE and the consumer has paid for 1 HP, the Complainant has to pay the development charges for the balance 15 HP additional load.*

*Revised back billing notice to be issued limiting the period to six months only, commencing from November 2009. If the Complainant has paid the CC charges over and above six months towards back billing, the same is to be returned.*

*The complaint is disposed accordingly.*

*The Order shall be implemented within 15 days from the date of its receipt and compliance furnished to the Forum within a week thereafter.*

4. Aggrieved by the said order, the appellant preferred this appeal projecting the following grounds

- i) The ADE who has inspected the premises did not disclose as to how he arrived the connected load as 88.66 HV.
- ii) He did not take the MD reading of previous and on the date of inspection
- iii) He did not test the motors capacity and simply assumed the same
- iv) Basing on the notice of DPE, the AAO fixed the charges at Rs. 50,741 which is unjustified and the same is liable to be set aside.
- v) The inspecting officer did not give any opportunity to the appellant to show the motor capacity.
- vi) The forum also did not take all the facts into consideration and confirmed the notice.
- vii) The AAO issuing penalty charges for the fixed charges every month.
- viii) Hence it is prayed that this authority may please to direct the ERO not to insist the payment of charges and the appeal is to be allowed by setting aside the impugned order.

5. Now the point for consideration is, whether the impugned order is liable to be set aside? If so on what grounds?

6. The appellant is represented by Sri. K. Rawoof Advocate and he represented that the assessment is made behind the back of the appellant and no information is furnished to the appellant at the time of inspection and the change of category or connected load without giving any opportunity is against to law and the impugned order is liable to be set aside. The respondents are represented by Sri. G. Chandrasekhar, ADE, Operation and Sri. Y. Uligappa appeared and stated that the appellant exceeded the connected load of 73 HP and consumed 89 HP at the time of inspection and the assessment was made in accordance with the procedure and the appellant has to pay necessary charges for regularizing the connected load to 89 HP and the Forum has rightly considered the issue and there are no grounds to set aside the impugned order.

7. It is an admitted fact that the respondent has exceeded the connected load beyond 75 HP. Though the appellant has denied the same, but there is no proof to that effect. They have raised the bill from October 2009 to October 2010 but the Forum has directed them by reducing the same to 6 months towards payment of amount under back billing. So the respondents have to restrict the same to 6 months.

8. The clause 12.3.3.2 (iii) of GTCS is substituted to the earlier provision as hereunder:

**“12.3.3.2(iii) One Month notice shall be given to regularize the additional Connected Load of part of additional load as per the requirement of the Consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit required for conversion of LT service into LT 3(B) or HT service depending upon the connected load. However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provision shall be invoked as per the rules in vogue.”**

9. Merely because, the connected load is exceeded the limit, it doesn't mean that he has to continue the same. As per the above said provision one month notice has to be issued to the consumer as to whether he should require the additional load detected if he doesn't want there is no need to insist upon, but if he is detected with excess load subsequently penal consequences have to be faced by the consumer.

10. In the light of the above said discussion the respondents are at liberty to levy as per the orders of the Forum so far as back billing is concerned. So far as taking additional load is concerned the respondents have to issue a notice of one month under the above said clause and if he wants, it can be provided. If he doesn't want there is no need to insist. If he is found with excess load subsequently penal action can be invoked against the consumer as per the provisions of law. With these observations, the appeal is disposed. No order as to costs.

This order is corrected and signed on this day of 4<sup>th</sup> September, 2012.

**Sd/-**  
**VIDYUT OMBUDSMAN**