

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
OF NORTHERN POWER DISTRIBUTION COMPANY OF A.P.
LIMITED: WARANGAL.**

22nd Day of April, 2010.

Present : Sri. D. Narsinga Rao : Chairman
Sri. K. Ramesh : Member (Legal)

C.G. No. 269/2010 of Adilabad Circle

Between

M/s. Sri Sai Baba Ginning Factory
S.C. No. HT-275
Pochera – Village
Boath – Mandal
Adilabad – Dist.

Complainant

AND

1. Senior Accounts Officer/Operation Circle/Adilabad.
2. Divisional Engineer/Operation/Adilabad.

Respondents

@@@

M/s. Sri Sai Baba Ginning Factory, Pochera-Village, Boath-Mandal, Adilabad-Dist., hereinafter called as the complainant, in his complaint received and registered on 09.03.10 under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, has stated the following :-

- i. the S.C. No. HT-275 of M/s. Sai Baba Ginning Factory, Pochera-Village, Boath-Mandal, Adilabad-Dist.
- ii. our service was provided during the month of November 2009, under off season basis (i.e., November to April).

Contd.2

- iii. we have not provided with the benefits of off season. Hence we request to provide off seasonal benefits.
- iv. when we have requested the respondents for providing off seasonal benefits, they have told that our maximum demand has exceeded so that we can't provided with off seasonal benefits.
- v. our power factor has come down to 0.24 due to which our maximum demand has exceeded. But the reading was not took the place.
- vi. hence we are requesting to do the justice and provide us off seasonal benefits.

2. As a sequel to the above complaint, Senior Accounts Officer/Operation Circle/Adilabad and Divisional Engineer/Operation/Adilabad were directed to file their written submissions vide notice dated. 10.03.2010.

In response to the notice, the Senior Accounts Officer/Operation Circle/Adilabad, in his filings dated. 09.04.10, stated the following :-

- i. M/s. Sri Sai Baba Ginning Factory, Pochera-Village, Boath-Mandal in Adilabad-Dist., S.C. No. ADB-275, was charged on 12.02.08.
- ii. as per agreement the seasonal period of Factory is November to April and simultaneously off season of Factory is May to October and Contract Maximum demand of Factory is 315 KVA.
- iii. as per schedule the HT C.C. bills were prepared and dispatched to consumer. The consumer was also paid the C.C. charges as per bill amount.
- iv. the consumer has submitted a representation and stated that the off seasonal benefits are not given and requested to arrange the off season benefits.
- v. in this connection it is to submit that it is seen from the C.C. bill of 05/09 issued in 06/09 and C.C. bill of 06/09 issued 07/09 i.e., off season of Factory the recorded maximum demand is 156 & 118 respectively.

- vi. the consumer has exceeded 30% of the contracted demand during off season period.
- vii. as per General Terms and Conditions based on the recorded maximum demand or 30% of the contracted demand whichever is higher has be taken to account I this contents the consumer was exceeded 30% of CMD during off season. Hence the consumer ADB-275 is not entitled for off season benefits during the off season period from May 2009 to October 2009.
- viii. further it is also submit as per Terms and Conditions that any consumer who after declaring the period seasonal consumers power for his main plant during off season period shall not be entitled to this concession during that year.
- ix. the consumer has exceeded 30% of Contract Maximum Demand during 05/09 & 06/09 hence the benefits of off season concession has not given during that year. The C.C. bills from 05/09 to 10/09.

3. **Analysis of the Case :-**

Low power factor surcharge 3% of the C.C. charges bill was levied on HT Consumer of M/s. Sri Sai Baba Ginning Factory during May 2009, based on the power factor recorded during the month.

The consumer contention is that their recorded monthly demand increased during the month and is due to low power factor. They paid monthly demand charges at penal rate for the monthly demand recorded in excess of contracted monthly demand and hence low power factor surcharge not be levied on the monthly demand charges.

The contention of the consumer that increase in monthly demand beyond contracted monthly demand is because of low power factor does not appear to be justified, as low power factor cannot only be the reason for increase monthly demand, but it is only one of the reason and increase in monthly demand due low power factor cannot be quantified, and hence not considered.

Contd.4

As per the General Terms and Conditions based on the recorded maximum demand or 30% of the contracted demand whichever is higher has to be taken into account. While so, in this connection the consumer has exceeded 30% of CMD during off season. Hence complainant is not entitled for off season benefits during the off season period from May 2009 to October 2009.

4. **ORDER :-**

In view of the above, low power factor surcharge is leviable on the total amount of C.C. charges bill for the month, as per the existing provisions without providing any off seasonal benefits to the complainant as his monthly consumption exceeded 30% of CMD during the off season. Hence the consumer complaint is dismissed as not maintainable.

The consumer is liable to pay the bills served by the respondents.

5. If the complainant is aggrieved by the order of the forum he may represent to Vidyut Ombudsman, APERC, Singareni Bhavan, IVth Floor, Red Hills, Hyderabad-500 004, within (30) days of receipt of this order as specified in clause (9) of Regulation 1 of 2004 of A.P. Electricity Regulatory Commission of A.P.

Signed on 22nd day of April, 2010.

Sd/-
K. RAMESH
MEMBER (LEGAL)

Sd/-
D. NARSINGA RAO
CHAIRMAN

Endt. No./CM/C.G.R.F/NPDCL/C.G. No. 269/2010-1 Dt. 22.04.2010.

Copy to :

The Assistant Divisional Engineer/Operation/NPDCL/Adilabad.

The Superintending Engineer/Operation/NPDCL/Adilabad.

The General Manager (IT)/Corporate Office/NPDCL/Warangal.

(He is requested to place the order in the Company's Website).

The Stock file.

//FORWARDED BY ORDER //

**Member (Legal)
Consumer Grievances Redressal Forum.**

