

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

22nd Day of November, 2010.

Present : Sri. T. Sadarlal : Chairperson
Sri. M. Venkata Narayana : Member (Accounts)
Sri. K. Ramesh : Member (Legal)

C.G. No. 291/2010 of Adilabad Circle

Between,

Sri. D. Sammaiah
Vice President
M/s. Sirpur Paper Mills Limited
S.C. No. ADB H.T. 009
Sirpur Khagaz Nagar
Adilabad-Dist.
Pin Code No. 504296 A.P.

Complainant

AND

1. Divisional Engineer/Operation/Sirpur Khagaz Nagar.
2. Senior Accounts Officer/Operation Circle/Adilabad.
3. Superintending Engineer/Operation/Adilabad.
4. Chief General Manager/Operation, IPC & Commercial/NPDCL/Warangal.

Respondents

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Sri. D. Sammaiah, Vice President of M/s. Sirpur Paper Mills Limited, R/o. Sirpur Khagaz Nagar, Adilabad-Dist., hereinafter called as the complainant in his complaint dated. 14.10.10 received and registered on 19-10-10, under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, stated the following :-

- i. they would like to bring the notice that from 10.09.2010 to 22.09.2010, they did not get power from NPDCL.
- ii. the Company Sirpur Paper Mills Limited suffered heavily on account of grid power interruption for 12 days.

Contd.2

- iii. the following losses occurred on account of power interruption.
- iv. the company is unable to bear the financial loss incurred during the above period.
- v. for the month of September 2010, NPDCL charges demand charges of Rs. 32,50,000/- (13000 KVS X 250/Per KVA).
- vi. the NPDCL charges Rs. 1,08,333/- per day towards maximum demand charges.
- vii. the Sirpur Paper Mills requested the NPDCL to pay back the demand charges for 12 days period in which there is no NPDCL power. The total amount comes to Rs. 13,00,000/-.
- viii. the Sirpur Paper Mills Requested the NPDCL to deduct the Rs. 13,00,000/- amount in next month power bill i.e., in October 2010 power bill.
- ix. hence they are requested the Forum to look into the matter and do their justice.

2. As a sequel to the above complaint, Divisional Engineer/Operation/Sirpur Khagaz Nagar, Senior Accounts Officer/Operation Circle/Adilabad, Superintending Engineer/Operation/Adilabad and Chief General Manager/Operation, IPC & Commercial/NPDCL/Warangal, were directed to file their written submissions vide notices dated. 23.10.2010 & 30.10.2010.

The Senior Accounts Officer/Operation Circle/Adilabad, in his filings received on 11-11-2010, stated the following :-

- i. it is to submit that the waval of maximum demand charges in respect of HT S.C. No. ADB-009, M/s. Sirpur Paper Mills Limited, Sirpur Khagaz Nagar, was issued bill for the month of 09/10 as per the Tariff Order for the Year 2010-11 issued by APERC vide Lr. No. Secty./S-361-A/Secty./EAS-RS-TO-10-11/15/2010/Dt. 22.07.10.
- ii. as per the Clause 15.4 of General Terms and Conditions of Supply there is no provision of waive of demand charges and the Company Chairman & Managing Director/NPDCL/Warangal has informed to the above consumer vide CMD/Dir(F)/CGM(Expr.)/GM(R)/ AO(R)/ JAO(HT)/F.20/D. No. 638/10/Dt. 01.10.10 and stated there is no provision of waive of maximum demand charges.

Cond.3

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

The contention of the complainant is that when there is no power supply by the NPDCL for the period with effect from 10.09.10 to 22.09.10 but the respondents have charged the demand charges for the said period. During the above period they suffer heavily on account of grid power interruption for 12 days. Hence requested to pay back the demand charges for 12 days period in which there is no NPDCL power. The total amount comes to Rs. 13,00,000/-, so deduct the said amount in next month power bill i.e., in 10/2010 power bill.

As Per the Clause 15.4 of General Terms and Conditions of Supply :-

The Company shall not be liable for any claims for loss or damage or compensation what so ever arising out of failure of supply when such failure is due either directly or indirectly to force major conditions (factors beyond the control of the Company) as specified in the Standards of Performance, Regulation issued by the Commission.

4. **ORDER :-**

Keeping in view of the General Terms and Conditions of Supply as specified in the Standards of Performance, regulation issued by the Commission, the waiver of maximum demand charges for a period of 12 days from 10.09.2010 to 22.09.2010 is not possible by the respondents. Hence the respondents have issued demand charges for the month of 09/2010 to the complainant including the balance period in addition to the above period comes for the month of 09/2010. Accordingly the complainant has cleared the C.C. bill issued by the respondents for the month of 09/2010. The Forum has come to a conclusion in this case that there is no necessity to revise the bill excluding the period of 10.09.10 to 22.09.10 vide Clause 15.4 of General Terms and Conditions of Supply and as per the contention of the complainant raised in his petition and submitted to the Forum.

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 November, 2010.

Sd/-
K. RAMESH
MEMBER (LEGAL)

Sd/-
M. VENKATANARAYANA
MEMBER (ACCOUNTS)

Sd/-
T. SADARLAL
CHAIRPERSON

Endt. No. C.P./C.G.R.F/NPDCL/WGL/C.G. No. 291/2010-1 Dt. 22.11.2010.

Copy to :-

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

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

Sri. Dr. A. Sudharshan Reddy, President, Centre for Environmental Studies,

H. No. 2-2-421, Kishanpura, Hanamkonda, Warangal-Dist.

The Stock file.

//FORWARDED BY ORDER //

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