

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

**10<sup>th</sup> Day of January, 2011.**

**Present :** Sri. T. Sadarlal : Chairperson  
Sri. G. Raveendranath : Member (Accounts)  
Sri. K. Ramesh : Member (Legal)

**C.G. No. 296/2010 of Karimnagar Circle**

**Between**

Sri. G. Ramesh  
M/s. Seetharama Cotton Industries  
S.C. No. KRN – 219  
Veenavanka Road,  
Jammikunta – Village & Mandal  
Karimnagar-Dist.  
Pin Code No. 505122 A.P.

**Complainant**

**AND**

1. Assistant Divisional Engineer/Operation/Jammikunta.
2. Divisional Engineer/Operation/Huzurabad.
3. Senior Accounts Officer/Operation Circle/Karimnagar.

**Respondents**

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Sri. G. Ramesh, M/s. Seetharama Cotton Industries, Veenavanka Road, Jammikunta-Village & Mandal, Karimnagar-Dist., hereinafter called as the complainant in his complaint dated. 18.11.10 received and registered on 18-11-10, under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, stated the following :-

1. Sri. G. Ramesh, M/s. Seetha Rama Cotton Industries, Veenavanka Road, Jammikunta, Karimnagar-Dist., lodged a complaint in the Forum stating as follows :-
  - i. He has paid an amount of Rs. 1,63,500/- (Rupees One Lakh Sixty Three Thousand and Five Hundred Only) towards availing the off season benefit to his industry.

**Contd.2**

- ii. But during the Internal Audit conducted by the department stating that this industry is not comes under off season period. Hence a notice was issued to them requesting to pay the short fall amount of Rs. 2,03,608/-.
- iii. The complainant has requested to do the justice in this regard as he has paid the amount for availing off season period benefit from the department.
- iv. The complainant has enclosed Xerox Copies of the following letters issued by the department.
  - a) Declaration of season period by M/s. Seetha Rama Cotton Industries bearing S.C. No. 219 at Veenavanka Road in Jammikunta-Village & Mandal approved vide Lr. No. SE/OP/KNR/DE(T)/Comml./D. No. 153/Dt. 19.05.09.
  - b) Cancellation of off season tariff as per the request made by the consumer representation dated. 26.08.09 forwarded to Superintending Engineer/Operation/Karimnagar by the Assistant Divisional Engineer / Operation/Jammikunta vide Lr. No. ADE/OP/JMKT/D. No. 508 /09/Dt. 31.08.09.
  - c) Based on the Internal Audit Para No. IV of 2009-10 a notice was issued stipulating 15 days time for payment of Rs. 2,03,608/- towards short fall amount vide Lr. No. SE/OP/KNR/D. No. 260/10/Dt. 13.12.10.

2. As a sequel to the above complaint, the Assistant Divisional Engineer/Operation/Jammikunta, Divisional Engineer/Operation/Huzurabad and Senior Accounts Officer/Operation Circle/Karimnagar, were directed to file their written submissions vide notice dated. 23.11.2010.

I. The Assistant Divisional Engineer/Operation/Jammikunta, in his filings received on 15-11-2010, stated the following :-

1. The consumer of S.C. No. KNR-219, M/s. Seetha Rama Cotton Industry has represented the Superintending Engineer/Operation/Karimnagar and requested to declare their industry into season and off season periods. Accordingly the Superintending Engineer/ Operation/Karimnagar vide Lr. No. SE/OP/ KNR/ DE(T) / Comml./ D. No. 153/Dt. 19.05.09, considering the request of the consumer the period of consumption has been declared as following :-

**Contd.3**

- a. Season Period – From October 22<sup>nd</sup> to May 22<sup>nd</sup>
  - b. Un Season Period – From May 22<sup>nd</sup> to October 22<sup>nd</sup>.
2. The consumer of S.C. No.KNR-219 has submitted on application stating that they want to run the industry as usual during the opted off season period and requested to cancel the off season agreement which was entered by them earlier, and requested to do the billing under normal H.T. Tariff.
  3. The same matter was intimated to the Superintending Engineer/ Operation/Karimnagar vide LR. No. ADE/OP/JMKT/D. No. 508/09/Dt. 31.08.09.

II. The Superintending Engineer/Operation/Karimnagar, in his filings received on 13-12-2010, stated the following :-

1. M/s. Seetha Rama Cotton Industries, Jammikunta in Huzurabad Division bearing S.C. No. KRN-219 is a seasonal industry for the Year 2009-10. The seasonal period and off season period are approved by this office vide Lr. No. SE/OP/KNR/DE(T)/Comml./D. No. 153/Dt. 19.05.09. The details of which are given below :-
  - a. Season Period – October 22<sup>nd</sup> to May 22<sup>nd</sup>
  - b. Un Season Period – May 22<sup>nd</sup> to October 22<sup>nd</sup>.
2. The consumer utilized power for his main plant in the off season period i.e., September-2009 and October – 2009 and bills for those months are prepared under HT-I normal category instead of off season.
3. As per condition VII of seasonal industries " Any consumer who after declaring the period of season consumes power for his main plant during the off season period shall not be entitled to this concession during that year".
4. According to the above condition the consumer is not eligible for seasonal benefit for the year 2009-10 and hence the seasonal benefit already given for the months of June, July & August 2009 Rs. 2,03,608/- is raised as short fall by the Internal Audit party during the audit for the Year 2009-10.

3. The hearing was proposed and conducted on 03.01.11 in the Chamber of Chairperson/Consumer Grievances Redressal Forum/NPDCL/Warangal at 3.30 PM.

**Contd.4**

During the hearing conducted, the complainant and respondents i.e., Junior Accounts Officer/H.T./Circle Office/Karimnagar and Assistant Divisional Engineer/Operation/Jammikunta have attended for the hearing.

The remarks raised during the hearing by the complainant and respondents are furnished below :-

**Complainant :-**

1. He has submitted that their industry is running under seasonal benefits for which they have paid an amount of Rs. 1,63,500/-. But they want to utilize the power in the middle of the off season period for which they have taken permission orally from the Assistant Divisional Engineer/Operation/Jammikunta and they have utilized the power to their plant.
2. The respondents have not communicated anything in writing in this regard.
3. The department has also issued seasonal bill to some extent during the off seasonal period. But as per the Internal Audit report, they have served a notice to them raising the short fall during entire period of off season period. Hence he has requested to do the justice.

**Respondents :-**

**I. The Junior Accounts Officer/H.T. Meters/Karimnagar :-**

4. That the short fall amount Rs. 203608/- was levied as per Condition VII of seasonal industries due to utilizing the main plant during the off season period. He has given concerned for giving detailed report on this matter by Senior Accounts Officer/Operation Circle/Karimnagar and Superintending Engineer/Operation/ Karimnagar.

**II. The Assistant Divisional Engineer/Operation/Jammikunta :-**

1. As per the records available as on his joining at Jammikunta (i.e., 01.01.11) and based on the consumer's representation a letter from Assistant Divisional Engineer/Jammikunta was intimated to Superintending Engineer/Operation/Karimnagar for further clarification.

**Contd.5**

2. Later a letter was initiated by the Senior Accounts Officer/ Operation Circle/Karimnagar vide letter dated. D. No. 166/10/Dt. 19.09.10.
3. Further a letter was submitted to the Chair Person/Consumer Grievances Redressal Forum/NPDCL/Warangal on the report called by the Consumer Grievances Redressal Forum vide letter dated. 15.12.10 (D. No. 771/10).

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

The contention of the consumer is that his S.C. No. KRN-219 pertaining to M/s. Seetha Rama Cotton Industries released on seasonal based indicating the period as (a) season period from October 22<sup>nd</sup> to May 22<sup>nd</sup> (b) Off season period From May 22<sup>nd</sup> to October 22<sup>nd</sup>. To get this benefit the consumer has paid an amount of Rs. 1,63,500/- towards additional development charges as per the letter issued by the department.

The complainant has given a representation to the then Assistant Divisional Engineer/Operation/Jammikunta stating that he was using the power supply during the off seasonal period vide his letter dated. 26.08.09, the same was forwarded to the Superintending Engineer/Operation/Karimnagar by the Assistant Divisional Engineer/Operation/Jammikunta, through his letter dated. 31.08.09.

But the complainant has utilized power supply to his main plant thinking that as he has already given representation to the Assistant Divisional Engineer/Operation/Jammikunta to avail this facility during the off season period. The respondents have not issued any official letter to the complainant for availing the facility as above as desired by the complainant. During the Internal Audit, the Audit Officials have pointed out this discrepancy deviating the norms as prescribed in the Tariff Order for the Year 2009-10. Based on the short fall raised by the Audit, the department has issued a notice for an amount of Rs. 2,03,608/- for payment by the complainant for the power consumed during the off season period comes from May 22<sup>nd</sup> to October 22<sup>nd</sup>.

Now the complainant argument is that he has already paid an amount of Rs. 1,63,500/- to avail seasonal benefit to the department, but now the respondents have imposed consumption charges for the off season period also though he has already given an application to the Assistant Divisional Engineer Concerned. Hence lodged the complainant in the Forum to do the justice.

The Tariff Order for the Year 2009-10 clearly mentioned the following conditions among all other conditions for giving concession to the season industries as furnished below :-

- i. Consumers classified as seasonal load consumers, who are desirous of availing the seasonal benefits shall specifically declare their season at the time of entering into agreement that their loads should be classified as seasonal loads.
- ii. The period of season shall not be less than 4 (Four) continuous months. However, consumer can declare longer seasonal period as per actuals.
- iii. The seasonal period once declared cannot be changed, during the Tariff Year in which it is declared.
- iv. Any consumer who after declaring the period of season consumes power for his main plant during the off season period, shall not be entitled to this concession during that year.

Further the complainant has stated during the hearing that he has not known the rules and regulations of department in this regard which does not justifiable in accordance with the Clause 19.3 of General Terms and Conditions of supply which is narrated as under

**Clause 19.3 : Knowledge of Facts and Rules :-**

***“The consumer shall be deemed to have full knowledge of the provisions of the Electricity Act, 2003 the A.P. Electricity Reform Act, 1998 and all regulations and notifications made there under, as also all laws relating to the supply of electricity.”***

4. **ORDER :-**

The Forum has examined the case as per the recorded evidences produced by the respondents in accordance with the Tariff Order for the Year 2009-10 as communicated by the APERC.

The complainant is requested to pay the amount as per the bills served by the respondents for the off season period in accordance with APERC Tariff Order under Clause (ii), (iv) & (vii), in connection with seasonal industries.

The respondents are directed to collect the amount from the complainant within 15 days and give a clear picture on the guidelines and Terms and Conditions of the Tariff Order to the Consumers whenever they approach to them for availing facility of utilization of power during the off season period as desired by the consumers like in this case, and send a compliance report to the Forum within seven days thereafter.

6. **Reasons for Delay :-**

There is a delay of about 15 days in deciding the petition. The reasons for delay are :-

- i. Non-receipt of reports from respondents.
- ii. Insufficient information filed by the complainants.

7. 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 10<sup>th</sup> day of January, 2011.

Sd/-  
K. RAMESH  
MEMBER (LEGAL)

Sd/-  
G. RAVEENDRANATH  
MEMBER (ACCOUNTS)

Sd/-  
T. SADARLAL  
CHAIRPERSON

**Endt. No. C.P./C.G.R.F/NPDCL/WGL/C.G. No. 296/2010-1 Dt. 10.01.2011.**

**Copy to :-**

The Superintending Engineer/Operation/Karimnagar.

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.**