

PALAMMOOR R.O. WATER PLANTS ASSOCIATION

153

Regd. No. 354/2012

H.No. 8-3-18/A, Mettu Gadda, MAHABUBNAGAR.

President :

Munnuru Jayapal Reddy
Cell : 9703637955

General Secretary :

Sambu Vijaya Kumar
Cell : 9440635050

Trasarer :

N. Sunil Kumar Yadav
Cell : 9160003710

Vice-President :

K. Muralidhar Reddy

Cell : 9502830588

M.D. masud Khan

Cell : 9440867693

K. Venkatesh Goud

Cell : 9989629571

Gaint Secretary :

M. Mahendra Sagar

Cell : 8297611269

S. Nagarjuna Yadav

Cell : 7702760338

B. Chennaiah

Cell : 9440410188

Members :

S. Shanthi Kumar

Cell : 9948057791

Musthaq Baba

Cell : 9396310180

K. Praveen Kumar

Cell : 9949451982

M. Srinivas Sagar

Cell : 9441704532

Mallikarjun Reddy

Cell : 9440914215

B. Paramesh

Cell : 9533355573

To, the Secretary
The Telangana State Electricity
Regulatory Committee,
Singareni Bhavan
Hyderabad,

Date : 7/3/15

*Sub: objection/ suggestion for the proposed Tarife
for the FY 2015-16 by TSSPDCL*

It is submitted that the petitioner is the Palamoor R.O Water Plants Association Regd. No. 354/2012 service connection of the Water plants were under category III and the bills were charging under category III. Assistant Divisional Engineer Operation Mahabubnagar Town issued Assessment of back billing on service connections water plants at Mahabunbagar since from the August,2012.

The Member of the petitioner Association approached the Divisional Engineer and made representation sating that the petitioner water purifying plants process the water to filter for the purpose of consumption of water and same comes under the industries.

The superintending Engineer perused the representation of the petitioner and endorsed that the petitioner approach the TSERC for verification of the Back bill and further endorsed that the connection need not be disconnected till getting instructions from TSERC. Hence prayed for directing the Assistant Divisional Engineer Operation Mahabubnagar Town not to disconnect the services on the ground of non payment of back billing assessment.

TSERC, HYDERABAD
INWARD

7 MAR 2015

No. 505 Signature

PALAMOOR R.O. WATER PLANTS ASSOCIATION

Regd. No. 354/2012

H.No. 8-3-18/A, Mettu Gadda, MAHABUBNAGAR.

| | | |
|-----------------------|---------------------|----------------------|
| President : | General Secretary : | Trasarer : |
| Munnuru Jayapal Reddy | Sambu Vijaya Kumar | N. Sunil Kumar Yadav |
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Hence the petitioner humbly submits that the Water purifying plant is a industry of processing the water and the same shall not come under the commercial activity. Hence the back billing estimated against the water plant service connections is not proper hence the Water plant purifying plants Proprietors who are member of the water plant Association are not liable to pay the same hence the back bill assessment. Hence, the same may be declared illegal and changing the Category III connection of the Water purifying plants in to Category II is also improper, hence the direct the Assistant Divisional Engineer Operation MBNR Town TSSPDCL not to change the service connections Water purifying plnats from Category III to Category II. *we request the Honible commisioner to heard in person.*

At Reddy
President

Palmoor R.O Water Plants Association
Regd. No. 354/2012

Assessment for BACK BILLING

Case No: DPE/MBNR/SD01/9452/14

From
Assigned Divisional
EngineerOperation: MBNR-
TOWN
TSSPDCLTo
PROPI- JAIPAL REDDY S/O, NARSI REDDY,
(RO WATER PLANT), CELL NO:-9703637955,
TOWN-III, MAHABUBNAGAR (TOWN).

Lr.No. ADE/OP/MBNR Town SD D.No: 519

Dt:08/Jul/2014

Sub:Assessment Notice of SC No. 0175360023 Category LT-III-INDUSTRY-
Industries of -(Dist) for BACK BILLING

1. Inspection undertaken:

Your service connection bearing No. 0175360023, Category LT-III-INDUSTRY-Industries, TOWN -III Village/ Section was inspected on 09-Jun-14 at 17:40 at hours by Sri.P.C.NARAYANA REDDY with designation ADE .

2. Incriminating Points Observed:

During the inspection it is noticed that the service has been billing in cat III (A). But the service has to be billed in LT cat II(B) as per the recent clarifications issued on categorization of water purifying treatment plant from higher officers. Hence Back Billing is proposed against the service since 08/2012.

The orders on clarification on categorization of water purifying treatment plant was issued in the month of 08/2012 vide memo no CGM (Commercial)/SE/DPE/ADE(T)/D.No.726/12, Date:-07-08-2012.

3. Nature of defect reported

The above observations clearly establish that the service connection is being run in wrong Category/Reading. Hence Back billing was done for your service owing to Wrong Category/M.F./Readings.

4. Value of assessed revenue loss:

In view of the above, the energy consumption during the period of wrong Category/wrong M.F. and the details of the assessment are indicated below.

Assessment Period: From 07-Aug-12 To 09-Jun-14
 Connected Load: 7596 watt
 Contracted Load: 7596 watt
 Units Assessed: 41250 watt
 Units Recorded: 41250 watt
 Units Back Billed: 41250 watt
 Value of Demand Back billed: 7596 watt

The Revenue loss to the company has been assessed at Rs 104525.0, for the Period from 07-Aug-12 to 09-Jun-14.

5. Payment of back billed amount:

5.1 If you are agreeable to the assessed amount, you may pay the amount in full within 15 days from the date of service of this order. Further proceedings to recover the assessed amount will be closed after production of a receipt towards payment of the provisionally assessed amount of Rs 104625.0 in full, to AAO/ERO MAHBOOB NAGAR (designated officer for payment of assessed amount), in addition to the Supervision charges of Rs.100.

5.2 If you are not agreeable to the above assessment, you may make a appropriate Representation to DE/Operation MAHABOORNAGAR / SE/Operation MAHABOORNAGAR(Designated Officer for appeal)within 15 days from the date of service of this notice,who will dispose off your Representation after giving opportunity to you for being heard if you desire so. And mention the same in your representation.

5.3 In case there is no representation from you within 15 days from the date of service of this notice, the Electricity charges payable by you shall be included as arrears in your subsequent CC bill.

Designated Officer to issue Notice
Name : P.SRINIVASA CHARY
Designation : ADE/OP/MBNR TOWN

Copy Submitted To :

AE/OP/TOWN-III Mahabubnagar
The Divisional Engineer/Operation/Mahabubnagar.
AAO/ERO.MAHABUBNAGAR



To
The Chief General Manager,
Consumer Grievances Redressal Forum -1
H.No 8-3-167/14, GTS Colony,
Erragadda, Hyderabad-500045.

Sir,

Sub: - Sc No 0175360023 belonging to Jaipal Reddy released under Industrial
Cat- III back billing Assessment notice issued - Representation - Reg.
Ref:- Lr. No ADE/OP/MBNR/Township D. No 319 Dated: 08-07-2014.

In the reference cited, the assessment notice for back billing was issued to me stating that my service connection is bearing run under wrong category.

In this connection I am submitting the following few lines for your kind consideration.

The above service connection was released during July, 2010 under Category III (A) since I am being unemployed person and proper permission letter was issued duly approved by the General Manager Dist. Industries center, Mahabubnagar vide his letter on 19th March, 2010. According to that orders, the electrical authorities have been released the said service under industrial Category - III(A).

As such the billing was affected that I am paying the C.C. Charges regularly and monitoring my financial transaction suitable to my expenditure incurred.

But, after inspection of my service by the inspecting authorities, I came to know that the service connection was wrongly categorized by the company while the service was released. In this connection, I am not at fault on wrong categorization.

Further it was mentioned in the notice that water purifying treatment plant category changed in the Month of 08/2012 by the C.G.M. and the back billing was imposed from 08/2012 to till the date of inspection to the tune of Rs. 1,04,625/- which is highly to me to pay the bill and further my financial budget position is not allowing met that extent.

As such, I am submit that the revised category imposed to the said service may please be effected from the date of inspection, so that I can moderate my financial position to that effect to meet the further increased expenditure to be incurred by the revised category in future.

Thanking your sir,

Yours faithfully,

(Signature)
5/11/14

(M.JAIPAL REDDY)

Auqua Priya Dharshini Industries
Near Maheswari Talkies,
Srinivasa Colony, Mahabubnagar.

Encl No. SE/OP/MBNR/ADE/AE-Coml-2

1465 Date: 6-11-14

Copy Communicated to the

Divisional Engineer / Operation / Mahabubnagar nls

Asst-Divisional Engineer / Operation / Mahabubnagar (CO)

(Signature)
Superintending Eng
Operation Circle, TSS

SE/MBNR
Dr. Ex
nearby
action
5-1-14

DE
The consumer
approaching TERC
for revision of
back billing till
service need not
be disconnected

ADE/Coml
6/11

Handwritten notes and signatures at the bottom left.

Auqua Priya Darshini Industries,
Near maheshwari Talkies,
Yenugonda,
Mahabubnagar.

To
The Divisional Engineer
Operation TSSDCL
Mahabubnagar.

Sir,

Sub:- SC No.0175360023 belonging to Jaipal Reddy released under Industrial
Cat.III back billing Assessment notice issued – Representation – Regarding.
Ref:1) Lr.No.ADE/OP/MBNR/Touri.S.D.D.No.519, dt :08-07-2014.

* * *

In the reference cited, the assessment notice for back billing was issued to me stating that my service connection is bearing run under wrong category.

In this connection I am submitting the following few lines for your kind consideration.

The above service connection was released during July 2010 under Category-III (A) since I am being unemployed person and proper permission letter was issued duly approved by the General Manager Dist. Industries centre, Mahabubnagr vide his letter on 19th March, 2010. According to that orders, the electrical authorities have been released the said service under Industrial category-III (A).

As such the billing was effected and I am paying the C.C. Charges regularity and monitoring my financial transaction suitable to my expenditure incurred.


But, after inspection of my service by the inspecting authorities, I came to know that the service connection was wrongly categorized by the company while the service was released. In this connection, I am to submit that I am not at fault on wrong categorization.

Further it was mentioned in the notice that the water purifying treatment plant category changed in the Month of 08/2012 by the C.G.M. and the back billing was imposed from 8/12 till the date of inspection to the tune of Rs.1,04,625/- which is highly to me to pay the bill and further my financial budget position is not allowing me to that extent.

As such, I am to submit that the revised category imposed to the said service may please be effected from the date of inspection, so that I can moderate my financial position to that effect to meet the further increased expenditure to be incurred by the revised category in future.

Thanking you Sir,

Yours faithfully,


(M. Jaipal Reddy) 08/07/14

Auqua Priya Dharshini Industries
Near Maheshwari Talkies,
Mahabubnagar.

Copy submitted to the Superintendent Engineer.
Operation, Mahabubnagar.

CONSUMER GRIEVANCES REDRESSAL FORUM - I
APCPDCL

Door No. 5-5-167/14, GTS Colony
Erragadda, HYDERABAD-500045.

PRESENT

Sri R. Sreedhar
Sri K. Purushotham
Smt. P. Vijayalakshmi
Sri J. Sri Ranga Rao

Chairperson
Member (Finance)
Member (Legal)
Member (Consumer Affairs)

C.G. No: 18/2014/Kurnool Circle

This the 16th day of April 2014.

| | |
|-------------|--|
| NO. | |
| COMPLAINANT | Sri P. Krishna Mohan, Proprietor, Himalaya Bottling Company, IL No: 79/14-B, 5, Kishna Nagar, Kurnool District, Cell: 9440225603. |
| ADD. | |
| SE. | |

Complainant

AND

- 1) The Addl. Assistant Engineer, Operation, Kurnool Rurals, APCPDCL, Kurnool.
- 2) The Assistant Divisional Engineer, Operation, Kurnool, APCPDCL, Kurnool.
- 3) The Assistant Accounts Officer, ERO, Kurnool, APCPDCL, Kurnool.
- 4) The Divisional Engineer, Operation, Kurnool, APCPDCL, Kurnool.
- 5) The Superintending Engineer, Operation, Kurnool Circle, APCPDCL, Kurnool.

Respectively

Sub: Change of Category -II to Category -III - Reg.

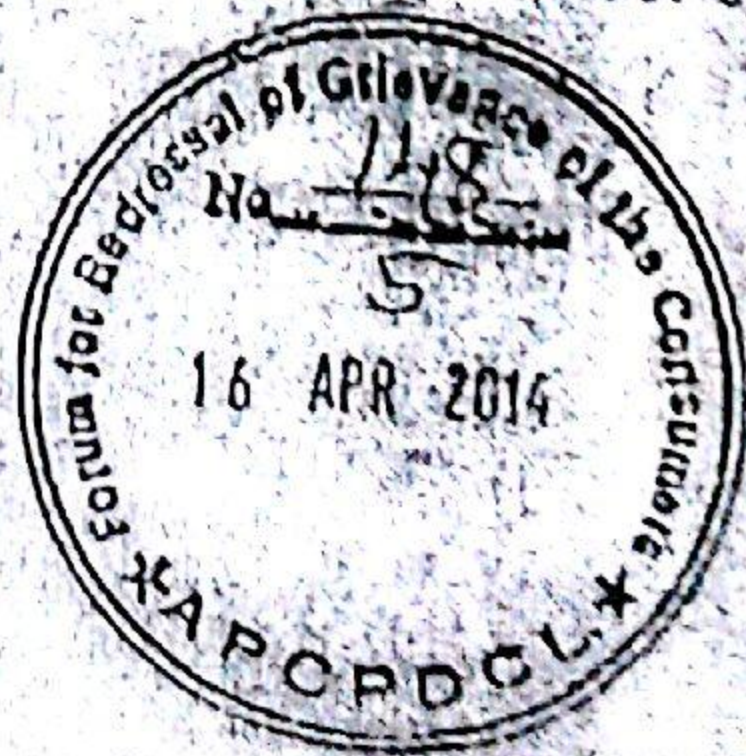
The complaint was taken up by the Forum on the 16th day of April, 2014 and the following points were taken up for discussion:

SD
JSL
9/16

1. Description of the complaint (grievance):

The complainant Sri P. Krishna Mohan, Proprietor of M/s. Himalaya Bottling Company approached the Forum stating that the JSC.No. 0104001734 has been taken for the use of Mineral water plant under Category-III (A) I on 21.04.2010. But the service was assessed under category-II and an amount of Rs.17,163/- levied as short fall and billing continued under category-II(B)

In APCPDCL the said Mineral Water Plants/ Bottling Company are being billed under Category-II (Commercial) as per the orders of CGM/Commercial/APCPDCL Hyderabad vide Memo No. CGM(Comm.)/SE/DPE/ADE(T)/D.No.726/12, Dt.07-08-2012.



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Grievances of Consumers
APCPDCL, HYDERABAD.

Complainant requested to cause suitable instructions to concerned officials to pass the revised instructions regarding category against Mineral Water Plants from Category-II to Category-III.

The complaint was acknowledged by the Forum on 04-03-2014 and registered as CG No.13/2014/Kurnool and acknowledgement sent to complainant. Copy of the representation sent to respondents to file written submissions in support of their defence within (10) ten days on receipt of this notice.

1. Out of order of the Licensee as stated in the written submission and description of the documents:

The second Respondent ADE, Operation, Kurnool in his letter D.No.2223, dt. 20-03-2014 submitted that the complaint have been lodged by M/s. Himalaya Bottling Company (Aquajal Mineral Water Plant) bearing SC.No.0104001734 of DD Padu Village in Kurnool Mandal requesting change of existing category from II to III.

The Water purifying treatment plants are reclassified under LT cat-II only as per the orders of CGM (Comm), Dt. 7.08.2012.

The above said service was inspected by Sri K. Peddiah, AE/DPE/Kurnool on 6-04-2013 and inspecting points observed that the consumer utilizing the supply for mineral water plant with Category-III. The mineral water plants are re-categorised under Category-II. Thus the back-billing proposed under category-III to Category-II(b). Hence it is a back billing case.

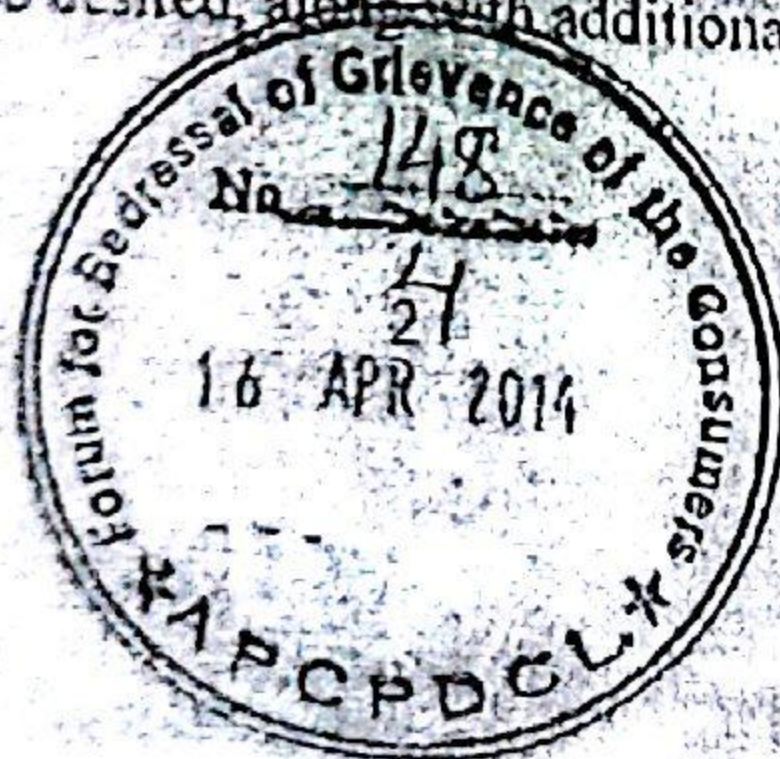
The first Respondent AAO, ERO, Kurnool (Rurals) in his letter D.No.249, dt. 13-03-2014 submitted that the case filed by M/s. Himalaya Bottling Company bearing ISC.No.0104001734 of DD Padu regarding change of category from II to III, it is to submit that the service was released on 16-07-2011 under Category - III (Industrial).

Further as per the inspections made by DPE wing and instructions of Assistant Divisional Engineer, Operation, Kurnool the category was changed with effect from July, 2013 from Category-III to Category-II.

The third Respondent AAO, ERO, Kurnool Rurals in letter D.No.249/14, Dt.13-03-2014 submitted that the service 0104001734 Kurnool was released for Himalaya Bottling Company under Category-III on 16.07.2011. But as per the orders issued by the CGM/Commercial in Memo No. CGM (Comm)/DPE/ADE/D.No.726/12, Dt.07-08-2012, the Mineral Water Plant was re-categorised under Category-II. Hence, the assessment notice issued to the above service by the ADE/Operation/KOL and changed the Category from III to Category-II in July, 2013 and back billing was assessed for Rs.17,153/-.

1. Notice of Hearing:

A notice of hearing was issued by the Forum requesting the Complainant and the Respondents to appear before the Forum on 10-04-2014 at 10.30 AM in the Superintending Engineer, Operation, Kurnool, APCPDCL, Kurnool Circle, to make submissions either in person or through representative, if they so desired, along with additional information to be filed if any.



[Signature]
Forum for Redressal of
Grievance of Consumers
APCPDCL, HYDERABAD.

The following were present:

Complainant

Sri P. Krishna Mohan.

Respondents

Second Respondent Sri K. Nagataju, ADE, Operation, Kurnool.

Deposition of the Complainant:

Sri P. Krishna Mohan, aged 50 years, S/o. Sri P. Raghavachary, deposed that my service was changed from Category-III to Category-II and levied back billing amount of Rs.17,163/-. I requested you to change back my service category from II to III in line with the order given in respect of SC.No.104000874 of Kurnool Rurals section vide CGRF order CG.No.188/13/Kurnool Circle dated 16-12-2013.

Deposition of the Respondent:

The second Respondent, Sri K. Nagataju, aged 42 years, S/o. Sri K. Venkatappa, working as ADE, Operation, Kurnool deposed that the service has been changed from Category-III to II vide Lt.No.ADE/Op/KNI/SBE/D.No.56/2013, Dt.15-04-2013, based on the inspection report of Sri K. Peddajati, AE/DPE on 6-04-2013. Now consumer is requesting to change category from II to III on par with orders issued vide CG.No.188/2013/Kurnool circle dated 16-12-2013.

4. Issues involved and the jurisdiction of the Forum

The complaint relates to classification of purifying plants under category-III, which falls under the jurisdiction of the Forum.

5. Above issues are discussed hereunder:

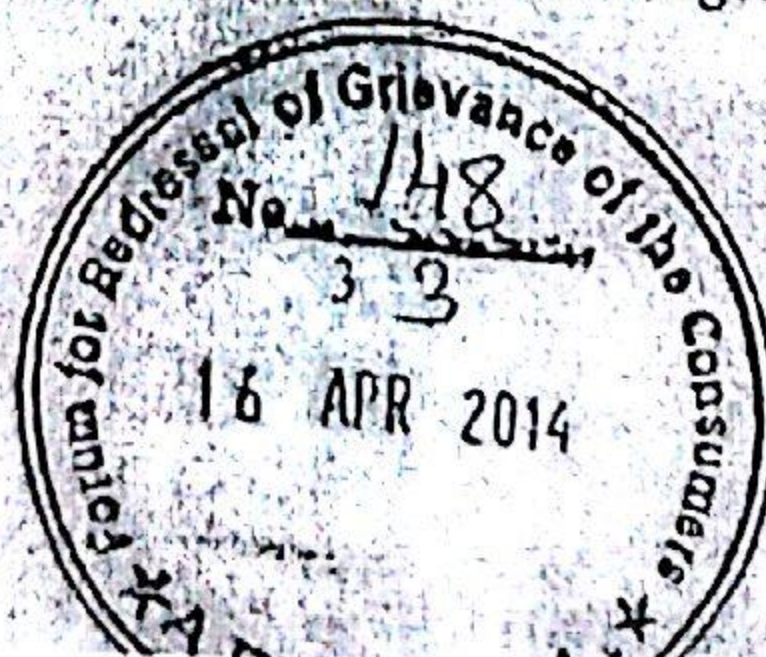
Complainant approached the Forum with the grievance that respondents have changed the category of their LT service from Cat-III to Cat-II and issued shortfall notice to pay Rs.17,163/- stating utilizing power for mineral water plant will come under commercial category.

The complainant alleged that the mineral water plants should be continued under industrial category but not in LT category-II.

Complainant finally has requested the Forum to consider their service under cat-III only. Respondents ADE/Op/Kurnool and AAO/ERO/Kurnool submitted that the complainant's service category has been changed from Category-III to Category-II based on the inspection report of DPE wing and back billing was done for Rs.17,163/- and assessment notice was served to the consumer. They also submitted that as per the instructions issued by the CGM/Commercial vide D.No.726/12 dt.7-08-2012, the water purifying/treatment plants are re-categorized under category-II though the service was released for water purifying plant under Category-III.

On verification of the material produced before the Forum, it is observed that:

- ❖ The complainant's service has been released under category-III and continued to bill under category-III up to June 2013.



[Signature]
Forum for Redressal of
Grievances of Consumers
APCPDCL, HYDERABAD.

- ❖ A back billing case was booked against the complainant's service by the Respondent stating that they have found that the beneficiary is utilizing power supply for mineral water has re-categorized under commercial category.
- ❖ The Respondents have submitted a copy of instructions issued by the CGM/Commercial of the Respondent company vide Memo No: 726/12 dt: 07.08.2012 wherein it was clarified that the water purifying/treatment plants should be released under LT-Category-II only.
- ❖ The clarification issued by the CGM/Commercial as above is not exhaustive. It seems the clarification is applicable for the services to be released in future for water purifying/treatment plants, but not for the services already released and running.
- ❖ Whereas the complainant's service has been released under category-III and being billed accordingly and hence the clarification issued by the CGM/Commercial vide Memo No: 726/12 dt: 07.08.2012 may not be applicable to the complainant service.
- ❖ There is no mention of this activity of water purifying/treatment plants in the tariff order to which category it belongs to.
- ❖ As per Tariff Order Industrial purpose shall mean, supply for purpose of manufacturing, processing and/ or preserving goods for sale.
- ❖ The raw water will be processed in different stages to come final product of purified drinking water. Hence, the Forum felt that this water purifying plants of the complainant can be treated as processing unit which comes under category-III (Industrial) as there is no selling point at the premises.
- ❖ The Respondents could not have substantiated their action in reclassifying the complainant service category from category-III to category-II before the Forum except showing Memo No: 726/12 dt: 07.08.2012 of CGM/Commercial of Corporate Office which is not relevant in this case.
- ❖ The Respondent Company could have been obtained suitable clarification from Hon'ble APERC with regard to classification of category in respect of water purifying/treatment plants as the water purifying plants are growing very rapidly now a days.
- ❖ The Hon'ble CGR/APEPDCL has passed the order as the mineral water plants/packaged drinking water plants should be continued the electricity supply under "Industrial Category only" on par with dairy forms, butter milk chilled units, cool drink bottling units and packaged refined oil plants etc., and stated that the same was discussed with other discoms and they confirmed that all the existing water plants are in category-III only and finalized by the FORUM to continue the electricity supply to the water plants/Packaged drinking water plants under Industrial LT Category-III only but not in LT Category-II.
- ❖ As per recent Ombudsman's order dt:22.04.2014 against appeal No.101 of 2013 between M/s. Sporthy Beverage Mineral water and respondents of Medak circle held that the respondents officers shall re-classify the appeal herein as belong into LT -Category III.



[Signature]
 Forum for Redressal of
 Grievances of Consumers
 APCDCL, HYDERABAD.

In view of all the above discussions the Forum with considered opinion felt that the justification would be met if the direction is issued to the Respondents to continue the complainant's service no: 0104001734 under LT-Category-III only until clarification is issued by the Hon'ble APERC and to revise the complainant's bill accordingly.

G. ORDER:

Having verified and heard the case, and the material produced before the Forum, the Forum is of the considered opinion, the following order issued:-

"The Respondents are directed to continue the complainant's service no: 0104001734 under LT-Category-III only until clarification issued by the Hon'ble APERC and to revise the complainant's bill accordingly."

The complaint is disposed off 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.

The Complainant, if aggrieved by the above Order, may approach the VIDYUT OMBUDSMAN, situated at 5th Floor, Singareni Bhavan, Red Hills, and Hyderabad-500 004 within 30 days from the date of receipt of this order as per Clause 9(1) of Regulation 1 of 2004 of APERC.

This Order is signed on the 16th day of April 2014.

Sd/-
Member (Consumer Affairs)

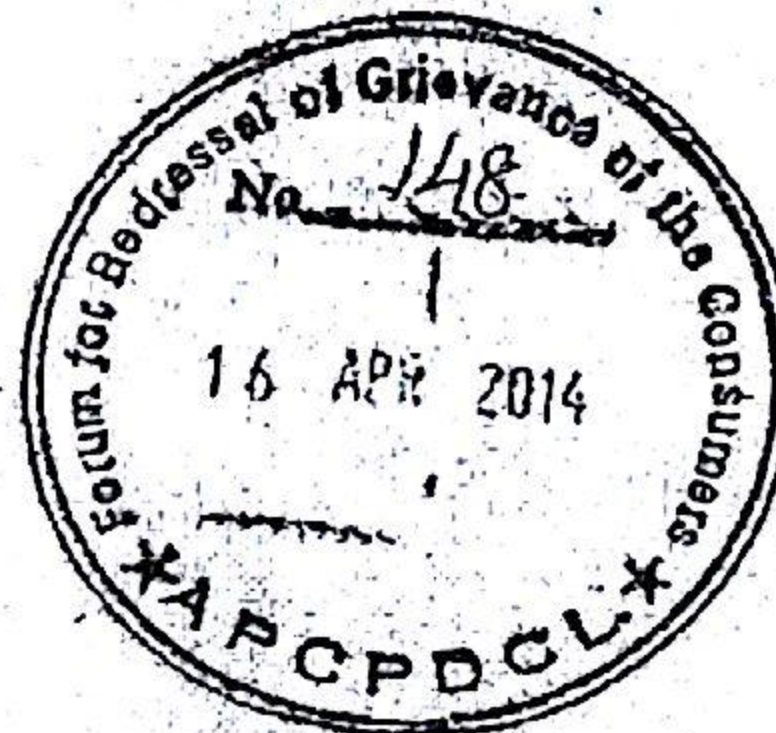
Sd/-
Member (Legal)

Sd/-
Member (Finance)


Sd/-
Chairperson

To

Sri P. Krishna Mohan,
M/s. Himalaya Bottling Company,
H.No:79/14-B-5,
Krishna Nagar,
Kurnool District.
Cell: 9440225603.



//Forwarded by Order//


Forum for Redressal of
Grievances of Consumers
APDCL HYDERABAD.

- 1) The Addl. Assistant Engineer, Operation, Kurnool Rurals, APCPDCL, Kurnool.
- 2) The Assistant Divisional Engineer, Operation, Kurnool, APCPDCL, Kurnool.
- 3) The Assistant Accounts Officer, ERO, Kurnool, APCPDCL, Kurnool.
- 4) The Divisional Engineer, Operation, Kurnool, APCPDCL, Kurnool.
- 5) The Superintending Engineer, Operation, Kurnool Circle, APCPDCL, Kurnool.

Letter No: CGRE/APCPDCL/D.No. 148,
Dt. 16/04/2014