



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

WEDNESDAY THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

C.M.P. No. 05 of 2023-24

in

C.M.P. No. 12 of 2022-23

in

Appeal No. 24 of 2020-21

Between

M/s L&T Metro Rail (Hyderabad) Limited, Hyderabad Metro Rail Administrative Building, Uppal Main Road, Nagole, Hyderabad- 500 039, represented by Sri Anil Kumar Saini, Cell: 8008355335, 040-22080728.

.....Petitioner /Petitioner/Appellant

AND

1. The Assistant Divisional Engineer / Operation / Miyapur / TSSPDCL / Medchal Malkajgiri District.
2. The Divisional Engineer / Operation / Kukatpally / TSSPDCL / Medchal Malkajgiri District.
3. The Divisional Engineer / DPE / HT/Hyderabad / TSSPDCL / Hyderabad.
4. The Senior Accounts Officer / Operation / Medchal Circle / TSSPDCL / Medchal-Malkajgiri Circle.
5. The Superintending Engineer / Operation / Medchal Circle / TSSPDCL Medchal-Malkajgiri Circle.
6. The Chief General Manager (Commercial) /TSSPDCL/Hyderabad.

..... Respondents / Respondents/Respondents

This petition is coming on before me for final hearing today in the presence of Sri B. Uday Kiran representative of the appellant virtually and Sri

G.MadhuSudhan Reddy- SAO/Op//Medchal representing the respondents virtually and having stood over for consideration till today, this Vidyut Ombudsman passed the following:

ORDER

This petition is registered as per Clause 3.42 of Regulation 3 of 2015 of Hon'ble Telangana State Electricity Regulatory Commission for non-compliance of the Award passed in Appeal No. 24 of 2020-21 dt.07.12.2022 and also in C.M.P. No.12 of 2022-23 dt 22.10.2023 of this Authority, by the Licensee-respondents.

2. This Authority in the Award referred to above has passed the following order:-

“In the result, the appeal is allowed in part and the short billing amount of Rs.31,50,978/- is revised to Rs.18,11,694/- and the appellant is granted two equal instalments to pay the revised amount. The first instalment shall be paid on or before 01-02-2023. The final instalment shall be paid within two months thereafter”.

Likewise this Authority in the order in I.A No .12 of 2022-23 dt 22.10.23 has passed the following order:-

“In the result, the petition is allowed and no Delayed Payment Surcharge amount is to be paid as claimed by the respondents in the notice dt.25.01.2023. The petitioner shall pay Rs. 18,11,694/- in (2) equal instalments. The first instalment shall be paid on or before 10.03.2023 and the final instalment shall be paid before 10.04.2023”.

3. In the written replies filed by respondent no .5 it is stated that

they would prefer writ petition before the Hon'ble High Court against the Award and order passed by this Authority.

4. Heard both sides virtually.
5. The point for consideration is, whether there are sufficient grounds to close the petition?

POINT

6. As seen from the record, aggrieved by the impugned Award and Order of this Authority, the respondents have preferred W.P.No.18434 of 2023 before the Hon'ble High Court for the State Telangana at Hyderabad. At this stage it is necessary to refer Clause 2.37 of Regulation 3 of 2015 which reads as under:-

“The Forum may reject the grievance at any stage under the following circumstances:

- a) Where proceedings in respect of the same matter or issue between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority as the case may be;”

xxxxx

In view of the Clause of the Regulation referred to above, I hold that there are no sufficient grounds to direct the respondents to implement the Award and order passed by this Authority in Appeal No. 24 of 2020-21 dt.07.12.2022 and

also in C.M.P. No.12 of 2022-23 dt 22.10.2023 and the petition is liable to be closed.

RESULT

7. In the result, the petition is closed.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 26th day of July 2023.

Sd/-

Vidyut Ombudsman

1. M/s L&T Metro Rail (Hyderabad) Limited, Hyderabad Metro Rail Administrative Building, Uppal Main Road, Nagole, Hyderabad- 500 039, represented by Sri Anil Kumar Saini, Cell: 8008355335, 040-22080728.
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