



**VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA**  
First Floor 33/11 kV substation, Hyderabad Boats Club Lane  
Lumbini Park, Hyderabad - 500 063

**:: Present:: R. DAMODAR**

Wednesday, the Second Day of August 2017

CMP No. 9 of 2017

in Appeal No. 71 of 2016

Order dt. 18.03.2017 of Vidyut Ombudsman

Between

M/s Dr. Reddy's Laboratories Limited, Chemical Tech Ops Unit-II, Plot Nos.110,111  
and 121/3, 75B, 112,105 S.V.Co-operative Industrial Estate. Bollaram,  
Jinnaram Mandal, Medak Dist - 502 325. Tel: 08458-283641/283642.

**... petitioners**

**AND**

1. The SAO/OP/Medak/TSSPDCL/Medak Dist.
2. The DE/OP/Sangareddy/TSSPDCL/Medak Dist.
3. The SE/OP/Medak Circle/TSSPDCL at Sangareddy.

**... Respondents**

**ORDER**

1. The Appeal of the Petitioner in Appeal No. 71 of 2016 was partly allowed vide Award dt.18.3.2017 with the following directions:

- a. the Appellant is found not entitled to the benefit of TOD/Peak Hour units (except normal tariff).
- b. the demand of the DISCOM for recovery of TOD/Peak hour charges credited to the Appellant from March,2014 to August,2014 through a revised CC bill for May,2014 is set aside as not legal.
- c. the impugned orders are partly set aside to the extent indicated.

2. The relief at part (b) above was based on the para 34 of the Award, which is reproduced below:

“As far as the claim of the DISCOM that the TOD units were wrongly credited to the account of the Appellant for the months of March,2014 to August,2014 is concerned, the contention of the Appellant that **no prior notice was given and abruptly the amount was sought to be recovered**

**through a revised bill** for May,2015 is accepted as tenable. Keeping in view the nature of the claim and the controversy involved and facts, the claim of the DISCOM for recovery of benefit of TOD charges for the months of March,2014 to August,2014 is rejected. The issues are answered accordingly.”

3. Quoting the para 34 of the Award, vide letter D.No.18/2017, dt.13.4.2017, R3/SE/OP/MDK issued a notice to the Petitioner/Appellant demanding an amount of Rs 7,59,994/- towards TOD tariff against solar units wheeled during the period from 4/2014 to 8/2014 and to file objections if any within 15 days from the date of receipt of this notice.

4. Aggrieved against the above notice, the Petitioner/Appellant asserted that as per the para 36 of the Award, the Respondents have to comply with the directions within 15 days from the date of receipt of the Award. Further, the Petitioner/Appellant asserted that the demand of the DISCOM for Rs 7,59,994/- and recovery was rejected in the Appeal and therefore, the recovery was held as not legal. On the demand of the DISCOM for recovery of the amount of Rs 7,59,994/- collected through revised bill of May,2014, it has been stated that the Respondents, instead of implementing the Award, have issued the present demand notice.

5. The Petitioner/Appellant has requested for action against the Respondents in terms of Clause 3.38 of the Regulation 3 of 2015 of the TSERC for violation of the directions in the Award and further requested to set aside the notice issued by the Respondents.

6. In the meanwhile, the R3/SE/OP/MDK, vide Lr.D.No.43-2016-17 dt.25.4.2017 addressed to this office has stated that on the instructions of his higher authorities, they have approached the Hon'ble High Court against the Award in the Appeal No. 71 of 2016 and a copy of the Writ Petition would be submitted soon after receipt of the same from the Hon'ble High Court.

7. Contrary to the above, no copy of the Writ Petition and no WP Number has been furnished in the present case as on 5.7.2017 and instead, a demand notice dt.13.04.2017 to file objection on the payment of Rs 7,59,994/- has been issued to the Petitioner/Appellant.

8. The Respondents relied on the procedural lapse pointed out in the orders in not issuing prior notice to the Appellant, before adding TOD amount in the bill for the month of May,2014 and gave a demand notice dt.13.04.2017 to the Petitioner/Appellant for filing objections. The Petitioner/Appellant has strongly opposed the notice given to it and pleaded for an order to direct implementation of the directions given at para 35(b) of the Award and sought an action in terms of Clause 3.38 of the Regulation 3 of 2015 of the TSERC against the Respondents.

9. The basis for awarding the direction at Para 35(b) of the Award dt.18.03.2017 was on the DISCOM abruptly demanding an amount of Rs 7,59,994/- for the period from March,2014 to August,2014 after one year by directly adding in the bill issued pertaining to May,2015(which the DISCOM has admitted as a mistake) without giving any prior notice to the Petitioner/Appellant. But the direction at Para 35(b) is to give a quietus to the controversy between the parties once for all and it does not direct the Respondents to again issue a fresh notice to the Petitioner/Appellant for objections. Hence, the demand of the DISCOM for recovery of TOD/Peak hour charges credited to the Appellant from March,2014 to August,2014 through a revised CC bill for May,2015 is not legal as the claim was rejected in the Award. No further steps have been taken to proceed against the Award by the Respondents and the directions in the Award became final. Under the circumstances, the respondents have to refund the amount of Rs 7,59,994/- collected from the Petitioner/Appellant by way of adjustment in the future CC bills.

TYPED BY Clerk Computer Operator, Corrected, Signed and Pronounced by me on this the 2nd day of August, 2017.

Sd/-

**Vidyut Ombudsman**

1. M/s Dr. Reddy's Laboratories Limited, Chemical Tech Ops Unit-II,  
Plot Nos.110,111 and 121/3, 75B, 112,105 S.V.Co-operative Industrial Estate.  
Bollaram, Jinnaram Mandal, Medak Dist - 502 325. Tel: 08458-283641/283642.

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4. The SE/OP/Medak Circle/TSSPDCL at Sangareddy.

Copy to :

5. The Chairperson, Consumer Grievance Redressal Forum - 1, TSSPDCL,  
Vengal Rao Nagar, Erragadda, Hyderabad - 500 045.
6. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapool,Hyd.