



**BEFORE THE VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA**

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

**PRESENT : SRI MOHAMMAD NIZAMUDDIN  
VIDUYUT OMBUDSMAN**

SATURDAY THE TWENTY SECOND DAY OF OCTOBER  
TWO THOUSAND AND TWENTY TWO

**Appeal No. 01 of 2021-22**

Between

Sri M. Vijay Bhaskar Reddy, #17-1-382/BR/1/11, Manda Yadava Reddy  
Function Hall, Champapet, Hyderabad - 79. Cell: 9246343979. ....**Appellant**

**AND**

1. The Assistant Engineer / Operation / Champapet / TSSPDCL /  
Ranga Reddy District.
2. The Assistant Divisional Engineer / Operation / Champapet / TSSPDCL /  
Ranga Reddy District..
3. The Assistant Accounts Officer / ERO / Champapet / TSSPDCL / Ranga  
Reddy District.
4. The Divisional Engineer / Operation / Champapet /TSSPDCL / Ranga Reddy  
District.
5. The Superintending Engineer / Operation / Saroor Nagar Circle / TSSPDCL /  
Hyderabad. .... **Respondents**

This appeal is coming on before me for final hearing on 20.09.2022  
in the presence of Sri Vijay Bhaskar Reddy, appellant in person and  
Sri P. Vijay Kumar - AE/OP/Champapet and Smt. G. Pavani -  
AAO/ERO/Champapet representing the respondents and having stood over  
for consideration till this day, this Viduyut Ombudsman passed the following:-

## **AWARD**

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Greater Hyderabad Area, Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in CG No.125/2020-21/Saroor Nagar Circle dt.27.03.2020, rejecting the complaint filed by the appellant.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant is that the respondents have released Service Connection No. 4503 02568 to the premises H.No. 17-1-382/BR/1/11 to 14, Champapet, Hyderabad. The appellant has paid Fixed Charges on H.T. Flag (55 KW) from March 2018 to September 2020. During the said period the business of the function hall of the appellant was very slow and during the lockdown and after lockdown there was no business at all. Therefore the appellant has requested the learned Forum to waive the Fixed Charges stated above to continue the business.

### **CASE OF THE RESPONDENTS BEFORE THE FORUM**

3. In the written submissions of respondent No.2 it is stated that the subject Service Connection was released on 28.09.2002 with a contracted load of 55 KW for running of the function hall. The consumer has exceeded the load in several months from June 2014 upto December 2018. The H.T. flag attracted from August 2016 and the bills were issued on auto generated mode

and the appellant has also paid the said bills. The consumer has removed the connected loads and as such at the time of inspection of the subject premises the connected load was below the contracted load. Accordingly the H.T. flag was removed from September 2020. It is accordingly prayed to dismiss the complaint.

4. In the written submissions of respondent No.3 it is stated that the bill revision proposal was received in respect of the subject Service Connection from respondent No.1 and the same was returned from the office of respondent No.5.

#### **AWARD OF THE FORUM**

5. The learned Forum, after considering material on record and after hearing both sides, has rejected the complaint as stated above.

6. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the learned Forum has rejected the complaint without properly analysing the facts on record and without properly considering the relevant provisions.

#### **GROUND OF THE APPEAL**

7. In the grounds of the appeal, it is, inter-alia, submitted that the appellant has paid the Fixed Charges on H.T. flag for about 30 months, during which time there was no business for the appellant's function hall and that

there was Covid-19 lockdown at the relevant time due to which the appellant was in financial difficulties. Further the appellant has not utilised the load during the lockdown period. It is also submitted that this Authority in a similar case in Appeal No. 17 of 2020-21, gave favourable order to the consumer. It is accordingly requested to waive the charges claimed by the respondents.

### **WRITTEN SUBMISSION OF THE RESPONDENTS**

8. In the written submissions by respondent No.3 before this Authority, it is, inter-alia, stated that the bill was revised from May 2018 to September 2020 for an amount of Rs. 4,20,589/- and respondent No.5 has returned the said bill. Therefore there is no scope for withdrawal of the demand raised during the H.T. flag period.

### **ARGUMENTS**

9. The appellant has submitted that he has sustained heavy loss due to lack of proper business and also due to Covid-19 lockdown. Therefore he prayed to waive the charges improperly raised by the respondents due to automatic H.T. flag.

10. On the other hand it is on behalf of the respondents it is argued that the demand was properly made by them and therefore there is no scope for waiving the amount claimed by the appellant. It is accordingly prayed to reject the appeal.

## **POINTS**

11. The points that arise for consideration are:-
- i) Whether there are sufficient grounds to waive the demand raised by the respondents to pay the amount which was raised after auto generated H.T. Flag?
  - ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
  - iii) To what relief?

### **POINT No. (i) and (ii)**

#### **SETTLEMENT BY MUTUAL AGREEMENT**

12. Both the parties have appeared before this Authority on 20.09.2022. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

#### **REASONS FOR DELAY IN DISPOSING OF THE APPEAL**

13. Since I took charge as Vidyut Ombudsman on 01.07.2022 and since there was no regular Vidyut Ombudsman earlier, the appeal was not disposed of within the prescribed period.

#### **ADMITTED FACTS**

14. It is an admitted fact that the Service Connection No. 4503 02568 was released on 28.09.2002. It is also an admitted fact that the respondents raised the bill after the H.T. flag was generated automatically.

## **CRUX OF THE MATTER**

15. The appellant is praying for withdrawal of Fixed Charges for the period from March 2018 to September 2020 in respect of the subject Service Connection. The appellant claimed that they have paid Fixed Charges under HT category for 30 months without fail; that in view of pandemic during the lockdown period their business i.e. function hall got hampered and driven in financial crisis and that since they have not utilised the load during the lockdown period. It is accordingly requested for waiver of fixed charges to the full extent under HT category from March 2018 to September 2020.

16. The material on record shows that the subject Service Connection was initially released on 28.09.2002 under Category-II with a contracted load of 20 KW which was subsequently enhanced to 50 KW on 16.11.2015. The respondents changed the billing category from LT-II to HT-II through raising HT flag in the billing software from the month of 08/2016 (the MD was recorded as 67.15 KVA which is higher than the contracted load of 50 KW. ) under HT tariffs until 09/2020. (As per the Tariff Order contracted load above 55 KW falls under HT-II tariff). The record also shows that the RMDs since the month of February 2014 were above 50 KW in stray months. The record also shows that the appellant given representation vide letter dt.02.09.2020, stating that they are utilising the power below 55 KW and requested to reduce Fixed Charges and the same request was also placed in the year 2018 which was not addressed. The AAE/OP/Champapet vide letter No.

AAE/OP/champapet/D.NO.384/20-21 dated 16.09.2020 submitted a report to respondent No.3 - Assistant Accounts Officer /ERO/Champapet stating that the appellant was utilising a load below contracted load of 55 KW. The EBS history shows that for the period from October 2019 to September 2020, the maximum load attained is 40.32 kw during the month of April,2020. In this regard it was proposed for renewal of the H.T. flag to the S.C. No. 4503 02868. The load particulars of the premises found were as follows:-

<b>Load particulars</b>	<b>Nos. x Watts</b>	<b>Total (W)</b>
1. Pedestal fans	17 x 373	= 6341
2. Coolers	06 x 150	= 4476* (900)
3. LED Lights	20 x 200	= 4000
4. LED Lights	23 x 100	= 2300
5. LED Bulbs	14 x 50	= 700
6. LED Bulbs	25 x 20	= 500
7. AC (1.5 Ton)	2 x 2100	= 4200
8. CFL Bulbs	1 x 150	= 150
9. Grinder	2 x 1119	= 2238
10. Motors	1 x 1490	= 1490
Total load		= 26395 W* (22819)
<p>*(There was a mathematical mistake in calculation of total wattage for Coolers at Sl.No.2, which was mentioned as 4476 W instead of 900 W and total load as 26395 W instead of 22819 W in the letter mentioned supra)</p>		

Consequently the HT flag was removed during the month of October 2020. Further vide Lr.No. AAE/OP/Champapet/D.No.660/20-21 dated 12.11.2020 after conversion to LT-II category a proposal was sent by the AAE/OP/Champapet for revision of bills from the year 2018 to September 2020 under LT-II Category. The record shows that based on the proposal of the AAE/OP/Champapet, the AAO/ERO/Champapet submitted office note for approval of revision of bills in LT-II tariff from 05/2018 to 09/2020 (29 months) for an amount of Rs 4,29,589/- on 26.11.2020. But later, the proposal was rejected by respondent No.5 for want of specific reasons from field officer

17. In support of his claim, the appellant relied on the orders passed by this authority in the Appeal No. 17 of 2020-21 - Ms. Sai Ram Ice Factory, wherein the fixed charges were withdrawn, similar to the present case, wherein HT tariff was imposed by way of raising HT flag in view of recording RMD excess over 100 HP. At this stage it is pertinent to go through the following guidelines given by the Hon'ble Telangana State Regulatory Commission (in short 'the Commission') through General Terms and Conditions of Supply where the total connected load is 75 HP/56 KW under clause 12.3.3.2 which is reproduced here under:-

"12.3.3.2:-Cases where the total connected load is above 75 HP/56 KW.

i) These services shall be billed at the respective HT tariff rates from the consumption month in which the unauthorised additional load



is detected. For this purpose, 80% of connected load shall be taken as billing demand. The quantity of electricity consumed in any month shall be computed by adding 3% extra on account of transformation losses to the energy recorded in LT Meter.

ii) The company may at its discretion, for the reasons to be recorded and in cases where no loss of revenue is involved, continue LT supply. If the consumer, however, makes arrangements for switchover to HT supply, the company shall release HT supply as per the rules.

iii) One month's notice shall be given to regularise the additional connected load or part of additional load as per the requirement of the consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit required for conversion of LT service into LT 3(B) or HT service depending upon the connected load.

*However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue. (Vide proceeding No. APERC/Secy/01/2012 dated. 07.03.2012)*

Now in the context of the above provisions and observations the grievance is required to be decided. Hon'ble Commission laid down the above procedure for transferring the services from LT to HT tariffs. Nowhere in the statute it was stated to raise the HT flag based on the RMDs recorded in stray months higher than the Contracted Maximum Demand of 50 KW without any prior notice. The Sub-Clause (i) reckons HT tariff rates be imposed from the consumption month in which unauthorised additional load is detected for the services where the connected load is above 56 KW. The Sub Clause (iii) envisages that even though by physical inspection if it is found that connected load is above the contracted load, an option is to be given to the consumer to

remove the part or full excess load detected as per the requirement of the consumer. Contrary to the above the licensee has not adhered to the provisions stated above. Later conclusively the physical verification of the connected load was conducted and submitted vide Lr. No.384/20-21 dated 16.09.2020, wherein it was found that the connected load was 26.395 KW which is less than the threshold limit of 56KW. As per the tariff order the billing of tariff under LT Category - II reckons charges against the contracted load and not upon RMD unlike in H.T. Tariffs. Hence, the way the HT flag was raised soon upon capturing the RMD above 55 KW is unwarranted. This process of unilateral action and without following the principles of natural justice and without giving notice is not in accordance with the Tariff Order nor GTCS. This way of changing to HT tariff billing is uncalled for, as and when the RMD is recorded over and above the limit prescribed in the Tariff Order / GTCS. Therefore immediately the provisions of the GTCS should be invoked, physical inspection shall be conducted and notice is to be issued. Contrary action in this case calls for interference in the matter.

18. In view of the above discussion, I hold that there are sufficient grounds to revise the bills as pleaded by the appellant from March 2018 to September 2020 under L.T.-II Category. Therefore the Award of the learned Forum is liable to be set aside. These points are decided accordingly in favour of the appellant and against the respondents.

**POINT No. (iii)**

19. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be allowed.

**RESULT**

20. In the result, the appeal is allowed and the respondents are directed to revise the bills from H.T. tariff to L.T. tariff from March 2018 to September 2020 and adjust the amount in future bills of the appellant. The Award passed by the learned Forum is set aside.

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 22nd day of October 2022.

Sd/-

**Vidyut Ombudsman**

1. Sri M. Vijay Bhaskar Reddy, #17-1-382/BR/1/11, Manda Yadava Reddy Function Hall, Champapet, Hyderabad - 79. Cell: 9246343979.
2. The Assistant Engineer / Operation / Champapet / TSSPDCL / Ranga Reddy District.
3. The Assistant Divisional Engineer / Operation / Champapet / TSSPDCL / Ranga Reddy District..

4. The Assistant Accounts Officer / ERO / Champapet / TSSPDCL / Ranga Reddy District.
5. The Divisional Engineer / Operation / Champapet /TSSPDCL / Ranga Reddy District.
6. The Superintending Engineer / Operation / Saroor Nagar Circle / TSSPDCL / Hyderabad.

**Copy to**

7. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.

APPEAL NO. 01 OF 2021-22