



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

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

**PRESENT : SRI MOHAMMAD NIZAMUDDIN  
VIDUYUT OMBUDSMAN**

THURSDAY THE EIGHTEENTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY TWO

**Appeal No. 02 of 2021-22**

Between

Smt. Shaheen Ara Khaton, #3-6-390/1, F.No. C-1, Street No.3, Himayath  
Nagar, Hyderabad - 500 029. Cell: 7032395043. ....**Appellant**

**AND**

1. The Assistant Engineer / Operation / Himayath Nagar / TSSPDCL /  
Hyderabad.
2. The Assistant Divisional Engineer / Operation / Hyderguda /TSSPDCL /  
Hyderabad.
3. The Assistant Accounts Officer / ERO / Mint Compound / TSSPDCL /  
Hyderabad.
4. The Divisional Engineer / Operation / Saifabad /TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / Hyderabad Central Circle /  
TSSPDCL / Hyderabad. .... **Respondents**

This appeal is coming on before me for final hearing on 06.08.2022 in the presence of Smt. Shaheen Ara Khaton, appellant in person and Sri R. Vamshi Krishna - AE/OP/Himayath Nagar, Sri S. Krupa Rathnam - AAO/ERO/Mint Compound and Sri M. Ramsingh - ADE/OP/Hyderguda 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 - II (Greater Hyderabad Area) Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.119/2020-21 dated.15.03.2021.

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

2. The appellant is an occupant of the premises H.No.3-6-390/1, Street No.3, Himayath Nagar, Hyderabad running a beauty parlour having an electricity Service Connection D1011240. There is no sudden change or variation in the usage pattern of electricity in the beauty parlour under Category-II with a sanctioned load of 2 KW. But in the month of January 2021, the Licensee raised demand of Rs 8,864/- towards Development Charges, Rs 3,120/- towards Fixed Charges etc., apart from the monthly bill towards consumption of electricity of Rs 931/-. Earlier she used to receive Rs 500/- to Rs 700/- only as monthly electricity consumption charges. She used to consume power less than (1) KW only. In view of the above, she urged to withdraw the demanded amount as she is a poor lady trying to meet her family requirements with great difficulty and because of the excess bill, it has an impact on her business.

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

3. Respondent No.3 has submitted his written submission stating that the appellant was using supply above (2) KW. The Recorded Maximum Demand ( in short 'RMD') in the energy meter is above (2) KW during the period from October 2019 to January 2020, continuously. The Maximum Demand ( in short 'MD') recorded in October 2019 it is 6.78, in November 2019 it is 6.78, in December it is 5.22 and in January it is 3.48. For the regularisation of the above additional load, the appellant was to pay an amount of Rs 8,864/- along with incidental charges as shown below within (30) days:-

<b>Service line charges</b>	<b>Development charges (Rs.)</b>	<b>Security Deposit (Rs.)</b>	<b>Towards GST@18% on Development charges (Rs.)</b>
-	4800.00	3200.00	864.00

The appellant paid the demanded charges of Rs. 8,864/- on 12.01.2021 vide PR No.55848194.

### **AWARD OF THE FORUM**

4. After hearing both sides and after considering the material on record, the learned Forum has rejected the complaint holding that the Development Charges are not refundable and the complaint is not maintainable.

## **GROUNDS OF THE APPEAL**

5. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the material on record properly.

6. It is also submitted that the Award of the Forum is against the principles of natural justice and as such the same is liable to be set aside. The Award of the Forum is mechanical and without appreciation of the facts and circumstances of the case of the appellant. The electricity connection bearing SC No.D1011240 used to get monthly bill between Rs. 500/- and Rs. 700/- but unfortunately the respondents sought the additional amounts of Rs. 8,864/- Development Charges and Rs. 3,120/- Fixed Charges etc. which is illegal and unjust. The Forum has erroneously rejected the grievance of the appellant on hyper technicalities, unmindful of the factual position. The learned Forum ought to have set aside the bills demanded by the respondents insisting to pay a sum of Rs. 8,864/- Development Charges and Rs. 3,120/- Fixed Charges etc.

## **WRITTEN SUBMISSIONS OF RESPONDENTS**

7. Respondent No.3 has submitted written submissions before this Authority reiterating the contents in the written submissions before the Forum.

8. Respondent No.4 has submitted written submissions stating as under:-

Development Charges notice was issued vide Lr.No.ADE/OP/D-XXIII/C-I/Hyd/D.No.955/2020 dt.06.02.2020 which is auto generated one. The maximum demand recorded month wise is as under:-

SI.No.	Bill date	KWH Reading	Billed Units	MD	KVAH
1.	08.01.2019	3215	40	0.2	0
2.	06.02.2019	3248	33	0.2	4376
3.	08.03.2019	3291	43	0.5	0
4.	05.04.2019	3333	42	0.3	0
5.	07.05.2019	3380	47	0	0
6.	08.06.2019	3423	43	0	0
7.	09.07.2019	3470	47	0	0
8.	07.08.2019	3514	44	0	0
9.	07.09.2019	3559	45	0.2	0
10.	10.10.2019	3608	49	6.78	0
11.	07.11.2019	3649	41	6.78	0
12.	06.12.2019	3691	42	5.22	0
13.	06.01.2020	3708	37	3.48	0

### REJOINDER

9. The appellant filed her rejoinder vide a letter dt.29.07.2021 stating as under :-

The shop consisting of Service Connection No.D1011240 has a plinth area of just 9x9 (sq.ft) with one fan and a tube light as such the consumption is always within the permitted load. The bills issued were paid from time to time as per meter readers reading on spot and he never raised any alarm of her consumption of energy over her connected load, but suddenly a bill was issued with a demand for Rs. 8,000/- plus Rs. 864/- as Goods and Service Tax (in short 'GST') on Development Charges and another Fixed Charges Rs. 3,210/-.

### **ARGUMENTS**

10. The appellant has submitted that she is running a small beauty parlour using minimum electricity but all of a sudden she received a huge amount of bill consisting of Development Charges etc. which she paid under protest. She prayed for refund of the excess amount paid.

11. On the other hand, it is argued on behalf of the respondents, that the amount in question is not refundable as the appellant used the electricity beyond the permissible limits, hence it is prayed to reject the appeal.

### **POINTS**

12. The points that arise for consideration are:-
- i) Whether the appellant is entitled for refund of the Development Charges, Security Deposit and GST, paid by her to the respondents?
  - ii) Whether the Award passed by the learned Forum is liable to be set aside? and
  - iii) To what relief.

### **SETTLEMENT BY MUTUAL AGREEMENT**

13. Both the parties have appeared before this Authority on different dates. 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**

14. 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.

### **POINT NOs. (i) and (ii)**

### **ADMITTED FACTS**

15. The admitted facts are that the appellant is a tenant running beauty parlour at F.No.C-1, Street No.3, Himayath Nagar, Hyderabad, where there is a Service Connection No.D1011 240. She used to receive Rs. 500/- to Rs. 700/- as electricity consumption charges per month earlier.

16. The appellant claims that all of a sudden the respondents demanded Rs. 8,864/- towards Development Charges, Security Deposit etc. Admittedly that amount was paid by the appellant.

17. The record shows that during the hearing before the Forum inspection was conducted. Respondent No.2 has submitted a report stating that the Development Charges levied are auto generated from the TSSPDCL, Corporate Office. The actual load particulars upon inspection of the premises are as follows:-

Sl.No.	Name of the device	Capacity	No. of units	Total
1.	Inverter	600 watts	1	600 watts
2.	Tubes	40 watts	2	80 watts
3.	Fans	100 watts	2	200 watts
Total				880 watts

18. During the course of hearing this Authority directed the respondents to inspect the premises in question in the presence of the appellant. Accordingly such inspection was made and report is filed.

### **CRUX OF THE MATTER**

19. Earlier the DISCOMs have expressed difficulty in implementing the provisions of the General Terms and Conditions of Supply (in short 'GTCS') under Clause 12.3.3 and requested the Commission to make certain relaxations. At this stage it is necessary to refer to the relevant Clauses of GTCS. It was requested by the DISCOMs that when additional load is detected



during inspection of an industrial service, the consumer should be given an opportunity to remove the additional connected load, if it is not required for him, as provided in Clause 12.3.1 for the HT services and in Clause 12.3.3.3. The Hon'ble Commission under these circumstances has considered the representation of the DISCOMs and felt that certain amendments are required for well being of the consumer and accordingly approved the following amendments to the GTCS. The relevant Clause 12.3.3.1(i) of GTCS reads as under:-

“One month 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, in accordance with the format prescribed in Appendix IX.

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.”

The respondents have relied on recorded maximum demands in the energy meter during the months from October 2019 to January 2020 and subsequent development charges notice issued vide Lr.No. ADE / OP / D-XXIII / C-I / Hyd / D.No. 955 / 2020 Dated 06.02.2020, which is based on the auto generation of notice from TSSPDCL / Corporate office. As can be seen from the notice given

towards excess connected load vide  
ADE/OP/D-XXIII/C-1/CC/HYD/D.No.955/2020 dt.06.02.2020, the  
inspection time was mentioned as "NULL". This means physical inspection  
was not carried out, thus there was no physical inspection of the electrical  
gadgets available in the premises on 06.12.2019. Mere recording of RMD  
cannot be construed as excess connected load and physical inspection is  
must. The amendment given by the Hon'ble Commission envisages the  
appellant to remove the additional connected load or in part and finally the  
loads shall be regularised if found in excess than the contracted maximum  
demand. The process adopted by the TSSPDCL/Corporate office by  
directly levying the Development Charges and Security Deposit based on  
the RMDs recorded in the meter is not in line with the statute as given  
above supra. The amendment proceedings dt 07.03.2012, for  
regularisation of additional load detected gives an opportunity to the  
appellant for withdrawal of excess connected load or to regularise the total  
connected load. The inspection by ADE/OP/Hyderguda on 16.02.2021  
reveals that the existing load was 880 watts contradictory to the RMDs  
recorded and confirming the claim of the appellant of not exceeding the  
load of 2KW.

20. This Authority directed the ADE/OP/Hyderguda  
for fresh inspection of the connected load in the presence of the

appellant. The inspection was conducted on 04.08.2022. The report is as

under:-

TSSPDCL


Joint Inspection of SC No D1-11240-II  
m/s Syed Yousuf & others, H. No 3-6-390/1  
Shop no. C.I. Hifaryath Nagar on: 04/8/2022


Local Particulars


- 1. Tube lights - 3 nos x 40W = 120W
  - 2. Fan - 1 no x 100W = 100W
  - 3. Air Drier - 1 no x 1500W = 1500W
  - 4. Chery Bulbs - 1 no x 15W = 15W
  - 5. TV (portable) - 1 no x 120W = 120W
  - 6. Small Tube - 1 no x 20W = 20W
  - 7. Table Fan (small) - 1 no x 60W = 60W
  - 8. CFL Bulbs - 1 no x 10W = 10W
- Total Load = 1945 Watts

Meter Particulars

M. No. 6479394 SØ - 5-30A  
make: ~~AVOM~~ AVOM  
RD - 0.20  
meter Reading - 562 | Date 4/8/2022  
meter no lead.

  
ADE/OP/Hyderabad  
4/8/22

  
Shabeen Ara  
70323 95043

  
AAE/OP/ATN

M  
6-8.2m

21. The above inspection report makes it clear that the Connected load is 1945 Watts, within the Contracted load of 2000 Watts. Therefore, the appellant is not liable to pay the Development Charges and Security Deposit etc. Hence, the respondents are liable to refund the paid amount of Rs. 8,864/- by the way of adjustments in the future CC bills of the subject Service Connection, to that effect, the fixed charges if levied against the regularisation of additional load of 4 KW shall be withdrawn. These points are accordingly decided in favour of the appellant and against the respondents.

**POINT No. (iii)**

22. In view of the findings on point No. (i) and (ii), the Award of the Forum is liable to be set aside.

**RESULT**

23. In the result, the appeal is allowed, without costs and the Award passed by the Forum is set aside. The respondents are directed to refund Rs. 8,864/-, (Rs. 4800/- towards Development Charges, Rs. 3200/- Security Deposit + Rs. 804/-) GST to the appellant by way of adjustment in future bills and file compliance report within one month from the date of receipt of certified copy of this Award.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 18th day of August 2022.

Sd/-

**Vidyut Ombudsman**

1. Smt. Shaheen Ara Khatoon, #3-6-390/1, F.No. C-1, Street No.3, Himayath Nagar, Hyderabad - 500 029. Cell: 7032395043.
2. The Assistant Engineer / Operation / Himayath Nagar / TSSPDCL / Hyderabad.
3. The Assistant Divisional Engineer / Operation / Hyderguda /TSSPDCL / Hyderabad.
4. The Assistant Accounts Officer / ERO / Mint Compound / TSSPDCL / Hyderabad.
5. The Divisional Engineer / Operation / Saifabad /TSSPDCL / Hyderabad.
6. The Superintending Engineer / Operation / Hyderabad Central Circle / TSSPDCL / Hyderabad.

**Copy to**

7. The Chairperson, Consumer Grievances Redressal Forum - Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyderabad.

APPEAL NO. 02 OF 2021-22