



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

**:: Present:: Smt. UDAYA GOURI**

**Wednesday the Fifth Day of September 2018**

**Appeal No. 04 of 2018**

**Preferred against Order Dt.06.05.2017 of CGRF in**

**C.G.No.515/2016-17/Nalgonda Circle**

**Between**

**M/s.Akash Metal Industries, Sy.no 625 & 626, Narayangiri Village,  
B.P.Pally Mandal, Pochampally, Nalgonda dist-508284, Cell: 9248004479.**

**... Appellant**

**AND**

- 1. The AE/OP/Bhudan pochampally/TSSPDCL/Nalgonda dist**
- 2. The ADE/OP/Choutuppal/TSSPDCL/Nalgonda dist.**
- 3. The AAO/ERO/Choutuppal/TSSPDCL/Nalgonda dist.**
- 4. The DE/OP/Choutuppal/TSSPDCL/Nalgonda dist.**
- 5. The SE/OP/Yadadri Circle/TSSPDCL/Nalgonda dist.**
- 6. The DE/DPE/Nalgonda/TSSPDCL/Nalgonda Dist.**

**... Respondents**

**The above appeal filed on 20.01.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 10.07.2018 at Hyderabad in the presence of Sri. A. Bhaskar Rao - on behalf of the Appellant Company and Sri. T. Gangadhar Rao - AAE/DPE/Nalgonda, Sri. Shivbeer singh - AAO/ERO/Choutuppal and Sri. A. Nagi Reddy - ADE/OP/Choutuppal for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;**

**AWARD**

**This is an Appeal filed against the orders of the CGRF in NLG CG.No. 515 of 2016-17 dt. 06.05.2017.**

- 2. The Appellant contended that he has filed a complaint before the CGRF vide NLG CG No.515 of 2016-17 seeking for regularisation of additional 26 HP to the contracted load of 74 HP totalling to 100 HP, refund of additional charge paid over and**

above the 100 HP and adjust the same in future bills, revise the bills which were wrongly billed from Aug,2016 to Nov,2016 even though RMD was less and that during the entire year of 2015 the recorded reading was wrong as the RMD was always more than 75 KVA but the learned CGRF failed to address their issues properly and disposed the matter. As such aggrieved by the same the present Appeal is filed.

3. The Respondents on the other hand denied the said averments of the Appellant and prayed the appeal to be disposed.

4. A perusal of the averments of the Appellant before this Office show that the Appellant i.e. M/s. Aakash Metal Box Industries pleaded for the withdrawal of demand notice dt.13.05.2016 towards excess connected load of 61 HP over and above the sanctioned load of 74 HP and requested to revise the wrong billing from 04/2014 to 12/2015 towards recording of wrong RMDs and contended that they require only 25 HP additional load over the contracted load of 74 HP and hence prayed that the bills be issued accordingly.

5. The Appellant further stated that there was no additional load connected to their service, a scrap machine weighing 2 to 3 tons was not connected and kept as idle machine. That they were forced to pay an amount of Rs 30,500/- towards Security Deposit and Rs 54,900/- towards development charges on 23.06.2016, as per the notice vide ADE/OP/SD/BBNR/F.No.theft/D.No.171 dt.13.05.2015. That the ADE/OP is supposed to give an opportunity by giving one month's notice either to regularise the part or full additional load detected, as per the provisions of amended Clause of the GTCS 12.3.3.1 (i) and 12.3.3.2(iii). That they have been not accorded any opportunity to remove part of the additional load detected.

6. The Appellant also pleaded to revise the wrong bills issued towards recording of wrong RMDs. That from 08.04.2014 to 12/2015 all the RMDs were recorded wrongly In the month 08-04-2014 instead of recording 8.96 kVA, the reader has recorded 89.6 kVA. Similarly, all the readings from 04/2014 to 12/2015, the meter reader has placed one decimal point less starting from left to right (Eg: PLacing decimal point after three points instead of 4 points, counting from left to right, actual reading say 0.0751. If this was recorded as 0.751 then the final reading would be  $0.751 \times 200 = 150.2$  instead of 15.02. Once reminded about the wrong recording the Respondents started recording correctly from Jan,2016. This is evident from the monthly bills for the past three years. It was held that monthly readings should have

been taken by the AE cadre but the readings were taken by workman cadre. The Appellant relied on certain facts on his claim that the RMDs recorded were wrong. The existing transformer capacity of 100 kVA. The transformer can take overload to the extent of 10% only, he has given the following data of the RMDs recorded :

| Month      | RMD in kVA |
|------------|------------|
| April,2014 | 140        |
| May,2014   | 153.2      |
| Aug,2014   | 135.8      |
| Dec,2014   | 200        |

It was argued that at these above said loads the transformer cannot survive hence the RMDs recorded are not true and wrong. That the billing was done under partly LT and under partly HT for the months of April,2014 to May,2015 which is not correct. The billing was done under HT from June,2015 to December,2015, demand charges were levied at Rs 370/- per KVA per month for RMD. The basis of levying TOD charges for  $\frac{1}{3}$  rd of the consumption is wrong , TOD charges are applicable for the actual consumption between 6.00 PM to 10.00 PM only. No reduction was given for half peak consumption as per the Tariff Order TOD charges are applicable as shown below:

|                                 |                             |
|---------------------------------|-----------------------------|
| 6 AM to 10 AM and 6 PM to 10 PM | Rs +1 on tariff determined  |
| 10 PM to 6 AM                   | Rs -1 on tariff determined. |

Even billing was to be done under HT, it should be done under HT-1 optional category where the demand charges are Rs 80/- per kVA .

7. In the face of the above the Respondent No.4 i.e. DE/OP/Bhongir on behalf of the Respondents submitted stating that :

a. The Respondent No.4/DE/OP/Bhongir submitted that SC No.5401404102/ Cat -III in the name of M/s. Akash Metal Industries at B. Pochampally (V) was inspected by Sri. L. Praveen Kumar, AE/DPE/SD-1/Nalgonda on 28.04.2015 at 11.50 Hrs. As per his inspection, the consumer utilising connected load is 135 HP, whereas contracted load is 74 HP, the additional connected load is unauthorised. Consequently PAO notice was served in the 2nd reference cited above as per the Clause 12.3.3 of GTCS for regularisation of the required additional load of 61 HP and requested to pay the

following charges. Development charges is Rs 54,900/- and Security Deposit is Rs 30,500/- and Final Assessment Order issued for regularisation of load.

The consumer has paid an amount of Rs 54,900/- towards Development charges and Rs 30,500/- towards Security Deposit vide PR No.45360233905 dt. 23.06.2016 and PR No. 453602339050 dt.23.06.2016 respectively after issue the Final Assessment Order, the AAO/ERO/Bhongir has raised the shortfall amount in CC bill to the above service for an amount of Rs 3,04,552/- and notice served to consumer. Then consumer has paid the same amount on 28.03.2017 and applied for load deration. The DE/OP/Bhongir approved the deration from 135 HP to 99 HP, vide Lr.No. DEE/OP/BGR/Comml/F./D.NO.80/Dt:24.04.2017

The consumer has accepted the additional load and paid the amount accordingly to the notice. After payment of amount he approached Hon'ble CGRF.

During processing of load deration. The consumer approached to the Hon'ble CGRF with CG No. 515/16-17 of Nalgonda Circle on dt. 20.03.2017 for refund of the additional charges.

b. The Respondent No.1/AE/OP/B.Pochampally has submitted his written submissions adding to the above submissions vide Lr.No.12 dt.25.04.2018 as given below:

i. PAO issued on 13.05.2015 for 61HP additional load to pay Rs 54,900/- for development charges and Rs 30,500/- as security deposit. Also given option for removal of additional load or regularisation of part of additional load.

ii. Till 13..04.2016 the consumer neither paid assessed amount nor representation for removal of additional load.

iii. As the consumer failed to make representation for removal of additional load or regularise the load within 30 days from the date of PAO served. Hence, FAO issued on 13.04.2016 for confirming additional load as 61 HP.

iv. The consumer has paid FAO amount on 23.06.2016 and hence regularised the additional load.

v. The consumer represented for deration of load from 135 HP to 99 HP on 23.02.2017 accordingly load changed to 99 HP on 24.04.2017.

8. The averments of both sides go to show that the Appellant in his pleadings in the Appeal has gone beyond the pleadings taken by him before the CGRF. The Appellant sought for revision of the alleged wrong bills for the period from 04/2014 to 12/2015 towards recording of wrong RMDs but a perusal of the pleadings of the Appellant before the CGRF show that he has not pleaded the said ground. As admittedly this is an Appellate Forum, the pleadings that are taken originally can only be appealed in this office and since the above pleading was not taken before the CGRF the same is rejected by this Office.

9. In the above mentioned circumstances in the face of averments by both sides the following issues are framed:

#### **Issues**

1. Whether the Appellant is entitled for withdrawal of the demand notice dt.13.05.2015 allegedly showing excess connected load of 61 HP over and above the sanctioned load of 74 HP by regularising the additional load of 25 HP to the sanctioned load and to refund the additional charges paid by them by way of adjustment in the future bills?
2. Whether the Appellant is entitled for revision of bills from the date of deration under HT- 1 Category or under HT-1 Optional Category? and
3. to what relief?

#### **Issue No.1**

10. The contention of the Appellant is that they have been provided with SC No. 5401404102 LT Category III with a sanctioned load of 74 HP and that they have been utilising the said load for the purpose of their industry. They contended that on 28.04.2015 the said service was inspected by the DPE wing and later on 13.05.2015 a demand notice was given by ADE/OP/SD/BBNR/F.No.theft/D.No. 171/15 for payment of Rs 54,900/- for Development Charges and Rs 30,500/- for Security Deposit contending that an excess load of 61 HP was utilised by them and in order to stop any disconnection of their service connection they have paid the said amount on 23.06.2016. The Appellant claimed that they have not used the said excess load of 61 HP but would have used an excess of 25 HP totalling to 99 HP load and also contended that the Respondents have not given them any opportunity to remove the excess load as alleged by the Respondents in spite of Clause 12.3.3.1(i) and 12.3.3.2 (ii) of the GTCS. They further contended that the contention of the Respondents that they have used excess load of 61 HP over and

above their sanctioned load of 74 HP also does not stand ground as their load is based on 100 KVA transformer, which means that the limited load that can be connected by them is only 100 HP whereas the billing of the Respondents show that they have connected 135 HP and as such claimed that the billing done by the Respondents is admittedly wrong billing. The Appellant further contended that in view of their industrial activity they could have used about 25 HP over and above the sanctioned load of 74 HP and as such contended that the additional load utilised by them be regularised making their capacity to 99 HP from 74 HP and issue the bills to that effect from the date of inspection i.e. 28.04.2015.

11. The Respondents on the other hand asserted that the Appellant connected a load of 61 HP over and above the sanctioned load of 74 HP and the same was also found in the inspection conducted by the DPE wing on 28.04.2015. They denied that the Appellant is entitled for withdrawal of the demand notice issued on 13.05.2015. They further denied that the Appellant was not given an opportunity to remove the unwanted load as claimed by the Appellant. They pointed out that the notice dt.13.05.2015 clearly shows that the Appellant was given an option to remove the additional connected load or part of the Additional load and in spite of the said opportunity the Appellant paid the amount on 23.06.2016 as demanded under the said notice and hence claimed that the Appellant is neither entitled for withdrawal of the demand notice nor the contention of the Appellant that he has connected only 25 HP is correct.

12. A perusal of the contentions of the both sides and the records available in this office show that the Appellant though denied that he connected excess load of 61 HP to the sanctioned load of 74 HP admitted having connected about 25 HP to the sanctioned load for the purpose of industrial activity. The said records also show that though the Appellant contended that an idle machinery was lying in their industry and the Respondents have shown the same to be connected to their service connection and that they were not given an opportunity for removal of the said unwanted load, the same is contradicted by the contents of the notice dt.13.05.2015. As a perusal of the notice dt.13.05.2015 clearly mentions in Clause 2 of the said notice that the Appellant is given an option to remove the additional connected load or part of the additional load. The admissions of the Appellant also shows that the amount demanded on the notice dt.13.05.2015 has been paid by him on 23.06.2016 i.e. almost after one year which goes to show that the Appellant was given an option and ample of time to remove the unwanted load as claimed by him if it was really an unwanted load, but admittedly the

Appellant did not take any such steps of either removing the Additional connected load or part of it in spite of a passage of one year. Since the Appellant himself admitted that he has connected an excess load of 25 HP the same supports the contention of the Respondents that there was a possibility of the Appellant connecting over and above the sanctioned load. Thus the same goes to show that the contentions of the Appellant that the billing done and demanded under the notice dt.13.05.2015 is not correct and as such the Appellant is not entitled for withdrawal of the said demand notice. Hence decides this issue against the Appellant.

#### **Issue No.2**

13. The contention of the Appellant is that he is entitled for revision of the bills from the year 2015 and the same is opposed by the Respondents. A perusal of the record show that though the Appellant is claiming for revision of the bills from the year 2015, his application seeking for deration from 135 HP to 99 HP is itself made on 22.02.2017 and has been accepted and ordered on 24.04.2017. Hence this office is of the view that when he himself is seeking for deration from 22.02.2017 and the same is accepted on 24.04.2017 the question of the revision of bills from 2015 does not arise. And as such he is not entitled for the said relief since 2015 but he is entitled only from 24.04.2017 as sanctioned by DE/Elec./OP/Bhongir vide Memo No.DEE/OP/BGR/Comml./F.No. 17/D.No.80/17-18 dt.24.04.2017 under Category HT-I Optional. Hence decides this issue against the Appellant.

#### **Issue No.3**

14. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 5th day of September, 2018.

Sd/-

**Vidyut Ombudsman**

1. M/s.Akash Metal Industries, Sy.no 625 & 626, Narayangiri Village,  
B.P.Pally Mandal, Pochampally, Nalgonda dist-508284, Cell: 9248004479.

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7. The DE/DPE/Nalgonda/TSSPDCL/Nalgonda Dist.

**Copy to :**

8. The Chairperson, CGRF - I, TSSPDCL, GTS Colony, Vengal Rao Nagar,  
Erragadda, Hyderabad.
9. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.