



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**

THURSDAY THE SIXTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

Appeal No. 05 of 2024-25

Between

Sri Vempati Kiran Kumar, s/o. Vempati Laxmi Kantha Rao, H.No.3, Market
road, opp: Venkateswara Swamy Temple, Suryapet - 508213. Cell:
9290848302, 9885006242.

.....Appellant

AND

1. The Assistant Engineer/OP/Suryapet Town-II/TSSPDCL/Suryapet District.
2. The Assistant Divisional Engineer/OP/Suryapet/TSSPDCL/Suryapet District.
3. The Assistant Accounts Officer/ERO/Suryapet/TSSPDCL/Suryapet District.
4. The Divisional Engineer/OP/Suryapet/TSSPDCL/Suryapet District.
5. The Superintending Engineer/OP/Suryapet/TSSPDCL/Suryapet District.

.....Respondents

This appeal is coming on before me for final hearing on this day in the presence of appellant, virtually and Sri V.Yashwanth- AE/OP/Suryapet Town, Sri L.Srinivas Rao - ADE/OP/Suryapet, Sri V.Lingaiah - AAO/ERO/Suryapet and Sri V. Satyanarayana - SAO/OP/Suryapet for the respondents, virtually and having stood over for consideration, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Rural, (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in

C.G. No.308/2023-24/Suryapet Circle dt.23.02.2024, disposing of the complaint with some directions.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the learned Forum is that the Service Connection No.4140108979 (in short 'the subject Service Connection') was released by the respondents in the name of the father of the appellant at Suryapet. In September 2023, the bill of Rs.6/- was issued in respect of the subject Service Connection. The subject Service Connection was showing Rs.130/- as arrears in October 2023. A sum of Rs.136/- was shown as arrears of the subject Service Connection instead of Rs 6/-, at the time of payment in September 2023. The appellant contacted respondent No.1 for clarification, but there was no proper response. The appellant has also raised two online CSC complaints, CC614233824371 and CC614233845834, but they were marked as rectified with inadequate information amounting to breaching guaranteed Standards of Performance of Distribution Licensee (in short 'SOP'). It was accordingly prayed to direct the respondents to correct wrong billing and also to pay compensation as per SOP.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply filed by respondent No. 3 before the learned Forum, it is, inter-alia, submitted that a sum of Rs.68/- each for the month of August and September 2023 was demanded on the subject Service

Connection. That amount was not paid in August 2023. The appellant paid only Rs.6/- on 21.09.2023 instead of Rs.136/-. Another consumer with S.C.No. 4140105979 has paid Rs.130/- on 09.08.2023 by mentioning the subject Service Connection number due to oversight. That mistake was rectified by the respondents. Thus on 16.09.2023, the amount of Rs.130/- was given credit to the consumer of S.C.No.4140105979 who paid the amount and that amount was debited against the subject Service Connection. The appellant raised a dispute in this regard on 03.10.2023 and it was answered in the Electronic Billing System (in short 'EBS') on 06.10.2023 by explaining the reasons restricting less number of characters in EBS.

AWARD OF THE FORUM

4. After considering the material on record the learned Forum has disposed of the complaint with the following directions:-

i. The respondent No.3, AAO/ERO/Suryapet is hereby directed to intimate to the complainant regarding payment of CC bills while payment made by the other consumer against the said service SC No. 4140108979 by oversight as stated in written submission.

ii. And also the respondent No.3, AAO/ERO/Surapet is directed to be more careful while accepting the payment of consumer transaction of CC bills collection by the Revenue Collection staff to avoid inconvenience to the consumer.

iii. Accordingly the complaint vide C.G.No.308/2023-24 is disposed of with the above directions to the respondents.

5. Aggrieved by the said Award of the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has not given an opportunity to the appellant to make his submissions and that

there is negligence on the part of the respondents especially respondent No.1, as such the appellant is entitled for compensation as per SOP.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written reply filed by respondent No. 1, before this Authority, it is, inter-alia, submitted that there was no revenue loss to the consumer in this case. The grievance of the appellant was addressed by respondent No.3. It is accordingly prayed to render justice.

7. In the written reply filed by respondent No.3, he has reiterated the contents of his written reply filed before the learned Forum. It is also submitted that there is no delay in attending the complaint of the consumer.

ARGUMENTS

8. The sum and substance of the argument of the appellant is that an improper bill was issued to the subject Service Connection and it was not rectified properly and that since the respondents have not followed the SOP he is entitled for compensation.

9. The respondents, on the other hand, have submitted that the appellant is taking undue advantage of the payment of electricity bill of the subject Service Connection by some other consumer and, in fact, there is no loss,damage or inconvenience caused to the appellant.

POINTS

10. The points that arise for consideration are:-
- i) Whether the respondents have issued improper electricity bill to the subject Service Connection negligently?
 - ii) Whether the appellant is entitled for compensation as prayed for?
 - iii) Whether the Award of the learned Forum is liable to be set aside?
and
 - iv) To what relief?

POINT Nos. (i) to (iii)

ADMITTED FACTS

11. It is an admitted fact that the respondents have released the subject Service Connection in the name of one Sri V. Laxmi Kantha Rao, father of the appellant, on 25.07.1990. It is also an admitted fact that there is no consumption of electricity through the subject Service Connection from August 2018 to January 2024 and as such only the minimum bill is being generated and issued and the consumer is paying the same.

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties have appeared before this Authority. 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. The present appeal was filed on 23.04.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. To adjudicate the present grievance, it is necessary to extract the EBS statement of the subject Service Connection and also the EBS statement of another consumer, namely, K. Malliah (in short "consumer-Malliah").

SOUTHERN POWER DISTRIBUTION COMPANY OF TS LIMITED
ENERGY BILLING SYSTEM, ERO: 904 SURYAPET
CONSUMPTION, BILLING, COLLECTION AND ARREARS PARTICULARS
DURING THE PERIOD 01/01/2023 TO 16/05/2024

=====									
Service Number	:	4140108979	Last Pay Date	:	16-APR-24				
Name	:	V LAXMI KANTA RAO	Section Code	:	14				
Address	:	3	Area Code	:	41401E				
			Category	:	1				
			Sup.Con.Date	:	25-JUL-90				
		-0							
Consumer Type	:	LT	Meter Number	:	03280508				
Contr / Conn Load	:	0.26 / 0.26	Security Deposit:	:	400.00				
Multiplying Factor	:	1.00	Meter Phase	:	1				
=====									
MON/YEAR	ST	CAT/PH	CLOSING READING	UNITS (kWh)/MF	DEMAND (Rs.)	JE DEBIT (Rs.)	COLLECTION (Rs.)	JE CREDIT (Rs.)	ARREARS

Apr/2024	09	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Mar/2024	09	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Feb/2024	09	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Jan/2024	09	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Dec/2023	09	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Nov/2023	09	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Oct/2023	01	/ IR 1 / 1	902	0 / 1	68.00	0.00	198.00	0.00	0.00
Sep/2023	09	/ IR 1 / 1	902	0 / 1	68.00	130.00	6.00	0.00	130.00
Aug/2023	01	/ IR 1 / 1	902	0 / 1	68.00	0.00	130.00	0.00	-62.00
Jul/2023	01	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Jun/2023	01	/ IR 1 / 1	902	0 / 1	68.00	0.00	58.00	0.00	0.00
May/2023	01	/ IR 1 / 1	902	0 / 1	67.98	0.00	55.00	22.98	-10.00
Apr/2023	01	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Mar/2023	09	1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Feb/2023	01	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00
Jan/2023	01	/ IR 1 / 1	902	0 / 1	68.00	0.00	68.00	0.00	0.00

SOUTHERN POWER DISTRIBUTION COMPANY OF TS LIMITED
ENERGY BILLING SYSTEM, ERO: 904 SURYAPET
CONSUMPTION, BILLING, COLLECTION AND ARREARS PARTICULARS
DURING THE PERIOD 01/01/2023 TO 16/05/2024

=====									
Service Number	:	4140105979	Last Pay Date	:	22-FEB-24				
Name	:	K.MALLAIAH	Section Code	:	14				
Address	:	SHIVAIAH	Area Code	:	41401D				
			Category	:	1				
			Sup.Con.Date	:	30-DEC-85				
		-0							
Consumer Type	:	LT	Meter Number	:	20703304				
Contr / Conn Load	:	0.26 / 0.26	Security Deposit:	:	130.00				
Multiplying Factor	:	1.00	Meter Phase	:	1				
=====									
MON/YEAR	ST	CAT/PH	CLOSING READING	UNITS (kWh)/MF	DEMAND (Rs.)	JE DEBIT (Rs.)	COLLECTION (Rs.)	JE CREDIT (Rs.)	ARREARS
=====									
Apr/2024	01	/ IR 1 / 1	8557	98 / 1	360.00	0.00	0.00	0.00	699.00
Mar/2024	01	/ IR 1 / 1	8459	89 / 1	339.00	0.00	0.00	0.00	339.00
Feb/2024	01	/ IR 1 / 1	8370	79 / 1	278.00	0.00	278.00	0.00	0.00
Jan/2024	01	/ IR 1 / 1	8291	2 / 1	68.00	0.00	68.00	0.00	0.00
Dec/2023	01	/ IR 1 / 1	8289	37 / 1	121.00	0.00	121.00	0.00	0.00
Nov/2023	01	/ IR 1 / 1	8252	46 / 1	141.00	0.00	141.00	0.00	0.00
Oct/2023	01	/ IR 1 / 1	8206	48 / 1	144.00	0.00	142.00	0.00	0.00
Sep/2023	01	/ IR 1 / 1	8158	53 / 1	198.00	0.00	200.00	130.00	-2.00
Aug/2023	01	/ IR 1 / 1	8105	40 / 1	130.00	0.00	0.00	0.00	130.00
Jul/2023	01	/ IR 1 / 1	8065	45 / 1	135.00	0.00	135.00	0.00	0.00
Jun/2023	01	/ IR 1 / 1	8020	77 / 1	263.00	0.00	263.00	0.00	0.00
May/2023	01	/ IR 1 / 1	7943	68 / 1	244.47	0.00	237.00	7.47	0.00
Apr/2023	01	/ IR 1 / 1	7875	121 / 1	525.00	0.00	525.00	0.00	0.00
Mar/2023	01	/ IR 1 / 1	7754	79 / 1	275.00	0.00	275.00	0.00	0.00
Feb/2023	01	/ IR 1 / 1	7675	28 / 1	106.00	0.00	106.00	0.00	0.00
Jan/2023	01	/ IR 1 / 1	7647	59 / 1	212.00	0.00	212.00	0.00	0.00

The Service Connection of the father of the appellant is 4140108979.

The Service Connection of the consumer-Malliah is 4140105979.

Thus there is only difference of 7th digit in both the above said Service Connections. Now it is necessary to analyse the relevant facts in the chronological order.

15. From the material on record, it is clear that both the consumers referred to above were paying the bills regularly. It is significant to note that only a minimum amount of around Rs.68/- is being paid on the subject Service

Connection. It is the minimum amount. Whereas the consumer-Malliah has been paying the electricity bill according to his consumption. In August 2023, the respondents raised Rs.68/- as usual, on the subject Service Connection. That amount was not paid, even according to the appellant. The EBS statement of the subject Service Connection reflects JE Debit of Rs.130/- in September 2023. The collection column of EBS statement of subject Service Connection is shown as Rs.130/- and in the arrears column for August 2023 of the subject Service Connection, it is shown as (-)Rs.62/-. That means there is excess payment made on the subject Service Connection. If we read the EBS statement for the month of August 2023 of the consumer-Malliah, the demand made by the respondents is Rs.130/-. No payment is shown in the EBS statement of the consumer-Mallaiah. Therefore arrears of Rs.130/- is shown to the said Service Connection. In fact, the consumer-Malliah paid the amount of Rs.130/- but by mentioning the subject Service Connection number. The consumer-Mallaiah accordingly approached the respondents and filed an application for the above said rectification. The copy of the said representation including the receipt for payment of amount by consumer-Mallaiah is extracted here under:-

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಅಧೀನದಲ್ಲಿ AAO ನಲ್ಲಿ
ಮಾಹಿತಿ ನೀಡುವುದು.

ಇವು ಉಪ ಕ. ಸುಬ್ಬರಾಜು ತುಂಬಿ 2-2.
ಸರ್ಕಾರಿ ಸಂಖ್ಯೆ 4140105979. ಇದು ಸಂಪನ್ಮೂಲ
ಸಂಪನ್ಮೂಲ ಮತ್ತು ಸಂಪನ್ಮೂಲ 4140108979 ಇದು
ಸಂಪನ್ಮೂಲ ಮತ್ತು ಸಂಪನ್ಮೂಲ ಸಂಪನ್ಮೂಲ ಸಂಪನ್ಮೂಲ
ಇವು ಸಂಪನ್ಮೂಲ ಸಂಪನ್ಮೂಲ ಸಂಪನ್ಮೂಲ

4140105979 ✓
4140108979 X

TSSPDCL
PAYMENT RECEIPT
(ORIGINAL)
DT:09-08-2023TI:11:33:15
PCPT:49051094356 RC:49
ERC: 804 SURYAPET
SEC:14
DIST:41401E OLD MARKET
SER NO:4140108979
U LAKSHI KANTA RAO
RC AMT COLL: 130.00
RC AMT COLL: 8.00
RC AMT COLL: 8.00
TOTAL AMOUNT : 130.00
PAYMENT MODE: CASH
AUTHORISED SIGNATORY

M. Subbaraj
Suryapet
Town-II

This representation of consumer-Malliah makes it quite clear that he paid Rs.130/- to the respondents on 09.08.2023 at 11.33.15 AM, but to the subject Service Connection. Basing on the representation made to respondent No.3, dt.15.09.2023, the respondents have rectified the said mistake. After

rectification of the mistake the debit entry in respect of the subject Service Connection is shown as Rs.130/-. Collection is shown as Rs.6/-. In the arrears column the amount of Rs.130/- is mentioned. The respondents have been demanding Rs.68/- per month on the subject Service Connection. For two months i.e. August and September 2023 that amount became Rs.136/- (Rs.68/-+Rs.68/-). Since only Rs.6/- was paid by the appellant, naturally an amount of Rs.130/- was shown as arrears on the subject Service Connection. In October 2023, the appellant paid Rs.198/- as such arrears on the subject Service Connection is shown as '0'. Thus the total amount paid by the appellant is Rs.6/- (paid in the month of September 2023)+ Rs.198/- (paid in the month of October 2023). The total amount paid by the appellant is Rs.204/-. The total amount payable by the appellant is Rs.68/- x 3 = Rs.204/- (from August 2023 to October 2023). Thus no monetary loss is caused to the appellant. As rightly submitted by the respondents due to oversight, consumer-Malliah paid the amount payable by him to the subject Service Connection. In September 2023, the demand made by the respondents in respect of the service Connection of consumer-Mallaiah, is Rs.198/- which is inclusive of the earlier Rs.130/- pertaining to August 2023. The said consumer-Mallaiah paid Rs.200/- in September 2023. In the same month JE credit was given for Rs.130/- by the respondents. Thus the arrears is shown as (-) Rs.2/- which is correct. The above chronological events only disclose that the consumer-Mallaiah paid the amount of Rs.130/- to the credit of the subject

Service Connection by mistake. The respondents have attended the said grievance immediately. Therefore, I hold that the respondents have not issued improper electricity bill to the subject Service Connection negligently. Further there is no prima-facie loss, damage or inconvenience caused to the appellant.

16. Now it is necessary to refer Clause 2.47 of Regulation 3 of 2015 of Hon'ble Telangana State Regulatory Commission (in short 'the Regulation') which is 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 Complaint 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 a the case may be;
- b) Where cases fall under Sections 126,127,135 to 139,152, and 161 of the Act;
- c) Where the grievance has been submitted two years after the date on which the cause of action arose or ceases to continue, whichever is later.
- d) In the cases, where grievances are:
 - Frivolous, vexatious, malafide
 - Without any sufficient cause or
 - **Where there is no prima facie loss or damage or inconvenience caused or to be caused to the complaint or the consumers who are represented by an association or group of consumers.**

Provided that no grievance shall be rejected in writing unless the Complainant or Association of persons has been given an opportunity of being heard.

Since no prima-facie loss, damage or inconvenience was caused to the appellant, the appeal is liable to be rejected under Clause 2.37(d) of the Regulation. Accordingly, I hold that the appellant is not entitled for compensation as prayed for and the Award of the learned Forum is liable to be confirmed, but for different reasons. These points are accordingly decided against the appellant and in favour of the respondents.

17. The other grievance of the appellant is that no opportunity was given to him by the learned Forum to put forth his case. The proviso to Clause 2.37 of the Regulation indicates that no grievance shall be rejected in writing unless the complainant is heard. Giving an opportunity of being heard to the complainant does not mean to go through the relevant material submitted by the parties, but it means practically giving an opportunity to the complainant and the respondents either virtually or physically to argue the case. This giving the opportunity to the complainant is nothing but following the principles of natural justice. A perusal of the Award goes to show that no such opportunity was given to the appellant. Even no date of hearing was also mentioned in the Award. This amounts to violation of the Proviso to Clause 2.37 of the Regulation.

POINT No. (iv)

18. In view of the findings on point Nos. (i) to (iii), the appeal is liable to be rejected.


RESULT

19. In the result, the appeal is rejected, and the Award of the learned Forum is confirmed but for different reasons.

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 the 16th day of May 2024.

**Sd/-
Vidyut Ombudsman**

- 
1. Sri Vempati Kiran Kumar, s/o. Vempati Laxmi Kantha Rao, H.No.3, Market road, opp: Venkateswara Swamy Temple, Suryapet - 508213. Cell: 9290848302, 9885006242.
 2. The Assistant Engineer/OP/Suryapet Town-II/TSSPDCL/Suryapet District.
 3. The Assistant Divisional Engineer/OP/Suryapet/TSSPDCL/Suryapet District.
 4. The Assistant Accounts Officer/ERO/Suryapet/TSSPDCL/Suryapet District.
 5. The Divisional Engineer/OP/Suryapet/TSSPDCL/Suryapet District.
 6. The Superintending Engineer/OP/Suryapet/TSSPDCL/Suryapet District.

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL-Rural, H.No.8-03-167/14, GTS Colony, Yousufguda, Hyderabad.