



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

Friday the Tenth Day of August 2018

Appeal No. 06 of 2018

Preferred against Order Dt. 21.09.2018 of CGRF in

C.G.No.323/2017-18/Mahabubnagar Circle

Between

**M/s. Indus Towers Limited represented by Sri. K.Ashok Kumar Reddy
(FSE Operations), Sy.No.133,4-51,8th Floor, SLN Terminus, Beside Botanical Gardens,
Gachibowli, Hyderabad - 500 032. Cell: 9963348777.**

... Appellant

AND

- 1. The AE/OP/Pebbair/TSSPDCL/Mahaboobnagar Dist.**
- 2. The ADE/OP/Kothakota/TSSPDCL/Mahaboobnagar Dist.**
- 3. The DE/OP/Wanaparthi/TSSPDCL/Mahaboobnagar Dist.**
- 4. The SE/OP/TSSPDCL/Mahaboobanagar.**

... Respondents

The above appeal filed on 23.01.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 12.07.2018 at Hyderabad in the presence of Sri. K. Ashok Kumar Reddy - on behalf of the Appellant Company and Sri. G. Pradeep Kumar - AE/OP/Pebbair, Sri. G. Prudvi Raju - ADE/OP/Kothakota and Smt.N.Leelavathi - DE/OP/Wanaparthi 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 CGRF/Mahabubnagar in CG No. 323/2017-18 dt.21.09.2017. The Appellant contended that he has lodged a complaint before the CGRF/Mahabubnagar seeking a relief of compensation due to the delay in releasing the additional load for SC No. 0829-00696 of Category II at Shankapoor Village and the learned CGRF disposed his complaint without appreciating the pleadings made by him and as such aggrieved by the same the present Appeal is filed.

2. The Appellant contended that M/s. Indus Towers Limited Mahaboobnagar belongs to him and he is provided with SC No. 0829-00696 under Category -II at Shankapoor Village with a load of 10 KW and as such he sought for additional load of 5 KW to the existing service connection and that there was a delay in providing him with the additional load and that in view of the Respondents not attending to his service connection the meter got stuck 2 to 3 times and hence claimed that he is entitled for compensation in view of the said delay in service.

3. The Respondents being represented by Respondent No.3 i.e. DE/OP/Wanaparthi made written submissions on the complaint lodged by the Appellant vide Lr.No.3759 dt.12.02.2018 stating that:-

(a) The additional load of 5KW to the existing load of 10KW making total load of 15 KW was released on 11.09.2017 by replacing existing meter with CT meter by M&P Wing. It was held that though the required CT meter towards additional load was not replaced, the Appellant uninterruptedly availed the excess load over existing 10 KW, this was supported by Energy Billing System data which shows the consumer availed maximum demand at around 12 to 13 KVA from June 2015 to Nov 2016. Hence stated that there is no case of compensation.

(b) In the C.G.No. 323/2017-18/Mahaboobnagar circle, the chairperson, CGRF-1, TSSPDCL, Hyderabad, has not given instruction to pay the compensation.

4. The Respondent No.1 also filed written submissions vide his letter bearing No. 52. Dt.09.05.2018 stating that :-

(a) That the existing AE/M&P for the division has to attend daily complaints for more than 150 Nos. LT Category III Services with HT metering and more than 200 Nos. LT side CT meters. As such the services were prioritized firstly attending substations complaints, totally no power supply services and releasing of new services. Since, the existing meter/infrastructure does not hinder the Appellant to avail the supply upto 15 KW, the replacement of existing meter with the CT meter was not completed in time

(b) As per the GTCS the burnt meter should be replaced after payments of the meter charges by the consumer. The consumer not paid the charges in time, the meter was replaced after the payments.

5. A perusal of the said averments by both sides go to show that the pleadings of the Appellant before this Appellate Court are beyond the pleadings made by him before the CGRF since he has not pleaded before the CGRF that his meter got stuck up and got burnt 2 to 3 times but the Respondents failed to replace the same within the time limit and hence requires compensation, the same is not considered by this Office as there is no order to that effect by the CGRF and hence there can be no appeal to that effect.

6. Hence in the said circumstances the following issues are framed:-

Issues

1. Whether there is a delay in providing with the additional load of 5 KW to the Appellant and if so whether the Appellant is entitled for compensation? And
2. To what relief?

Issue No.1

7. The contention of the Appellant is that he is using the Service connection No. 0829-00696 under Category II at Y Shankapoor with an existing load of 10 KW and since he was in need of extra load he made an application for additional load of 5 KW to the existing load amounting to 15 KW and the same was released after a delay and hence he is entitled for compensation for the said delay caused by the Respondents under the provisions of Regulation 5 of 2016.

8. The Respondents on the other hand contended that the said additional load of 5 KW sought by the Appellant for the existing load of 10 KW was released on 11.09.2017 by replacing the existing meter with CT meter by M&P wing. They contended that though the required CT meter towards additional load was not replaced the Appellant uninterruptedly availed the excess load over existing 10 KW and the same is supported by Energy Billing System data which shows that the Appellant has availed energy to an extent of 12 to 13 KVA from June,2015 to November,2016 and as such pointed out that neither there was any delay in the supply sought by the Appellant nor there is any ground for the Appellant to claim compensation.

9. The said contentions of the Appellant and the Respondents clearly go to show that the additional load sought by the Appellant i.e. 5 KW has been provided by the Respondents though the CT meter by M&P wing was not replaced and the Appellant has been utilising the said additional load on the existing 10 KW and the same is also supported by the data of the Energy Billing System filed by the Respondents. Which goes to show that the Appellant has not suffered in any way due to not fixation of CT meter by M&P wing within the stipulated time. The Appellant has also not filed any documents to support his contentions that non fixation of CT meter by the M&P wing has caused any kind of inconvenience or loss to him. And as such the Appellant cannot claim that there was a delay on the part of the Respondents in supplying him with the additional load sought by him.

10. Hence in the above mentioned circumstances Regulation 5 of 2016 is perused wherein the Hon'ble Commission notified standards of performance to be adhered by the Licensee in order to improve the reliability and quality of supply and found that Clause 6,8 & 9 are the relevant Clauses to address the present issue, hence reproduced the same as follows:-

Clause 6:- A consumer shall be required to make a claim for compensation for non compliance of a Guaranteed standard, within thirty (30) days of violation of such service standard by the licensee, to a senior officer(Divisional Engineer) as may be designated by the licensee for this purpose, who is based at the headquarters of the licensee.

Clause 8:- Where the licensee, fails to pay the compensation amount as laid out in the above paragraphs the aggrieved consumer(s) can approach the forum for redressal of grievances of consumer (CGRF) to seek such compensation along with the cost of appeal.

Clause 9:- Any consumer, who is aggrieved by non- redressal of his grievance by the forum (CGRF), may make a representation to the vidyut ombudsman appointed by the commission, in accordance with the provisions of the Act.

11. A reading of the said Clauses 6,8 & 9 of Regulation 5 of 2016 mandates the sequential procedure to be followed in order to claim the compensation of non compliance of Guaranteed standard. Clause 6 mandates that in order to claim compensation the period of limitation is 30 days from the date of violation of such service standards by the Licensee, but a perusal of the records produced by the

Appellant clearly shows that the Appellant has not made any claim for compensation before the Divisional Engineer as required under the provisions of Clause 6 of Regulation 5 of 2016 and thus the same goes to show that when the fault is on the Appellant he cannot seek for compensation from the Respondents when he himself has not followed the provisions prescribed. And as such concludes the Appellant is not entitled for any compensation. Hence decides this issue against the Appellant.

Issue No.2

12. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 10th day of August, 2018.

Vidyut Ombudsman

1. M/s. Indus Towers Limited represented by Sri. K.Ashok Kumar Reddy
(FSE Operations), Sy.No.133,4-51,8th Floor, SLN Terminus, Beside Botanical
Gardens, Gachibowli, Hyderabad - 500 032. Cell: 9963348777
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5. The SE/OP/TSSPDCL/Mahaboobanagar.

Copy to :

6. The Chairperson, CGRF - 1, TSSPDCL, GTS Colony, Vengal Rao Nagar,
Erragadda,Hyderabad.
7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.