



**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**

TUESDAY THE TWENTY NINTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY TWO

**Appeal No. 07 of 2021-22**

Between

Sri V. Rajan Goud, s/o. Goura Goud, H.No.9-51, Shankarampet village &  
Mandal, Medak District - 502 271. Cell: 8309101888. ....**Appellant**

**AND**

1. The Assistant Engineer / Operation / Pedda Shankarampet / TSSPDCL / Medak District.
2. The Assistant Divisional Engineer / Operation / Papannapet / TSSPDCL / Medak District.
3. The Assistant Accounts Officer / ERO / Medak / TSSPDCL / Medak District.
4. The Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
5. The Superintending Engineer / Operation / Medak Circle / TSSPDCL / Medak District. .... **Respondents**

This appeal is coming on before me for final hearing on 14.10.2022 in the presence of Sri Rajan Goud, appellant in person and Sri V.Krishna Rao - DE/OP/Medak representing the respondents and having stood over for consideration till this day, 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. 03/2020-21/Medak Circle dt.21.05.2021.

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

2. The case of the appellant is that the respondents have released Service Connection No. 5532200822, Category-III A in favour of one V. Goura Goud, father of the appellant, at Shankarampet village and Mandal, Medak District. The connected load is 30 HP. The electricity was used for stone crushing. In April 2015 the service was disconnected. Upto February 2019, the service was billed under disconnection status and thereafter the bills were stopped and the arrears were shown and forcibly collected for an amount of Rs.1,29,500/-. When the appellant approached for reconnection, he was asked to pay the Development Charges of Rs.45,000/- and Security Deposit of Rs 15000/- etc. He paid the said amount as he had no other option. Thereafter the appellant received a huge bill of Rs.35,123/- in January 2021 for consumption of (72) units. In February 2021 the load was recorded as 21.33 HP and the bill was Rs.2,34,145/- including arrears of Rs.13,758/- towards consumption of 107 units. Therefore it is prayed to revise the bills.

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

3. In the written submissions of respondent No.2, it is, inter-alia, stated that the additional load development charges case was registered for additional load of 30 HP on 20.12.2008. The service was under disconnection issue till April 2018. On payment of development charges and arrears etc. service was reconnected. Owing to unauthorised additional load of 30 HP Development Charges, fixed charges were raised for an amount of

Rs.1,83,758/- from the date of inspection.

4. In the written submission of respondent No.3, it is, inter-alia, submitted that for regularising the load from 30 HP to 60 HP, the appellant has paid the Development Charges, Security Deposit and Goods and Services Tax. An amount of Rs.1,83,758/- was raised as fixed charges from December 2008 to December 2020. A bill was issued for Rs.35,123/- for necessary charges like energy charges and fixed charges etc., Upto March 2021 the total due amount was Rs.2,41,849/-.

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

5. The learned Forum, after considering material on record and after hearing both sides, has disposed of the complaint with a direction to the respondents to bill the fixed charges at relevant tariff rates applicable for the years under billing as per the different tariff orders issued by the Telangana State Regulatory Commission (in short 'the Commission') every year and withdrawing the excess amount of Rs. 31,050/-

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has passed the impugned Award which is against law and without following the principles of natural justice.

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

7. In the grounds of appeal it is submitted that the order of the learned Forum is not based on real facts. As a matter of fact, the subject Service

Connection was with a connected load of 30 HP but not 60 HP as alleged in the original complaint dt.07.04.2021. The appellant sustained losses in the crusher industry and as such he could not pay the electricity bills due to which the service was disconnected in April 2015. Therefore it is prayed to refund an amount of Rs.1,29,500/- paid by the appellant.

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

8. In the written submissions filed by respondent No.3 on 16.08.2021, 23.08.2021 and 10.10.2022, while reiterating the written submissions stated before the learned Forum, it is submitted that after the impugned Award of the Forum, the respondents have withdrawn an amount of Rs.56,398/-. It is accordingly prayed to dismiss the appeal.

### **ARGUMENTS**

9. The appellant has submitted that the connected load was only 30 HP but not 60 HP; that the appellant sustained losses in the business; that the appellant has no source of income and hence it is prayed to direct the respondents to refund an amount of Rs.1,29,500/- and also to waive an amount of Rs.2,64,920/-.

10. It is argued on behalf of the respondents that the calculations made by the respondents is correct and they have withdrawn an amount of Rs.56,398/- as directed by the learned Forum in the Award. Therefore it is prayed to dismiss the appeal.

## **POINTS**

11. The points that arise for consideration are:-

- i) Whether the appellant is entitled for refund of Rs.1,29,500/- and waiver of Rs. 2,64,920 as prayed for?
- 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 14.10.2022 and prior to the said date. 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. The admitted facts are that the respondents have released the subject Service Connection No. 5532200822 Category-III with a contracted load of 30 HP in favour of the father of the appellant. It is also an admitted fact

that the respondents have revised the amount after the impugned Award of the learned Forum and credited an amount of Rs.56,398/- to the account of the subject Service Connection.

### **CRUX OF THE MATTER**

15. The crux of the dispute is levy of fixed charges of Rs 1,83,758/- on the 30 HP excess connected load discovered through an inspection on 16.12.2008. After remaining under disconnection for a brief period of time since April 2015, a request was placed by the appellant for revival of the stone crusher industry. The consumption, billing, collection and arrears history of Energy Billing System (in short 'EBS') shows that the supply was restored during the month of January 2021, subsequent to payment of Rs 35,123/-. In the same month debit JE(Journal Entry) of Rs 1,83,758/- was levied towards recovery of fixed charges corresponding to 30 HP prior to January 2020. The appellant has paid Rs 1,22,150/- in different spells since January 2020. The relevant particulars of impugned Service Connection are as under:-

Service was under Bill stopped status	03/2019 to 11/2020
Service revoked in the month	12/2020
Regularisation of service and bill issued including customer charges and fixed charges in the month of 01/2021 (Energy charges 482.68, E.D Rs 4.32, Customer charges 23,625/- Fixed charges Rs 11,011/-	Rs 35,123/-
02/2021 (Energy charges 716.55, E.D Rs 6.42, Customer charges 1125/- Fixed charges Rs 48,389/-, Late payment charges Rs 150/- L/G 0.03)	Rs 50,387/-
Non payment of CC charges total due as on 03/2021	Rs 2,41,849/-
Due as on 08/2021	Rs 1,01,906/-

16. The appellant has opposed the levy of monthly minimum charges on the ground that there was no consumption of electricity as the stone crusher industry was closed from April 2015 to February 2019. Hence he demanded withdrawal of an amount of Rs 1,29,500/-. The tariff rates are governed by the yearly tariff orders approved by the Hon'ble Commission. The tariff order mentioned below envisages every consumer whether he consumes energy or not shall pay monthly minimum charges as per the rates prescribed:-

**“7.122. Monthly minimum charges:** Every consumer whether he consumes energy or not shall pay monthly minimum charges calculated on the billing demand plus energy charges specified for each category in this Part (B) to cover the cost of a part of the fixed charges of the Licensee.”

Hence, the claim of the appellant for withdrawal of monthly minimum charges is not tenable. The CGRF-1 while disposing the appeal has given directions to withdraw the double billing of fixed charges during the billstop period from 03/2019 to 11/2020 and also to revise the tariff rates of fixed charges corresponding to the different yearly tariff orders which was billed at flat Rs 1350/- per month. Further on the approval accorded by the CGM/Commercial vide Memo No.CGM(Comml)/SE(C)/DE(C)/ADE-II/D.No.1214/21-22 dt.15.06.2021 an amount of Rs 56,398/- was withdrawn during the month of June 2021.

17. The payment of Development Charges and Security Deposit towards excess connected load of 30 HP discovered during the year 2008 envisages the Licensee-respondents to recover the shortfall of Rs.1,83,758/- fixed charges corresponding to 30 HP excess connected load as per Tariff Order for the period from 2008 to 2020 which was unbilled consequent to non regularisation of the above said excess load. The revised amount after withdrawal of Rs 56,398/- (withdrawn as per Award of the learned Forum) out of Rs 1,83,758/- is Rs 1,27,360/-.

18. The EBS shows that total due as on March 2021 is Rs.2,41,849/-. As per the Award of the learned Forum, relief of withdrawal of Rs.56,398/- was given and the respondents withdrew the amount vide J.E.No.1148 of 06/2021. The regular monthly demand for the next 4 months are as follows:-

April 2021 - Rs. 7,736/-  
May 2021 - Rs. 7,573/-  
June 2021 - Rs. 7,768/- and  
July 2021 - Rs. 6,969/-

The appellant had paid Rs. 20,000/- and Rs. 1,00,000/- in the month of June and July 2021 respectively. As on July 2021 Rs.95,481/- was due to be paid by the appellant. Since the monthly minimum charges and fixed charges are liable to be paid as the provisions of the Tariff Orders, the appellant is not entitled for any further relief. In view of these factors, I hold that the appellant is not entitled for refund of Rs.1,29,500/- or waiver of Rs.2,64,920/- and the impugned Award



of the learned Forum is not liable to be set aside. These points are accordingly decided against the appellant and in favour of the respondents.

**POINT No. (iii)**

19. In view of the findings on point No. (i) and (ii), the appeal is liable to be rejected.

**RESULT**

20. In the result, the appeal is rejected, confirming the Award passed by the learned Forum.

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 29th day of November 2022.

Sd/-

**Vidyut Ombudsman**

1. Sri V. Rajan Goud, s/o. Goura Goud, H.No.9-51, Shankarampet (Village & Mandal), Medak District - 502 271. Cell: 8309101888.
2. The Assistant Engineer / Operation / Pedda Shankarampet / TSSPDCL / Medak District.
3. The Assistant Divisional Engineer / Operation / Papannapet / TSSPDCL / Medak District.
4. The Assistant Accounts Officer / ERO / Medak / TSSPDCL / Medak District.
5. The Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
6. The Superintending Engineer / Operation / Medak Circle / TSSPDCL / Medak District.

**Copy to**

7. The Chairperson, Consumer Grievances Redressal Forum- 1 (Rural) of TSSPDCL- , H. No.8-03-167/14, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.

APPEAL NO. 07 OF 2021-22