



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

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

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

THURSDAY THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 12 of 2022-23

Between

Smt. T.G.Saritha, w/o. T.G.Sreekanth, H.No.1-10/A, r/o. Gummadam village,
Pebbair Mandal, Wanaparthy District. Contact: 9949692811.

.....Appellant

AND

1. The Assistant Engineer / Operation / Pebbair / TSSPDCL / Wanaparthy District.
2. The Assistant Divisional Engineer / Kothakota / TSSPDCL / Wanaparthy District.
3. The Assistant Accounts Officer / ERO / Wanaparthy / TSSPDCL / Wanaparthy District.
4. The Divisional Engineer / Operation / Wanaparthy / TSSPDCL / Wanaparthy District.
5. The Superintending Engineer / Operation / Wanaparthy Circle / TSSPDCL / Wanaparthy District.

..... Respondents

This appeal is coming on before me for final hearing on 01.10.2022 in the presence of Sri T.G. Sreekanth - representative of the appellant and Sri M. Shiva Kumar - AE/M&P/Wanaparthy 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 - 1 (Rural) (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No. 91/2021-22/Wanaparthy Circle dt.11.05.2022 disposing of the complaint with some directions.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the appellant is having domestic Service Connection No. 0806 00682 to her H.No. 1-10/A situated at Gummadam village, Pebbair Mandal, Wanaparthy District. They are also having agriculture Service Connection No. 110, 733 issued by the respondents. The appellant is not concerned with agriculture Service Connection No. 0806 00664. The appellant prayed the learned Forum to change the name in respect of domestic Service Connection and waive the arrears against agriculture Service Connection No. 0806 00664.

CASE OF THE RESPONDENTS BEFORE THE FORUM

3. In the written submissions of respondent Nos.1,2 and 5, filed separately, it is, inter-alia, submitted that on 24.12.2021 on verification they found that Service Connection No. 0806 00664 was released on 31.12.2001 under Category-V, in favour of one Sri T. Shiva Lingaiah. He has to pay an arrears of Rs. 85,071/-. The said Sri T. Shiva Lingaiah died. His son one

Sri T.G. Sreekanth is living in Gummadam village. The said Sri T.G. Sreekanth refused to pay the pending CC bill of the above said Service Connection No.0806 00664 on the ground that it does not belong to his father and it belongs to one Sri T.G. Shiva Lingaiah. On inspection to the field of Sri T.G. Shiva Lingaiah and his son by the respondents it is found that they are using (2) motors for pumping water from an open well and (2) motors for pumping water from underground, making total (4) nos. agricultural motors which are under 'live' status. Mr. T.G. Sreekanth was unable to show the service numbers of all the said (4) motors. The Service Connection No. 0806 00664 is linked to house Service Connection No. 0806 00682.

4. Respondent No.3 also filed written submissions stating that the Service Connection No. 0806 00682 was released under Category-I in the name of one Smt. T.G. Sunitha is linked with (4) agricultural services. The amount of arrears of Service Connection No. 0806 00664 is not paid.

AWARD OF THE FORUM

5. After considering the material on record and hearing both sides, the learned Forum has disposed of the complaint giving different directions including to effect a credit JE of Rs. 50,322/- in respect of Service Connection No. 0806 00664 and also converting the billing to free category from February 2014 onwards without insisting the consumer to produce any documents.

GROUND OF THE APPEAL

6. Aggrieved by the Award passed by the learned Forum, to the extent of the remaining part of the amount of Rs. 34,989/- as on 10.08.2022 this appeal was preferred.

7. In the grounds of the appeal, it is, inter-alia, submitted that the learned Forum has erred in not giving the benefit of remaining part of the amount of arrears.

WRITTEN SUBMISSION OF THE RESPONDENTS

8. In the reply filed by respondent No.1, before this Authority, it is. Inter-alia, submitted that after waiving Rs. 50,322/-, the consumer has to pay the balance of Rs. 34,989/- as on 10.08.2022.

ARGUMENTS

9. It is argued on behalf of the appellant, that the agriculture Service Connection No. 0806 00664 is not existing and it does not belong to the appellant. Therefore, it is prayed to direct the respondents to effect the name change of Service Connection No. 0806 00682 and also to waive the balance arrears due on Service Connection No. 0806 00664.

10. On the other hand, it is argued on behalf of the respondents, that the appellant has to pay the balance due amount of Rs. 34,989/- pending on Service Connection No. 0806 00664.

POINTS

11. The points that arise for consideration are:-

- i) Whether the appellant is not liable to pay the balance arrears of Rs. 34,989/- as on 10.08.2022 on Service Connection No. 0806 00664?
- 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 01.10.2022. 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. It is an admitted fact that the appellant is having domestic Service Connection No. 0806 00682 in her name.

CRUX OF THE CASE

15. The respondents initially claimed Rs. 85,071/- as arrears on the agriculture Service Connection No. 0806 00664. The learned Forum waived Rs. 50,322/-. Thus the present appeal is in respect of balance arrears of Rs. 34,989/- as on 10.08.2022.

16. According to the respondents the Service Connection of the appellant is linked with Service Connection No. 0806 00664 and other services. The respondents claimed that Service Connection No. 0806 00664 was released initially in the name of one Sri T. Shiva Lingaiah on 31.12.2001. From the material on record, prima-facie, it appears that one T.G. Shiva Lingaiah and T. Shiva Lingaiah is the same person. The respondents found that the said Sri T. Shiva Lingaiah is no more now. The respondents have also found that the consumers in this case are using (2) motors for pumping water from open well and (2) motors for pumping water from underground.

17. The present appeal filed by the appellant Smt. T.G.Saritha, w/o. Sri T.G.Sreekanth with regard to outstanding arrears of Rs. 85,071/- pending against Agriculture Service Connection No. 0806 00664 under category-V, in the name of Sri T. Shiva Lingaiah. According to respondent No.1 the son of Sri T.G. Shiva Lingaiah by name Sri T.G. Srikanth, husband of the appellant, is cultivating in the same agricultural land in Gummadam village, Pebbair Mandal. The appellant claimed that they are not

concerned with the agriculture Service Connection No. 0806 00664 in the name of Sri T. Shiva Lingaiah, which does not exist and hence liable for withdrawal of all the arrears. Further it was pleaded to direct the respondents not to disconnect their domestic Service Connections under the pretext of link service.

18. The respondent No.1, while producing the photos of existing motors at the subject location submitted that on physical inspection of the agriculture land it was found that 2 Nos. motors were connected for pumping of water from an open well and 2 Nos. motors were connected for pumping of water from underground. The following are the Service Connections details:-

Sl.No.	Agricultural S.C.No.	Name of the consumer	Address as per EBS	Category
1.	0806 00110	TG Shiva Lingaiah	No address	V
2.	0806 00664	T. Shiva Lingaiah	No address	V
3.	0806 00733	T.G. Srinivas, s/o. T.G.Shiva Lingiah	Sy.No. 275/A,	V
4.	0826 00365	T.G.Srinivas	Sy No. 275/A/1,Thippaipally, Pebbair	V

It appears that the cultivation is being carried out in the same agricultural land of Sri T.G.Shiva Lingaiah. Out of two Service Connections in the name of Sri T.G. Shiva Lingaiah who is the father-in-law of the appellant Smt. T.G. Saritha, one Service Connection 0806 00110 was regularly paid having no arrears. Whereas the other Service Connection 0806 00664 is having arrears of Rs. 85,161/- as in March 2022. The respondents could not explain the reasons for maintaining so

much arrears without taking any coercive action in the past. During the course of hearing before the learned Forum, the respondent No.3 has submitted that the SC.No. 0806 00110 was converted into free category from paying category during the month of January 2014 and an amount of Rs. 50.322/- was withdrawn, but the same effect was not given to the SC No. 0806 00664. Being connected to the same transformer under structure code 1453028001, it was reckoned as existing in the same agricultural land. Thereby the same amount of Rs. 50.322/- was given credit to the SC.No. 0806 00664 and hence the balance amount of Rs. 34,989/- as on 10.08.2022 was demanded to be paid to clear the dues.

19. Against the findings of the respondent No.1, where (4) agricultural service connections are existing (2) for pumping from open wells and other (2) for pumping water from underground, there was no substantial reply given by the appellant in support of their claim. In view of the aforementioned discussion it is found that the Service Connection No. 0806 00664 exists in the same agricultural land having (3) agricultural Service Connections as stated above. Thus in view of the above discussion, I hold that the appellant is liable to pay the balance arrears of Rs. 34,989/- as on 10.08.2022 and the 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)

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

RESULT

21. In the result, the appeal is rejected. But in view of the hardship faced by the appellant over demanded amount at once in lump sum, the appellant is granted (12) Nos. equal monthly instalments from the month of December 2022, failure to pay any single instalment would make the entire balance due recoverable in a lump sum.

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 10th day of November 2022.

Sd/-

Vidyut Ombudsman

1. Smt. T.G.Saritha, w/o. T.G.Sreekanth, H.No.1-10/A, R/o. Gummadam village, Pebbair Mandal, Wanaparthy District. Cell: 9949692811.
2. The Assistant Engineer / Operation / Pebbair / TSSPDCL / Wanaparthy District.
3. The Assistant Divisional Engineer / Kothakota / TSSPDCL / Wanaparthy District.
4. The Assistant Accounts Officer / ERO / Wanaparthy / TSSPDCL / Wanaparthy District.

5. The Divisional Engineer / Operation / Wanaparthy / TSSPDCL / Wanaparthy District.
6. The Superintending Engineer / Operation / Wanaparthy Circle / TSSPDCL / Wanaparthy 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. 12 of 2022-23