



BEFORE THE VIDUYUT 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
VIDUYUT OMBUDSMAN

FRIDAY THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

Appeal No. 12 of 2024-25

Between

Sri Anil Kumar, Shed No. E-9, Sy.No.48, S.C.I.C., Kattedan, Rajendra Nagar,
Hyderabad - 500 077. Cell: 9396202122, 7036205211.

.....Appellant

AND

1. The Assistant Engineer/Operation/Kattedan/TGSPDCL/Rajendra Nagar Circle.
2. The Assistant Divisional Engineer/Operation/Gagan pahad/TGSPDCL/ Rajendra Nagar Circle.
3. The Assistant Accounts Officer/ERO/Gaganpahad/TGSPDCL/Rajendra Nagar Circle.
4. The Divisional Engineer/Operation/Rajendra Nagar/TGSPDCL/Rajendra Nagar Circle.
5. The Superintending Engineer/Operation/Rajendra Nagar//TSSPDCL/ Rajendra Nagar Circle.
6. The Superintending Engineer /DPE/Corporate Office/TGSPDCL/Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 24.06.2024 in the presence of Sri Ravinder Prasad Srivatsava - authorised representative of the appellant and Sri K.Easwara Prasad - ADE/Op/Gaganpahad, Sri Ravinder - JAO/ERO/Gaganpahad and Sri Venkatesh - ADE/DPE/HT representing the respondents and having stood over for consideration till this day, this Viduyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - II (Greater Hyderabad Area), (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL') in C.G. No.5/2024-25/Rajendra Nagar Circle dt.07.06.2024, dismissing the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No.340500689 (in short 'the subject Service Connection') to the appellant under LT-III A Category . The respondents have billed the subject Service Connection under LT Category till February 2023. But respondent No.3 vide bill No.2591 dt.06.04.2024 issued C.C. Charges bill for the period from 9.03.2024 to 06.04.2024 under LT III A-I Category but the tariff rates applied were of HT-I Category without any notice violating Clause 10.4.3 of Tariff Order due to which an excess amount of Rs.95,129/- was claimed. Under Clause 4.7.1 (b) of Regulation 5 of 2024, the appellant is entitled to make payment of an average of preceding six months amount in the event of disputed bill which works out to Rs.2,33,000/- against the actual amount payable at LT rate of Rs.2,60,036/-. Therefore it is prayed to set aside the excess amount claimed for the period from 09.03.2024 to 06.04.2024 and to direct to issue the revised bill with LT Tariff rates.

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 the appellant was utilising more than the contracted load continuously from August 2023 onwards (88 HP to 97 HP). In April 2024, the Recorded Maximum Demand (in short 'RMD') of the subject Service Connection exceeded 75 KVA (RMD 76.10 KVA and 101.47 HP) pertaining to the bill period from 09.03.2024 to 06.04.2024. Therefore the subject Service Connection was billed under HT-I Category instead of LT Category-III basing on the instructions issued by the Corporate Office. Further as per Clause 12.3.3.2 (i) of General Terms and Conditions of Supply (in short 'GTCS') the respondents are entitled to bill at the respective HT tariff rates from the consumption month in which the additional load is detected.

4. In the written reply filed by respondent No.6, before the learned Forum, it is, inter-alia, submitted that the subject Service Connection was inspected by the ADE/DPE/HT RR Zone-I team on 24.05.2024 in the presence of the owner of the industry.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has dismissed the complaint.

6. Aggrieved by the said Award of the learned Forum, the present appeal is preferred reiterating the contents of the complaint. It is accordingly

prayed to set aside the impugned Award and to direct the respondents to refund Rs.95,129/- of April 2024 billing month along-with interest @ 24% p.a, from 01.05.2024 till the date of refund and also to direct the respondents to pay the interest on further billing months excess payment from the date of payment till refund.

WRITTEN SUBMISSION OF RESPONDENTS

7. In the written reply filed by respondent No.3, he has reiterated the contents of his written reply filed before the learned Forum.

ARGUMENTS

8. The authorised representative of the appellant has submitted that without any authority, the respondents have issued the subject bill under HT Category for the entire demand instead of the exceeded demand and hence it is prayed to refund the excess amount paid with interest.

9. On the other hand, it is contended by the respondents that as per the Clauses of GTCS and as per the instructions of the Corporate Office, the subject bill was issued which is correct. Therefore it is prayed to reject the appeal.

POINTS

10. The points that arise for consideration are:-

- i) Whether the respondents are liable to return the excess amount paid by the appellant with interest and also further amounts paid by him with interest as prayed for?

ii) Whether the impugned Award passed by the learned Forum is liable to be set aside ? and

iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

11. It is an admitted fact that the respondents have issued HT billing for the period from 09.03.2024 to 06.04.2024. It is also an admitted fact that the respondents have claimed the HT billing for the entire bill and the said amount was paid by the appellant.

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties have appeared before this Authority virtually and physically. 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 10.06.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. The present appeal is in respect of the excess bill for April 2024 billing month. The claim of the appellant is that even if the appellant exceeds the contracted load the respondents are liable to charge only under HT billing

on the exceeded load and not on the entire load as prescribed in Clause 10.12.10 (iv) of Retail Supply Tariff Order for the FY 2023-24.

15. The authorised representative of the appellant has submitted that in the bill dated 06.04.2024, HT rates were claimed basing on RMD of 101.47 HP which is illegal and in violation of the Clause 10.12.10 (iv) of Retail Supply Tariff Order for the FY 2023-24; that the Clause 12.3.3 of GTCS is applicable to LT Category-III(B) only, whereas the appellant is having Category- IIIA-I; that Clause 12.3.3.1(i) of GTCS one month notice shall be given to regularise the additional load; that in the present case no notice was given and that according to the appellant only in billing month April 2024, the RMD recorded was 101.47 HP for which Clause 10.12.10 (iv) will apply.

16. The appellant has further submitted that the appellant paid an excess amount of Rs.95,129/- on 01.05.2024 of April 2024 bill as such he is entitled to get refund along-with interest @ 24% pa., as prescribed in the Clause 4.7.3 of Regulation 5 of 2004 dt.17.03.2004 from 01.05.2024 till date of refund and requested to direct the respondents to pay interest on further excess payments made from the date of payment till the date of refund.

17. On the other hand, the respondents have submitted that the appellant has been utilising more than contracted load continuously from August 2023 onwards (88 HP to 97 HP); that in the month of April 2024, the RMD was 76.10 KVA (101.47HP), hence billed under HT-I Category instead of

LT Category-III as per the instructions received from Corporate Office on account of exceeding the RMD over and above 75 HP /56 KW; that as per the Clause 12.3.3.2(i) of GTCS the DISCOM is entitled to bill at the respective HT tariff rates from the consumption month in which unauthorised additional load is detected; that accordingly, a uniform procedure is followed in TGSPDCL. It is also submitted that as per the Clause 1.45(IV) metering and load conditions of category wise specific conditions of LT tariff of Retail Supply Tariffs and Terms and Conditions where the recorded demand of any Service Connection under LT-industry Category in excess of 75 KVA (93 KVA for rice mills)(1 KVA=1 KW), such excess demand shall be billed at the demand charges prescribed under HT Cat-(11KV supply) and that the conditions as per GTCS and Tariff Order are different. According to the respondents a letter was addressed to the Hon'ble TERC with a request to issue required clarification in regard to issue of CC bills with HT Tariffs in respect of cases where the connected load / RMD is above 75 HP / 56 KW (93 KVA for rice mills) and also to issue amendment orders to Tariff Order. Further according to them the CMD, TGSPDCL has accorded approval to follow the existing billing procedure until a clarification is received from the Hon'ble TGERC.

18. At this stage for proper adjudication of the matter, it is necessary to refer Clause 12.3.3 of GTCS which is as under:-

12.3.3 Additional Connected Loads detected in LT Services Cases

12.3.3.1 Where the total Connected Load is 75 HP/56 kW or 150 HP in case of LT Cat III(B) or below at the time of detection:

- i. One Month notice shall be given to regularise the additional Connected Load or part of additional load as per the requirement of the consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit, in accordance with the format prescribed in Appendix IX. However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue.
- ii Service of consumers who do not get the additional loads regularised, shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection, until they are regularised.

12.3.3.2 Cases where the total Connected Load is above 75 HP/56kW or

- i These services shall be billed at the respective HT tariff rates from the consumption month in which the un-authorized additional load is detected. For this purpose, 80% of Connected Load shall be taken as billing demand. The quantity of electricity consumed in any Month shall be computed by adding 3% extra on account of transformation losses to the energy recorded in LT Meter. .
- ii The Company may at its discretion, for the reasons to be recorded and in cases where no loss of revenue is involved, continue LT supply. If the consumer, however, makes arrangements for switchover to HT supply, the Company shall release HT supply as per the rules.
- iii One-month notice shall be given to regularise the additional connected load or part of additional load as per the requirement of the consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit required for conversion of LT service into LT 3(B) or HT service depending upon the connected load.

However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue.

iv Service of such consumers who do not pay HT tariff rates or who do not pay the required service line charges, development charges and consumption deposit shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection unless the required service line charges, development charges and consumption deposit are paid for regularising such services by conversion from LT to HT category.

v. If the consumer where required, does not get the LT services converted to HT supply and regularised as per procedure indicated above within three months from the date of issue of the notice, the Company is entitled to terminate the Agreement by giving required notice as per clause 5.9.4 of the GTCS, notwithstanding that the consumer is paying bills at HT tariff rates prescribed in clause.

As per the Clause 12.3.3.2(i) of GTCS, the respondents are entitled to bill the subject service with HT tariff rates from the consumption month in which the additional load is detected. Now it is necessary to refer Clause 10.12.10 (iv) of Retail Supply Tariffs & Cross Subsidy Surcharge for FY 2023-24 which is as under:-

Where the recorded demand of any service connection under this category exceeds the 75 KVA (93 KVA for Rice Mills)(1 KVA=1KW) such excess demand shall be billed at the demand charge prescribed under HT-I (11 kV supply).

It is significant to note that the clarification sought for by the respondents was not incorporated in the latest Tariff Order for FY 2023-24 issued by the Hon'ble TGERC. Hence the above Clause will be applicable in billing of excess demand of LT Category-III services. Accordingly, as the RMD of the appellant exceeded 75 KVA for the month of April 2024, such excess demand shall only be billed under HT tariff rates and the balance demand should be billed under original LT Category-III. The contention of the respondents for claiming of HT

bills from April 2024 as per the instructions received from Corporate Office under HT flag is not acceptable in view of the above Tariff Order for FY 2023-24. Hence, the appellant is entitled for revision of the bill for the month of April 2024. Further the appellant is entitled for adjustment of excess charges paid along-with simple interest @ 9% pa., as per the Clause 2.49(b) of Regulation 3 of 2015 of Hon'ble TGERC. In view of the above discussion, I hold that the respondents are liable to return the excess amount paid by the appellant with interest @ 9% p.a.,

19. The appellant has submitted a memo dt.19.06.2024 stating that the respondents, during the hearing before the learned Forum, informed that the connected load was 108.367 HP without any intimation to the appellant without giving opportunity to the appellant to furnish actual connected load details. The respondents booked additional load case from 74 HP to 108 HP and PAO notice was issued by respondent No.2 for regularisation of the additional load, whereas the appellant has submitted that the present connected load is 98.05 HP only. In this context **the appellant is advised to** make a representation before the Divisional Engineer (Operation) Rajendra Nagar for final assessment and if aggrieved approach the learned Forum. These points are accordingly decided in favour of the appellant and against the respondents.

POINT No. (iii)

20. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be allowed.

RESULT

21. In the result, the appeal is allowed by setting aside the Award passed by the learned Forum. The respondents are directed to remove the HT flag posted for the subject Service Connection and the respondents are also directed to revise the CC bills against the subject Service Connection for the month of April 2024 as per the Clause 10.12.10(iv) of retail supply Tariff Order for FY 2023-24 i.e. to bill the excess demand to the extent of exceeded RMD over 75 KVA with HT tariff rates and the balance demand shall be billed under LT Category III only and adjust the excess amount claimed out of Rs.3,55,165/- alongwith simple interest @ 9% p.a, as per Clause 2.49(b) of Regulation No. 3 of 2015 within (30) days from the date of receipt of copy of this order and shall file the compliance.

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 28th day of June 2024.

**Sd/-
Vidyut Ombudsman**

1. Sri Anil Kumar, Shed No. E-9, Sy.No.48, S.C.I.C., Kattedan, Rajendra Nagar, Hyderabad - 500 077. Cell: 9396202122, 7036205211.
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7. The Superintending Engineer /DPE/Corporate Office/TGSPDCL/Hyderabad

Copy to

8. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.