



**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**

**Tuesday the Seventh Day of August 2018**

**Appeal No. 13 of 2018**

**Preferred against Order Dt. 21.09.2017 of CGRF in  
C.G.No.325/2017-18/Mahaboobnagar 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/Wanaparthy/TSSPDCL/Mahaboobnagar Dist.
4. The SE/OP/TSSPDCL/Mahaboobanagar.

**... Respondents**

The above appeal filed on 02.02.2018, 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. Prudvi Raju - ADE/OP/Kothakota and Smt. N. Leelavathi - DE/OP/Wanaparthy 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 orders of the CGRF in CG No. 325 of 2017-18 of Mahaboobnagar dt.21.09.2017. The Appellant contended that he has filed a complaint before the CGRF Mahaboobnagar that he approached the Respondents for additional load for his SC No. 0817-02551 in Category II at Pebbair and that since the same was delayed he sought for compensation under Regulation 5 of 2016 and that since he was not satisfied with the orders of the CGRF which held that the LT supply availed by the consumer is satisfactory and the erection of 63 KVA DTR was

commissioned on 27.08.2017, there is no delay in release of additional load, the present Appeal is filed.

2. The Appellant i.e. M/s. Indus Towers Ltd. contended that it has obtained SC No. 0817-02551 under LT Category II in the name of M/s. Hutchison Essar located at Pebbair (V & M) and that he has applied for additional load of 12 KW from the existing load of 25 KW making the total load to 37 KW under partial turnkey basis and made the following averments :-

- a. Delay in release of additional load - Application dt: 21.05.2015 - Complaint Ref No.CC51015599656. Estimate sanctioned on 17.10.2015 - Payments made on 02.02.2016.
- b. Need compensation as per the Regulation No. 5 of 2016 for above mentioned services delay.
- c. Low and High voltage problems as repeated frequently - Complaints raised.
- d. Already assessment notice issued for additional load from 25 KW to 37 KW in month 08/2016.
- e. Payment made for assessment notice also in the month of 10/2016.
- f. Double payments happened in both notices (Sanction copy and assessment notice).
- g. Delay in arrangement of 63 KVA DTR after completion of 11 KVA line work.
- h. AAE is not responded in time in terms of bill revision, right of way issue, low and high voltage problem rectification, fuse of call complaints.

3. The 3rd Respondent i.e. the DE/OP/Wanaparthy made the following written submissions vide his Letter bearing No. 38 dt.25.04.2018 :-

- a. The estimate for release of additional load of 12 KW to the existing load of 25 KW, making total load of 37 KW was sanctioned under partial turnkey basis. The said work involves i) Erection of 0.48 KM 11KV line and ii) erection of 1 No. 63 KVA DTR. It was held that the erection of 11 KV line work is to be executed by the Appellant and erection of 63 KV DTR is to be executed by the TSSPDCL. After the completion of line work by the Appellant in complete shape on 20.08.2017, the 63 KVA DTR was erected and commissioned and additional load was released on 27.08.2017. Further stated that there is no delay on their part in erection of 63 KVA DTR.
- b. It was held that there is no problem of High and Low voltages as complained by the Appellant. The subject service connection is connected to SS No. 37

100 KVA transformer prior to existing new 63 KVA transformer. The supply through the 100 KVA transformer was also fed to more than 100 Nos. domestic and non domestic consumers, but nobody had given any such complaint since last three years

- c. In regard to wrong billing issue, it was stated that in view of Krishna Pushkaralu during the month of Aug,2015, the AE/OP/Pebbair was assigned supply arrangements duty for pushkaralu works and could not attend the routine work of taking the readings of the subject service connection. There was mistake in taking the meter reading during this period due to non working of billing machine properly and wrong bill was issued for Rs 1,90,804/-, subsequently it was revised for Rs 82,823/- on 31.08.2016.
- d. In regard to the allegation of double payment made by the Appellant in view of demand notice for additional load. It was stated that an additional load assessment notice was issued to the Appellant for Rs 24,000/- in the month of October,2014, after receiving the payments vide PR No. 19966 dt.19.10.2016, the load was regularised.

The cost towards the sanction of additional load by way of erection of 63 KVA DTR involves the following:

- i) 10% of service lines charges
- ii) DTR Cost or development charges whichever is higher
- iii) Security deposit

It was held that the Appellant had paid the DTR cost only and not development charges, hence there is no double payment occurred.

- e. The above service connected to 11 kv Pebbair Town feeder which is emanating from 33/11 KV Sub station Pebbair. The voltages at consumer end measured on 07.03.2018 as follows:-

Sl.No.	Phase to Phase/ Phase to neutral	Voltage in Volts
1	R-Y	457
2	Y-B	447
3	B-R	454
4	R-N	263
5	Y-N	263
6.	B-N	261

As per the above data the Voltage levels are within the limit and consumer requested to install suitable voltage regulators in his premises. In view of the above it is submitted that there is no need to pay compensation to the consumer.

4. The said averments by both sides go to show that the averments made by the Appellant before this Office are beyond the pleas taken by it before the CGRF, since the pleadings of the Appellant vide his averments No. c,e,f & h are not placed before the CGRF and not considered by the said CGRF, this office has no jurisdiction to give any finding on the same. Hence the only issues to be considered are as follows:-

**Issues**

1. Whether there is any delay in supplying the additional load of 12 KW to the existing load of 25 KW by the Respondents as alleged by the Appellant?
2. If so whether the Appellant is entitled for any compensation for the alleged delay in the said additional supply? And
3. To what relief?

**Issue Nos.1 & 2**

5. The averments of both sides clearly go to show that admittedly the Appellant sought for an additional load of 12 KW over the existing load of 25 KW vide CR No. CC51015599656 dt. 21.05.2015 making the total load to 37 KW and that the DE/OP/Wanaparthi accorded approval under partial turnkey basis and given intimation to the Appellant on 17.10.2015 for payment of an amount of Rs 1,48,205/- vide his letter bearing No. DEE/OP/WNP/Comml./D.No.905/2015 and the said amount as demanded was paid by the Appellant on 02.04.2016 vide PR No. 51002016243 and since the said work on the requisition of the Appellant involves erection of 0.48 KM 11 Kv line and 1 No. 63 KVA DTR and since the said work is turnkey work it was required by the Appellant to engage a contractor for erection of 0.48 KM 11 KV line and then the work for release of the additional load has to be followed.

6. The Respondents contended that the Appellant completed the 11 KV line work on 20.08.2017 as there was right of way issues involved in erecting the line and thereafter the transformer was commissioned and additional load was released on 27.08.2017 and then subsequently the release of additional load was replicated in EBS record in the month of October,2017. Hence the Respondents contended that the delay in release in additional load was due to the acts of the Appellant itself, whereas the

Appellant contended that there was delay in arrangement of 63 KVA DTR after completion of 11 KV line work by the Respondents.

7. In the face of the said contentions by both sides let us peruse Clause 5.2.4 of GTCS to know on whose shoulder the responsibility of delay lies so as to decide whether the Appellant is entitled for compensation.

8. The reading of the Clause 5.2.4 of the GTCS shows that the responsibility lies on the shoulder of the consumer i.e. the Appellant herein for arranging the right of way for erection of the 11 KV line. Since the work is on partial turnkey basis, the responsibility of completion of work relies both on the Appellant and the Respondents and as such this Office is of the view that the whole responsibility of executing the work within the standards of service cannot be imposed on the Respondents alone. Hence the contention of the Appellant claiming that the delay was exclusively on the part of the Respondents and hence they are entitled for compensation in view of the delay in release of load from the Respondents cannot be accepted by this Office. Even otherwise this Office finds that there is a limitation of 30 days for claiming the compensation for violation of such service standards by the Licensee before the Senior Officer i.e. the Divisional Engineer as provided in Clause 6 of Regulation 5 of 2016 and as the Appellant has not taken such steps claiming compensation from the Respondents in spite of the joint responsibility for the delay is rejected. Hence decides these issues against the Appellant.

### **Issue No.3**

9. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 07th day of August, 2018.

Sd/-

**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, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.