



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 FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

Appeal No. 13 of 2023-24

Between

Sri Kadem Venkateshwara Rao, H.No.5-17/A/2/A/1, Leela Sundariahnagar,
Khammam District. Cell: 7396019199.

.....Appellant

AND

1. The Assistant Engineer/Operation/Wyra - 9440814140
2. The Assistant Divisional Engineer/Operation/Wyra - 8331034988
3. The Divisional Engineer/Operation/Wyra - 7901093942

..... Respondents

This appeal is coming on before me for final hearing on 05.07.2023 in the presence of the appellant in person and Sri S.S.S. Kumar -AE/Op/Wyra, Sri B. Rama Krishna Rao- ADE/Op/Wyra and Sri N.Krishna -DE/Op/Wyra and having stood over for consideration till this day, this Vidhyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - I (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G.No.509/2022-23, Khammam Circle dt.27.02.2023, disposing of the complaint holding that the complaint is not tenable and devoid of merits.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that he has requested for release of new Service Connection to his house at Wyra on 8.9.2021. The respondents have estimated a sum of Rs. 22,483/- (Rupees twenty two thousand four hundred and eighty three only) towards Service Line Charges (in short 'SLC') for releasing the service. The appellant paid the said amount on 3.12.2021 but the work was not executed immediately. Subsequently the work was executed through another service line. Therefore it was prayed to direct the respondents to refund the amount paid by the appellant.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondent No.3, it is stated that the appellant paid a sum of Rs. 22,483/- towards SLC. The work was not executed immediately due to field objections. However finally the work was executed and power supply was released to the appellant.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides, the learned Forum has disposed of the complaint holding that the complaint is not tenable and devoid of merits.

5. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum

has not considered the material on record properly and that there was delay in providing Service Connection to the appellant and that he paid a sum of Rs. 6,000/- again for getting the Service Connection. Therefore it is prayed to direct the respondents to refund the amount of Rs. 22,483/- to the appellant.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

6. In the written reply submitted by respondent No.3 he has stated the facts as stated before the learned Forum.

ARGUMENTS

7. Heard both sides.

POINTS

8. The points that arise for consideration are:-
- i) Whether the appellant is entitled for refund of Rs. 22,483/- 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

9. It is an admitted fact that the respondents have released the subject Service Connection to the appellant. It is also an admitted fact that the appellant paid Rs. 22,483/- as required for release of the new Service

Connection.

SETTLEMENT BY MUTUAL AGREEMENT

10. Both the parties have appeared before this Authority on different dates. 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

11. The present representation was filed on 29.05.2023 with delay. The delay was condoned on 25.07.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

12. The appellant has applied for a new Service Connection for his newly constructed building through Meeseva payment of Rs. 3,306/- on 08.09.2021 and went to the electrical office many times. As per the learned Forum, the appellant paid Rs 22,483/-, in favour of DE/OP//Wyra, dated 03.12.2021. But, respondent No.1, i.e., AE/OP/Wyra town has not given meter connection to him for his house warming ceremony even though the Forum order was passed in his favour. On 14.12.2021, the appellant complained to

the Chief Managing Director Telangana State Transco about his meter connection to celebrate house warming ceremony through mobile message and then the respondents gave Service Connection on 16.12.2021 to his newly constructed house and thus his problem got solved temporarily.

13. Appellant has mainly relied on the following grounds:-

- a. As there is no cost for the meter connection given to the appellant's house though the money was paid, he requested for a refund of Rs. 22,483/-.
- b. Later on, the appellant and his neighbour by name Venkateshwarlu together got an estimate for the transfer of line and paid Rs. 2,13,100/-, on dt.15.02.2022 and the appellant paid Rs. 6,000/- on his part and all the houses were meter connected.
- c. The appellant stated that he applied for refund of SLC for an amount of Rs. 22483/- on 16.11.2022 at the offices of SE/Khammam and ADE/Wyra based on the telephonic conversation with respondent No.2 only.

The appellant accordingly requested for refund of SLC charges as the respondents have not spent any money from the amount he paid.

14. According to respondent No.3 as per the orders of the learned Forum an estimate was prepared, got sanctioned and served the demand notice on the appellant to pay an amount of Rs. 22,483/- towards SLC for releasing of service to the appellant; that the appellant paid the SLC amount on 03.12.2021, but due to field objection (ROW Problem) the work was not executed. As already stated the party has complained to Chairman and Managing Director/TSTRANSCO to provide Service Connection to the premises in view of the house warming celebrations.

15. As already stated in view of instructions received from Chairman and Managing Director, TS Transco, supply was provided to the premises of the appellant with service wire on temporary basis. Later an electrification of the venture was taken up in the same locality with involvement of Distribution Transformer (in short 'DTR') and LT network on payment of SLC by other parties. In order to extend supply to the appellant after execution of venture, it is proposed to extend supply from newly executed network with utilisation of same quantities of line materials for which the SLC were already collected from the appellant duly revising the estimate and completed the work accordingly.

16. According to the respondents, the appellant misunderstood that his work was also covered under other party's venture with DTR involvement work in that same street and given representation to the Divisional Engineer/OP/Wyra and Superintending Engineer/ OP/ Khammam and requested to refund the amount of Rs. 22,483/- paid by him towards SLC. In view of the above the respondents submitted that there is no scope for refund of SLC amount to the appellant and payment of Rs 6,000/- cannot be attributed to TSNPDCL as it is their internal matter of residents of that street venture and the same was explained to him accordingly.

17. From the above factors, the date of occurrence of events are as follows:-

Sl.No.	Date	Particulars
1.	08/09/2021	Applied for new Service Connection at Mee-Seva and paid Rs. 3,306/-
2.	12/11/2021	Applied for Service Connection during the camp of the learned Forum at Wyra on 12.11.2021
3.	03/12/2021	Paid an amount of Rs. 22,483/- as per the Award of the learned Forum
4.	14/12/2021	Gave a complaint to the CMD (TS TRANSCO) for release of service through mobile message in view of house warming ceremony
5.	16/12/2021	Service released
6.	16/11/2022	Applied for refund of SLC paid to the respondents

From the above facts, it is clear that there is a delay of approximately (2) months in releasing the Service Connection.

18. Now, it is pertinent to note the Clause 5.3.2.1 of General Terms and Conditions of Supply, which is as under:-

The service line charges payable by the consumers for release of new connection/ additional load under both LT and HT categories shall be levied at the rates notified by the company in accordance with regulations/ orders issued by the commissions from time to time. These charges shall be paid by the consumers in advance failing which the work for extension or supply shall not be taken up. These charges are not refundable.

Provided that where any applicant withdraws his requisition before the company takes up the work for erection of the service line the company may refund the amount paid by the consumer after deducting

10% of the cost of the sanctioned scheme towards establishment and general charges. No interest shall be payable on the amount so refunded.

The above Clause makes it clear that the SLC charges are refundable only if the appellant makes his requisition for refund, before the company takes up the work for erection of the service line after deducting 10% of the cost of the sanctioned scheme towards establishment and general charges and no interest shall be payable on the amount so refunded. But in this case the work was with the utilisation of same quantities of line materials for which the SLC were already collected from the appellant and completed the work accordingly. Moreover, there is no receipt produced by the appellant to show that the respondents have demanded and collected Rs.6,000/- in this regard as claimed by the appellant.

19. At this stage it is pertinent to note Schedule - II, Clause 6 of Regulation 5 of 2016 of Hon'ble Telangana State Electricity Regulatory Commission which is as under:-

“A Consumer shall be required to make a claim for compensation for non-compliance of a Guaranteed Standard, within Thirty (30) day of violation of such 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. The same officer is responsible for the monitoring compliance of the Regulation and submitting the periodical reports to the Commission, as may be required. The licensee shall fix the responsibility on their staff/officers for default in the service and shall realise the amount of compensation from the concerned individual's (employee) salary after adjustment of the compensation to the affected consumers through a rebate in the bill, automatically and without any delay.”

It is observed from the available records that the appellant has not applied for compensation within the stipulated time frame. Hence, the appellant is not eligible for compensation. That apart, the video and audios sent by the appellant in respect of the discussion in the present appeal are also not useful in this case. Thus it is crystal clear that there is no scope for refund of the amount in question to the appellant. The learned Forum has considered the material on record properly and came to the correct conclusion. In view of the above facts, I hold that the appellant is not entitled for refund of Rs.22,483/- as prayed by him and the Award of the learned Forum is not liable to be set aside. These points are answered accordingly 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 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 the 25th day of July 2023.

**Sd/-
Vidyut Ombudsman**

1. Sri Kadem Venkateshwara Rao, H.No.5-17/A/2/A/1, Leela Sundariahnagar, Khammam District. Cell: 7396019199.
2. The Assistant Engineer/Operation/Wyra - 9440814140.
3. The Assistant Divisional Engineer/Operation/Wyra - 8331034988.
4. The Divisional Engineer/Operation/Wyra - 7901093942.

Copy to

5. The Chairperson, Consumer Grievances Redressal Forum - I of TSNPDCL, H.No.2-5-58, Opp: Head Post Office, Nakkalagutta, Hanamkonda, Warangal District, Pin code - 506001.

