



BEFORE THE VIDUYUT 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
VIDUYUT OMBUDSMAN**

MONDAY THE TENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 17 of 2021-22

Between

M/s. M R S Education Society, Regd.No.607 of 2003, #2-1-477, OU Road,
Nallakunta, Hyderabad - 44, represented by Sri M. Showree Shyam,
Joint Secretary, Cell: 9000624333. **.....Appellant**

AND

1. The Assistant Engineer / Operation / Shankarmutt / TSSPDCL / Hyderabad.
2. The Assistant Divisional Engineer / Operation / Barkatpura / TSSPDCL / Hyderabad.
3. The Assistant Accounts Officer / ERO / Azamabad / TSSPDCL / Hyderabad.
4. The Divisional Engineer / Operation / Azamabad / TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / Hyderabad Central Circle / TSSPDCL / Hyderabad. **..... Respondents**

This appeal is coming on before me for final hearing on 07.09.2022 in the presence of Sri M. Showree Shyam, representative of the appellant and Sri V. Yadagiri - AAO/ERO/Azamabad, Sri A.Srinivas - ADE/OP/Barkatpura and Sri AVSN Murthy - JAO/ERO/Azamabad 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 - II(Greater Hyderabad Area),

Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.124/2020-21/Hyderabad Central Circle.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The appellant has been using the premises # 2-1-477, Nallakunta, Hyderabad wherein the Service Connection No. VZ001833 was existing with (74) KVA. Owing to Covid-19 the College was closed for the last (9) months, prior to the complaint. They also sustained loss to the tune of Rs.80,00,000/- due to Covid-19. The appellant has applied for conversion of HT Category to normal load in July 2020, but the respondents took (4) months to do the required conversion. Therefore it was prayed to waive the (4) months excess bill and the fixed charges levied for the period from March 2018 to December 2018 and allow the appellant to pay for the units consumed.

CASE OF THE RESPONDENTS BEFORE THE FORUM

3. In the written submission filed by respondent No.1, it is, inter-alia, submitted that on inspection of the premises it was found that the load was (74) KW. There is no scope to waive the fixed charges. The appellant applied for deration on 29.07.2020 and it was effected from December 2020.

4. In the written submission filed by respondent No.3, it is stated that the fixed charges were raised upto December 2020.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has allowed the complaint by giving relief directing the respondents to withdraw the fixed charges already raised from March 2020 to December 2020 and to revise the bills from September 2020 to December 2020 with the load of (25) KW.

6. Aggrieved by the Award passed by the Forum, the present appeal is preferred to the extent of the other reliefs not allowed by the learned Forum.

GROUND OF THE APPEAL

7. In the grounds of appeal, it is, inter-alia, submitted that the fixed charges from March 2018 imposed on the appellant were without any justification. Therefore it is prayed to waive the outstanding amount shown by the respondents and to refund the amount paid by the appellant.

ARGUMENTS

8. It is argued on behalf of the appellant that though the coaching centre of the appellant was closed at the relevant time, minimum charges were imposed; that the appellant-institute sustained heavy loss during Covid-19 and hence it is prayed to waive the additional charges imposed and refund the excess amount paid by the appellant.

9. On the other hand, the respondents have argued that they imposed the charges legally and hence it is prayed to reject the appeal.

POINTS

10. The points that arise for consideration are:-
- i) Whether the appellant is entitled for waiving of excess amount and refund of the amount claimed?
 - ii) Whether the impugned Award / Order is liable to be set aside? and
 - iii) To what relief?

POINT No. (i) and (ii)

SETTLEMENT BY MUTUAL AGREEMENT

11. Both the parties have appeared before this Authority on 07.09.2022. 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

12. 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

13. It is an admitted fact that the appellant was a tenant where the Service Connection No. VZ001833 was released by the respondents. It is not disputed that now the appellant vacated the said premises.

CRUX OF THE MATTER

14. The present dispute over levy of fixed charges was raised in view of the additional load detected consequent to the inspection by ADE/DPE on 05.10.2010 against the S.C.No. VZ001833. It was found that an excess load of 69 KW was connected over and above the sanctioned load of 5 KW. The record shows that the reason for inspection was based on the complaint given by AE/OP/Shankarmut over burnt CT meter where the consumer was not getting supply. The complaint was attended by ADE/DPE where it was found that CTs of R, Y and Neutral were in burnt condition. However, the inspecting officer observed that the connected load of the Service Connection was 69 KW excess over the contracted load of 5 KW. Subsequently the ADE/OP/Barkatpura was requested to arrange for the replacement of the CT meter and also to serve the Provisional Assessment Notice after verifying the sanctioned load. This specific remark of the inspecting officer is in view of existing CT meter for the contracted load of 5KW, which necessarily can be given through a 3-phase energy meter not by the CT meter. The record shows that the consumer has arranged payment of Rs. 40,000/- + Rs 16,000/- towards Development Charges on 29.07.2008 and Security Deposit on 04.08.2008 respectively. It is pertinent to note that the amount pertaining to load of 20 KW and which was paid prior to the inspection on 05.10.2010 towards detection of excess load. It can be understood that the paid amount towards 20 KW was not regularised and a CT meter was erected as required for the Service Connections having contracted

load of more than 18 KW. Hence there is negligence on part of the officers present during that period. Further the next payment was of Rs. 70,000/- on 31.12.2010 after the inspection which is corresponding to the load of 25 KW. This enhanced total load of 50 KW. (5+20+25 KW) was regularised on 28.01.2011. Seemingly the billing was issued with respect to the 50 KW thereof. The final assessment order was issued after the period of (7) years on 21.12.2017 vide order No. DE/OP/Div/DAT.D.No.2209 dt.21.12.2017 confirming the excess connected load of 46 KW (Total load 51KW) against the provisional assessment of 69 KW (Total load 74 KW). The learned Forum felt that the consumer might have reduced his connected load during the past (7) years from the date of issue of Final Assessment Order (FAO). Had there been no delay in issue of Final Assessment Order, the appellant could have paid the Development Charges and Security Deposit amount for the additional load of 46 KW only, as per the FAO. Further it is to note that after the issue of Final Assessment Order for total load of 51 KW (5+46 KW) the appellant paid the remaining (1) KW load Development and Security charges of Rs.2,800/- on 29.01.2018. The record shows that precariously even after issue of Final Assessment Order dt.21.12.2017 confirming the total connected load of 51KW, the load was changed from 50 KW to 74 KW on 27.02.2018 and billed under HT tariff for the reasons not known. The learned Forum vide its Award gave partial relief by withdrawing the fixed charges for the period from March 2020 to December 2020, without giving any valid reasoning.

15. In view of aforementioned discussion it is desirable to revise all the bills from the date of inspection i.e. October 2010 to September 2020, as per the Final Assessment Order of the DE/OP/Azamabad taking final assessed load of 51 KW, to that effect revising all the bills which were billed under HT tariffs and also levying fixed charges to an extent of 51 KW only. The finding of the learned Forum that the appellant has reduced the load as on the date of issue of FAO is unwarranted, since the FAO of 51KW is in respect of the Provisional Assessment Order of 74KW.

POINT No. (iii)

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

RESULT

17. In the result, the appeal is allowed in part. The respondents are directed to revise the bills from the date of inspection i.e. October 2010 to September 2020, as per the Final Assessment Order of the DE/OP/Azamabad taking final assessed load of 51 KW levying fixed charges to an extent of 51 KW only.

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 October 2022.

Sd/-

Vidyut Ombudsman

1. M/s. M R S Education Society, Regd.No.607 of 2003, #2-1-477, OU Road, Nallakunta, Hyderabad - 44, represented by Sri M. Showree Shyam, Joint Secretary, Cell: 9000624333.
 2. The Assistant Engineer / Operation / Shankarmutt / TSSPDCL / Hyderabad.
 3. The Assistant Divisional Engineer / Operation / Barkatpura / TSSPDCL / Hyderabad.
 4. The Assistant Accounts Officer / ERO / Azamabad / TSSPDCL / Hyderabad.
 5. The Divisional Engineer / Operation / Azamabad / TSSPDCL / Hyderabad.
 6. The Superintending Engineer / Operation / Hyderabad Central Circle / TSSPDCL / Hyderabad.
- Copy to**
7. The Chairperson, Consumer Grievances Redressal Forum- GHA, Erragadda, Hyderabad.