



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**

THURSDAY THE THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

Appeal No. 17 of 2023-24

Between

Mr. Mohd. Faizuddin Irfan, H.No. 16-9-749/35/3, old Malakpet, Hyderabad -
500 036. Cell: 9440078600.

.....Appellant

AND

1. The Assistant Engineer / Operation /Chaderghat/TSSPDCL/Hyderabad.
2. The Assistant Divisional Engineer / Operation / Chanchalguda / TSSPDCL / Hyderabad.
3. The Assistant Divisional Engineer / DPE / Hyderabad South / TSSPDCL / Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 27.07.2023 in the presence of the appellant in person and Sri Syed Merajuddin - AE/OP/Chaderghat, Sri M. Pandya- ADE/OP/Chaderghat and Sri P. Vidya Sagar- ADE/DPE/Hyderabad South for 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/Order passed by the Consumer Grievances Redressal Forum - II (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited

(in short 'TSSPDCL') in Lr. No.Chairperson/CGRF-II/TSSPDCL/D.No.Online, dt.31.05.2023, returning the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that he is the consumer of the respondents with Service Connection No. P1012585 at H.No.16-9-749/35/3, old Malakpet, Hyderabad. He received a notice in the first week of January 2023 issued by the respondents demanding him to pay Rs.34,608/- under the Head MATS amount. The respondents have not properly redressed his grievance when the appellant approached them. In April 2023, the respondents have alleged that the appellant has committed theft of electrical energy at his house in his old electrical digital meter. The consumption of electricity record from January 2022 to December 2022 also shows that there was no theft of electricity at all. The change of meter took place in January-February 2022. Therefore it was prayed to direct the respondents to pay Rs.50,000/- to the appellant as compensation for the mental agony undergone by him.

AWARD OF THE FORUM

3. After perusing the material on record, the learned Forum has returned the complaint online holding that the Forum has no jurisdiction in respect of theft of electricity under Sec. 135 of the Electricity Act (in short "the Act").

4. Aggrieved by the Award/Order passed by the learned Forum, the present appeal is preferred, contending among other things that, no notice was issued to the appellant before testing his new meter on 25.02.2022; that no provisional assessment notice dt.15.12.2022 was served on the appellant and that his complaint was returned by the learned Forum arbitrarily. It is accordingly prayed to direct the respondents to pay compensation for the mental agony undergone by the appellant.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

5. No written reply was filed by the respondents.

ARGUMENTS

6. Heard both sides.

POINTS

7. The points that arise for consideration are:-
- i) Whether the appellant is entitled for compensation from the respondents as prayed for?
 - ii) Whether the impugned Award/Order passed by the learned Forum is liable to be set aside? and
 - iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

8. It is an admitted fact that the respondents have released the subject Service Connection No. P1012585 to the appellant. There is also no dispute that the appellant is paying the electricity bills regularly.

SETTLEMENT BY MUTUAL AGREEMENT

9. Both the parties have appeared before this Authority today. 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

10. The present representation was filed on 13.07.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

11. In view of the case put up by the parties, it is necessary to refer to Clause 2.37 of the Regulation, which reads as under:-

“The Forum may reject the grievance at any stage under the following circumstances:-

xxxxx

b) Where the cases fall under Sections 126,127,135 to 139,
152 and 161 of the Act.

xxxxx

12. The appellant filed a copy of the Provisional Assessment Notice for theft of electricity dt.15.12.2022. According to this document one Sri Satya Prasad Petwal (the then AE/DPE) observed that meter cover seals in the premises of the appellant were in tampered condition and that the meter was referred to MRT for testing and according to the test result the seal bits on two sides were found in tampered condition etc., Accordingly the respondents have issued a notice to the appellant alleging theft of energy under Sec.135 of the Act. In the circumstances explained in the said notice the respondents have alleged theft of electricity by the appellant. However, the appellant has denied the said allegation. It appears that the appellant has paid the compound fee in respect of the offence alleged in this case. The material on record, prima-facie, establishes that the present case falls under Section 135 of the Act. Under Clause 2.37 of the Regulation, the Forum has no jurisdiction to entertain a complaint like the present one. Therefore I hold that the appellant is not entitled for any compensation as prayed by him. The Award/order of the learned Forum is not liable to be set aside. These points are decided accordingly against the appellant and in favour of the respondents.

POINT No. (iii)

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

RESULT

14. In the result, the appeal is rejected, without costs confirming the Award/Order 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 03 day of August 2023.

**Sd/
Vidyut Ombudsman**

1. Mr. Mohd. Faizuddin Irfan, H.No. 16-9-749/35/3, old Malakpet, Hyderabad - 500 036. Cell: 9440078600.
2. The Assistant Engineer/OP/Chaderghat/TSSPDCL/Hyderabad.
3. The Assistant Divisional Engineer/OP/Chanchalguda/TSSPDCL/Hyderabad.
4. The Assistant Divisional Engineer/DPE/Hyderabad South / TSSPDCL / Hyderabad.

Copy to

5. 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.