



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 Eighteenth Day of September 2018

Appeal No. 18 of 2018

Preferred against Order Dt.16.01.2018 of CGRF in

C.G.No.560/2017-18/Rajendra Nagar Circle

Between

M/s. Shrinath Rotopack Pvt.Ltd. represented by Sri, A. Narender Babu, Director
Plot No. 35D,IDA, Kattedan, Hyderabad - 500 077.

Cell: 8886602137, 9705588773.

... Appellant

AND

1. The ADE/OP/Mamidipally/TSSPDCL/Hyderabad.
2. The SAO/OP/Rajendra Nagar Circle/TSSPDCL/Hyderabad.
3. The SE/OP/Rajendra Nagar Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 15.03.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 23.08.2018 at Hyderabad in the presence of Sri. N.K.Rathi - Advocate - on behalf of the Appellant Company and Sri. G. Lokeshwariah - SAO/OP/Rajendranagar 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 in CG No. 560/2017-18 dt.16.01.2018 on the file of CGRF Greater Hyderabad Area.

2. The averments made in the Appeal are as follows:

The Appellant i.e stated M//s. Shrinath Rotopack Pvt. Ltd. stated that they have obtained the service number RRS 1160 for their firm and that in view of the penalty imposed by the Respondents apart from imposing late payment charges and surcharge levied on the penalty they have filed a complaint before the CGRF vide CG No.

560/2017-18 seeking to set aside the said order, but the Hon'ble CGRF failed to appreciate the same and dismissed their complaint. Hence aggrieved by the same the present Appeal is filed on the following grounds.

The Appellant contended

- a. That they have not violated or committed any offense to attract the penalty as imposed by the Respondents.
- b. That the undertaking is for not drawing power/energy in excess of power/energy contracted through Open Access during power holiday. That they have not participated in the Open Access during the disputed period of the billing dates and not drawn excess energy to attract the penalty.
- c. That the Respondents has failed to inform the implementation of the power holiday. There was no intimation on the power holiday to the Appellant and the question of levying penalty from April, 2014 to August, 2014 does not arise.
- d. That the TSSPDCL imposed penalty on wednesday power consumption in the month of April and May, 2015, but imposed penalty in the month of July and August on Saturday 06.00 Am to Sunday 06.00 AM.
- e. That there is no R&C period but the Appellant received the final settlement bills from April, 2014 to July, 2014 to pay an amount of Rs 25,00,000/- which is 5 times of normal tariff.
- f. That on 24th Oct'2014, the Appellant made a representation before the SAO/RR South stating that they have not participated in the Open Access for the month April 2014 (03/14-04/14).
- g. The Respondents imposed heavy charges for July, 2014 (06/14 -07/14) whereas the No objection Certificate was received on 18.07.2015 and requested the concerned authority to look into the matters and revise the bills but for the reasons just known to them the matter was lingering
- h. That the department is levying late payment charges in regular CC bills by imposing the late payment charges on arrears but the Appellant is paying the exact monthly consumption amount without fail. All of a sudden on one fine day the Operation team forcefully entered the premises and threatened for

disconnection. That on the threat of disconnection of power supply the Appellant they had paid part of the amount which is liable to be refunded along with the interest.

i. That vide Lr.No.SE(SP) DE(LMRC)/F.304/13-14, Dt. 07.03.2014, Open Access was allowed only for the industries on dedicated feeders and not for the customers who are on express feeders and mixed feeders. Further added that a penalty will be levied where there is an excess consumption of power exceeding power consumed in the open access. That it was held that the Appellant has not at all participated in the Open Access on the following dates:

- a. From 26.03.2014 6 Am to 27.03.2014 6 am
- b. From 28.06.2014 6 am to 29.06.2014 6 am
- c. From 05.07.2014 6 am to 06.07.2014 6 am
- d. From 12.07.2014 6 am to 13.07.2014 6 am

j. That as per the memo No. CMD(CGM/O&M)SE(Spl)DE(LMRC)F.R&C/D.No.297/13-14 dt.01.03.14, timings have been provided for power holiday which is from mid night 12 am to next day midnight 12 am. But in the present case, the penalty levied by the Respondents for usage of power from 6 am to next day 6 am alleging to be under power holiday whereas the memo speaks of different timing of power holiday. As such the Respondent acted against the memo issued by the higher authorities and not applied his mind to their internal communication as such they acted very negligently and penalised the Appellant. Further the Appellant received a memo wherein the power holiday day was revised to wednesday but the lower authorities have implemented on saturday from 27.06.2014.

k. That on earlier occasion the Appellant got an intimation through fax message dt.27.11.2014 and 04.01.2016 from TS Transco in regard to power holidays. But in this case the Respondents themselves made all the communication but not taken any pain to inform the Appellant of the power holiday. That the memo was prepared on 27.06.2014 and from very next day penalty was imposed directly by the Respondents on 28.06.2014 without intimating the complainant clearly shows the negligence and playing with the consumers at large.

l. That the Appellant has relied on the awards passed by this Hon'ble Authority in Appeal No. 50 of 2016 dt.03.01.2017, Appeal No. 51 of 2016 dt.03.01.2017 and

WP No. 32906 of 2014 dt.05.11.2014 passed by Hon'ble High Court of Telangana and Andhra Pradesh which are on very same facts.

and contended that they are entitled for waiver of the penalty imposed by the Respondents along with the late payment charges and the surcharges levied on the penalty amount apart from their being entitled for damages from the damages for creating unwanted and unending litigation on the false grounds. As such prayed to set aside the orders of the CGRF in CG No. 560/2017-18.

3. The Respondents on the other hand contended:

That due to severe power shortage in the state due to increase in Rabi Crop loads, summer loads, intermittent loss of thermal generation and subsequent onset of Kharif season the licensee imposed one day power holiday in a week throughout its jurisdiction and the same was informed to all the HT consumers duly publishing the notification on 02.03.2014 in leading newspapers of the state and details of the newspapers are furnished hereunder:

Deccan Chronicle	02.03.2014
Andhra Jyothi	02.03.2014
Eenadu	02.03.2014
Namasthe Telangana	02.03.2014
Andhra Bhoomi	02.03.2014
Indian Express	02.03.2014
Andhra Prabha	02.03.2014
Times of India	02.03.2014
The Hindu	02.03.2014
Vaaritha	02.03.2014

That giving the intimation duly obtaining the dated acknowledgement of all HT consumers of the combined State of Andhra Pradesh and Telangana, within a short time, is not practically possible as such intimation regarding the power

holiday was given duly publishing in the newspapers. Further publishing the information in newspapers itself, is intimation to the consumer.

Moreover it is further to submit that during the power holiday the consumers who approached the licensee seeking permission to avail open access power on power holiday, considering the plea, were accorded permission for open access by obtaining and undertaking from consumers to that effect duly imposing the condition that the consumer will not draw power/ energy over and above the power purchase quantity specified while according permission on the day of power holiday.

Violations of the conditions/restrictions attracts the penalty of five times the normal tariff for excess drawal of power/energy on the power holiday. The intention of the Licensee was to see that the Open Access consumer was not put to any hardship but to maintain grid discipline and regulate supply to all the consumers. As the consumer of HT SC No. RJN1160 of M/s. Shrinath Rotopack Pvt. Ltd. is well aware of information and intimation regarding the power holidays and penalties, had gone for open access duly submitting the undertaking and the same is submitted herewith for kind perusal

4. The Respondent No.3 i.e SE/OP/Rajendra Nagar vide his Lr.No. 128 dt.05.07.2018 further stated the following:

- (a) the following disputed period of the billing dates specified in Para 9 of the Appeal.
- a. From 26.03.2014 6 Am to 27.03.2014 6 am
 - b. From 28.06.2014 6 am to 29.06.2014 6 am
 - c. From 05.07.2014 6 am to 06.07.2014 6 am
 - d. From 12.07.2014 6 am to 13.07.2014 6 am

In this regard it is further to submit that irrespective of the consumer whether he participated or not in Open Access, the penalties were levied to draw of excess power/energy over the permitted quotas during the power holiday. The consumer had drawn excess power over the specified quota during the power holidays and details are as follows:

Sl .N o.	Month	Power Holiday	Off Peak Time	Pea time	Max demand per day over PDL (Off-peak) KVA	Max demand per day over PDL(Peak KVA)	Whether participated in OA
1.	April,14	26.03.2014	06.45 -07.00	21.45-22.00	1566	1-54	No
2.	May-14	14.05.2014	11.45-12.00	--	154	---	YES
3.	July,2014	28.06.2014	11.30-11.45	20.00-20.15	1757	1554	No
4.	Aug.14	09.08.2014	06.45 -07.00	---	184	---	YES

5. The Respondent No.4 also stated that the TSSPDCL has implemented one day power holiday in a week w.e.f.03.03.2014. The operation circle, Rangareddy (South) was scheduled for power holiday on “Wednesday” during April and May,2014 vide Memo No CGM (CGM/O&M)SE(Spl)/DE(LMRD)/F.R&C/D.No.297/13-14, dt.01.03.2014. From June,2014 onwards the power holiday has been scheduled to “Saturday” vide Memo No. CGM(CGM)O&M)SE(Spl.)/DE(LMRD)F.30/D.No.43/14-15 dt.27.06.2014 and same was communicated/intimated to the consumers and published in newspapers on 27.06.2014.

6. He further contended on behalf of the Respondents that levying the penalties for drawal of excess power over the specified quota during power holiday bills were sent But the consumer misunderstood that they are R&C bills. Due to shortage of power, one day power holiday to Industries sector was implemented w.e.f.03.03.2014 onwards. On power holiday all the industrial consumers should not avail power supply except 10% of CMD from 18.00 Hrs to next day of 06.00 hrs or limited to the OA power whichever is higher. For the months of April,2014, May,2014, July,2014 and August,2014 the Appellant violated the allowed quota and drawn the excess power during power holiday as such penalties to the extent of Rs 24,60,972/- were levied by revising the bills and communicated to the Appellant vide Lr.No.SE/OP/RRC(S)/SAO/JAO/HT/D.No.448 dt.15.10.2014.

That the consumer has participated in Open Access during April,2014 on 02.04.2014, 03.04.14, 09.04.14,10.09.14 & 17.04.14.

7. He also stated that No Objection Certificate (NOC) is only for going to Open Access which does not mean to draw excess power during power holiday. It is to further submit that irrespective of the consumer whether he participated or not in

OA, the penalties were levied due to drawl of excess power/energy over than the permitted quota during the power holiday on 28.06.2014 (July,14 billing period from 21.06.2014 to 20.07.2014). And revising the bills of April,14, May,14, July,14 and August,14 with reference to drawl of excess power on power holiday arrived at penal amount of Rs 25,40,155/- and communicated to the consumer vide Lr.No.SE/OP/RRC(S)/SAO/JAO/HT/D.No.448 dt.15.10.2014. But the consumer has not paid. As such applicable surcharge is being levied in CC bills.

8. He further contended that as per the Memo dt.01.03.2014 as discussed at Para 7 the one day power holiday per week was implemented to the Industrial sector, which covers all the feeder Viz., Common, Mixed, Dedicated and Express. It is true that during the power holiday Open Access is allowed only for Dedicator feeder and not for Express Feeder vide Lr.No. SE(Spl)/DE(LMRC)/F.No.30/D.No.304/13-14 dt.07.03.2014. In this regard it is not out of place to submit that irrespective of the consumers whether participated in Open Access or not and irrespective feeder whether on dedicated or not, penalties were levied for drawing the excess power over the specified quota. As the consumer has drawn excess power on 26.03.2014, 14.05.2014 & 09.08.2014 penalties were levied and that That in the Memo.No.CMD(CGM)O&M/SE(Spl)/DE(LMRC)/F.R&C/D.No.297/13-14, dt.01.03.2014 the power holidays were implemented w.e.f. 03.03.2014 onwards (Monday/00.00Hrs) as per the circle wise plan. The power holiday time was amended vide Memo dt. 06.03.2014 a from 06.00 AM to next day 06.00 AM and same was communicated/intimated to the consumers. Moreover, the consumer exceeded the Power Holiday quota in between 06.00 AM to 22.00 Hrs, which will not make any difference in this case and further that the Appellant was aware of power holidays during the month of March,2014 itself, which can be ascertained by his undertaking produced to participate in Open Access. It is also to submit that within no time the field officers have intimated to all the HT Consumer regarding the implementation of one day power holiday from time to time to maintain the grid discipline. Hence contended that as the Appellant violated the power holiday quotas he is liable to pay the penalties levied in the CC bills from April,2014 to July,2014 as claimed by them.

9. The said averments by both sides go to show that the Appellant herein pleaded certain reliefs which are not pleaded by him before the CGRF. Hence the pleading of the Appellant with regarding to the payment of damages for creating unwanted and

unending litigations on false allegation, which is not prayed before the CGRF is herewith rejected by this Office.

Hence in the said circumstances on the basis of the averments by both sides the following issues are settled:

Issues

1. Whether the Appellant is entitled for the waiver of the penalty imposed by the Respondents along with the late payment charges and the surcharges levied on the penalty amount?
2. To what relief?

Issue No.1.

11. The averments on both sides go to show that in view of the shortage of power in the State TSSPDCL imposed one day power holiday in a week throughout its jurisdiction to the industrial sector vide Memo No. CMD/CGM/O&M/SE(Spl)/DE(LMRC)/F.R&C/D.No.297/13-14 Dt.01.03.2014 in order to cope up with the increased in Rabi crop load, summer loads, intermittent loss of thermal generation and to bridge the average 1200 megawatt shortfall in addition to the ongoing domestic sector load reliefs and intimated the same to all the consumers by way of publishing the imposition of one day power holiday in the leading newspapers of the state such as Deccan Chronicle, Andhra Jyothi, Eenadu, Hindu, Times of India etc. on 02.03.2014. The power holidays were imposed from 03.03.2014 under the above publication. Initially the starting of the power holiday as per the schedule was 00.00 Hrs, later the said timings were amended vide Lr.No. SE(Spl)/DE(LMRC)/F.30/D.No. 302/13-14 dt.06.03.2014 with a permission for lighting of the load upto 10% of the CMD for the 33 KV, 132 KV and 220 KV industrial dedicated/ express feeders from 18.00 Hrs to the next day till 06.00 Hrs during the power holiday. The said averments further show that a memo vide CGM(Comml&RAC)/SE(IPC)/F.OA/D.No.6703/14 dt.12.03.2014 was issued with instructions permitting open access on mixed feeders along with dedicated and express feeders upto 33 KV level, subject to an understanding of certain conditions. Thereby an option was given to the consumers to avail supply uninterruptedly to avoid the loss of production during the power holidays. The Appellant who is the HT consumer with SC No. RRS-1160 with CMD 2000 KVA, fell under the schedule of one day power holiday on wednesday of the week. The

Appellant also availed the given opportunity for drawing the power through Open Access by giving an undertaking through a notary on 13.03.2014 and the contents of the said undertaking is as follows:

“Undertaking by Dedicated Feeder OA Consumer for not drawing power/energy in excess of power/energy contracted through OA during power holiday”.

I, Sri. Narender Babu, Commercial Manager of HT SC No.RRS1160 I.e. M/s. Shrinath Rotopack Pvt. Ltd. do hereby undertake that I shall not draw power/energy in excess of power/energy contracted through OA during the period of power holiday declared for my dedicated feeder. In case, I draw power/energy in excess of power/energy contracted through OA during power holiday for my feeder, notwithstanding any power tariff fixed by APERC for my connection, DISCOM can bill such excess power/energy at five times the tariff applicable for my connection.

We further hereby undertake that we will not claims any compensation in case of energy failure during the period of power purchased from exchange under following conditions:

- 1. Incoming supply failure to 132 KV EHV substation of said mixed feeder.*
- 2. 33 KV feeder breakdowns(or) any system emergency occurs (or) emergency LRs given to our feeder to EHV or to EHV substation.*
- 3. If LRs are in force due to available of domestic services on mixed feeder.*
- 4. If LRs are revised due to grid conditions.*

12. It has also come on record that the duration of the power holidays were revised from June,2014 scheduling the power holiday was Saturday of a week vide Memo No.CGM(CGM/O&M)/SE(Spl)/DE(LMRC)/F.30/D.No.43/14-15 dt.27.06.2014 and the same was also communicated to the consumers through publication in the News Papers on 27.06.2014 and at that stage the Appellant again entered into an undertaking on 04.07.2014 on the same terms and conditions as was done by him

on 13.03.2014 but in the name of Sri. Sunil Kumar Rathi who is the Director of M/s. Shrinath Rotopack Pvt. Ltd.

13. Hence in view of the said publications regarding the power holidays and the permissions for Open Access and the undertakings given by the Appellant, the Respondents issued a letter vide Lr.No. SE/OP/PRC(S)/SAO/JAO/HTD.No.448 dt.15.10.2014 with month wise HT revised CC bills as per the Open Access final settlement after the completion of the restricted period of power supply as shown below:

Sl.No.	Month	Already Issued	To be issued	Difference
1.	April,2014	5392732	5992146	599414
2.	May,2014	5955218	5997452	42333
3.	July,2014	6876584	8772899	1896315
4.	August,2014	6026495	6028587	2092
Total		24250929	26791083	2540155

and requested the Appellant to pay the balance amount of Rs 25,40,155/- towards the revised CC bills within 15 days with information that if the same amount is not paid within 15 days they are liable for disconnection of power supply to their service connection without any further notice.

14. The Appellant on the other hand contended that they are not liable to pay the said revised bills as demanded under the notice by the Respondents as they have been penalised even for the days they have not taken supply under the Open Access, they also contended that their undertaking accepting the condition of paying 5 times the normal charges for drawing excess power was only under Open Access. They further contended that they were not informed or intimated in any form with regarding to the scheduled power holiday and levying of penalty on power holidays, as such claimed that levying of penalty was unjustified. The Respondents on the other hand contended that whether a consumer participates in the Open Access or not the penalties were levied on the basis of excess power/ energy consumption over the permitted quota during the power holiday.

15. This office is of the view that admittedly the basis for availing Open Access by the consumers is an option to cover the shortfall of the power during the power holiday imposed by the Respondents. A perusal of the headings of the undertaking letters of the Appellant clearly shows that it mentions that “ **Undertaking of dedicated feeder OA consumer for not drawing power/energy in excess power/energy contracted through OA during power holiday**”. The record further shows that on 12.03.2014 as soon as CGM/Comml & RAC accorded approval permitting Open Access to the consumers in view of the power holidays, the Appellant availed the opportunity of the said approval on the very next day by giving an undertaking dt.13.03.2014 as such the same shows that the Appellant is aware of the situations and availed the Open Access power supply and thus the same goes to show that the Appellant is falsely claiming that he is not aware of the power holidays. Even the publications filed by the Respondents clearly show that the Appellant is aware of the declaration of the power holidays by the Respondents and yet he is claiming to be ignorant.

16. Section 23 of the Electricity Act,2003 and Clause 16 of GTCS clearly empowers the Licensee to regulate, restrict, supply and distribute the power supplied to the consumers as per the requirement under the situation, if and when it is found that the power supply requires to be regulated.

17. Admittedly the evidence on record shows that the declaration of power supply holiday in the week and the Open Access system as declared by the Respondents is in response to the increase in demand for the power supply due to Rabi crop loads, summer loads, intermittent loss of thermal generation and to bridge the average 1200 Megawatt shortfall in addition to the ongoing domestic sector reliefs and the same has also been intimated to the consumers including the Appellant herein by way of publication in the news papers. The fact that the Appellant has given letters of undertaking also supports the same. The said facts further support that the Appellant in spite of utilising the excess power supply on the power holidays declared by the Respondents with complete knowledge of the fact of publication in the newspaper is wantonly denying the knowledge of power holiday and hence cannot now claim for waiver of the charges levied on him along with penalty and surcharge.

18. There is no material on record to show that the restriction imposed and published by the DISCOM has ever been questioned during the time of the

implementation of the order by the consumer. After expiry of the period of restrictions, if the step is questioned, then there would be nothing to decide especially after the major newspapers published the press note and the ERC had not intervened to exercise its power under S.23 of the Electricity Act 2003 which is also a circumstance to negative the contention of the Appellant that the ERC had not issued the orders for restriction of power supply. Hence having availed the excess power supply during the power holidays, knowing the conditions imposed thereto the Appellant cannot claim ignorance of the said conditions and raise the same only after the bill is issued, as such the same is not tenable.

19. Now the question remains to be answered is whether the Appellant is liable to be penalised 5 times the normal charges applicable, over the excess drawal of power during the power holidays. The Appellant held that he is not liable to pay the penal charges of 5 times the normal charges and relied on the judgements given by this authority in Appeal No. 49 of 2016 dt. 18.01.2017, Appeal No. 50 of 2016 dt.23.01.2017, Appeal No. 51 of 2016 dt.23.01.2017 and the order of the Hon'ble High Court of Telangana and Andhra Pradesh in WP No. 32906 of 2014 dt.05.11.2014.

20. The Hon'ble High Court for the State of Telangana and Andhra Pradesh while disposing the WP No. 32906 of 2014 Dt 5.11.2014 (K. Mahender Vs TSSPDCL & Others) given the following directions over levying higher tariff to an extent of 3 times the regular tariff for the consumers who availed service connection in lieu of not producing Occupancy Certificate (mandatory under section 455 of the GHMC Act, 1955) without statutory approval from the Regulatory Commission

In my opinion, so long as Respondent No.1, who is a Licensee under the provisions of the Electricity Act,2003, does not amend its supply regulations/conditions in tune with the Government policy qua levy and collections of tariff higher than that prescribed under its Regulations, such levy cannot be legally sustained. Being a licensee, it cannot charge its consumers higher tariff than what is prescribed by the tariff regulations, approved by the Regulatory Commission.

From the above judgement of the Hon'ble High Court, it is clear that the DISCOM, under the provisions of the Electricity Act,2003, is not entitled to collect higher tariff than that is prescribed under its regulations and levy five times penalty,

without statutory support/ approval from the Regulatory Commission. The mutual agreement between the parties does not hold good and lacks statutory support.

21. The Vidyut Ombudsman in the judgements given in the Appeal Nos. 49,50 & 51 of 2016 of similar cases observed the following :

“Keeping in view of the fact that the Appellant had the liberty to avail as much power required from the exchange through the Open Access, if it indeed needed such excess power for their industrial production, which is not availed fully, but resorted to excess drawal of power from the DISCOM during power off days, it is found that the Appellant has to bear the penalty for overdrawal of power sans mutual agreement”.

“When there was power holiday on, the power was overdrawn during Open Access consumption, the Appellant is liable only to pay additional charges on excess energy/demand drawn over the sanctioned Open Access energy/demand at the prescribed rates mentioned as per Clause 6(8), part ‘B’ of HT supply general conditions of the Tariff Orders 2013-14”.

22. The Clause 6(8), part ‘B’ of HT supply general conditions of the Tariff Orders 2013-14 is reproduced here under:-

RMD OVER CMD	Demand charges in Excess demand	Energy charges on full energy
<i>100 to 120 %</i>	<i>2 times of normal charge</i>	<i>Normal</i>
<i>Above 120% and upto 200%</i>	<i>2 times of normal charge</i>	<i>1.15 times of normal charge</i>
<i>More than 200%</i>	<i>2 times of normal charge</i>	<i>1.20 times of normal charge</i>

It is relevant to quote the orders of the ERC towards restriction and control measures vide proceeding No. APERC/Secy/13/2012-13 dt.07.09.2012 wherein due to high quantum of energy deficit and considering the grid disturbances and northern, eastern and north eastern region on 31.07.2012, the Commission was of the view that it is essential to permit the restriction on usage of by consumers in order to protect the grid from such grid failures and to maintain discipline among

various consumers, the commission passed R&C measures, implemented from 09/2012 to 31.03.2013.

23. Further for strict implementation of these R&C measures the Commission imposed penal charges for non compliance of R&C measures and to maintain grid discipline and equitable distribution of available power among different consumer categories, the penal charges in general prescribed in the Tariff Orders towards additional charges on excess energy/demand drawn over the sanctioned demand as given above at Clause 6(8), part 'B' of HT supply general conditions of the Tariff Orders 2013-14 was replaced with 5 times the normal charges consumed during the peak time 3 times the normal charges during the off peak time.

24. Here in this case in view of lack of statutory support/approval from the regulatory commission over levy of 5 times penalty, the Respondents are not entitled to collect such higher tariff than that is prescribed in the Tariff Orders. Resorting to excess drawal of power form the DISCOM during power holidays the Appellant has to bear the penalty for over drawal of power sans mutual agreement and the Appellant is liable to pay only additional charges on the excess energy/demand drawn over the prescribed quota as per the rates applicable at Clause 6(8), part 'B' of HT supply general conditions of the Tariff Orders 2013-14 only.

Issue No.2

25. Hence, in the result the Appeal is partially allowed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 18th day of September, 2018.

Sd/-

Vidyut Ombudsman

1. M/s. Shrinath Rotopack Pvt.Ltd. represented by Sri, A. Narender Babu, Director, Plot No. 35D,IDA, Kattedan, Hyderabad - 500 077.
Cell: 8886602137, 9705588773.

2. The ADE/OP/Mamidipally/TSSPDCL/Hyderabad.
3. The SAO/OP/Rajendra Nagar Circle/TSSPDCL/Hyderabad.
4. The SE/OP/Rajendra Nagar Circle/TSSPDCL/Hyderabad.

Copy to :

5. The Chairperson, CGRF - II, TSSPDCL, GTS Colony, Vengal Rao Nagar,
Erragadda, Hyderabad.
6. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.