



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

THURSDAY THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 18 of 2021-22

Between

M/s. Sree Astalaxmi Spinning Mills, Light Industrial Area, Adilabad District and Mandal - 504001, represented by its Director and authorised representative Mr. Vikrant Kumar Khetan, Cell 9248093298, 08732-233384.**Appellant**

AND

1. The Divisional Engineer / Operation / Adilabad - 9440811672.
2. The Senior Accounts Officer / Circle Office / Adilabad - 9440811726.
3. The Superintending Engineer / Operation / TSNPDCL/Adilabad - 9440811670.
4. The General Manager / Revenue / TSNPDCL / Warangal - 9440811247.
5. The Chief General Manager / Expenditure / TSNPDCL / Warangal-9440811218. **Respondents**

This appeal is coming on before me for final hearing on 24.08.2022 in the presence of Sri Vikrant Kumar Khetan, representative of the appellant and Sri K. Prathap - AAO/HT/CO/Adilabad representing the other respondents also 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 - Nizamabad, (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short

'TSNPDCL') in C.G.No.319/2020 dated 16.08.2021.

CASE OF THE APPELLANT

2. The case of the appellant is that the appellant is having H.T.Service Connection No. ADB-167. The appellant paid FSA charges and 18% surcharge. The appellant is not liable to pay 8% p.a. additional interest claimed by the respondents. Therefore, it is prayed to direct the respondents to withdraw the said additional interest of 8% p.a.

CASE OF THE RESPONDENTS

3. In the written submissions of respondent No.3, it is, inter-alia, submitted that the Licensee has every right to demand the additional interest @ 8% p.a. as per the judgement of the Hon'ble Supreme Court.

AWARD OF THE FORUM

4. After hearing both sides and after considering the material on record, the learned Forum has rejected the complaint under Clause 2.37 of Regulation 3 of 2015 (in short 'the Regulation') mainly on the ground that the Hon'ble Supreme Court already passed final order in the subject matter involved in this case.

GROUNDINGS OF THE APPEAL

5. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the Forum has not considered the material placed before it properly.

6. In the grounds of the appeal it is submitted by the Southern Power Distribution Company Limited has already withdrawn 8% p.a. of additional interest on FSA.

7. Heard both sides.

POINTS

8. The points that arise for consideration are:-

- i) Whether the appeal is maintainable in view of the Clause 2.37 of the Regulation?
- ii) Whether the Award passed by the learned Forum is liable to be set aside? and
- iii) To what relief.

SETTLEMENT BY MUTUAL AGREEMENT

9. Both the parties have appeared before this authority on 24.08.2022. 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

10. 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.

POINTS (i) and (ii)

11. In this appeal both the parties have submitted that W.P.No.17603 of 2021 filed by the appellant against the respondent - Licensee is pending. Now it is necessary to refer to Clause 2.37 of of the Regulation which reads as under:-

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

a) Where proceedings in respect of the same matter or issue between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority as the case may be;”

xxxxx

12. As already stated, it is not disputed about the pendency of W.P.No.17063 of 2021 filed by the appellant against the respondents, touching almost the same subject. Thus when once a Writ Petition is pending, between the parties touching the same subject, in view of Clause 2.37 of the Regulation, the Forum has no jurisdiction to entertain the complaint. Like-wise this authority

is also not having any jurisdiction to entertain the appeal. Therefore, I hold that the appeal is not maintainable and the Award passed by the 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 passed by the 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 this the 8th day of September 2022.

Sd/-

Vidyut Ombudsman

1. M/s. Sree Astalaxmi Spinning Mills, Light Industrial Area, Adilabad District and Mandal - 504001. Cell 9248093298, 08732-233384.
2. The Divisional Engineer / Operation / Adilabad - 9440811672.
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5. The General Manager / Revenue / TSNPDCL / Warangal - 9440811247.
6. The Chief General Manager / Expenditure / TSNPDCL /
Warangal-9440811218

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum - Nizamabad,
TSNPDCL, Nizamabad.

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