



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

Monday the Ninth Day of December 2019

Appeal No. 19 of 2019-20

Preferred against Order dt:31.07.2019 of CGRF in
CG No.332/2019-20 of Rajendra Nagar Circle

Between

M/s. Salasar Iron Steel Pvt.Ltd., represented by its Director Sri. Vinod Kumar
Agarwal, Flat No. 101, 1st Floor, Satya Sarovar Complex, High Court Road,
Hyderabad - 500 002. Cell: 9393312319, 7036205211.

... Appellant

AND

1. The ADE/OP/Shadnagar/TSSPDCL/RR Dist.
2. The DE/OP/Shadnagar/TSSPDCL/RR Dist.
3. The SAO/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.
4. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.

... Respondents

The above appeal filed on 13.08.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 22.11.2019 at Hyderabad in the presence of Kum. Nishtha - On behalf of the Appellant Company and Sri. P. Raja Ram Reddy - DE/OP/Shadnagar, Sri.B. Sanjeeva Reddy - DE/OP/Mahabubnagar and Sri. B. Murali Krishna - SE/OP/Rajendra Nagar Circle for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal filed against the orders of CGRF/Rajendranagar Circle in CG No.332/2019-20 dt. 31.07.2019.

2. The Appellant stated that he has filed a complaint before the CGRF vide CG No.332/2019-20 seeking for shifting of dedicated service line of the Appellant

from Shadnagar Sub Station to Srirangapur Sub Station duly collecting the necessary charges as per Clause 5.3.4 of GTCS and also to refund the balance amount paid by his Company along with applicable interest and the learned CGRF allowed the said complaint partly by directing the Appellant to pay the balance of the remaining 10% of estimated charges (old estimate and revised estimate) towards supervision charges for shifting of its dedicated service line from Shadnagar Sub station to Srirangapur sub station and execute the work within 3 months from the date of release of work order and file a report before R2, failing which, the grievance complaint filed by the Consumer dt.27.06.2019 stand to be rejected, as such aggrieved by the said order the present Appeal is filed.

3. The Appellant filed the present Appeal stating that the Appellant is a company registered under the Companies Act under name style of M/s. Salasar Iron and Steel Private Limited and having a HT consumer bearing no HT No.RJN 1957 with contracted Maximum Demand of 9990 KVA for supply of energy and demand from the respondents.

That the appellant filed the CG.No.332/2019-20/Rajendra nagar circle with prayer to shift the dedicated service line of the appellant from Shadnagar Sub Station to Srirangapur SubStation.

That the respondents No 2 and 3 appeared before Hon'ble CGRF II at the time of hearing. During the hearing the respondents No 2 and 3 did not raise any objection contained in Lr No. DEE/OP/SHADNAGAR/TECH/D.NO 365/19 dated 8.7.2019 nor given a copy to the appellant. Even though the same is recorded in the award. However, the Appellant has received on 12.7.2019 the letter no DEE/OP/SHADNAGAR/TECH/D.NO 365/19 dated 8.7.2019. The appellant vide its Lr No. dated 24.7.2019 addressed to CMD, TSSPDCL replied for the said letter along with a copy to respondents No. 2 and 4.

That the CGRF has passed the award dated 31.7.2019 of CG. No 332/2019-20/Rajendra Nagar circle directing the appellant to pay the 10 % supervision charges pertaining to dedicated service line synchronised from Shadnagar Substation to the premises of the appellant in the year 2016 and the same is not relevant in the present shifting of dedicated service line from shadnagar sub station to srirangapuram substation. Further directed to execute the work by the appellant within 3 months in spite of the respondents have collected on 19.1.2017 the required

shifting charges of Rs . 27,14,624/- for the shifting of the saildline as per their final estimate.

The CGRF has not considered the following facts before passing the award:

The Respondents No. 4 vide its Lr No SE/OP/MBNR/COMML-II/D.No 1581/2017 dated 18.1.2017 addressed to the appellant informed to make the payment of Rs. 27,14,624 as incidental charges for shifting of dedicated service line from Shadnagar to Srirangapur Sub Station for which the following works are involved:-

- I. Erection of 200/1A 33 KV CTs in place of existing 100/1A CTs.
- II. of 33KV line over 9.1 mts PSCC poles with 100 sq mm conductor with a span of 50mts.
- III. Erection of 3.9 KM 33 KV bay and breaker at 132/33 KV SS.
- IV. Effecting Addl. CMD 1500 KVA without changing connected load, over existing CMD of 4990 KVA with CL 6700 HP making total CMD of 6490 KVA with a total connection load of 6700 HP under HT cat-I at 33 KV level.

The appellant has paid Rs.27,14,624/- vide PR No 51502031706 dated 22.4.2016 of Rs 6,476/- and 51502031706 dated 19.1.2017 of Rs 27,08,148/- for shifting of dedicated service line from Shadnagar Sub Station to Srirangapur Substation.

The Respondent No. 4 vide Lr.No. SE/OP/MBNR/COMML-II/D.NO 2162/16 dated 24.3.2016 estimated the cost of service line of Rs 15,17,392/- for providing dedicated service line from Shadnagar Sub Station and collected the 10% supervision charges of Rs 1,82,073/- vide Lr dated 7.4.2016 and said service line also synchronized in April, 2016 only. Hence, claim of any 10% supervision charges of said work at this junction is not correct and illegal. Please note that the expenditure of said dedicated service line was incurred by the appellant only.

In the above works the cost of bay breaker is included at SI.No.c.

Apart from the non consideration of the above stated facts the CGRF recorded the deposition of Respondent No.2 which is not at all relevant to shifting of present dedicated service line from shad nagar sub station to Srirangapur Substation.

Raising of any query by Respondent Nos. 2 &3 of any others old matter which are already completed in all respect by collecting all required monies before completion of works by the respondents from the appellant in the present issue of the shifting of dedicated service line from shad nagar sub station to srirangapur substation is not correct and not maintainable more specifically when the respondents have collected Rs. 27,14,624/- from the appellant as per their revised final collected Rs final estimate on 19.1.2017 i.e 2 years and 7 months ago and put the Appellant into huge final losses due to lot of interruptions etc in past 2 years 7 months.

In view of the above said facts the appellant pray to this Hon'ble Vidyut Ombudsman for the state of telangana may be pleased to allow the present appeal directing the respondents:

UNDER SUB CLAUSE 3.35 OF REGULATION 3 OF 2015:

1. To set aside the CGRF order dated 31.7.2019 passed in C.G.No 332/2019-20/Rajendra Nagar circle.
2. To shift the dedicated service line of the appellant service No RJN 1957 from Shadnagar Sub Station to Srirangapur Substation by the Respondents 1 to 4 duly collecting the charges as prescribed in clause 5.3.4 of GTCS from the payment of Rs 27,08,148 already collected by them and refund the balance amount; and.
3. Any other order or orders as amy deem fit and proper by the Hon'ble vidyut Ombudsman for the state of telangana under the circumstances of the case and in the interest of justice and fair play.

4. Reply by DEE/OP/TSSPDCL/SHADNAGAR:-

That the Shadnagar Division was formed on 14.4.2017 and detailed report of HT Sc.No RJN-1957 of M/s Salasar Iron & steel Pvt Ltd sy.No 417, Mogiligidda(v) Farooqnagar(M) Rangareddy Dist submitted as below.

Previously 2 Nos 33 KV feeders are emanating from 220/132/33 KVSS Shadnagar 1 No dedicated feeders to M/s Scan Energy & others is 33 KV Mogiligidda

mixed feeders to feed to Salasar (MBN-809-2500KVA,1800-4990KVA)& 33/11KV Mogiligidda SS.

After charging the 132/33 KVSS Srirangapur 1No. estimate prepared to make double feeding to Mogiligidda SS under 9 hours supply and erect 1 KM line as Double circuit to connect the existing 33 KV dedicated scan feeder feeder from 132/33 KV Srirangapur SS to scan energy & the others one to provide regular supply to Mogiligidda SS, work completed and charged 33KV regular supply to Mogiligidda SS. And estimate was prepared to M/s Salasar Iron & steel Pvt .Ltd for tapping of existing 33KV scan feeder from 220/132/33 KVSS Shadnagar by erecting 2.0.KM 33KV line vide reference Lr.No.SE/OP/MBNR/COMI-II/D.NO.2162/2016 Dated 24.03.2016 WBS No y-2015-03 03-22-01-018. And the consumer had paid Rs 1,82,073/- towards fro partial turnkey vide DD.No.009106 Dt.07.04.2016 and work was executed and salasar industries feeding changed from mogiligidda feeder to scan energy feeder from 220/132/33 Kv shadnagar SS.

SC.No RJN 1957 of M/s Salasar Iron & steel Pvt Ltd had applied for Addl.Load Of 1500 KVA without change load over existing CMD of 4990KVA with connected load 6700HP making total load of 6490KVA with connected load of 6700HP on scan feeder which is emanating from 220/132/33KVSS Shadnagar vide reference memo.No.SE/OP/MBNR/ComI/D.no 47/2016 DATE 21.04.2016 WBS No E-2016-03-03-22-05-001 consumer paid Rs. 40,56,476/- (Incidental charges Rs.6476/- (DD.No 009118), development charges Rs 22,50,000/- (DD.No.009116) with closed PCB No 515146081 Dt 25.04.2016. But additional load was not released as the consumer has to erect dedicated feeder for loads more than 5000KVA as per GTCS.

CE/Rural/TSTRANSCO has given feasibility for release of additional load on Sc.No.MBN-1088(RJN 1957) under HT Cat-I at 33 KV level with and existing CMD of 4900KVA(6700HP) for release of Additional CMD 1500KVA making total CMD of 6490KVA (6700HP) at Sy.no /417/B Mogiligidda (V) Saroornagar (M) by executing 33KV dedicated feeder from 132/33Kv srirangapur by erecting 33KV VCB & related accessories vide Lr.NO CE/RZ/HYD/DE-T/ADE/O&M/AE-I/F/D.NO 1824 dt 17.9.2016.Accordingly demand notice issued to consumer to pay Rs 3,21,535/- to SE/OMC/TS transco/MBNR for 10 % estimate cost on bay extension charges at 132/33kvSS srirangapur towards supervision charges.Consumer was not paid Rs.3,21,535.30/- and work also not executed.

A revised estimate for extension of supply to M/s Salasar Iron & Steel Pvt Ltd Unit -!! MBN1088 SY. No.417/Bt Mogiligidda (V) Farooqnagar (M) releasing of addl.CMD 1500KVA without changing connected load over existing CMD of 4990KVA with connected load 6700HP making total CMD of 6490KVA with total connected load 6700HP under HT Cat-I at 33KV level under capital works of operation Division Jadcherla duly providing dedicated feeder from 132/33KVSS Srirangapur Sanctioned vide WBS No.E.2016-03-22-05-001 and vide Memo No.SE/OP/MBNR/Comml-I!!/D.No. 1580/2017 Dated :18-01-2017. Accordingly consumer had paid balance incident charges Rs.27,08,148/- vide DD.No. 009350 Date :19.01.2017. And PCB No.515146017 Date 21.01.2017. But the provision Engineers work not executed.

Release order was given by CGM/Commercial vide memo.No.CGM(C)SE(C)DE(C)/ADE-I!!/D.No3709/16-17 Dt:07.02.2017 for release of addl. CMD of 1500KVA without changing the connected load over existing CMD of 4990KVA with a connected load of 6700HP making total CMD of 6490KVA with connected load of 6700HP under HT Cat-I At 33KV level

But addl.load was released on 13.02.2017 for 13.02.2017 for Sc. No. MBN1088 4900 kv to 6490 KVA without executing the dedicated feeder from 132/33 KV Sri Rangapur SS as per the sanction estimate but released on existing scan feeder from 220/132/33 KV SS (Before formation of New Shadnagar Division).

Now the consumer is insisting for dedicated feeder from 132/33 KV SS Srirangapur but consumer not paid Rs 3,21,535.30/- to SE/OMC/TS Transco/Mahabubnagar for 10% of the estimate cost for Bay extension charges at 132/33 KV SS Srirangapur hence work not executed.

At present Road from Shadnagar to Pargi was widened and also raised at some parts. Execution of 33 KV line from Srirangapur to Salasar on 9.1 Mts PSCC Poles cannot be executed due to ground clearance and right of way problems.

As per GTCS Clause 3.2.2.2: HT Consumers intending to avail supply through independent feeder from 132 KV/33 KV Sub station consumer shall pay full cost of the service line as per standards specified by Company including take off arrangements at SubStation.

But in the above case M/s. Salasar Iron and Steel Pvt. Ltd has paid service line charges only for 2 KM, but service was released on 13.02.2017 Before formation of

Shadnagar Division) without collecting the service line charges for a distance of 11KM from 220/132/33 KV Shadnagar sub station and also not collected 33V Bay extension, Breaker charges, take off arrangements at 220/132/33 KV Shadnagar Sub Station which is against the GTCS and also Tariff Order.

If M/s. Salasar Iron and Steel Pvt. Ltd wanted dedicated feeder from 132/33 KV Srirangapur Sub Station, the estimate already prepared for new line from 132/33 KV Srirangapur SS to consumer premises on 9.1 Mts PSCC poles is to be revised with 11 Mts PSCC Poles/Towers (wherever necessary) and consumer has to execute the 33 KV line from Srirangapur SS to consumer premises and also he has to execute the Bay extension work with breaker arrangements at 132/33 KV SS Srirangapur Sub Station duly paying 10% supervision charges Rs 3,21,535.30/- in favour of SE/OMC/TS TRansco/Mahabubnagar (which was not paid earlier as per the intimation given by DE/OP/Jadcherla vide D.No.1992/2016 Dt.26.10.2016).

Accordingly CGRF vide CG No.332/2019-20 dt.31.07.2019 given order stating that :the consumer company is hereby directed to pay the balance of the remaining 10% of Estimated Charges (old estimate and revised estimate) towards supervision charges for shifting of its dedicated service line from Shadnagar Sub Station to Srirangapur Sub Station towards supervision charges and execute the work within 3 months from the date of release of work order and file a report before R2. Failing which, the grievance complaint filed by the consumer 27.06.2019 shall stand to be rejected.

The applicant has approached vidyut ombudsman on appeal vide no 19 of 19-20 has stated in page no 3 that vide Lr.No.SE/OP/MBNR/Comml-II/D.No.1581/2017 Dt:18.01.2017 the following works are involved.

- I. Erection of 200/1A 33 KV CTs in place of existing 100/1A CTs.
- II. Erection of 3.9 KM 33KV line over 9.1 mts PSCC poles with 100 sq mm conductor with a span of 50mts.
- III. Erection of 33 KV bay and breaker at 132/33 KV SS.
- IV. Addl. CMD 1500 KVA without changing connected load, over existing CMD of 4990 KVA with CL 6700 HP making total CMD of 6490 KVA with a total connection load of 6700 HP under HT cat-I at 33 KV level.

Out of 4 items said (b) erection of 3.9KM 33Kv line over 9.1 mtr PSCC poles with 100Sqmm AAA conductor with a span of 50 m Was not executed and © also

erection of 33 Kv bay and breaker at 132/33KV srirangapur SS was not executed, also 10 % amount of the estimated cost of Rs 3,21,535/- was not paid to the SE/OMC/TS Transco/MBNR mentioned vide. CE/RZ/HYD/DE-T/ADE O&M/AE-I/F/D.NO.1824/16 DT 17.09.2016. Also SE/OMC/TS Transco/MBNR communicated vide SE/OMC/MBNR/DE(Tr)/ADE(Tr)/ADE(T)/ADE(T-II)/F.No 42 D.no 1018/30.06.2017 to pay Rs 13,89,174/- towards breaker cost and cost of land approx Rs 2,00,000/-.

Hence the consumer has to pay the balance of the remaining 10% of estimated charges(old estimate to TS Trancso and revised estimate for TSSPDCL as the old estimate cannot be executed on 9.1 mts PSCC poles due to road widening, clearance and right of way issues etc;) towards supervision charges for dedicated feeder from 132/33KV srirangapur sub station. Further consumer has to execute the work of 33kv bay and breakers at 132/33kv srirangapur sub station and also execute the new 33kv line for a distance of 3.9 KM line from srirangapur substation to consumer premises on 11.0mts PCSS poles/Towers.

5. REJOINDER FILED BY THE APPELLANT

In Reply to Para Nos. 1 to 4

That the Respondent No.4 categorically admitted about supply of power through Scan Energy Feeder which is a dedicated feeder.

In Reply to Para No.5

That the Additional Load of 1500 KVA was released totalling to CMD of 6490 KVA. The present CMD is 9990 KVA and the feeder is dedicated feeder.

In Reply to Para No.6

That the claim of Rs 3,21,535/- vide Lr.No.SE/OMC/TSTransco/Mahabubnagar pertaining to 10% estimate cost on Bay extension charges is denied. No claim of Rs 3,21,535/- is not at all related to the present issue of shifting of dedicated service line from Shadnagar Sub Station to Srirangapur. The issue of shifting of service line is decided in January'2017 whereas this claim is pertaining to 17.09.2016 which is not at all related to the shifting of service line. It is pertinent to note at this juncture that the letter No.CE/RZ/Hyd/DE-T/ADE/O&M/AE-I/F/D.No.1824 dt.17.09.2016 was addressed to CGM(Comml.& RAC), TSSPDCL by Chief Engineer, Rural Zone, TS Transco but not to the Appellant. Also to be noted that the said letter was addressed in

respect of release of additional load of 1500 KVA totalling to CMD of 6490 KVA from 4990 KVA from Shadnagar Sub Station which was released on 13.02.2017. The Respondent No.33 admitted the same in para No. 9 of this counter. The total shifting cost was finalized after lot of negotiation before CMD/TSSPDCL and the same is informed by SE/OP/Mahabubnagar vide Lr.No.1581 dt.18.01.2017 of Rs 27,14,624/- to the Appellant which was paid by the Appellant on 21.01.2017.

Hence the raising and merging the claim of Rs 3,21,535/- of earlier release of additional load of 1500 KVA which is already completed in all respect by complying all rules and regulations in the present issue of shifting line is not correct, illegal and not maintainable and liable to be set aside.

In reply to Para No.7

That the revised estimate of Rs 27,08,148/- for shifting of dedicated line from Shadnagar Sub Station to Srirangapur was sanctioned and finalised after thorough scrutiny and negotiations in the presence of CMD of TSSPDCL. It is pertaining to note at this juncture that the Respondent No.5 vide letter No.SE/OP/Comm-II/D.No.1581/2017 dt.18.01.2017 informed the total estimate cost for shifting of dedicated service line from Shadnagar SS to Srirangapur SS of Rs 27,14,624/- which includes the “Erection of 3.9 KM 33 KV Bay and Breaker at 132/33 KV SS.”

The excuse raised by the Respondent No.3 of “The previous engineers work not executed” after receipt of total cost of Rs 27,14,624/- on 21.01.2017 i.e. after 2 years 8 months is not correct, not maintainable and in violation of Clause 4(2)(b)(ii) of Regulation 4 of 2013 dt.29.07.2013. As per said clause it was the duty of the Respondents to shift the dedicated service within 90 days from the date of receipt of 21.01.2017 of shifting cost of Rs 27,14,624/- to give power supply. But the Respondents are not complied the said clause even after lapse of 2 years 8 months under the shelter of one or other excuse for which the Respondents are liable to pay penalty as prescribed in Clause 5 of Regulation 4 of 2013.

In reply to Para No. 8-9

The Respondent No.3 categorically admitted that the additional load of 1500 KVA was not released as the consumer has to erect dedicated feeder for load more than 5000 KVA as per GTCS and in the present paras admitted that the additional load

of 1500 KVA released on 13.02.2017. Hence, the admission of Respondent No.3 is contrary to each other.

In reply to Para No.10:

The claim of Rs 3,21,535/- after finalisation of total cost of Rs 27,14,624/- and paid on 21.01.2017 is not correct, illegal and not maintainable. However, the explanation given in para No. 7 above is to be considered here.

In reply to Para No.11

The Respondent No.3 raising the excuse of Right of Way after 2 years 8 months from the date of receipt of total cost of Rs 27,14,624/- i.e. paid on 21.01.2017, whereas as per Clause 4(2) (b) (ii) of Regulation 4 of 2013 dt.29.07.2013 it was the duty of Respondents to shift the said line within 90 days

6. WRITTEN ARGUMENT FILED BY APPELLANT:

The present appeal is filed in respect of shifting of present dedicated service line from shadnagar Substation to Srirangapur Substation of the Appellant.

The Respondents No. 4 vide Lr No 1581/2017 date 18.1.2017 informed to the appellant the total cost of shifting of Rs,27,14,624/- after thorough examination technically and commercially.

After receipt of total cost of shifting of Rs 27,14,624/- it was the duty/Responsibility of the respondents to shift the said service line within 90 days from the date of receipt of total cost as per clause 4 (2)(b)(ii) of regulation 4 of 2103 dated 29.7.2013. But the respondents kept pending the shifting of service line intentionally under pretext of one or the other.

Further, the claim of Rs 3,21,535/- breaker cost again is not correct as the same is included in the total cost at item no 3 of estimate, more over the present claim is not pertaining to shift of service line. The excuse of “the previous engineers work not executed” and requirement of 11meter poles in place of proposed 9.1 meter poles is not correct under the shelter of “wherever necessary”. It is only a drama to drag the shifting after receipt of total cost of shifting of Rs.27,14,624/-. It is pertinent to note that when the road was small the requirement of pole was 9.1 meter road is become big the requirement is become 11 meter without explaining.

The above said excuses are created by the respondents to keep pending shifting of service line intentionally.

Please note that this issue is dragging by the Respondents since 2 years 8 months under the shelter of one or other pretext whereas it was the duty of respondents to shift the dedicated service line within 90 days from the date of receipt.

Heard both sides.

Issues

7. In the face of the said contentions by both sides the following issues are framed:-

1. Whether it is feasible to lay a fresh 33 KV dedicated line as per the present physical and technical conditions on the basis of the old revised estimate?
2. Whether Clause 4.1, 4.2 of Schedule 1 of Regulation 5 of 2016 and Clause 5.3.4 of GTCS relied on by the Appellant is applicable in the present case? and
3. To what relief?

Issue No.1

8. The Appellant M/s. Salasar Iron and Steel Pvt. Limited, HT SC No. RJN 1957 (Old SC No. MBN 1088), preferred this Appeal for necessary directions to the Respondents to shift the dedicated 33 KV HT line from existing 220/132/33 KV Shad Nagar SS to 132/33 KV, Srirangapur SS. The Appellant based his appeal on the Clause 5.3.4 of the GTCS and to collect necessary charges for the shifting as per the said clause and further added that to refund the balance payment out of Rs.27,08,148/- paid earlier towards the same cause. That the Appellant preferred for shifting of the 33 KV line due to many fluctuations and interruptions on the existing line since last two years. That he has filed a representation dt.10.06.2019 and approached the Respondents for shifting of the line, where the Respondents ought to have completed the work within 7 days from the date of receipt of payment as per Clause 4.1 and 4.2 of Regulation 5 of 2016.

The CGRF disposed the said Appeal by giving the following directions:-

“The consumer company is hereby directed to pay the balance of the remaining 10% of estimated charges(old estimate and revised estimate) towards supervision charge for shifting of its dedicated service line from Shad nagar SubStation to sri Rangapur Sub Station towards supervision charges and execute the work within (3) months from the date of release of work order and file a report before R2. Failing which, the grievance complaint filed by the consumer dated 27.06.2019 shall stand to be rejected.”

In view of the said orders of the CGRF, the Appellant preferred this appeal. A perusal of the averments by both sides goes to show that an estimate was prepared to M/s. Salasar Iron and Steel Pvt., for tapping of existing 33 KV scan feeder from 220/132/33 KV Sub-Station Shadnagar by erecting 2.0 KM 33 KV line vide estimate no WBS No. Y-2015-03-03-22-01-018, sanctioned vide Lr.No.SE/OP/MBNR/Coml-II/D.No.2162/2016 dt.24.03.2016. And the Appellant had paid Rs 1,82,073/- towards partial Turnkey vide DD.No.009106 dt.07.04.2016, PCB No.5154607212016 and work was executed and Salasar Industry feeding changed from Mogiligidda feeder to Scan Energy feeder from 220/132/33 KV Shadnagar SS. Subsequently M/s. Salasar Iron and Steel Ltd. preferred to avail additional load of 1500 KVA over existing 4990 KVA through dedicated feeder from 132/33 KV Srirangapur SS and the estimate was prepared for the new line from the said sub station to the consumer premises. The revised estimate was prepared under estimate No. E-2016-03-03-22-05-001. The main features of the estimate are:

Activity No. 10 : Data - I for metering,

Activity No. 30: Data - II for 33 KV line and

Activity No. 50: Data - III for 33 KV breaker with bay extension.

The said proposal was approved by SE/OP/MBNR vide Memo No. SE/OP/MBNR/Comml-II/D.No.1580/2017 dt.18.01.2017, wherein the payable charges by the Appellant through a single DD in the customer service center was given as follows:-

a. Service Line charges	Rs 27,14,624/-
b. Development charges	Rs 18,00,000/-
c. Initial Consumption Deposit	Rs 22,50,000/-
Total amount	Rs 67,64,624/-

The same was intimated to M/s. Salasar Iron and Steel Pvt Ltd. vide Lr.No.SE/OP/MBNR/Comml-II/D.No.1581/2017 dt.18.01.2017. The Appellant paid the following amounts:-

PRNO	Date	Amount
51502028881	22.04.2016	6,476/-
51502028881	22.04.2016	18,00,000/-
51502028881	22.04.2016	22,50,000/-
51502031706	19.01.2017	27,08,148/-(paid as per revised estimate)
Total amount		Rs 67,64,624/-

The DE/OP/Shad Nagar held that initially the estimate was prepared for erection of 33 KV line on 9.1 Mts PSCC poles, now based on the present physical condition this estimate has to be revised with 11 Mts PS CC Poles/towers (wherever necessary) and the other part of the estimate is the execution of 33 KV bay extension along with breaker in the 132/33 KV Srirangapur Sub Station. That the SE/OMC/TS TRANSCO/Mahabubnagar given the demand notice for payment of Rs 3,21,535.30 towards 10% as supervision charges of the estimate cost on bay extension charges at 132/33 KV Srirangapur SS. The Appellant has not paid the said amount and the work was not executed.

That the work involves the following approved vide Lr.No.SE/OP/MBNR Comml-II/D.No.1581/2017 dt.18.01.2017 :-

- I. Erection of 200/1A 33 KV CTs in place of existing 100/1A CTs.
- II. Erection of 3.9 KM 33KV line over 9.1 mts PSCC poles with 100 sq mm conductor with a span of 50mts.
- III. Erection of 33 KV bay and breaker at 132/33 KV SS.
- IV. Addl. CMD 1500 KVA without changing connected load, over existing CMD of 4990 KVA with CL 6700 HP making total CMD of 6490 KVA with a total connection load of 6700 HP under HT cat-I at 33 KV level.

That Out of 4 items said above (II) erection of 3.9KM 33Kv line over 9.1 mtr PSCC poles with 100Sqmm AAA conductor with a span of 50 m was not executed and (III) erection of 33 KV bay and breaker at 132/33KV srirangapur SS was not executed, also 10 % amount of the estimated cost of Rs 3,21,535/- was not paid.

There was another communication based on the request of DE/OP/Jaadcherla vide Lr.No.DE/OP/JDL/Comm-I/D.No.213 dt.11.05.2017, to allocate 33 KV feeder Bay at 132/33 KV Srirangapur to M/s. Salasar Iron and Steels Pvt. Ltd, as dedicated feeder at 33 KV level, a demand notice was issued vide SE/OMC/MBNR/DE(Tr)/ADE(T)/AE(T-II)/F.No.42/1018 dt.30.06.2017 from SE/OMC/TSTRANSCO/Mahabubnagar to SE/OP/MBNR/TSSPDCL for allocation of 1 No. spare 33 KV feeder bay at 132/33 KV Substation, Srirangapur towards payment of estimate for 33 KV feeder bay for an amount of Rs 13,89,174/- and cost of land towards bay extension of Rs 2,00,000/-, which the Appellant has not paid in total nor the 10% of the supervision charges of Rs 3,21,515/-

That the DE/OP/Shadnagar submitted that the work was held up for want of payment from the consumer and other reasons stated below:-

a. Balance of remaining 10% of estimated charges(old estimate to TSTRANSCO and revised estimate to TSSPDCL as the old estimate cannot be executed on 9.1 mts PSCC poles due to road widening, clearance and right of way issues etc;)

b. supervision charges for dedicated feeder from 132/33KV srirangapur sub station.

c. The Appellant has to execute the work of 33kv bay and breakers at 132/33kv srirangapur sub station and also execute the new 33kv line for a distance of 3.9 KM line from srirangapur substation to consumer premises on 11.0mts PCSS poles/Towers

Whereas the Appellant argued that he has paid the total cost of shifting Rs 27,14,624/- towards shifting of dedicated line from Shadnagar Sub Station to Srirangapur, which was sanctioned and finalised after thorough scrutiny and negotiations in the presence of CMD of TSSPDCL. Moreover as per the sanction Lr.No.SE/OP/MBNR/COMML-II/D.No 1581/2017 dated 18.1.2017, includes the erection of 3.9 KM 33 KV line, 33KV bay and breaker at 132/33 KV SS and it is the duty of the Respondents to shift the dedicated line within 90 days from the date of receipt of payment of cost of Rs 27,14,624/- i.e. dt.21.01.2017 as per Clause 4(2) (b) (ii) of Regulation 4 of 2013.

In the meanwhile the additional load of 1500 KVA was released on 13.02.2017 without executing the work as per the revised estimate of dedicated feeder from

133/32 kv Sub Station Srirangapur, which was released taking supply from existing 33 KV SCAN feeder from 220/132/33 KV SS Shadnagar. The DE/OP/Shadnagar has alleged that the Appellant has paid service line charges only for 2 KM without instead of actual distance of 11 KM from 220/132/33KV Shadnagar sub station and also not paid 33KV Bay Extension, Breaker Charges, take off arrangements at 220/132/33 KV Shadnagar Sub station which is against the GTCS and also Tariff Order. Presently the Appellant is availing supply through the above said feeder, but in view of alleged more number of interruptions on the said feeder sought 33 KV supply from 132/33 KV Srirangapur Sub Station as per the sanctioned revised estimate. The reasons for releasing the additional CMD of 1500 KVA without executing the scheme of erection of dedicated 33KV line from 132/33 KV Srirangapur SubStation is not known, it can be understood that such deviation could not have happened without mutual understanding between both the parties. Presently the Appellant is availing the supply with total CMD of 9990 KVA, pending execution of 33 KV line work of dedicated feeder from 132/33 KV S.S. Srirangapur, for which there is dispute over payments of amounts towards 33KV Breaker and Bay extension at 132/33 KV S.S. Srirangapur.

The Appellant stood his stand stating that whatever amount demanded by the DISCOM, they have paid and work has to be completed accordingly. Now the Respondent No.2/DE/OP/Shadnagar claimed that in view of non payment of the amount demanded by the TSTRANSCO towards 33KV breaker and bay extension, the work is not executed. He further stated that there is Right of way issues against the execution of the 33KV dedicated line as per the old estimate which cannot be executed on 9.1 meters PSCC Poles.

The present scenario is that the scheme was partially executed with releasing additional CMD of 1500 KVA along with erection of 200/1 Amps 33 KV CTs. The Chief Engineer, Rural Zone, TSTRANSCO issued feasibility to the CGM/Commercial/TSSPDCL vide Lr.No.CE/RZ/HYD/ DE-T/ADE/O&M/AE-I/F. /D.No.1824/16, dt: 17/09/2016, for release of additional CMD of 1500KVA. In view of the current CMD of 9990 KVA, the feasibility issued by the TSTRANSCO in the year 2016 is given below:-

“ The feasibility was issued for erection of 33 KV dedicated feeder from the existing 133/32 KV SS Srirangapur to the existing HT service of M/s. Salasar Iron and Steel Pvt. Ltd., SC No. MBN1088 under HT Category I at 33 KV level with an existing

CMD of 4990 KVA, for release of additional CMD of 1500 KVA making total CMD of 6490 KVA, wherein it was stated that the said HT service is being fed on existing mixed 33 KV Mogiligidda feeder emanating from 220/132/33 KV Sub Station Shadnagar. The feasibility was issued with several modifications and requirements. The main requirements were that M/s. Salasar Iron and Steel Pvt. Ltd. has to procure the additional land for the bay extension for connectivity at 133/32 KV SS Srirangapur. In case if the land is not available the consumer has to pay the cost towards the land to TSTRANSCO within 15 days from the date of receipt of demand notice. That the consumer has to pay the supervision charges @ 10% of the estimate cost for the works carried out in EHT Substation (service tax extra) shall be deposited to TSTRANSCO. The work must be completed within 3 months from the date of TSTRANSCO approvals, otherwise the feasibility is deemed to be cancelled.”

A perusal of the above feasibility shows that the revised estimate was for release of additional CMD 1500KVA, now the present CMD is 9990KVA. The old revised estimate for the 33 KV dedicated feeder from 132/33 KV Srirangapur Sub Station has no relevance in the present physical and technical conditions prevailing. There is a lapse on the part of the officials over releasing the additional CMD of 1500KVA without executing the work as per the sanction scheme, but in the event of dispute over non payment of the demand for erection of breaker and bay, there is no reason to hold total responsibility on the Respondents for non execution of the scheme. Hence in the said circumstances a fresh estimate has to be prepared depending upon the present technical and physical conditions prevailing at present, in view of non execution of the old revised estimate and payment made by the Appellant to an extent of Rs 27,141,624/-. The revised amounts shall be collected/adjusted from the above amount as per the requirement. Hence decides this issue accordingly.

Issue No.2

9. A perusal of the evidence on record shows that neither Clause 4.1, 4.2 of schedule 1 of Regulation 5 of 2016 and Clause 5.3.4 of GTCS relied by the Appellant is not applicable in the present case, as clause 4.1 and 4.2 of Schedule 1 of Regulation 5 of 2016 does not apply to the present dispute as the estimate was prepared initially on the request of the Appellant for scheme of Additional load of 1500 KVA duly erecting 33KV dedicated line from 132/33 KV SS Srirangapur and not

shifting the existing 33 KV SCAN feeder, as such Clause 5.3.4 of GTCS has no relevance to the present case. Hence decides this issue against the Appellant.

Issue No.3

10. In the result the Appeal is accordingly disposed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 9th day of December, 2019.

Sd/-
Vidyut Ombudsman

1. M/s. Salasar Iron Steel Pvt.Ltd., represented by its Director,
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2. The ADE/OP/Shadnagar/TSSPDCL/RR Dist.
3. The DE/OP/Shadnagar/TSSPDCL/RR Dist.
4. The SAO/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.
5. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.

Copy to :

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