



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**

WEDNESDAY THE TENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

Appeal No. 19 of 2021-22

Between

Smt. B. Karuna, d/o. Narsareddy, H.No.3-11-82/1, r/o. Shivaji Nagar,
Nizamabad Mandal, Nizamabad District . 6304503863, 9440834533.

.....Appellant

AND

1. The Additional Assistant Engineer / Operation / D4 / Nizamabad - 9440811616.
2. The Assistant Divisional Engineer / Operation / T1 / Nizamabad - 9440811599.
3. The Assistant Accounts Officer / ERO / T1 / Nizamabad - 9440811663.
4. The Divisional Engineer / Operation / Nizamabad - 9440811582.

..... Respondents

This appeal is coming on before me for final hearing on 05.08.2022 in the presence of Smt. B. Karuna, appellant and K. Bharath Kumar - Sub-Engineer 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 - Nizamabad (in short 'the Forum') of

Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL'), in C.G.No.594/2021/Nizamabad Circle dt.10.08.2021.

CASE OF THE APPELLANT

2. The case of the appellant is that the appellant has received an excess bill of Rs 24,747/- against her Service Connection No. 50014-29703 installed at her house at Nizamabad. Hence she prayed to direct the respondents to revise the excess bill and to withdraw the case registered against her.

CASE OF THE RESPONDENTS

3. In the written submissions of respondent No.3, it is, inter-alia, submitted that the premises of the Service Connection involved in this case was inspected by respondent No.1 (AAE/SD-1/DPE/NZB) on 02.04.2016 at 12.35 PM, released under domestic purpose under Category-I, but the appellant was running a kirana shop which comes under Category-II. Thus the appellant indulged in malpractice of energy. She refused to receive the notice. The assessment was served on the appellant giving (15) days notice. The appellant made part payment of the arrears of the amount due.

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 case comes

under Section 126 of the Electricity Act (in short 'the act').

GROUND 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 appellant that she has been running a small kirana shop where the present Service Connection is existing. She is unable to pay the excess bill.

7. In the written submissions of respondent No.3 before this authority, it is reiterated that the appellant indulged in malpractice of energy. Hence it is prayed to dismiss the appeal.

8. Heard both sides.

POINTS

9. The points that arise for consideration are:-

- i) Whether the appeal is maintainable in view of 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

10. Both the parties have appeared before this authority on 05.08.2022. 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

11. 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)

12. 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

13. The material on record, prima-facie establishes that the present case falls under Section 126 of the Act. Under Clause 2.37 of the Regulation, the Forum has no jurisdiction to entertain a complaint like the present one. Therefore the learned Forum has rightly rejected the complaint under the said Clause. Therefore, I hold that the appeal is not maintainable and the Award passed by the Forum is liable to be confirmed. These points are decided accordingly against the appellant and in favour of the respondents.

Point No. (iii)

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

RESULT

15. In the result, the appeal is dismissed, without costs. However, the appellant is advised to approach the Divisional Engineer (Assessments) Nizamabad, Designated Officer, notification under Clause 4 read with Sub-Clause 4.1 of the GTCS, who will decide the matter sympathetically.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 10th day of August 2022.

Sd/-

Vidyut Ombudsman

1. Smt. B. Karuna, d/o. Narsareddy, [H.No.3-11-82/1](#), r/o. Shivaji Nagar, Nizamabad Mandal, Nizamabad District . 6304503863, 9440834533.
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6. The Chairperson, Consumer Grievances Redressal Forum -Nizamabad.