



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 FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

Appeal No. 20 of 2020-21

Between

M/s. Rapid Rock Tools Pvt. Ltd., through its Managing Director, Sri V. Vijaya Bhasker Reddy, Plot No.212/1, Phase -II, IDA, Cherlapally, Hyderabad - 500 051. Cell: 9399920535. **.....Appellant**

AND

1. The Assistant Engineer / Operation / Cherlapally IDA-I / TSSPDCL / Hyderabad.
2. The Assistant Divisional Engineer / Operation / Cherlapally / TSSPDCL / Hyderabad.
3. The Assistant Accounts Officer / ERO / Sainikpuri / TSSPDCL / Hyderabad.
4. The Divisional Engineer / Operation / Sainikpuri / TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL / Hyderabad. **..... Respondents**

This appeal is coming on before me for final hearing on 28.07.2022 in the presence of Sri Narendra Reddy representing the appellant and Sri M. Pruthvi Raj - AE/OP/Cherlapally IDA-II, Sri S. Ravi Kumar - AAO/ERO/Sainikpuri and Sri K. Satish - ADE/OP/Cherlapally 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 - Greater Hyderabad Area, Hyderabad

- 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') vide C.G.No.61/2020-21 / Habsiguda Circle Dated 06.10.2020.

CASE OF THE APPELLANT

2. Case of the appellant is that their industry (formerly known as SVE Rock Tools Pvt. Ltd.,) has purchased the property of Plot No.112 from M/s. Sizoll Chemicals Pvt. Ltd., on 24.01.2018. At that time, the premises was with a load of 74 HP. Since the service was under disconnection, they approached respondent No.1 for reconnection on 30.10.2018 and paid the arrears of Rs 26,044/- on Service Connection No. 09054101827 of M/s. Sizoll Chemicals Pvt. Ltd., Then the power supply was restored. The appellant has also approached the respondents for change of name, but there is delay in the change of name of the appellant. Thereafter all of a sudden the respondents in August 2019 raised a bill for Rs 7,80,563/- with the load of 201 HP with H.T service, whereas, the old sanctioned load is 74 HP, which is illegal and violation of law. Therefore it is prayed to direct the respondents to recalculate the bill on the basis of LT service with the load of 74 HP.

CASE OF THE RESPONDENTS

3. Respondent No.2 has filed written submissions, contending among other things, that the Service Connection No.09054101827 was released on 05.11.2007 in the name of M/s. Sizoll Chemicals under L.T. Category - IIIA with a contracted load of 74 HP and with HT side metering. Later the Licensee auto

generated a notice based on Recorded Maximum Demand (in short 'RMD') for a RMD of 146 KVA (Composite / Connected load = 201 HP). Hence the Development Charges and Security Deposit for the difference of connected load and contracted load was issued for an amount of Rs 1,90,500/- and Rs 63,500/- respectively, making total amount of Rs 2,54,000/-. The said amount was paid by the consumer. But the consumer did not represent the office for regularisation of additional connected load. The load was regularised on 25.08.2020. Accordingly, the fixed charges amount of Rs 6,21,824/- was raised. It is also submitted that the appellant paid a sum of Rs 2,50,000/- as directed by this authority along-with reconnection charge of Rs 75/-. Thereafter a letter was addressed by respondent No.1 to his superiors for clarification.

4. Respondent No.3 has also filed written submissions with similar averments like the averments mentioned in the written submissions of Respondent No.2

AWARD OF THE FORUM

5. After hearing both sides and after considering the material available on record, the learned Forum has allowed the complaint in part directing the respondents to collect the fixed charges on the additional load of 127 HP only for three years prior to 25.08.2020 from the appellant within a reasonable time.

6. Aggrieved by the Award passed by the Forum, the present appeal is preferred praying to waive the total charges added to the appellant as the

appellant has no knowledge about the same when it took over the premises from M/s. Sizoll Chemicals Pvt., Ltd.,

GROUND OF THE APPEAL

7. In the grounds of the appeal it is submitted that the Licensee has not informed the appellant in 2018 about the above said amount when they paid the arrears amount of Rs 26,044/-.

8. In the written submissions filed by the respondent No.2 before this authority, it is, inter-alia, submitted that the appellant paid a sum of Rs 2,50,000/- along-with reconnection charge of Rs 75/-. They wanted to file a Writ Petition and restore the power supply to the appellant.

ARGUMENTS

9. On behalf of the appellant it is submitted that the appellant is not liable to pay the amount demanded by the respondents. Therefore it is prayed to waive the entire amount claimed by the respondents.

10. It is argued on behalf of the respondents that they filed W.P.No. 2430/2021 challenging the Award passed by the Forum.

POINTS

11. The points that arise for consideration are:-
- i) Whether the entire amount claimed by the respondents is liable to be waived?
 - ii) Whether the Award passed by the Forum is liable to be set aside?
and
 - iii) To what relief.

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties appeared before this authority on 28.07.2022. 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

13. 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)

ADMITTED FACTS

14. It is an admitted fact that the appellant (formerly known as SVE Rock Tools Pvt. Ltd) has purchased the property from M/s. Sizoll Chemicals Pvt. Ltd., on 24.01.2018. Since the Service Connection was under disconnection, the appellant paid a sum of Rs 26,044/- on 30.10.2018.

CRUX OF THE CASE

15. During the course of hearing it is brought to the notice of this authority that the respondents have filed W.P.No. 2430 of 2021 challenging the Award passed by the forum. Now it is necessary to refer to Clause 2.37 of Regulation

No. 3 of 2015 (in short 'Regulation') of Hon'ble Telangana State Electricity Regulatory Commission, 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

16. As already stated, W.P.No. 2430 of 2021 is pending before the Hon'ble High Court touching the same subject between the parties. The Clause 2.37 of the Regulation makes it quite clear that where any case is pending touching the same subject before any Court etc., between the same parties, complaint is not maintainable before the Forum. It is not disputed that Writ Petition was filed challenging the very Award passed by the Forum. Therefore the appeal is also not maintainable. Hence, these points are accordingly decided against the appellant and in favour of the respondents.

Point No. (iii)

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

RESULT

18. In the result, the appeal is rejected, without costs.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 4th day of August 2022.

Sd/-

Vidyut Ombudsman

1. M/s. Rapid Rock Tools Pvt. Ltd., through its Managing Director, Sri V. Vijaya Bhasker Reddy, Plot No.212/1, Phase -II, IDA, Cherlapally, Hyderabad - 500 051. Cell: 9399920535.
2. The Assistant Engineer / Operation / Cherlapally IDA-I / TSSPDCL / Hyderabad.
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6. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL / Hyderabad.

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum -Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyderabad.