



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN

MONDAY THE FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

Appeal No. 20 of 2023-24

Between

M/s. Steel India, #11-186,180/C, Co-op. Industrial Estate, Balanagar,
Hyderabad, represented by Sri Suresh Mehra, Manager, Cell: 9246523153,
9440944114.

.....Appellant

AND

1. The Assistant Engineer/Operation/Balanagar/TSSPDCL/Hyderabad.
2. The Assistant Divisional Engineer /Operation/ Balanagar/ TSSPDCL/ Hyderabad.
3. The Assistant Accounts Officer/ERO/Bowenpally/TSSPDCL/Hyderabad.
4. The Divisional Engineer/Operation/Bowenpally/TSSPDCL/Hyderabad.
5. The Senior Accounts Officer/Operation/Secunderabad Circle /TSSPDCL/ Hyderabad.
6. The Superintending Engineer/Operation/Secunderabad Circle/TSSPDCL Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on this day in the presence of Sri B.Ravinder Prasad Srivastava, authorised representative of the appellant, Sri P.Surya Prakash - ADE/OP/Balanagar and Sri C.H.Nageswara Reddy - AAO/ERO/Bowenpally for the respondents and having stood over for consideration till this day, this Vidhyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - (Greater Hyderabad Area), Hyderabad (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No 53/2023-24, Secunderabad Circle dt: 06.07.2023 allowing the complaint in part with specific directions to the respondents.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released the Service Connection No. SZ090050 under LT-III Category to the appellant. From June 2022 to April 2023, the electricity bills were issued under LT Category-III, but the rates claimed in the said bills were HT tariff rates. In spite of several representations of the appellant to rectify the said bills and to refund the excess amount the respondents did not respond. The consumer is also entitled interest @ 24% p.a. on the amount of the bill erroneously claimed. It was accordingly prayed to refund the excess amount of Rs.3,24,334/- pertaining to the period from June 2022 to April 2023 with interest @ 24 % p.a.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondent No.2 before the learned Forum, it is, inter-alia, stated that the appellant has requested to remove HT

flag for the subject Service Connection. Thereafter inspection was conducted at the premises on 18.01.2023 and found that the connected load of the appellant was 166.5 HP which is more than the contracted load of 96 HP.

4. In the written reply submitted by respondent No.3 before the learned Forum he too stated similar to that of respondent No.2.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has allowed the complaint directing the respondents to revise the bill and also to remove the HT flag but it did not award the interest on the revised amount as claimed by the appellant.

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the appellant is entitled for interest @ 24% p.a. on the excess amount paid by it to the respondents. It is accordingly prayed to award interest as stated above.

WRITTEN SUBMISSION OF RESPONDENTS

7. In the written reply submitted by respondent No.3 before this Authority, it is, inter-alia, submitted that the appellant has supplied electricity to its neighbour without permission of the respondents.

ARGUMENTS

8. Heard both sides.

POINTS

9. The points that arise for consideration are:-

- i) Whether the appellant is entitled for interest @ 24% p.a. on the excess amount claimed paid by the appellant to the respondents ? and
- ii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

10. It is an admitted fact that the respondents have released the subject Service Connection in favour of the appellant under LT Category-III. It is also an admitted fact that the learned Forum has given relief as claimed by the appellant to revise the bills from June 2022 to April 2023 under LT Category-III and also directed for removing the HT flag.

SETTLEMENT BY MUTUAL AGREEMENT

11. Both the parties appeared before this Authority on several dates. 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

12. The present appeal was filed on 18.07.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

13. The appellant claimed revision of bills during the relevant period, removal of HT flag and also interest on the excess amount paid by the appellant. The learned Forum has granted relief of revising the bill and also removing the HT flag. So the remaining grievance of the appellant is in respect of the interest on the excess amount paid by the appellant. At this stage it is necessary to refer Clause 4.7.3 of Regulation 5 of 2004 of Andhra Pradesh State Electricity Regulatory Commission as adopted by Telangana State Electricity Regulatory Commission. The said Clause reads as under:-

Clause 4.7.3:-

“On examination of the Complaint, if the licensee finds the bill to be erroneous, a revised bill shall be given to the consumer indicating a revised due date of payment, which should be fixed not earlier than seven days from the date of delivery of the revised bill to the consumer. If the consumer has paid any excess amount, it shall be refunded by way of adjustment in subsequent bills. The licensee shall pay to the consumer interest charges at 24% per annum in the excess amount outstanding on account of such wrong billing.”

A perusal of above said Clause makes it quite clear that if the bill raised by the Licensee is erroneous, the said bill shall be revised and the excess amount paid shall be refunded by way of adjustment in subsequent bills. The revision of the bill is over now, but the next part of the said Clause also directs that the

Licensee shall pay to the consumer interest @ 24% p.a. on the excess amount outstanding on account of such wrong billing. As per the dictionary meaning of the word 'erroneous' is 'wrong'; 'incorrect'. Since the bill prepared by the respondents earlier was wrong or incorrect or erroneous, that bill was to be rectified as directed by the learned Forum. Now the next duty of the respondents is to pay interest @ 24% p.a. on the excess amount paid by the appellant. The appellant is entitled for the said interest as claimed by it and the respondents cannot escape such a duty.

14. It is the argument of respondent No.3 that the appellant has supplied electricity to its neighbour without the permission of the respondents, thus violating the provisions of the Electricity Act and also the Tariff Order 2022-23 of the Hon'ble Telangana State Electricity Regulatory Commission. The appellant approached the learned Forum praying for refund of the excess amount claimed, removal of the HT flag and also claiming interest. The learned Forum has granted the first two reliefs. Since the relief of interest was denied by the learned Forum, the appellant approached this Authority in respect of claiming interest. As already stated, as per the Clause mentioned above, the appellant is entitled for claiming interest and that is being awarded to the appellant. Other than these grievances this Authority cannot entertain any complaints by the respondents. If really the appellant has supplied electricity to anybody without the permission of the respondents, nothing

prevents the respondents from proceeding with the matter for violating any Clauses or provisions of the relevant law.

15. In view of the Clause referred to above the appellant is entitled for interest @ 24% p.a. on the excess amount paid by the appellant till the amount is actually adjusted. This point is accordingly decided in favour of the appellant and against the respondents.

POINT No. (ii)

16. In view of the findings on point Nos. (i), the appeal is liable to be allowed.

RESULT

17. In the result, the appeal is allowed awarding interest @24 % p.a. on the excess amount paid by the appellant to the respondents from the respective dates of payment of the amount till it is adjusted in future bills. The respondents shall comply with the Award of this Authority within (15) days from the date of receipt of a copy of this Award as required under Clause 3.38 of Regulation 3 of 2015 of the Telangana State Electricity Regulatory Commission.

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 the 4th day of September 2023.

**Sd/-
Vidyut Ombudsman**

1. M/s. Steel India, #11-186,180/C, Co-op. Industrial Estate, Balanagar, Hyderabad. represented by Sri Suresh Mehra (Manager), Cell: 9246523153, 9440944114.
2. The Assistant Engineer/Operation/Balanagar/TSSPDCL/Hyderabad.
3. The Assistant Divisional Engineer /Operation/ Balanagar/ TSSPDCL/ Hyderabad.
4. The Assistant AccountsOfficer/ERO/Bowenpally/TSSPDCL/Hyderabad.
5. The Divisional Engineer/Operation/Bowenpally/TSSPDCL/Hyderabad.
6. The Senior Accounts Officer/Operation/Secunderabad Circle / TSSPDCL /Hyderabad.
7. The Superintending Engineer/Operation/Secunderabad Circle / TSSPDCL / Hyderabad.

Copy to

8. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.

