



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

Friday the Twenty Seventh Day of September 2019

Appeal No. 21 of 2019-20

Preferred against Order dt:04.07.2019 of CGRF in
CG No.11/2019-20 of Yadadri Circle

Between

Sri. Kukkunuru Laxma Reddy, S/o. Kodanda Ram Reddy, H.No.2-73,
Kanchanpally (PO&V), Addaguduru Mandal, Yadadri Bhongir Dist -
508277. Cell: 9177148861.

... Appellant

AND

1. The AE/OP/Mothkur/TSSPDCL/Yadadri Dist.
2. The ADE/OP/Mothkur/TSSPDCL/Yadadri Dist.
3. The AAO/ERO/Mothkur/TSSPDCL/Yadadri Dist.
4. The DE/OP/Bhongir/TSSPDCL/Yadadri Dist.
5. The SE/OP/Yadadri Circle/TSSPDCL/Yadadri Dist.

... Respondents

The above appeal filed on 16.08.2019, coming up for final hearing before the Vidut Ombudsman, Telangana State on 24.09.2019 at Hyderabad in the presence of Sri. K. Laxma Reddy - Appellant and Sri. G. Tukaram - AE/OP/Mothkur and D. Mothiram - AAO/ERO/Alair for the Respondents and having considered the record and submissions of both parties, the Vidut Ombudsman passed the following;

AWARD

This is an Appeal against the Orders of the CGRF in CG No. 11/2019-20 of Yadadri Circle dt. 04.07.2019.

2. The Appellant contended that he is a resident of Kanchanpally of Addaguduru (M), Yadadri (D) and is provided with service connection No. 5601400447 under Category VA and that though he is entitled for a free category, his service connection has been categorised under paying category and that he has been receiving bills in excess i.e. Rs 1500/-, Rs 2000/- etc. every month and that suddenly he received a bill for Rs 2,04,890/- though his service connection is of Agricultural category. Hence he approached the Hon'ble CGRF stating that the bills issued to him were in excess and that the concerned Respondents are not taking any action in spite of his request by producing the MRO certificate, Passbook etc. and that the CGRF failed to appreciate his grievance and directed the Respondents to revise the bills under free category for the period from March'2009 to March'2010 and also to adjust Rs 10,00/- paid in the month of October'2009 and Rs 2000/- in January'2014 apart from withdrawing the excess bills within 7 days from the date of the order. As such aggrieved by the said order the present appeal is filed.

3. The Appellant stated that he is a resident of Kanchanpally (V), Addaguduru (M), Yadadri (D) and that he is an agriculturalist having service connection bearing No. SC 5601400447 under Category VA which was released on 26.06.2008. He stated that the said connection did not have any meter, yet the bills were being issued by the Respondents as if the meter was existing. He further stated that he sought for revision of the category of his service connection from paying category to free category and that he has submitted the required documents to the concerned authority such as Passbook, MRO certificate, yet he continued to receive monthly bills for about Rs 1593/- etc. and that he has not received any bills during the period from 2017 to 2019, but suddenly he received the bill for Rs 2,04,890/- in spite of the fact that his borewell was dried for about 6 months ago.

4. He claimed that the motor for the borewell is not working since 4 years. He pointed out that the CGRF has given directions to the Respondents to revise the bills under free category for the period from May'2009 to March'2010 and as such questioned as to how a free category service connection for the years 2009 to March'2010 be termed as IT Paying category during the other period, particularly when the policy of the Government "is free current to the agricultural consumers".

Hence contended that though he is entitled for revision of his bills under free category for the entire period, the Respondents are not implementing the same.

5. The Respondents on the other hand through the Respondent No.3 i.e. AAO/ERO/MTKR vide Lr.No.280/2019 dt.11.09.2019 contended that the SC No.5601400447 of Sri. Kukkunuru Laxmareddy Cat VA (Agriculture) Sub Cat II with DSM-DRY LAND FARMERS of Kanchanpally village in Mothkur Section was registered on 29.08.2008 for release of Agriculture service.

The service was released under Cat VA (Sub Cat 15 with DSM-CORPORATE FARMER & IT ASSESSES) and billing was done as per the applicable tariff order from the date of release.

That the Hon'ble CGRF decreed the consumer is not an Income Tax Assesse during the Financial years FY 2008-09 and 2009-10 and directed for the bill revision of the above said consumer's SC No.5601400447 that accordingly the bill revision was done in Cat 5A Sub Cat II with DSM-DRY LAND FARMERS from May 2009 to March 2010 and the bill revision amount Rs 6034/- has been withdrawn through J.E in the month of July 2019.

That the bill revision was already done to the above said service No.5601400447 Cat- VA (Other than corporate farmer) from Sep'2016 to June'2019 and an amount of Rs 61,891/- was withdrawn through J.E in the month of June'2019 and Category was also changed from Cat VA Sub Category 15 with DSM-CORPORATE FARMER & IT ASSESSES to other than Corporate Farmer because as per Retail Supply Tariff FY 2016-17 from Sep'2016 Income Tax (IT) Assesses are excluded from the paying consumers list.

That the service was released in Cat V (Agriculture) category and this service number was also integrated to the Consumer's Domestic Service No. 4601400065 and the above said agriculture (service No. 5601400447) arrears were shown in the consumer's domestic service bill regularly every month. The consumer has hardly paid the agriculture bills not protested the CC charges bills arrears displayed by the TSSPDCL in the domestic electricity bills issued to him every month.

The organisation would have acted and taken some corrective action, had the consumer represented, if aggrieved on CC Charges bills issued with Income Tax tariffs on his agricultural service connection. The consumer has been utilising the power supply since August'2008 till to date without paying agriculture bills and cause postponement of revenue to the organisation.

In view of the above, the Hon'ble Vidyut Ombudsman for the State of Telangana Hyderabad is humbly requested to pass suitable orders directing the consumer to pay the long pending CC Charges bills of Rs 1,40,178/- billed with Income Tax tariffs from April'2010 onwards to August'2016 during which period he was and Income Tax Assesse please.

Heard both sides.

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

1. Whether the Appellant is entitled for revision of bills as prayed for under free category from that of paying category? And
2. To what relief?

Issue No.1

7. A perusal of the averments by both sides show that the Appellant is an agriculturist and has agricultural service connection bearing SC No. 5601400447 standing in his name i.e. Sri. Kukkunuru Laxma Reddy and the same is released under the Category V(A) Sub Category (15) with DSM as Corporate Farmer and IT Assessee. The bills were issued in the said category which is paying category as per the tariff rates applicable from the date of release. The Appellant contended that at the time of release of the service connection in the year 2008 in spite of his request to release under free category, the Respondents released his service connection under paying category. Subsequently he produced Rythu Patta Passbook, MRO Certificate and Certificate from Income Tax office showing that he is not an IT Assessee at the time of release of the said connection even though the Respondents had not changed his

billing category. Aggrieved upon this he filed an appeal before the CGRF requesting to withdraw the excess billed amount which is accounted to Rs 2,04,890/- duly changing his billing category.

From the Tariff Orders 2016-17, all the IT Assessee along with corporate farmers who were considered as paying category earlier were excluded from the paying consumers list. In view of the above the Appellant service connection ought have billed under free category from 2016, but the service connection was continued to be billed under paying category, this mistake was admitted by the Respondents in the CGRF. As a result the Respondents revised the bills from Sep'2016 to June'2019 and an amount of Rs 61,891/- was withdrawn during the month of June,2019 and category was also changed to other than corporate farmer.

On the strength of submission of certificate from Income Tax office by the Appellant showing that he is not an IT assessee during the year 2008 to 2010, the CGRF directed the Respondents to revise the bills from May'2009 to March'2010. As a result the Respondents revised the bills and withdrawn an amount of Rs 6,034/- in the month of July'2019. Notwithstanding the above the Appellant filed the present Appeal requesting for further revision of all the bills issued under paying category.

There are provisions to revise the bill from retrospective effect in cases of the present dispute, the circular issued by CGM/Commercial vide Memo No. CGM(Comml)/SE(C)/DE(C)/ADE-III/D.No.2792/14 dt.11.03.2015, provides the Respondents to act upon such cases towards conversion of paying category to free category for the agriculture consumers which is reproduced hereunder:-

CENTRAL POWER DISTRIBUTION COMPANY OF A.P. LIMITED

O/o. the Chief General Manager (Commercial),
APCPDCL, 2nd Floor, Corporate Office,
Mint Compound, Hyderabad.

Memo No. CGM (Comm)/SE(C)/DE(C)/ADE-III/D.No. 4347/12, Dt: 2-02-2013

Sub:- APCPDCL - Comm - Conversion of Paying category to Free category agriculture consumers - Instructions issued - Reg.

Ref:- Lr.No.CP/CGRF-2/Agri Sevice/2011-12/D.No.1219/12, Dt.04.04.2012.

~~~~~

All the Superintending Engineers/Operation Circle are requested to comply following instructions for conversion of paying category to free category agriculture consumers:

A. Following have to be observed for categorizing Agricultural Consumers under Corporate Farmers & IT Assesses

- i) **Corporate farmers:** Companies registered under the companies act, partnership act, societies act (or) under any other applicable legislation, trust act and any other bodies corporate that may be notified from time to time.
- ii) **IT Assesses:** Income tax assesses owning agriculture land.

B. Documents / Certificates to be verified

1. **Physical Inspection Report:-**

- a. Inspection report of AE/Operation duly counter signed by ADE/Operation and DE/Operation. The inspection report should indicate whether the consumer is following DSM Measures or Not, as given in Tariff Order.

2. **Income of the Consumer:-**

- a. White Ration Card of the Consumer
- b. Latest Income Certificate issued by the Tahsildar /MRO

3. **Land Holding of the consumer:-**

- a. Patta Pass Book of the Consumer or MRO certificate. Extent of wet land, no. of electrical connection of dry land has to be certified by local MRO/Tahsildar.

4. **Affidavit by the Consumer on Non-Judicial Stamp Paper declaring that:-**

- a. He is not an Income Tax Assessee
- b. No. of acres of Land Holdings in his name
- c. No. of Agriculture Services in his name

On receipt of the proposal from the concerned DE/Operation and based on the certificate, issued by MRO, Patta Pass Books, Income Certificates, AE/ADE/Operation Inspection report, DE/Operation recommendation, the Superintending Engineer / Operation / and SAO/Operation may review and take a decision to change the category (paying to free) and may withdraw the excess demand raised, if any on account of wrong categorization with proper verification & certification.

All such cases shall be reported to the Chairman & Managing Director on quarterly basis without which the transaction shall not attain finality.

*Uk*  
Chief General Manager/Commercial

To:  
All the Superintending Engineers/Operation/  
All the Senior Accounts Officers/Operation/ *My*

8. In view of the above guidelines, it is open to the Appellant to change his category from paying category to free category with retrospective effect as the agricultural consumer by complying the guidelines issued by CGM/Commercial and on submission of requisite documents issued in the circular and the Respondents are required to revise the bills in accordance with the said guidelines. Hence in the above circumstances this issue is decided accordingly.

#### **Issue No.2**

9. In the result the Appeal is disposed directing the Appellant to follow the guidelines available for changing his category from paying category to free category and the Respondents are directed to revise the bills on the Appellant following the guidelines issued by CGM/Commercial and also on submission of requisite documents stated in the circular mentioned above.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 27th day of September, 2019.

**Vidyut Ombudsman**

1. Sri. Kukkunuru Laxma Reddy, S/o. Kodanda Ram Reddy, H.No.2-73, Kanchanpally (PO&V), Addaguduru Mandal, Yadadri Bhongir Dist - 508277. Cell: 9177148861.
2. The AE/OP/Mothkur/TSSPDCL/Yadadri Dist.
3. The ADE/OP/Mothkur/TSSPDCL/Yadadri Dist.
4. The AAO/ERO/Mothkur/TSSPDCL/Yadadri Dist.
5. The DE/OP/Bhongir/TSSPDCL/Yadadri Dist.
6. The SE/OP/Yadadri Circle/TSSPDCL/Yadadri Dist.

**Copy to :**

7. The Chairperson, CGRF-1, TSSPDCL, GTS Colony, Vengal Rao Nagar,  
Hyderabad.
8. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.