



**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**

FRIDAY THE SIXTH DAY OF JANUARY  
TWO THOUSAND AND TWENTY THREE

**Appeal No. 22 of 2021-22**

Between

Sri K.Veerender Reddy, H.No.5-4-187/6, Karbala Maidan, M.G.Road,  
Secunderabad-500009. ....**Appellant**

**AND**

1. The Assistant Engineer / Operation / Paradise/TSSPDCL/Secunderabad.
2. The Assistant Divisional Engineer / Operation / James street / TSSPDCL / Secunderabad.
3. The Assistant Accounts Officer / ERO /Paradise/TSSPDCL/Secunderabad.
4. The Divisional Engineer/Operation/Paradise/TSSPDCL/Secunderabad.
5. The Superintending Engineer/Operation/Secunderabad Circle / TSSPDCL / Secunderabad. .... **Respondents**

This appeal is coming on before me for final hearing on 01.12.2022 in the presence of Sri K.Veerender Reddy, appellant in person and Sri K.Siva Durga Prasad - ADE/OP/Paradise, Sri G.Shivarama Krishna - AE/OP/Paradise who are also 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 - II (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.24/2021-22, Secunderabad Circle dt.13.09.2021, rejecting the

complaint in terms of Clause 2.37 Regulation of 03 of 2015 of Hon'ble Telangana State Electricity Regulatory Commission(in short 'the Commission').

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. According to the appellant a back billing case was booked vide case No.DPE/HYC/SD02/8927/21, dated 14.12.2020 against Service Connection No. DZ013183 towards differential tariff for an amount of Rs. 2,85,672/- from LT-II to LT-VIII for the period from 01.09.2017 to 14.12.2020. The Preliminary Assessment Order (in short 'PAO') was confirmed by respondent No.4 vide Lr.No 469, dt. 15.01.2021.

### **AWARD OF THE FORUM**

3. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint as stated above, stating that the appeal lies before respondent no.5 and the learned Forum has no jurisdiction to entertain the complaint.

4. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the material on record properly and that at the relevant time the appellant was not doing any construction in the premises and at that time Hyundai workshop was running in the subject premises. Therefore it is prayed to set right the injustice meted out to the appellant.

## **WRITTEN SUBMISSION OF THE RESPONDENTS**

5. In the written submissions of respondent No.3, it is, inter-alia, submitted that in this case for Residential/Commercial building where the height of (10) meters and above is existing temporary supply is applicable (i.e, category VIII is applicable with effect from September 2017) in view of the usage of electricity by the applicant.

## **REJOINDER FILED BY THE APPELLANT**

6. In the rejoinder of the appellant it is stated that as per the letter of respondent no.2 dated 03.06.21 at the time of alleged back billing there was no construction activity whatsoever. Therefore it is prayed to refund the amount paid by the appellant.

7. Heard both sides.

## **POINTS**

8. The points that arise for consideration are:-

- i) Whether the appellant is entitled for withdrawal of demanded amount of Rs.2,85,672/- as prayed for?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- ii) To what relief?

**POINT No. (i) and (ii)**

**ADMITTED FACTS**

9. It is an admitted fact that the respondents have released Service Connection No. DZ13183 in favour of the appellant. The PAO passed in this case for back billing was confirmed by the proper authority.

**SETTLEMENT BY MUTUAL AGREEMENT**

10. Both the parties have appeared before this Authority on different 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**

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.

**CRUX OF THE MATTER**

12. The present appeal filed by the appellant is towards withdrawal of back billing amount raised for an amount of Rs.2,85,672/- against the Service Connection No. DZ013183 towards differential tariff from LT-II to LT-VIII levied for the period from 01.09.2017 to 14.12.2020. The record shows that there were

two cases booked, towards utilisation of supply for construction purpose, one is back billing case No. DPE/HYC/SD02/8927/21 for an amount of Rs. 2,85,672/- at 12.05 hrs and another case was booked vide case No. DPE/HYC/SD02/9355/21 for an amount of Rs.46,833/- towards unauthorised usage of energy under Sec.126 of the Electricity Act (in short 'the Act') at 13.35 hrs on the same date 14.12.2020 by the same Inspecting Officer Sri P.Vidya Sagar, ADE/DPE/Hyd(Central). The appellant preferred the present appeal for withdrawal of the back billing case. He has relied on the letter of Sri L.Krishna Mohan ADE/OP/James Street submitted during the course of hearing before the learned Forum vide Lr.No.ADE/OP/James Street/D-XVIII/SD/C-V/D.No.139/21 dt. 03.06.2021, which is reproduced here-under:-

"On receiving the letter the consumer premises was inspected along with all the relevant documents and found the following:-

1. *The service with S.No.DZ-13183 is being utilised for servicing of vehicles of Hyundai company in that premises.*
2. *There exists no other service in that premises.*
3. *No new construction was made recently.*
4. *The exterior of the building which was getting deteriorated due to corrosive water and air from tank bund was renovated and no extra floor was laid nor any new construction made.*
5. *On inspection of the consumption history of the consumer it is found that the consumer after completion of construction had applied for additional with ct meter in November 2017 and same was done to the new servicing centre of vehicles of Hyundai company in that premises. And also for construction of house of 3 floors it is not possible for such high consumption recording.*

6. Hence from all the above it is to submit that the case booked is wrong and no new construction work is going on. There is no justification for the case booked from Category II to VIII.

13. The ADE/OP//James Street Sri L.Krishna Mohan later vide letter dt. 03.06.2021 has admitted that the case was wrongly booked contradicting the Provisional Assessment Notice given by himself vide Lr.No.ADE/OP/JST/SD/D-XVIII/C-V/D.No.469 dt.15.07.2021. Subsequently the ADE/OP//James Street was succeeded by another officer by name Sri K.Shiva Durga Prasad and vide Lr.No.ADE/OP/JST/SD/D-XVIII/C-V/D.No.722/21-22 dt.30.11.2021 and he issued a notice again demanding Rs. 46,833/- under Sec.126 of the Act based on the inspection conducted on 14.12.2020 at 13.35 hrs by Sri P.Vidya Sagar, ADE/DPE/Hyd(Central).

14. A perusal of the record goes to show that based on the inspection conducted on 14.2.2020 by Sri P.Vidya Sagar,ADE/DPE/Hyd Central, vide PAO notice dt:15.1.2021 Sri L. Krishna Mohan demanded the appellant to pay an amount of Rs.2,85,672/- and vide Lr.No.139 dt.03.06.2021 the same officer declared that the case booked is wrong. Later again a PAO notice dt 30.11.2021 was issued by the another officer Sri K.Shiva Durga Prasad, who succeeded Sri L.Krishna Mohan as ADE/OP//James Street to pay an amount of Rs. 46,833/- under Sec.126 of the Act making the dispute more confusing as to which notice is correct and actually whether there was construction or not. The appellant claimed that there was no construction activity involved previously. The record and the photos available show that there might not be new

construction undertaken, but renovation activity was taken place at the exterior of the building, which does not fall under the ambit of Commercial Category LT-II. There is no specific difference given in the Tariff Orders whether the LT Category-VIII applies to only new construction. The relevant Clause 7.37 of the Tariff Order 2018-19 is reproduced here-under for perusal:-

“Construction activities like construction of all types of structures/infrastructure such as residential /commercial buildings (height of 10 meters and above), bridges, flyovers, dams, power stations, roads, aerodromes, tunnels for laying of pipelines, etc. The relevant tariff for temporary supply shall be applicable during the phase of construction. Construction activities of structures of height less than 10 meters will fall under LT-II and HT-II, as relevant.”

15. In view of the aforementioned paras, it is clear that the supply was utilised for the renovation of the exterior of the building apart from utilising the service for the office purpose during the time of inspection on 14.12.2020. The appellant could have applied for another temporary supply Service Connection for the renovation of exterior side of the building which could have been ideally billed under the particular category of usage of supply i.e. Commercial Category and Temporary Category separately.

16. Now the question remains to be answered is which PAO notice is correct as there were two cases booked. This was answered in the Final Assessment Order (in short FAO) given by the DE/Assessments under Clause 5 vide Order No. DEA/HYD/DAT.200609 (INW.No.3834/JS) D.No.2048 dt.21.06.2022, which is reproduced here-under:-

“While scrutinising the case, it is observed that two cases were booked, one is back billing case No. DPE/HYC/SD02/8927/21 and the other is unauthorised case No.DPE/HYC/SD02/9355/21 on the same day by the same Inspecting Officer. As such the Inspecting Officer was asked for clarification. The Inspecting Officer orally stated that by oversight they have booked Back Billing case wrongly and also forwarded the letter addressed to CGM/Commercial for deletion of Back Billing case DPE/HYC/SD02/8927/21. Hence based on the Inspecting Officer statement, the Provisional Assessment amount is confirmed. Accordingly the case is disposed of.”

17. The above given observation in the FAO makes it clear that the back billing case vide DPE/HYC/SD02/8927/21 for an amount of Rs. 2,85,672/- booked on 14.12.2020 at 12.05 hrs is wrong and hence liable to be set aside. As per the Lr.No. AAO/ERO/PRD/JAO.Billing/D.No.306/2022 dt.30.08.2022, the appellant paid Rs.71,443/- which is 1/4th of the demanded back billing amount. This is to be adjusted in the future bills. As regards to second case booked vide case No.DPE/HYC/SD02/9355/21 under Sec.126 of the Act for Rs. 46,833/-, this Authority has no jurisdiction under Clause 2.37 of the Regulation as stated above. Hence, the appellant is directed to approach the competent Authority under Sec.127 of the Act, i.e. Superintending Engineer/Assessment/Hyderabad, respondent No.5 herein.

**POINT No. (iii)**

18. In view of the findings on point No. (i) and to (ii), the appeal is liable to be allowed.



## RESULT

19. In the result, the appeal is allowed, setting aside the Award passed by the learned Forum. The back billing case No. DPE/HYC/SD02/8927/21 demanding Rs.2,85,672/- is set aside. The 1/4th amount of Rs.71,443/- paid by the appellant shall be adjusted in future CC bills immediately. This Authority has no jurisdiction in respect of case No. DPE/HYC/SD02/9355/21 booked under Sec.126 of the Act demanding Rs.46,833/-.

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 6th day of January 2023.

Sd/-  
**Vidyut Ombudsman**

1. Sri K.Veerender Reddy, H.No.5-4-187/6, Karbala Maidan, M.G.Road, Secunderabad-500009.
2. The Assistant Engineer / Operation / Paradise/TSSPDCL/Secunderabad.
3. The Assistant Divisional Engineer / Operation / James street/ TSSPDCL/Secunderabad.
4. The Assistant Accounts Officer / ERO /Paradise/TSSPDCL/Secunderabad.
5. The Divisional Engineer/Operation/Paradise/TSSPDCL/Secunderabad.
6. The Superintending Engineer/Operation/Secunderabad Circle/TSSPDCL/Secunderabad.

### Copy to

7. The Chairperson, Consumer Grievances Redressal Forum-II of TSSPDCL- D.No.8-3-167/E/1, CPTI Premises, TSSPDCL,GTS Colony, Vengala Rao Nagar, Hyderabad-500045.