



**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**

TUESDAY THE SIXTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY TWO

**Appeal No. 23 of 2020-21**

Between

M/s L&T Metro Rail (Hyderabad) Limited, Hyderabad Metro Rail Administrative Building, Uppal Main Road, Nagole, Hyderabad- 500 039, represented by Sri Anil Kumar Saini, Cell: 8008355335, 040-22080728. ....**Appellant**

**AND**

1. The Assistant Divisional Engineer / Operation / Uppal / TSSPDCL / Hyderabad.
2. The Divisional Engineer / Operation / Habsiguda / TSSPDCL / Hyderabad.
3. The Divisional Engineer / DPE / Hyd. South Circle / TSSPDCL / Hyderabad.
4. The Senior Accounts Officer / Operation / Habsiguda Circle / TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL Hyderabad.

..... **Respondents**

This appeal is coming on before me for final hearing on 13.10.2022 in the presence of Sri Sudhir Chiplunkar, representative of the appellant and Sri K. Hanuma - SAO/OP/Habsiguda, Sri K. Sai Prasad - DE/OP/Habsiguda and Sri G. Pullaiah - DE/DPE/HT-1/Hyderabad 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 - Greater Hyderabad Area (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No. 37/2020-21/Habsiguda Circle dt.03.11.2020.

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

2. The case of the appellant is that it is the concessionaire for Hyderabad Metro Rail project and draws power from the respondent-licensee at 132 KV and the power is stepped down parallelly to 25 KVA for traction and 33 KV for Auxiliary power. The 33 KV power is stepped down to 440V at every station and separate meters were also installed by the respondents for retail and advertisement loads. The present grievance is in respect of Service Connection No. HBG-2851 which feeds the power to its (14) Metro stations from Nagole to Ameerpet. The respondents have installed meters at the above said Metro stations for recording energy bills of all categories like retails shops and advertisements etc. The respondents have taken readings from the internal panel meters of the appellant instead of the meters installed by the respondents between 01.11.2018 and 05.11.2018. The internal panel meters were intended for the internal observation of the appellant before segregation into Metro Rail Operations, retail and advertising categories respectively and had old recorded data of Tariff Category - HT-V(B) which was already paid.

Therefore it is prayed to direct the respondents to withdraw the back billing demand of Rs.24,88,892/-.

### **CASE OF THE RESPONDENTS BEFORE THE FORUM**

3. In the written submissions of respondent No.1, it is, inter-alia, stated that as per the instructions of Chief General Manager (Commercial) (in short 'CGM') CT meters were installed at various Metro stations for commercial shops and advertisements. The service in the instant case was inspected by respondent No.3 on 01.11.2018 and booked a back billing case for an amount of Rs. 24,88,892/-.

4. Respondent No.2 has also in his written submission, more or less, stated similar to that of the contents of the written submission of respondent No.1. It is also submitted that Final Assessment Order was also passed for payment of an amount of Rs.24,88,892/-.

### **AWARD OF THE FORUM**

5. The learned Forum, after considering material on record and after hearing both sides, has rejected the complaint.

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has passed the Award without properly analysing the facts on record and without properly considering the relevant provisions.

## **GROUND OF THE APPEAL**

7. In the grounds of appeal, it is stated that the appellant has installed internal panel meters for their convenience but not for accurate reading of the units consumed by them. The advertisements in the Metro stations were set up much later and energised only after sealing of the meters of the respondents. It is accordingly prayed to withdraw the back billing demand made by the respondents and to set aside the impugned Award.

## **WRITTEN SUBMISSION OF THE RESPONDENTS**

8. In the written submission of respondent No.1, it is, inter-alia, stated that the subject Service Connection was released on 02.06.2014. The LT meters which were fixed at various Metro stations for commercial shops and advertisements were inspected by the DE/DPE/HT on 01.11.2018 at 10.30 AM and a back billing case was booked for Rs.24,88,892/-. In the Final Assessment Order the same amount was confirmed.

## **ARGUMENTS**

9. It is argued on behalf of the appellant that the appellant has installed internal panel meters at various places on all Metro stations for instant consumption studies and analysis since the three Metro stations were constructed in 2014-2016; that at many stations these internal panel meters and also the attached loads have been changed during the course of operation and that the back billing demand units in both the LT-II (B) and LT - II(C) categories are very high compared to average monthly billed units. Hence it is



prayed to withdraw the amount.

10. On the other hand, it is submitted on behalf of the respondents that the back billing amount is correct and it is prayed to reject the appeal.

### **POINTS**

11. The points that arise for consideration are:-

- i) Whether the back billing amount claimed by the respondents is not correct?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- iii) To what relief?

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

### **ADMITTED FACTS**

12. It is an admitted fact that the subject Service Connection was released on 02.04.2014. It is also an admitted fact that the appellant has installed internal panel meters.

### **SETTLEMENT BY MUTUAL AGREEMENT**

13. Both the parties have appeared before this Authority on 13.10.2022 and on earlier occasions. 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**

14. 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**

15. M/s. L&T Metro Rail, Uppal (appellant) is having a 132 KV EHT level service bearing Service Connection No. HBG 2851. As already stated, initially the said service was released on 02.06.2014 under H.T. Category-II. Later, the Category was changed from H.T.Category-II to H.T.Category-V(B), approved by CGM(Commercial)/TSSPDCL vide Memo No. CGM(Comml)/SE(C)/DE(C)/ADE-I/D.No.3133/2017-18 dt.18.11.2017 which is based on the Tariff Order FY 2017-18. The Hon'ble Telangana State Regulatory Commission (in short 'the Commission') accorded Special Category to the Hyderabad Metro Rail under H.T.-V(B) Category under Clause 8.109 of the Tariff Order FY-2017-18, which is reproduced here under:-

HT-V (B): Hyderabad Metro Rail Applicability

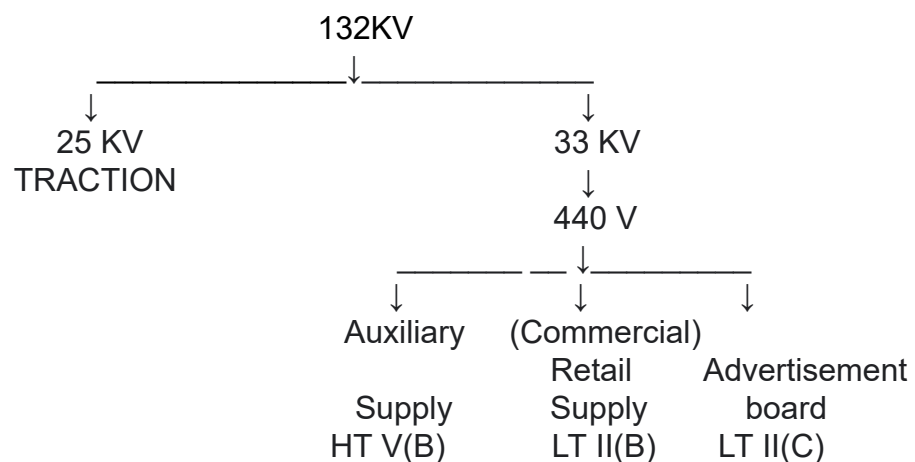
8.109 This tariff is available for HMR to run its operations (other than construction projects) to the extent of following:

- a. Traction load.
- b. Access pathways to the station such as elevators, staircases (including escalators) and platforms used for the purposes of boarding the train.
- c. Enabling areas such as ticket counters, station office, operation / control rooms, depots and public washrooms located within the station premises (excluding areas allotted for vehicle parking).

Category	Demand Charge* (INR/month)	Energy Charge (INR/kVah)	
	Unit	Rate	
HT V (B) HMR	kVA	390	3.95
* Demand charge is calculated at INR/kVA/month of the Billing Demand			

**Explanation: The commercial load (other than that in the above clause) at HMR stations and other HMR premises including any retail counters that are set up under the Telangana Shops and Establishments Act, 1988 shall be metered and billed separately as per the relevant tariff category.**

16. The L&T Metro Rail (Hyderabad) Ltd., is the concessionaire for Hyderabad Metro Rail Project, draws power at 4 Nos. Receiving Sub Station (RSS) in the Hyderabad City at 132 KV level of supply which will be again stepped down parallelly to 25 KV for traction and 33 KV for auxiliary power. The 33 KV power is again stepped down to 440 volts at each Metro Rail Station to feed Auxiliary supply and (retail) commercial power supply (LT Category-II(B)) and Advertisement Loads (LT Category-II(C)) with separate TSSPDCL LT energy meters installed by the TSSPDCL. The pictorial diagram of flow of supply is shown below:-



**Auxiliary supply HT V(B)** is the extension of supply to elevators, staircases (including escalators) and platforms used for the purposes of boarding the train, ticket counters, station office, operation / control rooms, depots and public washrooms located within the station premises (excluding areas allotted for vehicle parking).

**Commercial (Retail) Power Supply LT II(B)** is the extension of supply to commercial shops, ATM, Cell Phone Towers etc., existing in the various Metro Stations.

**Advertisement Board Supply LT II(C)** is the extension of supply to the advertisement boards/sign boards existing in the various Metro Stations.

17. The subject Service Connection HBG 2851 feeds power supply to (14) Metro stations from the stretch Nagole to Ameerpet. TSSPDCL installed LT energy meters at Metro stations at respective Metro stations to record the aggregate loads and consumption of commercial establishments and advertisements. These meters were fixed and sealing was done from February 2018 to December 2018. Simultaneously the LT supply was also utilized for the Auxiliary purpose (defined above) at each station. The Metro had started their operations from 29.11.2017.

18. During the release of TSSPDCL LT energy meters for commercial / (retail) establishments and advertisements, the DE/DPE/HT and his team in the presence of L&T executives conducted inspections from

01.11.2018 to 05.11.2018 at the various Metro stations. The Inspecting Officer stated to have found that there were shortfall units under LT-II(B) Commercial (retail) Category and Advertisement LT-II(C) Category when compared with the corresponding L&T internal Panel connected meters readings and TSSPDCL LT energy meters. Accordingly back billing demand was raised taking difference of units between the meters against the Service Connection No. HBG 2851 Category V(B) for an amount of Rs.24,88,892/- from Nagole Metro Station to Ameerpet Metro Station. The details of assessment are shown below:-

Sl. no	Name of the Metro Station	Short fall units to be billed under LT-2B Category (A)	Short fall units to be billed under LT-2C Category (B)	Shortfall units already billed at Tariff rate (C)	Tariff Rate of LT-2B Category (D)	Tariff Rate for LT-2C Category (E)	Shortfall amount under LT-2B Category = AX(D-C)	Shortfall amount under LT-2C Category = AX(E-C)
1.	Nagole	15615.43	-	3.95	10	-	94473.35	0.00
2.	Uppal	38776.44	5962.53	3.95	10	12	234597.46	47998.37
3.	Stadium	31865.78	3918.53	3.95	10	12	192787.97	31544.17
4.	NGRI	23940.49	-	3.95	10	-	144839.96	0.00
5.	Habsiguda	19795.5	30897.38	3.95	10	12	119762.78	248723.91
6.	Tarnaka	80547.9	15272.7	3.95	10	12	487314.80	122945.24
7.	Mettuguda	31312.89	3329.5	3.95	10	12	189442.98	26802.48
8.	Secunderabad East	156.3	3160	3.95	10	12	945.62	25438.00
9.	Parade Grounds	9439.4	1781.64	3.95	10	12	57108.37	14342.20
10.	Paradise	1764.88	1778.51	3.95	10	12	10677.52	14317.01

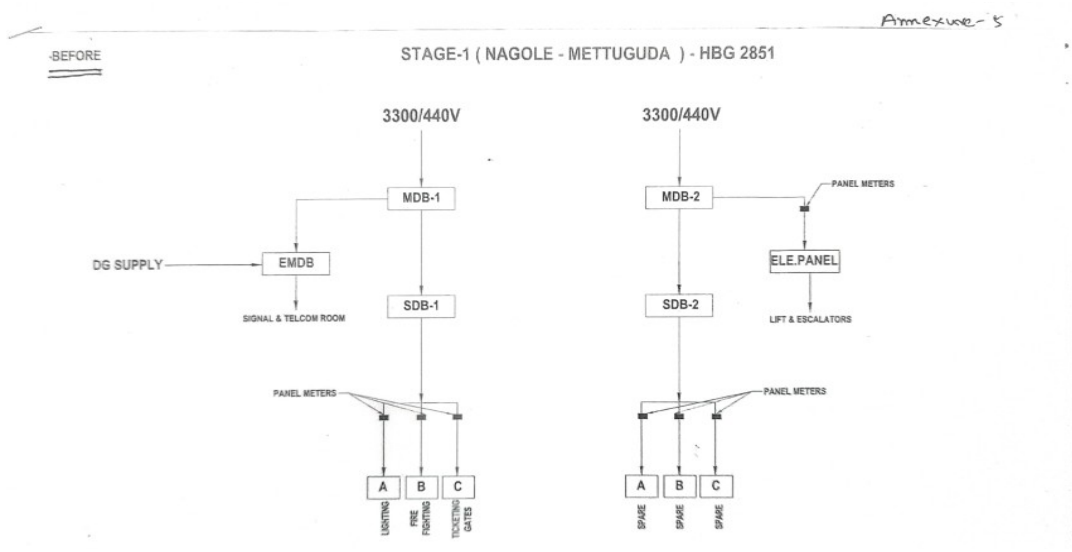
11.	Rasoolpura	4674.8	11311.8	3.95	10	12	28282.54	91059.99
12.	Prakash Nagar	6059.93	28074.9	3.95	10	12	36662.58	226002.95
13.	Begumpet	7078.03	-	3.95	10	-	42822.08	0.00
Total		271027.77	105487.49				1639718	849174
Total Shortfall amount								2488892

Overall there were (14) Metro stations on the stretch Nagole-Ameerpet. Out of those, in the above given (10) Metro stations it is found that L&T internal panel connected meters consumption is higher than TSSPDCL energy meters. The TSSPDCL energy meters were properly sealed as soon as the supply was released to the Commercial (retail)/advertisement establishments. The period taken to complete the release of all TSSPDCL LT energy meters between the above said stretch of Metro stations was from February 2018 to December 2018. The actual date of operation of L&T Metro was from 29.11.2017. The respondents claim that even though the TSSPDCL energy meters were not released, the available supply of 440 V for utilisation of Auxiliary supply was availed for the Commercial (retail)/advertisements establishments and the consumption was recorded in the L&T internal Metro panel meters. Hence such excess consumption recorded in the L&T internal Metro panel meters compared with the corresponding TSSPDCL LT energy meters was arrived as short billed units and assessment of amount was done taking difference of tariff rates

between Rs 3.95 ps, HT V(B) and Rs 10/- LT-II(B)-Retail/ Rs 12/- - LT-II(C)-Advertisements.

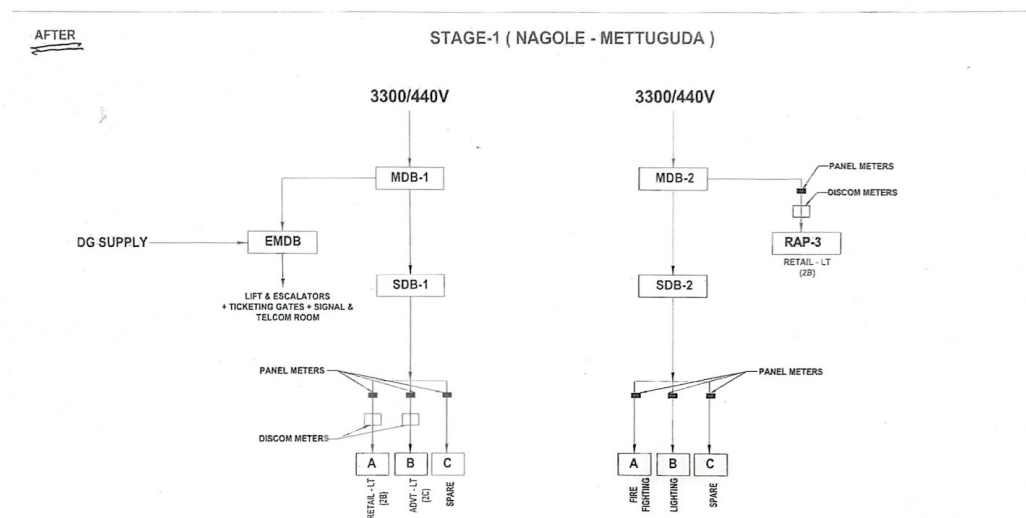
19. The appellant has totally denied the short billed assessments stating that the purpose of L&T internal panel energy meters was for their internal observations to know the consumption of Auxiliary supply (Metro Rail Operations). During the installation of TSSPDCL energy meters certain reconfiguration of feeder panels were also carried out based on the suggestions and comments of TSSPDCL officials. The appellant has given the pictorial layout of the internal panel energy meters and TSSPDCL meters before and after as shown below:-

**METERING ARRANGEMENT BEFORE INSTALLATION OF TSSPDCL ENERGY METERS**





## METERING ARRANGEMENT AFTER INSTALLATION OF TSSPDCL ENERGY METERS



It was claimed that the old recorded data of the internal panel energy meters was already accounted for billing under tariff category - HT V(B). Hence these readings cannot be considered for short billing. The short billed units when compared with the average monthly billed units of TSSPDCL meters would take several months even before the construction of Metro stations. Even though the Metro started its operations on 29.11.2017, according to the appellant, the Commercial (retail) and advertisements establishments were set up much later and energized only after sealing of TSSPDCL meters. Hence, it was claimed that the short billing assessment is not tenable.

20. The first respondent has submitted that based on the L&T Metro rail (Hyderabad) representation to inspect and release the LT CT Meters were fixed to Metro stations for retail power supply and LT 3-Phase energy meters for advertisement purpose, as sub-meters feeding from 132 KV HT service HBG-2851. It is claimed that during the review meeting on HT billing business process dt.24.10.2018, the Chairman and Managing Director/TSSPDCL has instructed to inspect the Hyderabad Metro Rail Stations regarding metering arrangement for retail purpose and advertisement purpose at Metro stations. Accordingly inspections were carried out by DE/DPE/HT and his team in the presence of L&T executives from 01.11.2018 to 05.11.2018, wherein it was found that there is shortfall in billed units under Commercial(retail) LT Category II(B) and Advertisements LT Category II(C) compared between the L&T internal panel energy meter readings and TSSPDCL energy meter readings. The Final Assessment Order was passed by the SE/OP/Habsiguda considering all relevant facts and circumstances and as per the Clause 7.5.1 of General Terms and Conditions of Supply (in short 'GTCS'), confirming the provisional assessed amount of Rs.24,88,892/-. The following is the date of release of TSSPDCL energy meters:-

ADVERTISEMENTS SUPPLY METERS			RETAIL SUPPLY METERS		
STATION NAME	METER NO.	DATE OF RELEASE	STATION NAME	METER NO.	DATE OF RELEASE
Uppal station	7010244	23.07.2018	Ameerpet Ratnadeep	3023139	21.3.2018
NGRI	7010245	01.08.2018	Ameerpet Panel-2	3023099	16.4.2018
Nagole	7010246	23.07.2018	Ameerpet Panel-3	17269830	18.01.2019
Tarnaka	7010332	01.08.2018	Ameerpet Panel-4	17269827	18.01.2019
Habsiguda	7010330	01.08.2018	Nagole Panel-1	3023085	21.06.2018
Mettuguda	7010243	01.08.2018	Nagole Panel-2	3023265	03.12.2018
Sec-bad East	7011269	30.10.2018	Habsiguda Panel-1	3023162	21.06.2018
Parade Ground	7011973	31.10.2018	Habsiguda Panel--2	3023029	21.06.2018
Paradise	7011271	31.10.2018	Uppal Panel-1	3025461	21.06.2018
Rasoolpura	7011272	01.11.2018	Uppal Panel-2	4001637	23.01.2019
Prakash Nagar	7011720	01.11.2018	NGRI Panel-1	3023129	21.06.2018
Begumpet	7011268	02.11.2018	NGRI Panel-2	3023130	21.06.2018
Stadium	7010331	21.12.2018	Stadium Panel-1	3025427	03.12.2018
			Stadium Panel-2	3023107	03.12.2018

	Mettuguda Panel-1	3023081	09.08.2018
	Mettuguda Panel-2	3023169	09.08.2018
	Parade Ground Panel-1	3025496	09.08.2018
	Paradise Panel-1	3023052	09.08.2018
	Sec-bad East Panel-1	3023238	09.08.2018
	Tarnaka Panel-1	3023044	09.08.2018
	Tarnaka Panel-2	3025420	09.08.2018
	Rasoolpura Panel-1	3023089	25.10.2018
	Prakash Nagar Panel-1	3023254	05.11.2018
	Begumpet Panel-1	3025413	02.11.2018

21. The scrutiny of the rival contentions of both the parties goes to show that the Clause 7.5.1 of GTCS referred in the Final Assessment Order Lr.No.SE/OP/HBG/SAO/AAO-HT/JAO/SA/HBG2851/D.No.1581/18 is not correct. The Clause 7.5.1 is reproduced here under:-

“Defective Meters: The following procedure shall be adopted by the Company in respect of defective meters (other than stuck up meters which do not involve any dispute).”

The above given Clause relates to the assessment on account of defective meter. Clearly such is not the present case. The assessment of short billing is solely based on the energy consumption recorded in the internal L&T panel energy meters. The respondents claim that the supply was availed from existing 440 V Auxiliary power supply to the Commercial (retail) and advertisement establishments before installation of TSSPDCL energy meters. A perusal of the assessment approach of the respondents show that the assessment is not consistent to all the Metro Stations, for example:-

HABSIGUDA METRO STATION ADVERTISEMENT BOARDS	
TSSPDCL meter consumption Meter No. 7010330	3774.7
Internal Panel energy meter reading consumption	34972.08
Difference	30897.08

At the Habsiguda Metro station for the advertisement boards having TSSPDCL energy meter released on 23.07.2018 with the meter No. 7010330 has the KVAH reading of 3774.7, whereas the corresponding internal panel energy meters having advertisements boards total consumption is 34972.08. There is a vast difference of both the meters consumption of 30897.08 units. It is pertinent to note that the advertisement board remains constant since the consumption duration and the connected load remains unchanged. The appellant claims that when the difference of consumption of units in this case is 30897.08 units when compared with average consumption of the TSSPDCL energy meters i.e. the average consumption is 1521 units per month, which goes to show that it would take (20) months consumption to arrive at the total consumption of internal

panel energy meters which is unrealistic as the Metro operations started on 29.11.2017.

NAGOLE METRO STATION ADVERTISEMENT BOARDS	
TSSPDCL meter consumption Meter No. 7010246	2851
Internal Panel energy meter reading consumption	1875
Difference	976

In another case the Nagole advertising boards record consumption of 2851 units in the TSSPDCL meters whereas in panel meters it is 1875 units less than the panel meters, which is against the point of the respondents who claimed that L&T internal panel meters consumption recorded the short billed units excess of TSSPDCL energy meters. With the above two examples it is crystal clear that there is no consistency in the approach of the respondents over short billing with reference to L&T internal panel meters. If the approach remains the same for all the stations the basis of short billing could be legitimate. Hence there are shortcomings in the way the assessment made taking factors which are beneficial to the TSSPDCL.

22. The other aspect of the dispute is can there be scope of utilisation from available Auxiliary supply to be misused for Commercial (retail) and advertisement purposes. 440 V of supply was available at the Metro stations; there would be no distinction for the ground staff to discriminate i.e. whether the supply available is for purpose of Auxiliary supply or Commercial (retail) supply, since the supply was available through internal panel energy meters. Hence the

probability of misuse though through ignorance cannot totally be eliminated. At the cost of repetition the operation of the Metro was started on 29.11.2017. The record shows that vide letter dt.10.10.2022, Clause 8, the appellant had agreed to the agreements between M/s. L&T Metro and Commercial (retail) /advertisement establishments were concluded way back in the year 2016/2017 and 2018, but it was claimed that the starting of business was delayed. M/s. L&T Metro approached the TSSPDCL for the requirement of supply from February 2018. Subsequently it took (10) months for the TSSPDCL to complete the energization of TSSPDCL meters to all the Metro stations. Hence during this period the probability of usage of subsidised category supply i.e. Auxiliary supply HT-V(B) utilisation for commercial/advertisement boards cannot be denied. M/s. L&T metro could not prove through records the inception date of each Commercial (retail) /advertisement establishment of all Metro stations, which could have enlightened the actual facts. Taking cue of this present situation it is found reasonable to take middle path on one hand acknowledging the theory of appellant that comparing internal energy panel in misleading, but on the other hand contemplating the finding of the TSSPDCL i.e. supply is being utilized for other than the purpose of usage of supply and hence assessment is to be revised taking reasonable factors. In the present case the TSSPDCL energy meters consumption shall be taken as the reference point. The consumption recorded in the TSSPDCL energy meters shall be taken as average consumption and back billing to the preceding months upto February



2018, the date of requirement of Commercial (retail)/advertisement supply was placed by the appellant. Hence the assessment is revised as per the following:-

Station	Date of release of service connection		Nov 2018	Oct 2018	Sept 2018	Aug 2018	Jul 2018	June 2018	May 2018	Apr 2018	March 2018	Feb 2018	Short billed units	
	Panel-1	Panel-2	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	Average Units based on monthly consumption	Average units before instalation of TSSPDCL Meters					
Nagole	21.06.2018	03.12.2018	1117	978	897	1218	1091	1060.2	1060.2	1060.2	1060.2	1060.2	1060.2	5301
Uppal	21.06.2018	23.01.2019	4364	3830	3549	4438	4672	4170.6	4170.6	4170.6	4170.6	4170.6	4170.6	20853
Stadium	03.12.2018	03.12.2018						0	0	0	0	0	0	0
NGRI	21.06.2018	21.06.2018	4496	4115	2629	2528	2759	3305.4	3305.4	3305.4	3305.4	3305.4	3305.4	16527
Habsiguda	21.06.2018	21.06.2018	4982	4195	4394	6283	3120	4594.8	4594.8	4594.8	4594.8	4594.8	4594.8	22974
Tarnaka	09.08.2018	09.08.2018	6693	4838	5767	3345	5160	5160.75	5160	5160	5160	5160	5160	30960.75
Mettuguda	09.08.2018	09.08.2018	4149	2402	2625	1528	2676	2676	2676	2676	2676	2676	2676	16056
Sec-bad East	09.08.2018	-	2410	2048	2291	1219	1992	1992	1992	1992	1992	1992	1992	11952
Parade Grounds	09.08.2018	-	2911	2587	2956	1678	2533	2533	2533	2533	2533	2533	2533	15198
Paradise	09.08.2018	-	2267	2391	3105	1994	2439	2439.25	2439	2439	2439	2439	2439	14634
Rasoolpura	25.10.2018	-	1288	1288	1288	1288	1288	1288	1288	1288	1288	1288	1288	11592
Prakash Nagar	05.11.2018	-	1391	1391	1391	1391	1391	1391	1391	1391	1391	1391	1391	12519
Begumpet	02.11.2018	-	2170	2170	2170	2170	2170	2170	2170	2170	2170	2170	2170	19530



Station	Date of release of service connection	Nov 2018	Oct 2018	Sept 2018	Aug 2018	Jul 2018	June 2018	May 2018	Apr 2018	March 2018	Feb 2018	Short billed units
		TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	Average Units based on monthly average consumption	Average units before instalation of TSSPDCL meters						
Nagole	23.07.2018	1047	1089	1338	1158	1158	1158	1158	1158	1158	1158	8106
Uppal	23.07.2018	635	657	657	650	649	649	649	649	649	649	4543
Stadium	21.12.2018	0	0	0	0	0	0	0	0	0	0	0
NGRI	01.08.2018	737	1013	888	879	879	879	879	879	879	879	6153
Habsiguda	01.08.2018	1466	1439	1659	1521	1521	1521	1521	1521	1521	1521	10647
Tarnaka	01.08.2018	804	863	1065	911	911	911	911	911	911	911	6377
Mettuguda	01.08.2018	658	1365	2569	1531	1531	1531	1531	1531	1531	1531	10717
Sec-bad East	30.10.2018	0	0	0	0	0	0	0	0	0	0	0
Parade Grounds	31.10.2018	0	0	0	0	0	0	0	0	0	0	0
Paradise	31.10.2018	0	0	0	0	0	0	0	0	0	0	0
Rasoolpura	01.11.2018	0	0	0	0	0	0	0	0	0	0	0
Prakash Nagar	01.11.2018	0	0	0	0	0	0	0	0	0	0	0
Begumpet	02.11.2018	0	0	0	0	0	0	0	0	0	0	0

Metro Station	RETAIL				ADVERTISEMENT				
	Short billed units	Tariff Rate@ Rs 3.95 (Category V-B)	Tariff Rate @ Rs 10/- (Category LT-II(B))	Difference of amount	Short billed units	Tariff Rate@ Rs 3.95 (Category V-B)	Tariff Rate @ Rs 10/- (Category LT-II(C))	Difference of amount	
Nagole	<b>5301</b>	20938.95	53010	32071.05	<b>8106</b>	32018.7	97272	65253.3	
Uppal	<b>20853</b>	82369.35	208530	126160.65	<b>4547</b>	17960.65	54564	36603.35	
Stadium	<b>0</b>	0	0	0	<b>0</b>	0	0	0	
NGRI	<b>16527</b>	65281.65	165270	99988.35	<b>6155</b>	24312.25	73860	49547.75	
Habsiguda	<b>22974</b>	90747.3	229740	138992.7	<b>10649</b>	42063.55	127788	85724.45	
Tarnaka	<b>30960</b>	122292	309600	187308	<b>6374</b>	25177.3	76488	51310.7	
Mettuguda	<b>16056</b>	63421.2	160560	97138.8	<b>10714</b>	42320.3	128568	86247.7	
Sec-bad East	<b>11952</b>	47210.4	119520	72309.6	<b>0</b>	0	0	0	
Parade Grounds	<b>15198</b>	60032.1	151980	91947.9	<b>0</b>	0	0	0	
Paradise	<b>14634</b>	57804.3	146340	88535.7	<b>0</b>	0	0	0	
Rasoolpura	<b>11592</b>	45788.4	115920	70131.6	<b>0</b>	0	0	0	
Prakash Nagar	<b>12519</b>	49450.05	125190	75739.95	<b>0</b>	0	0	0	
Begumpet	<b>19530</b>	77143.5	195300	118156.5	<b>0</b>	0	0	0	
				<b>1198480.8</b>					<b>374687.3</b>
Total (1198480.8 + 374687.3) = 15,73,168									

The short billing amount of Rs.24,88,892/- is accordingly further revised to Rs.15,73,168/- and the respondents are liable to withdraw an amount of Rs.9,15,724/-. The learned Forum has referred to Sec. 126 and 127 of the Act

while rejecting the complaint. At this stage it is necessary to refer to Sec.126 and Sec.127 of the Act, which are read as follows:-

**“Section 126: (Assessment):** --- (1) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorised use of electricity, he shall provisionally assess to the best of his judgement the electricity charges payable by such person or by any other person benefited by such use.

(2) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as may be prescribed.

(3) The person, on whom an order has been served under sub-section (2) shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within thirty days from the date of service of such order of provisional assessment of the electricity charges payable by such person.”

XXXXXXXXXX  
XXXXXXXXXX

**“Section 127. (Appeal to Appellate Authority):** --- (1) Any person aggrieved by the final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.”

XXXXXXXXXX  
XXXXXXXXXX  
XXXXXXXXXX

The Sec.126 and 127 of the Act are not relevant to the present dispute, since the Inspecting Officer of the TSSPDCL categorised the irregularity under short/back billing and not under un-authorise usage of supply . The Provisional

Assessment Notice vide Lr.No.ADE/OP/Uppal/D.No.2094/18-19 dt.10.12.2018 confirms that there are shortfall in units billed under LT-Category II(B) and LT-Category II(C). Hence, the learned Forum has erred in rejecting the appeal under the grounds of Sec.126 and 127 of the Act. Accordingly, I hold that the back billing amount claimed by the respondents is partly correct and the Award of the learned Forum is liable to be set aside to that extent. These points are accordingly decided partly in favour of the appellant and partly in favour of the respondents.

**POINT No. (iii)**

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

**RESULT**

24. In the result, the appeal is allowed in part and the short billing amount of Rs.24,88,892/- is revised to Rs.15,73,168/-. The appellant is granted two equal instalments to pay the revised amount. The first instalment shall be paid on or before 01-02-2023. The final instalment shall be paid within two months thereafter.

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 this the 6th day of December 2022.

Sd/-

**Vidyut Ombudsman**

1. M/s L&T Metro Rail (Hyderabad) Limited, Hyderabad Metro Rail Administrative Building, Uppal Main Road, Nagole, Hyderabad- 500 039, represented by Sri Anil Kumar Saini, Cell: 8008355335, 040-22080728.
  2. The Assistant Divisional Engineer / Operation / Uppal / TSSPDCL / Hyderabad.
  3. The Divisional Engineer / Operation / Habsiguda / TSSPDCL / Hyderabad.
  4. The Divisional Engineer / DPE / Hyd. South Circle / TSSPDCL / Hyderabad.
  5. The Senior Accounts Officer / Operation / Habsiguda Circle / TSSPDCL / Hyderabad.
  6. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL Hyderabad.
- Copy to**
7. 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.

