



**BEFORE THE VIDUYUT 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**  
**VIDUYUT OMBUDSMAN**

THURSDAY THE NINTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY THREE

**Appeal No. 23 of 2021-22**

Between

M/s. Veeranjanya Binny Rice Mill, Rajoly Village and Mandal, Shanthinagar  
Section, Gadwal District - 509125, represented by its Proprietor, Sri Suresh  
Kumar. Cell : 9440265669, 9490727270.

.....Appellant

**AND**

1. The Assistant Engineer / Operation / Shanthinagar / TSSPDCL / Gadwal District.
2. The Assistant Divisional Engineer / Operation / Alampur / TSSPDCL / Gadwal District.
3. The Assistant Accounts Officer / ERO / Gadwal / TSSPDCL / Gadwal District.
4. The Divisional Engineer / Operation / Gadwal / TSSPDCL / Gadwal District.
5. The Superintending Engineer / Operation / Gadwal Circle / TSSPDCL / Gadwal District.

..... Respondents

This appeal is coming on before me for final hearing on 07.01.2023 in the presence of Sri Hari Kumar - representative of the appellant and Sri Subbarayudu - AE/OP/Shanti Nagar and - Sri M.Madan Mohan-AAO/ERO/Gadwal representing the respondents and having stood over for consideration till this day, this Viduyut 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.01/2020-21, Gadwal Circle, dt.05.11.2020, disposing of the complaint directing the respondents to revise the bills from March 2020 to June 2020 within 21 days from the date of receipt of the impugned Award.

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

2. The case of the appellant is that the appellant is having Service Connection No. 0681901451 under Category-III at Rajoly Village and Mandal, Gadwal District with 100 HP contracted load. In January 2020 the appellant got a CC bill for Rs 1,03,157/- as the connected load reached 116 HP and was billed under HT category. The said amount was paid. In February 2020 though the connected load was recorded as 82.4 HP, the appellant was billed for Rs 76,632/- under HT Category. Similarly in March 2020 though the connected load recorded was only 11.73 HP, the appellant was billed for Rs 46,861/- under HT Category. The matter was represented to respondent No.5 but no action was taken. It is accordingly prayed to bill April 2020 under LT-Category, to revise the CC bills for February and March 2020 in LT Category and also to d-Flag the service.

### **WRITTEN REPLY OF THE RESPONDENTS BEFORE THE FORUM**

3. In the written reply submitted by respondent No.1, it is admitted about the releasing of subject Service Connection in favour of the appellant. It is also submitted that the subject Service was inspected for billing on 8.1.2020 and the HP was recorded 105 HP. The bill was generated in HT billing for an amount of Rs 1,03,285/-. As per Energy Billing System (EBS) software once the service was billed in HT, it is continuously billed in HT only.

### **AWARD OF THE FORUM**

4. After considering the material on record and after hearing both sides, the learned Forum has passed the Award disposing of the complaint as stated above.

5. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the CC bills were issued from January 2020 to June 2020 under HT Tariff, though only in January 2020 the CMD was exceeded; that the appellant is entitled for revision of CC bill of February 2020 and that the learned Forum, is not justified in not Awarding the compensation of Rs 12,000/- ( Rs 100 per day as penalty for 120 days) though the respondents were at fault.

### **WRITTEN SUBMISSIONS OF THE RESPONDENTS**

6. In the written submission of respondent No.1 before this Authority it is stated that the bill was revised from HT Category billing to LT Category -III

billing from February 2020 to November 2020 and an amount of Rs 1,34,757/- was withdrawn as per the impugned Award.

7. In the written submission of respondent No.3 also, the contents made in the written reply of respondent no.1 were mentioned .

8. Heard both sides.

### **POINTS**

9. The points that arise for consideration are:-

i) Whether the appellant is entitled for revision of any bills from HT category to LT category with compensation of Rs 12,000/- from the respondents as prayed for?

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**

10. It is an admitted fact that the respondents have released Service Connection No. 0681901451 to the appellant. It is not disputed that now the HT Flag is removed.

### **SETTLEMENT BY MUTUAL AGREEMENT**

11. 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**

12. 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**

13. M/s. Veeranjaneya Binny Rice Mill bearing S.C.No.0681 90141 under L.T Category-III with a CMD of 100 HP filed the present appeal to withdraw the H.T Tariff bill for the month of February 2020. In the month of January 2020, the appellant exceeded the CMD of 100 HP. The maximum demand recorded was 116.80 HP, thereby the HT flag was attached resulting in billing of HT Category-I until November 2020. The appellant raised a complaint against HT billing done by the respondents. The respondents, based on the complaint of the appellant, revised the bills from July 2020 to November 2020 withdrawing the HT Tariff bills. Thereafter, the learned Forum adjudicated the appeal of the appellant directed the respondents to further revise the bills for the months from March 2020 to June 2020. Subsequently the respondents revised the bills from February 2020 to November 2020 withdrawing an amount of Rs.1,34,757/- in the month of November 2020. Though the appellant is seeking revision of the February 2020 bill, it was already revised as stated above. The January 2020 bill stands as a dispute for billing under HT

Tariff. The record shows that the RMDs from January to June 2020 were 116,61.8,8.80,70.80,28.60 and 59.20. The only month where the appellant exceeded CMD of 100 HP is in January i.e. 116 HP.

14. It is pertinent here to notice the provisions touching the issue. The contractual agreement between the appellant and licensee in Appendix IA, Clause 2 is reproduced here under:-

“Load / Maximum Demand :- “I/we agree to take from the Company, electric power for a connected load not exceeding \_\_\_\_\_ HP/kW subject to a Contracted Maximum Load not exceeding \_\_\_\_\_ HP/kW for our exclusive use for the purposes above mentioned, at our Mills/Factory/Premises situated at \_\_\_\_\_. I/we shall not effect any change in the contracted demand without prior intimation to the Company.”

But in the present case, the appellant in the agreement agreed not to exceed the contracted load. The appellant exceeded the contracted demand of 100 HP to an extent of 116 HP breaching the above given clause of the agreement during the month of January 2020. Subsequent to this HT flag was raised in the billing automatically and HT tariff rates were imposed from the month of January 2020.

15. In view of the nature of the grievance involved in the appeal, it is desirable to refer to the relevant clauses of General Terms And Conditions Supply (GTCS) and Tariff Order 2018-19. The provisions governing the present issue are mentioned hereunder:-

**General Terms and conditions Clause 12.3.2:-**

“if at any time the maximum demand of a HT consumer exceeds his contracted demand or LT consumer exceeds the contracted load without prior approval of the Board, the consumer shall be liable to compensate the Board for all damages occasioned to its equipment or machinery if any, by reason of this default, and shall also be liable to pay the charges payable by him on account of such default, and shall also be liable to pay the charges payable by him on account of such increase in demand or load and penalty, as prescribed by the board from time to time, without prejudice to this right the Board may also cause the supply to the consumer to be disconnected.”

**Tariff Order 2018-19 Clause : LT-Tariffs ; Clause 7.53(iv):-**

“Where the recorded demand of any Service Connection under this Category exceeds the 75 KVA (or 100 HP), such excess demand shall be billed at the demand charge prescribed under HT-I (11 KV supply).”

The auto generation of HT flag from the month of excess RMD over 100 HP is unwarranted and not in accordance with provisions of GTCS and Tariff order. However, above statutes envisage the Licensee to apply the demand charges at HT tariff rates during the months where RMD has crossed 100 HP.

16. The aforementioned provisions make it clear beyond doubt that action of the respondents in levying the demand charges prescribed under HT-I rates only during the month January 2020 RMD of 116 HP is admissible, as such the appellant is not entitled for refund of the bill in HT tariff rates already paid for the month of January 2020. Having regard to the facts and circumstances of the case the appellant is not entitled for any compensation. Accordingly, I hold that the appellant is not entitled for revision of any bill from HT category to LT category with compensation of Rs 12,000/- from respondents as prayed for

and the Award of the learned Forum is not liable to be set aside. These points accordingly decided against the appellant and in favour of the respondents.

**POINT No. (iii)**

17. In view of the findings on point No. (i) and (ii), the Award of the Forum is liable to be confirmed.

**RESULT**

18. In the result, the appeal is rejected, without costs, confirming the Award passed by the Forum.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Private Secretary, corrected and pronounced by me on the 9th day of February 2023.

Sd/-  
**Vidyut Ombudsman**

1. M/s. Veeranjanya Binny Rice Mill, Rajoly Village and Mandal, Shanthinagar Section, Gadwal District - 509125, represented by its Proprietor, Sri Suresh Kumar. Cell : 9440265669, 9490727270.
2. The Assistant Engineer / Operation / Shanthinagar / TSSPDCL / Gadwal District.
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6. The Superintending Engineer / Operation / Gadwal Circle / TSSPDCL /  
Gadwal District.

**Copy to**

7. The Chairperson, Consumer Grievances Redressal Forum -I(Rural) TSSPDCL-  
H.No:8-03-167/14, GTS Colony, Yousufguda,Hyderabad-500045.

