



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**

WEDNESDAY THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 24 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 / Miyapur / TSSPDCL / Medchal Malkajgiri District.
2. The Divisional Engineer / Operation / Kukatpally / TSSPDCL / Medchal Malkajgiri District.
3. The Divisional Engineer / DPE / HT/Hyderabad / TSSPDCL / Hyderabad.
4. The Senior Accounts Officer / Operation / Medchal Circle / TSSPDCL / Medchal-Malkajgiri Circle.
5. The Superintending Engineer / Operation / Medchal Circle / TSSPDCL Medchal-Malkajgiri Circle.

..... **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 G.Madhusudhan Reddy - SAO/OP/Medchal Circle, Sri D.Chakravarthy - DE/OP/Kukatpally 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. 36/2020-21/Medchal 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. MCL-2718 which feeds the power to its (10) Metro stations from Miyapur to S.R.Nagar. 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. 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.31,50,978/-.

CASE OF THE RESPONDENTS BEFORE THE FORUM

3. In the written submissions of respondent No.5, it is, inter-alia, stated that as per the instructions of Chief General Manager (Commercial) (in short 'CGM') vide a Memo dt.18.11.2017 to implement the new retail tariff for the appellant with effect from 01.09.2017 the bills were issued accordingly. The service in the instant case was inspected by respondent No.3 from 05.11.2018 to 08.11.2018 and booked a back billing case for an amount of Rs. 31,50,978/-. The said amount is not paid.

AWARD OF THE FORUM

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

5. 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

6. 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

7. In the written submission of respondent No.5, it is, inter-alia, stated that the subject Service Connection was released on 27.12.2014. The LT meters which were fixed at various Metro stations for commercial shops and advertisements were inspected by the DE/DPE/HT from 05.11.2018 to 08.11.2018 and a back billing case was booked for Rs.31,50,978/-.

ARGUMENTS

8. 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 demanded amount.

9. 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

10. 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

11. It is an admitted fact that the subject Service Connection was released on 27.11.2014. It is also an admitted fact that the appellant has installed internal panel meters.

SETTLEMENT BY MUTUAL AGREEMENT

12. 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

13. 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

14. M/s. L&T Metro Rail, Uppal is having a 132 KV EHT level service bearing Service Connection No. MCL 2718. As already stated, initially the said service was released on 27.12.2014 under H.T. Category-II. Later, the

Category was changed from H.T.Category-II to H.T.Category-V(B), vide approval 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 of 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

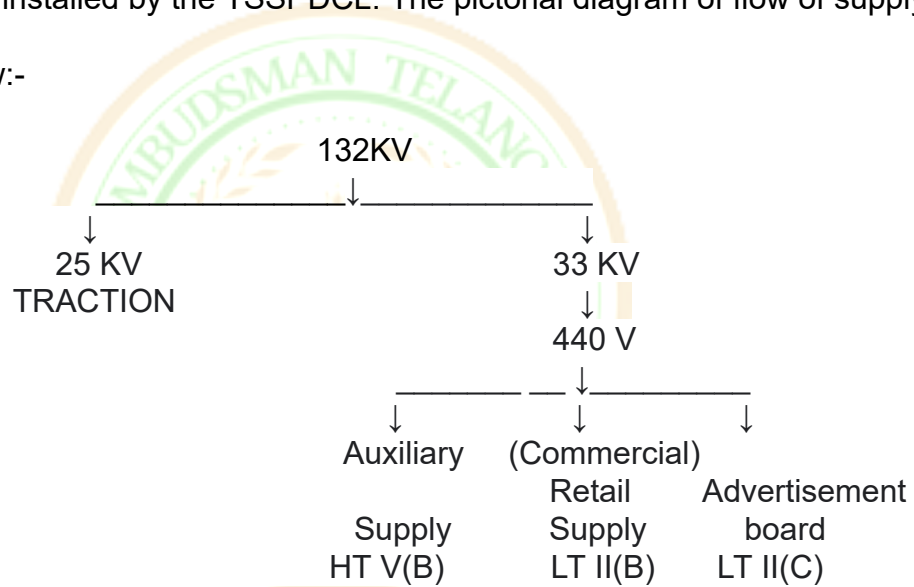
8.109 This tariff is available for HMR to run its operations (other than construction projects) to the extent of following:

- 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.

15. The L&T Metro Rail (Hyderabad) Ltd., is the concessionaire for Hyderabad Metro Rail Project, draws power at 4 Nos. Receiving substation (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.

16. The subject Service Connection MCL-2718 feeds power supply to (10) Metro stations from the stretch Miyapur to S.R.Nagar. 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 November 2018. Simultaneously the LT supply was also utilised for the Auxiliary purpose (defined above) at each station. The Metro had started their operations from 29.11.2017.

17. During the release of TSSPDCL LT energy meters for commercial / (retail) establishments and advertisements, the DE/DPE/HT and team in the presence of L&T executives conducted inspections from 05.11.2018 to 08.11.2018 at the various Metro stations. The Inspecting Officer stated to have found that there were shortfall of 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. MCL-2718
 Category V(B) for an amount of Rs.31,50,978/- from Miyapur Metro Station to
 S.R.Nagar Metro Station. The details of assessment are shown below:-

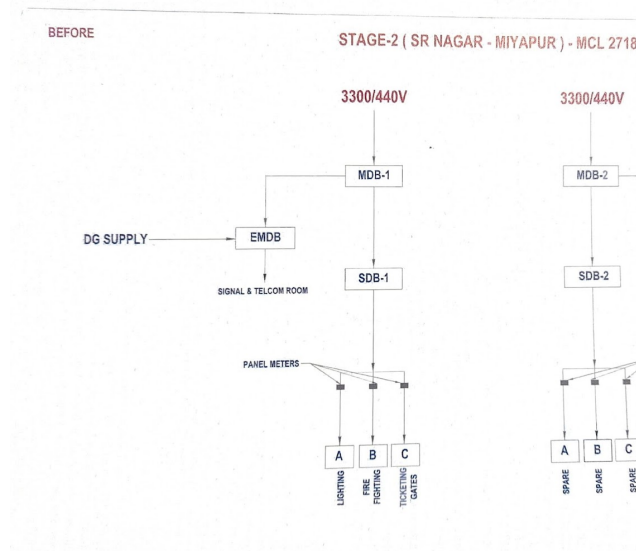
Sl. no.	Name of the Metro Station	Short fall units to be billed under LT-2B Category (A)	Short fall units to be billed under LT-2C Category (B)	Shortfall units already billed at Tariff rate (C)	Tariff Rate of LT-2B Category (D) Rs.	Tariff Rate for LT-2C Category (E) Rs.	Shortfall amount under LT-2B Category = AX(D-C) Rs.	Shortfall amount under LT-2C Category = AX(E-C) Rs.
1.	Miyapur	20085.5	17715.09	3.95	10	12	121517.28	142606
2.	JNTU	32471.2	38272.2	3.95	10	12	196450.76	308091.2
3.	KPHB	31303.63	30462.6	3.95	10	12	189386.96	245223.93
4.	Kukatpally	31830.4	3177.2	3.95	10	12	192573.92	25576.46
5.	Balanagar	37309.9	7846.5	3.95	10	12	225724.90	63164.33
6.	Moosapet	700.31	5579.25	3.95	10	12	4236.88	44912.96
7.	Bharat Nagar	22102.4	3750.7	3.95	10	12	133719.52	30193.14
8.	Erragadda	58033.1	10883.15	3.95	10	12	351100.26	87609.36
9.	ESI	31579.1	3336.1	3.95	10	12	191053.56	26855.61
10.	SR Nagar	56599.10	23383.6	3.95	10	12	342424.56	188237.98
11.	Ameerpet	6664.19	-	3.95	10	-	40318.35	-
Total		328678.83	144406.39				1988507	1162471
Total Shortfall amount								3150978

Overall there were (10) Metro stations on the stretch Miyapur to S.R.Nagar (Ameerpet Metro station is added in assessment). It is found that L&T internal panel connected meters consumption is higher than TSSPDCL energy meters.

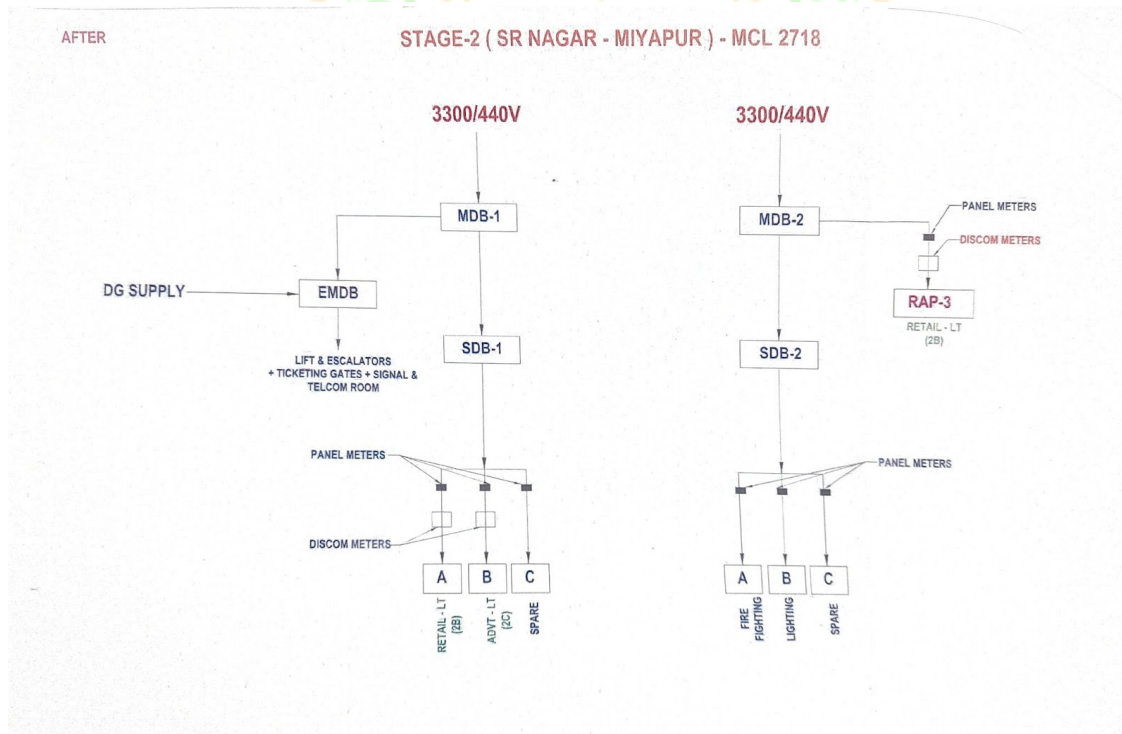
The TSSPDCL energy meters were properly sealed as soon as the supply was released to the Commercial (retail)/advertisement establishments. The period taken to complete the release of all TSSPDCL LT energy meters between the above said stretch of Metro stations was from April 2018 to Decembet 2018. The 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.

18. The appellant 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 energised only after sealing of TSSPDCL meters. Hence, it was claimed that the short billing assessment is not tenable.

19. The fifth respondent submitted that vide Memo No.CGM(Comml)/SE(C)/DE(C)/ADE-1/D.No.1287/2018-19 dt.23.08.2018 has approved for rescheduling of 19 MVA at 132 KV level and to release immediately 3.5 MVA for Metro Operations, 4 MVA for TOD Mall 0.25 MVA for retail advertisement and the balance 11.25 MVA will be released as per the request of M/s. L&T Metro Rail Hyd. Ltd., and instructed for installation of suitable metering arrangements for the retail advertisement loads and Malls etc. Accordingly, the agreement was concluded with M/s. L&T Metro Rail Hyd Ltd., and installed meters at Metro stations for recording the energy use for commercial purpose.e. Malls, retails and advertisements. During the installation of meters certation configuration of feeder panels was also carried out. 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 team in presence of L&T executives from 05.11.2018 to 08.11.2018, 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 and assessed the short billing amount of Rs.31,50,978/-. The short billing amount of Rs.31,05,978/- was included in C.C. bill of December 2018. The L&T Metro Rail Hyderabad Ltd., authorities have not paid the short billing amount included but represented for withdrawal of the above amount. The following is the date of release of TSSPDCL energy meters:-

ADVERTISEMENT SUPPLY METERS			RETAIL SUPPLY METERS		
STATION NAME	METER NO.	DATE OF RELEASE	STATION NAME	METER NO.	DATE OF RELEASE
S.R.Nagar	7010247	08.05.2018	Miyapur Panel-1	3023075	05.05.2018
Erragadda	7011975	08.05.2018	Miyapur Panel-2	3023146	05.05.2018
Miyapur	7011974	05.05.2018	Kukatpally Panel-1	3023014	28.06.2018
ESI	7011977	10.05.2018	Kukatpally Panel-2	656377	28.06.2018
Bharat Nagar	7010743	10.05.2018	KPHB Panel-1	3023241	28.06.2018
Moosapet	7010745	09.05.2018	KPHB Panel-2	3025487	28.06.2018
Balanagar	7010744	09.05.2018	JNTU Panel-1	3025483	28.06.2018

Kukatpally	7010746	09.05.2018	JNTU Panel-2	3023082	28.06.2018
KPHB	7010747	09.05.2018	Balanagar Panel-1	3023272	09.05.2018
JNTU	7011976	10.05.2018	Balanagar Panel-2	3025443	21.07.2018
			Bharat Nagar Panel-1	3025443	05.11.2018
			Bharat Nagar Panel-1	3023005	05.11.2018
			SR Nagar Panel-1	3023270	05.11.2018
			SR Nagar Panel-2	3023160	05.11.2018
			ESI Retail Panel-1	3025472	05.11.2018
			ESI Retail Panel-1	3023229	05.11.2018
			Erragadda Panel-1`	3025475	05.11.2018
			Erragadda Panel-2	3023290	05.11.2018

20. The scrutiny of the rival contentions of both the parties goes to show that the Clause 7.5.1 of GTCS referred in the Provisional Assessment Order Lr.No.ADE/OP/Myp/F.No.62/D.No.2155/18-19 dt.13.12.2018 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:-

BHARAT NAGAR Metro STATION ADVERTISEMENT BOARDS	
TSSPDCL meter consumption Meter No. 7010743	41.1
Internal Panel energy meter reading consumption	3891.8
Difference	3850.7

At the Bharat Nagar Metro station for the advertisement boards having TSSPDCL energy meter released on 10.05.2018 with the meter No. 7010343 has the KVAH reading of 41, whereas the corresponding internal panel energy meters having advertisements boards total consumption is 3891.8. There is a vast difference of both the meters consumption of 3850.7 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 3850.7 units when compared with average consumption of the TSSPDCL energy meters i.e. the average consumption is 50 units per month, which goes to show that it would take (230) 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.

ERRAGADDA Metro STATION ADVERTISEMENT BOARDS	
TSSPDCL meter consumption Meter No. 7011975	437.9
Internal Panel energy meter reading consumption	11521.05
Difference	11083.15

In another case the Erragadda advertising boards record consumption of 437.9 in the TSSPDCL meters whereas in panel meters it is 11521.05 which is against the point of the respondents where it was 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 confirmed 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 was made taking factors which are beneficial to the TSSPDCL.

21. The other aspect of the dispute is can there be scope of utilisation available for 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 which purpose 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 TSSPDCL energised the 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) 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 reasonable to take middle path on one hand acknowledging the theory of appellant that comparing internal energy panel meter is 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 only resource for the assessment is the TSSPDCL energy meters. These meters consumption shall be taken as the reference point. The consumption recorded in the TSSPDCL energy meters as on November 2018 (period of inspection) shall be taken as average

consumption and back billing is proposed to the preceding months upto February 2018 i.e., the date of requirement of Commercial (retail)/advertisement supply was placed by the appellant. Hence the assessment is revised as per the following:-

COMMERCIAL (RETAIL) - LT-Category-II(B)														
Station	Date of release of service connection		Nov 2018	Oct 2018	Sept 2018	Aug 2018	Jul 2018	June 2018	May 2018	Average Units based on monthly consumption	Average units before installation of TSSPDCL Meters			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	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption		Apr 2018	March 2018	Feb 2018	
Miyapur	05.05.2018	05.05.2018	9145	7927	6009	6623	5617	4238	1350	5844	5844	5844	5844	17532
JNTU	28.06.2018	28.06.2018	5429	5316	5755	5676	4551	5345	5345	5345.4	5345	5345	5345	26725
KPHB	28.06.2018	28.06.2018	6480	6505	6724	7403	5919	6606	6606	6606.2	6606	6606	6606	33030
Kukatpally	28.06.2018	28.06.2018	5143	5078	5376	5367	3926	4978	4978	4978	4978	4978	4978	24890
Bala Nagar	21.07.2018	21.07.2018	2899	2882	3222	3247	3063	3063	3063	3063	3063	3063	3063	18378
Moosapet	July 2019	July 2019	0	0	0	0	0	0	0	0	0	0	0	0
Bharat Nagar	05.11.2018	05.11.2018	507	507	507	507	507	507	507	507	507	507	507	4563
Erragadda	05.11.2018	05.11.2018	1735	1735	1735	1735	1735	1735	1735	1735	1735	1735	1735	15615
ESI	05.11.2018	05.11.2018	1526	1526	1526	1526	1526	1526	1526	1526	1526	1526	1526	13734
SR Nagar	05.11.2018	05.11.2018	2872	2872	2872	2872	2872	2872	2872	2872	2872	2872	2872	25848
Ameerpet*	16.04.2018	21.03.2018	41212	35777	41263	33383	14329	14107	11343	12176	8926	12176	12176	24352

* Average units for Ameerpet station was taken for (4) months upto June 2018.



ADVERTISEMENT LT CATEGORY - II(C)														
Station	Date of release of service connection		Nov 2018	Oct 2018	Sept 2018	Average Units based on monthly average consumption	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	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	TSSPDCL Energy Meter consumption	
Miyapur	05.05.2018		1797	648	531	992	992	992	992	992	992	992	992	6944
JNTU	10.05.2018		2679	2679	2679	2679	2679	2679	2679	2679	2679	2679	2679	24111
KPHB	09.05.2018		3323	3323	3323	3323	3323	3323	3323	3323	3323	3323	3323	29907
Kukatpally	09.05.2018		0	0	0	0	0	0	0	0	0	0	0	0
Bala Nagar	09.05.2018		0	0	0	0	0	0	0	0	0	0	0	0
Moosapet	09.05.2018		0	0	0	0	0	0	0	0	0	0	0	0
Bharat Nagar	10.05.2018		0	0	0	0	0	0	0	0	0	0	0	0
Erragadda	08.05.2018		287	195	112	198	198	198	198	198	198	198	198	1386
ESI	10.05.2018		0	0	0	0	0	0	0	0	0	0	0	0
SR Nagar	08.05.2018		455	448	12	305	305	305	305	305	305	305	305	2135
Ameerpet			0	0	0	0	0	0	0	0	0	0	0	0

	RETAIL				ADVERTISEMENT			
	Short billed units	Tariff Rate @ Rs 3.95 (Category V-B)	Tariff Rate @ Rs 10/- (Category LT-II(B))	Difference of Amount (Rs)	Short billed units	Tariff Rate @ Rs 3.95 (Category V-B)	Tariff Rate @ Rs 12/- (Category LT-II(C))	Difference of Amount (Rs)
MIYAPUR	17532	69251.4	175320	106068.6	6944	27428.8	83328	55899.2
JNTU	26727	105571.65	267270	161698.35	24111	95238.45	289332	194093.55
KPHB	33031	130472.45	330310	199837.55	29907	118132.65	358884	240751.35
KUKATPALLY	24890	98315.5	248900	150584.5	0	0	0	0
BALA NAGAR	18423	72770.85	184230	111459.15	0	0	0	0
MOOSAPET	0	0	0	0	0	0	0	0
BHARAT NAGAR	4563	18023.85	45630	27606.15	0	0	0	0
ERRAGADDA	15615	61679.25	156150	94470.75	1386	5474.7	16632	11157.3
ESI	13734	54249.3	137340	83090.7	0	0	0	0
SR NAGAR	25848	102099.6	258480	156380.4	2135	8433.25	25620	17186.75
AMEERPET	24352	96190.4	243520	147329.6	0	0	0	0
				1238525.75				519088.15

Total (12,38,525.75 + 5,19,088.15) = 18,11,693.75

*The meters released after the November 2018 (date of inspection) are left out in the assessment.

The short billing amount of Rs.31,50,978/- is thus further revisable to Rs.18,11,693.75 and the respondents are liable to withdraw an amount of Rs.13,39,284/-. 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/MYP/F.No.62/D.No.2155/18-19 dt.13.12.2018 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 party in favour of the appellant and partly in favour of the respondents.

POINT No. (iii)

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

RESULT

23. In the result, the appeal is allowed in part and the short billing amount of Rs.31,50,978/- is revised to Rs.18,11,694/- and 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 7th 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 / Miyapur / TSSPDCL / Medchal Malkajgiri District.
3. The Divisional Engineer / Operation / Kukatpally / TSSPDCL / Medchal Malkajgiri District.
4. The Divisional Engineer / DPE / HT/ Hyderabad / TSSPDCL / Hyderabad.
5. The Senior Accounts Officer / Operation / Medchal Circle / TSSPDCL / Medchal-Malkajgiri Circle.
6. The Superintending Engineer / Operation / Medchal Circle / TSSPDCL Medchal-Malkajgiri Circle.

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.

