



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 SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

Appeal No. 25 of 2021-22

Between

M/s. Shivateja Industries, H.No.1-6-83/103, Gayathri Apartments, Subhash Nagar, Mahabubnagar, Mahabubnagar District - 509 001, represented by its Proprietor, Sri Dharmapuram Sashikumar, s/o. D. Parvathiah, Cell:9912022209.

.....**Appellant**

AND

- 1.The Assistant Engineer / Operation / TSSPDCL / Mahabubnagar Rural/ Mahabubnagar District.
2. The Assistant Divisional Engineer / Operation / TSSPDCL / Mahabubnagar /Mahabubnagar District.
3. The Assistant Accounts Officer / ERO / TSSPDCL / Mahabubnagar / Mahabubnagar District.
4. The Divisional Engineer / Operation / TSSPDCL / Mahabubnagar / Mahabubnagar District.
5. The Senior Accounts Officer / Operation / TSSPDCL / Mahabubnagar / Mahabubnagar District.
6. The Superintending Engineer / Operation / TSSPDCL / Mahabubnagar Circle/Mahabubnagar District.
7. The Chief General Manager (Revenue) / TSSPDCL / Mint Compound /Hyderabad.
8. The Chief General Manager (Commercial) / TSSPDCL / Mint Compound /Hyderabad.

..... **Respondents**

This appeal is coming on before me for final hearing on 10.01.2023 in the presence of Sri D. Shashi Kumar - representative of the appellant and Sri M. Chandrashekar - ADE/OP/Mahabubnagar, Smt. K. Manemma - AAO/ERO/Mahabubnagar, Smt. Anuradha - JAO and Sri Sadik Pasha - JAO 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 - Rural (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.11/2021-22, Mahabubnagar Circle, dt.06.08.2022, allowing the complaint with specific directions to both parties.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released the electricity Service Connection No. 0176001106 to the appellant at Boyapalli Sivar, Nawabpet Road, Mahabubnagar District. The appellant received a C.C bill for Rs.43,364/- in the month of May 2021 in respect of the subject Service Connection for the connected load of 111.63 HP. The regular consumption of electricity of the appellant is under 75 HP since (25) years. The appellant paid an amount of Rs. 37,577/- for additional load of 24 HP to the existing load of 75 HP and an application was submitted on 27.05.2020 but the additional load was not released. In June 2021 also the appellant received the same excess amount for the subject Service Connection.

WRITTEN REPLY OF THE RESPONDENTS BEFORE THE FORUM

3. In the written reply submitted by respondent No.2, it is, inter-alia, submitted that the subject Service Connection is under LT-III Category with a contracted load of 75 HP. Necessary meter readings of the subject Service Connection were taken periodically. On the scrutiny of Meter Reading Instruments (MRI) dumps it was observed that the Recorded Maximum Demand (RMD) is more than the contracted load. Hence the flagging of LT service was changed to HT and bill was generated according to the units utilised.

4. Respondent No.2 has also provided additional written reply as directed by the learned Forum in respect of the inspection made on 06.07.2021 at 01.55 PM with load particulars etc.,

5. In the letter dt.07.07.2021 submitted by the Assistant Divisional Engineer/Meters & Protection/Mahabubnagar, it is submitted that as per the HT meter test report dt.11.06.2021 the final and initial values have been noted down. There is no change in CT PT set.

AWARD OF THE FORUM

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

7. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the appellant suddenly got an excess bill in May 2021. The respondents have not complied with the Award of the learned Forum and they demanded the appellant to pay the additional amount.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

8. In the letter dt.30.09.2022 of respondent No.6 before this Authority, a detailed report as to whether the Award of the learned Forum is complied with or not is mentioned. This letter shows that the respondents have not fully complied with the Award passed by the learned Forum.

9. Heard both sides.

POINTS

10. The points that arise for consideration are:-

- i) Whether the appellant is entitled for the revision of bill issued in the month of May 2021?
- 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 respondents have released Service Connection No. 0176001106 to the appellant about (25) years back under

LT-III Category with a contracted load of 75 HP. It is also an admitted fact that in the month of May 2021, the connected load of the appellant was 111.63 HP.

SETTLEMENT BY MUTUAL AGREEMENT

12. 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

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. Shivateja Industries bearing S.C. No. 0176001106 under Category-III, having a contracted load of 75 HP (later enhanced to 99 HP) preferred the present appeal against the excess billing under H.T. tariffs initiated by the respondents consequent to recording RMD of 83.73 KVA (112.23 HP) in the month of May 2021. The respondents raised HT flag in view of exceeding the threshold limit of 100 HP towards billing under H.T.Category. The Tariff Order mandates category of a consumer based on the Contracted Maximum Demand i.e. upto 100 HP the billing shall be under LT

Category-III and above shall be under HT Category-I for the industries. The raising of HT flag during the month of May 2021 continued even though during the subsequent months the RMDs were recorded below 100 HP i.e. June 2021 the RMD was 61.79 KVA and July 2021 it was 60.047 KVA and the billing continued under HT tariff rates. The learned Forum disposed of the appeal directing the respondents to remove HT flag and revise the bills of June and July 2021 under LT Category-III only. Subsequently, the respondents removed the HT flag on 13.08.2021, but they have not implemented the Award of the learned Forum for revision of bills for the months of June and July 2021.

15. Now the appellant preferred the present appeal stating that they had the same motors since 25 years, they are not aware of the recording over 100 HP and also reasons for such raise in the Maximum Demand. Hence, they requested for withdrawal of excess bills levied under H.T. tariff. There are two statutes governing the present dispute which are reproduced here-under:-

Clause 12.3.3.2 of General Terms and Conditions of Supply (GTCS).

Cases where the total Connected Load is above 75 HP/56kW or

i. These services shall be billed at the respective HT tariff rates from the consumption month in which the unauthorised additional load is detected. For this purpose, 80% of Connected Load shall be taken as billing demand. The quantity of electricity consumed in any Month shall be computed by adding 3% extra on account of transformation losses to the energy recorded in LT Meter.

ii. The Company may at its discretion, for the reasons to be recorded and in cases where no loss of revenue is involved, continue LT supply. If the consumer, however, makes arrangements for

switchover to HT supply, the Company shall release HT supply as per the rules.

Clause 7.53 (iv) of Tariff Order FY 2018-19 - Metering and Load Conditions

“Where the recorded demand of any service connection under this category exceeds the 75 KVA (1 KVA = 1 KW), such excess demand shall be billed at the demand charge prescribed under HT-I (11 KV Supply).”

The above given two Clauses mandate the procedure to be followed in case of usage of excess load over the contracted load. In both the cases it is mandated to bill the Service Connection under HT Tariff rates, but each case is unique in itself, there is a subtle difference. Clause 12.3.3.2 of GTCS comes into force in the event of detection of unauthorised additional load over the contracted load by way of inspection of the premises. The HT billing shall be continued until such additional load is removed by way of inspection by the designated officer. In the other case, Clause 7.53(iv) of Tariff Order envisages the respondents to bill the excess demand at the tariff rates prescribed under HT Category-I under a specific condition, i.e. during the months where the RMD exceeds 75 KVA (1 KVA = 1 KW). This is limited to the months of recording excess of 75 KVA only. The present case falls under the ambit of Clause 7.53(iv) of the Tariff Order FY 2018-19. The RMD of 83.73 KVA was recorded during the month of May 2021, exceeding threshold limit of 75 KVA. There was no such inspection carried out revealing unauthorised excess load and hence Clause 12.3.3.2 of GTCS does not have relevance in the present case. The learned Forum has rightly adjudicated the withdrawal of HT tariff

billing for the months of June and July 2021 and also directed to remove the HT flag. The procedure adopted by the respondents where the HT flag was raised and continued to be billed under HT tariff is not contemplated by any statute approved by the Hon'ble Commission. But the appeal of the appellant to withdraw the HT tariff billing for the month of May 2021 is not admissible and the appellant is liable to pay as reckoned in Clause 7.53(iv) of the Tariff Order FY 2018-19. Since the appellant has utilised the electricity of 111.63 HP in May 2021, the appellant is liable to pay for the said consumption of electricity. The other reliefs are already allowed by the learned Forum. If the respondents have not complied with any of the directions issued by the learned Forum, the appellant is at liberty to approach the learned Forum as per Clause 2.53 of Regulation 3. of 2015 of Hon'ble Telangana State Electricity Regulatory Commission as mentioned in para 9.0 of the Award of the learned Forum. Accordingly, I hold that the appellant is not entitled for revision of the bill issued in the month of May 2021 and the Award of the learned Forum is not liable to be set aside. These points are decided accordingly.

POINT No. (iii)

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

RESULT

17. In the result, the appeal is rejected confirming the Award passed by the learned Forum. However if the respondents have not complied with the

Award of the learned Forum, the appellant is at liberty to approach the learned Forum within one month from the date of receipt of copy of this Award for the appropriate reliefs including compensation for the delay caused.

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 16th day of February 2023.

Sd/-
Vidyut Ombudsman

1. M/s. Shivateja Industries, H.No.1-6-83/103, Gayathri Apartments, Subhash Nagar, Mahabubnagar, Mahabubnagar District - 509 001, represented by its Proprietor, Sri Dharmapuram Sashikumar, s/o. D. Parvathiah, Cell: 9912022209.
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9. The Chief General Manager (Commercial) / TSSPDCL / Mint Compound /Hyderabad.

Copy to

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

