



**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 TWENTY SEVENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

**Appeal No. 25 of 2024-25**

Between

Sri Navadurga Billets Pvt. Ltd., 8-2-602/B, opp: South Indian Bank, Road No. 10,  
Banjara Hills, Hyderabad - 500 034, represented by Sri Shashi Kanth Agarwal.  
Cell: 9490875919, 9440944114.

**.....Appellant**

**AND**

1. The Chief Engineer (SLDC), Transmission Corporation of Telangana Limited,  
Room No.611, Vidyut Soudha, Khairatabad, Hyderabad - 500 082.Cell  
No.2339600/7330631555.
2. The Superintending Engineer, Operation, Mahaboobnagar, TGSPDCL,  
Mahaboobnagar District.
3. The Senior Accounts Officer, Operation, Mahaboobnagar, TGSPDCL,  
Mahaboobnagar District.

**..... Respondents**

This appeal is coming on before me for final hearing on 25.09.2024  
in the presence of Sri Ravinder Prasad Srivatsava, authorised representative  
of the appellant and having stood over for consideration, this Vidyut  
Ombudsman passed the following:-

**AWARD**

This appeal is preferred aggrieved by the act of the learned Forum in  
sending the complaint of the appellant to the Chief Engineer (IPC) & RAC,  
TGSPDCL, Corporate Office, Mint Compound, Hyderabad on 19.07.2024. It is

also submitted that the learned Forum has not passed an Award within (45) days from the date of receipt of the complaint. Therefore it is prayed to set aside the claim of Rs.11,58,850/- (Rupees eleven lakhs fifty eight thousand eight hundred eight fifty only) claimed from the appellant and to direct respondent No.1 to refund penalty of Rs.1,00,000/- paid on 29.05.2024.

2. In the present appeal, in view of the reliefs claimed and the nature of the complaint it is not necessary to summon the respondents at this stage.

3. The authorised representative of the appellant has submitted that the complaint filed by the appellant before the learned Forum was not disposed of by it within (45) days from the date of its filing and that it was forwarded to an official of the Licensee. Therefore it is prayed to set aside the claim of Rs.11,58,850/- and also to refund the penalty of Rs.1,00,000/-.

#### **POINTS**

4. The points that arise for consideration are:-

- i) Whether the forwarding of the complaint of the appellant to the Chief Engineer (IPC) & RAC, TGSPDCL by the learned Forum is correct?
- ii) Whether the appellant is entitled for the reliefs claimed in the present appeal? and
- iii) To what relief?

**POINT Nos. (i) and (ii)**

**CRUX OF THE MATTER**

5. The first ground taken by the appellant in the present appeal is that the learned Forum has not passed an Award within (45) days from the date of its receipt as required under Clause 2.51 of Regulation 3 of 2015 (in short 'the Regulation). At this stage it is necessary to refer Clause 2.51 of the Regulation which reads as under:-

“2.51 Where the grievances relate to non-supply, re-connection on payment of dues or disconnection of supply, the Forum shall pass the order within (15) days of filing the grievance and in case of other grievances, the order shall be passed within (45) days of filing the grievance.

Provided that in the event of grievance is disposed of after (15) days or (45) days as the case may be, the Forum shall record in writing, the reasons for the same at the time of disposing of the said grievance and inform the Ombudsman.”

The above referred Clause makes it quite clear that the learned Forum has to pass an Award within (45) days from the date of filing of the complaint. This Clause has no application in the present appeal because even according to the appellant the complaint filed by it was already sent to an officer of the Licensee. Therefore when there is no complaint before the learned Forum, passing an Award by the learned Forum within the prescribed time does not arise.

6. The second ground is whether the Forum is justified in sending the complaint of the appellant to the Chief Engineer (IPC) & RAC. At this stage it is

necessary to refer to Clause 2.37 of the Regulation which reads as under:-

“The Forum may reject the grievance at any stage under the following circumstances:-

- a. Where proceedings in respect of the same matter or issue between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority as the case may be;
- b. Where cases fall under Sections 126,127,135 to 139,152 and 161 of the Act;
- c. Where the grievance has been submitted two years after the date on which the cause of action arose or ceases to continue, whichever is later.
- d. In the cases, where grievances are:
  - Frivolous, vexatious, malafide;
  - without any sufficient cause; or
  - Where there is no prima facie loss or damage or inconvenience caused or to be caused to the Complainant or the consumers who are represented by an association or group of consumers.

Provided that no grievance shall be rejected in writing unless the Complainant or Association of persons has been given an opportunity of being heard.”

The proviso stated above says that no grievance shall be rejected in writing unless the Complainant or Association of persons has been given an opportunity of being heard. In view of this provision, it is crystal clear that the Forum cannot reject or dismiss or close etc., any complaint without giving an opportunity of being heard. The learned Forum in the present appeal sent the complaint to an officer of the Licensee. There is no such Clause authorising

the learned Forum to send the complaint to some official. Any act in dealing with the complaint filed by the complainants must be within the four corners of Clause 2.37 of the Regulation. Any deviation in this regard is not legal. Therefore, the learned Forum has no jurisdiction to send the complaint to any officer of the Licensee and as such the said act in this case is not legal. The crux of the matter is that in any event before returning/rejecting or dismissing the complaint it is mandatory to hear the complainant. This was not done in the present appeal. Therefore the act of the learned Forum in sending the complaint to the Chief Engineer (IPC) & RAC is not correct. The steps that are required to be followed soon after receipt of the complaint as per Clause 2.37 of the Regulation can be broadly summarised as under:-

- i. After receipt of the complaint it should be numbered after verification of basic requirements.
- ii. After numbering the complaint if the Forum does not intend to proceed, then hear the complainant/representative and pass an appropriate Award.
- iii. If the Forum wants to proceed further without returning or rejecting at this stage then issue notices to the respondents, obtain their written replies if any, hear both sides and pass an Award.

7. The relief claimed in the present appeal cannot be granted to the appellant since there is no Award passed by the learned Forum after hearing the complainant. Therefore, it is desirable for the appellant now to file a fresh complaint before the learned Forum for passing an Award accordingly keeping

in view Clause 2.37 of the Regulation. These points are accordingly decided partly in favour of the appellant and partly in favour of the respondents.

**POINT No. (ii)**

8. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be allowed to the extent indicated above.

**RESULT**

9. In the result, the appeal is allowed in part. The appellant is directed to file a fresh complaint before the learned Forum. Thereafter the learned Forum is directed to pass an Award as per Clause 2.37 of the Regulation. The appeal is rejected in respect of the relief to set aside the claim of Rs. 11,58,850/- and also to refund of penalty of Rs.1,00,000/-.

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 27th day of September 2024.

**Sd/-  
Vidyut Ombudsman**

1. Sri Navadurga Billets Pvt. Ltd., 8-2-602/B, opp: South Indian Bank, Road No. 10, Banjara Hills, Hyderabad - 500 034, represented by Sri Shashi Kanth Agarwal. Cell: 9490875919, 9440944114.

2. The Chief Engineer (SLDC)/Transmission Corporation of Telangana Limited, Room No.611, Vidyut Soudha, Khairatabad, Hyderabad - 500 082.Cell No.2339600/7330631555.
3. The Superintending Engineer, Operation, Mahaboobnagar, TGSPDCL, Mahaboobnagar District.
4. The Senior Accounts Officer, Operation, Mahaboobnagar, TGSPDCL, Mahaboobnagar District.

**Copy to**

5. The Chairperson, Consumer Grievances Redressal Forum of TGSPDCL-Rural, H.No.8-03-167/14, GTS Colony, Yousufguda, Hyderabad - 45.

