



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: Smt. UDAYA GOURI

Tuesday the Seventh Day of January 2020

Appeal No. 27 of 2019-20

Preferred against Order dt.30.09.2019 of CGRF
in CG No.432/2019-20 of Banjara Hills Circle

Between

Sri. S.M.Kamaluddin Hussain Khan, 6-3-1103/K/K1, Dastagir Manzil, Behind
Gulrez Apartments, Raj Bhavan Road, Somajiguda, Hyderabad - 500 082.
Cell: 9393498535.

... Appellant

AND

1. The AE/OP/Greenlands/TSSPDCL/Hyderabad.
2. The ADE/OP/Greenlands/TSSPDCL/Hyderabad.
3. The AAO/ERO/Greenlands/TSSPDCL/Hyderabad.
4. The DE/OP/Greenlands/TSSPDCL/Hyderabad.
5. The SE/OP/Green Lands/TSSPDCL/Hyderabad

... Respondents

The above appeal filed on 16.11.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 18.12.2019 at Hyderabad in the presence of Sri.S.M.Kamaluddin Hussain Khan - Appellant and Sri. K. Parvatheeswara Rao - AE/OP/Greenlands, Sri. A. Raghavendra Kumar - ADE/OP/Greenlands, and Smt. K. Priyanka - AAO/ERO/Greenlands for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal against the orders of the CGRF, Banjara Hills circle in CG No. 432/2019 dt.30.09.2019.

2. The averments of the Appellant are to the effect that he lodged a complaint before the CGRF seeking redressal for his grievance of illegal disconnection of his three service connections bearing Nos. G4003109, G4003110 and G4003111 on 20.06.2019 though the due date is on 23.06.2019 and as such prayed that the Respondents be directed to pay him a compensation of Rs 25,000/- and that the learned CGRF rejected his complaint without appreciating the facts submitted by him and taking into consideration certain facts beyond his jurisdiction and as such aggrieved by the same the present Appeal is filed.

3. The averments in the present Appeal are that the Respondents have disconnected his three service connections bearing No. G4003109, G4003110, G4003111 apart from the service connection No. A1010287 and that all the said meters are domestic meters installed in his premises bearing No.6-3-1103/K/K1, Dastagir Manzil, Behind Gulrez Apartments, Raj Bhavan Road, Somajiguda, Hyderabad. He stated that the service connection bearing No.A1010287 is not the subject matter of the present case. He further stated that all the said service meters are installed on the neighbours compound wall in spite of several requests from the Appellant to the Respondents to shift the service connection meter into his premises. He stated that he has got a large joint family consisting of married Sons and Daughters and that some of them are residing along with the Appellant in different portions in the above premises styled as "Dastagir Manzil" and that each portion has a separate service connection. He alleged that the said three connections bearing SC No. G4003109, G4003110 and G4003111 were suddenly disconnected in the early hours on 20.06.2019 without any intimation and that too from the pole, when in fact the due date was on 23.06.2019. He pointed out that the said disconnection directly from the pole and not from the meter is illegal and as such the Respondents are liable for the same.

4. He further contended that the illegal arbitrarily act of disconnection of electricity supply from the people, before office working hours early in the morning without prior intimation or notice, tantamount to violation of rule of law.

That as alleged by the Respondents before CGRF, the supply of all the meters pertaining to premises No 6-3-1103/k,"dastagir manzil" were disconnected directly from the pole on 20.06.2019. When as per their own version only there was and outstanding due pertaining to only Sc.No G4003109-but supply of the other

Sc.were also disconnected when there was no bill amount due before the due date 23.06.2019. The appellant has an inherent right as per law to know the reason for disconnection of the other meter, when there was no bill amount due on them. Appellant herewith submits xerox of electricity bills, which reveals the conspicuous variations between figures, to rebut the false and made up, lame excuse to disconnect the supply of all the meters, when there was and outstanding due of only on SC meter.

That on one previous occasion also, only the supply of SC.No G4003109 was disconnected for late payment of bill from the meter and not from the pole. At that period of time all the meter were affixed and installed on the compound wall of the neighbour, only service connection no G4003190 was disconnected then but the service connection to others meter were spared, why?. It is very pertinent to mention that during all these years, this is the first instance where the Respondents ventured arbitrarily and illegally disconnected the supply from the pole instead from the meter box, before the due date, of the entire building having 4 different service connections.

That had the opposite party served prior disconnection notice, which is mandatory the appellant's wife could have been spared the trouble of climbing the steep steps, with severe knee joint pain, to reach the A.E.O office greenlands, which is located on the 2nd floor of the building. She could only able to climb the steep stairs with the help of a lady members of the family, since no male members of the family was present at that time I late afternoon. After reaching the office room of A.E.O she was informed that the supply was disconnected for non payment of electricity bill pertaining to service connection. No G4003109 only but the supply of the other service connection, i.e G4003110 and G4003111 was also disconnected from the ole, before the due date of 23.06.2019, when there was no may due on the said services. She had to pay the bill amount along the reconnection charges, to avoid further inconvenience and nuisance. The supply was restored in the evening after office working hours, from the pole.

When the reason of disconnection was sought, the A.E.O greenlands gave a concocted,cock and bull story to cover up its illegal act of violation of rule of law.

That the Appellant strongly refuse the false, baseless and distorted allegation of the forum, that the appellant was called absent and when contacted on

cell phone no.9393498535 did not reply. The forum never informed at any point of time, orally or by serving red notices, to the appellant to appear for the hearing of the said case. The forum has to prove by cogent documentary evidence. The burden of proof rests squarely on the shoulders of the forum till proved that the forum served summons to the appellant to appear before them on the 24th of september, 2019.

That the Respondents have concealed the very true and authentic facts and details from the forum by throwing dust and trying unsuccessfully to wiggle out of the self-created mess.

That the allegation of meter theft was foisted by the Respondents when the appellant was out of station. On the 7th of june, 2018, ramanna the meter reader along with one other person approached the appellant premises no 6-3-1130/k, Dastagir manzil and threaten the appellant's wife with dire consequences of dragging her to police station and disconnection of supply of electricity to entire premises, if the compound amount of Rs 1000/- for the theft case was not paid then and there. Immediately my wife informed me by phone call, I asked her to make the payments under vehement protest to avoid nuisance and inconvenience.

It is pertinent to apprise your honour the forum has no jurisdiction to entertain cases of theft- but the Respondents purposely placed before the forum the false, concocted story of theft, knowing fully well that the forum cannot look into such cases, since such cases of theft is out of jurisdiction bound of forum.

That the appellant beg to place briefly the true facts before your honour so as to arrive at a precise conclusion. The false and made-up case of theft was purposely and with and ill conceived intention to harass and to blackmail the appellant, the Respondents in collusion with some persons who are not talking terms with the appellant. Since some court litigations are pending in the competent court of law. The Repsondents with the convenience of the said elements, fraudulently foisted the said case of theft, when service connection No A1010287 was affixed in the premises of another person's property not visible from the appellant's house.

That it is not out of place to mention that on one occasion the Respondents replaced a meter pertaining to SC No G4003110, which was all the while working properly showing correct readings-the Respondents without the knowledge of the appellant, summarily replaced it with another meter, due to the replacement of the meter showed increased consumption. When by chance the said illegal arbitrary

act was discovered by the appellant, the Respondents gave an indifferent reply. This illegal act of change of meter was committed by the Respondents when the said meter was situated as said above on the compound wall of a neighbour, and the same was not visible from the house of the appellant. Taking advantages of non-visibility of the meter situated, this illegal act was committed by no other persons or persons but the Respondents.

Hence, the appellant most humbly prays, that the Respondents should be made to compensate the appellant with a compensation of Rs 25,000/- for causing mental agony and physical strain to the Appellant's wife and family members, for the false and made-up, fabricated details for the illegal disconnection of Service Connection other than G4003109, directly from the pole early in the morning, before the office working hours, as such were mentioned above or any other relief in addition to the above in ends of natural justice and equity.

5. The Respondents on the other hand contended that a complaint was lodged by S.M.Kamaluddin Hussain Khan, H no 6-3-1103/K/K1, Dastagir manzil, behind Gulrez Apartment, Raj Bhavan road, somajiguda, hyderabad-500082 in CGRF, about the disconnection of his electricity connection. For which para wise remarks are here submitted to CGRF and attended in persons for the hearing to which consumer not attended in spite of several reminders by CGRF and from TSSPDCL.

Para 1: It is to submit that, All the reports and evidence submitted to the CGRF are facts, nothing was suppressed.

Para 2: Further to submit that the consumer has a history of irregular payments towards electricity bills, the name service G4003109 was kept disconnected from october 2015 to november 2018 for non payment of electricity CC bills of Rs 15858/- and has a history of metered theft on one of his services. Against which our department staff were continuously pursuing for payments from time to time.

Para 3: All the meters in the premises are fixed outside the house as per the departmental norms. On receiving meter shifting application in ICSC meerpet from the consumer, all the meters were shifted to another location as per the consumer request abiding departmental norms. ICSC reg numbers are CC902181393733,3738,372 &3748 Dt.25.9.2018.

Para: 4: Meters were issued to separate portions.

Para:5: It is to submit that, the supply was not disconnected prior to intimation by the departmental staff on the pole. The supply was disconnected on 20.06.2019 for non payment of arrears amount of Rs 5250/- whose due date was 21.05.2019, after giving number of oral intimation and number of red slips from 2.05.2018 to 19.6.2019, further a bill cum notice was served for payment of 5250/- arrears and a fresh CC amount of 2808/- supply was disconnected during the working hours on 20.6.2019 for non payment of CC bills arrears of Rs 5250/-. Further to submit that the due date of 23.6.2019 was fro fresh bill of 2808/- not for arrear cc bills of 5250/-.

Para: 6: It is to submit that, the supply was disconnected with prior intimation in the working hours by the department staff from the pole for non payment of electricity CC bill.

Para: 7: Further to submit that the other two services G4003110 and G4003111 were disconnected as link services for the arrears amount on SC No. G4003109 for an amount of Rs 5250/- and assessed theft amount of Rs 8242/- on SC No. A1010287.

Para: 8: Further to submit that, as the consumer was not paying the theft amount on one of his services and CC amount of other services, all the existing services were disconnected as link service duly intimating the consumer. As the departmental staff were not allowed inside the premises they were forced to disconnect from the pole.

Para 9: It is to submit that, wife of Sri Kamaluddin Hussain Khan came to office only once on 20.6.2019 to pay the bill after her son agreed to pay the total amount. No delay was made by the department staff after payment of CC charges and reconnection fee.

Para 10: The supply was disconnected on 20.6.2019 for non payment of arrears amount of Rs 5250/- as the due date was 21.5.2019.

Para 11: The CGRF hearing date was intimidated by the department staff, but the consumer did not turn up to attend the hearing.

Para 12: NIL

Para: 13: A metered theft case was initiated on the service with SC no A1010287 in the name of sri Kamaluddin hussain khan for an amount of Rs 16,639/- out of which

consumer has paid 50% of assessed amount and total compounding amount. The case was booked by the DPE wing of Hyderabad North Circle.

Para 15: A metered theft case was initiated on the service with SC no A1010287 in the name of Sri Kamaluddin Hussain Khan, at his premises for an amount of Rs 16,639/-. A meter shifting application was registered by Sri. Kamaluddin Hussain Khan on 25.9.2018 which states and proves him as the owner of that meter.

Para 16: The meter bearing No. G4003110 got stuck on 01/2019 and the meter was replaced in 02/2019 with a new meter by the department to avoid average billing. This meter was fixed on the compound wall of the consumer.

Further it is submitted that, the disconnection was only made for non-payment of arrears of CC bills and meter theft amount as per the departmental norms within the office hours, immediately after receiving the said amount the meter was restored. The theft case was booked by the DPE wing following the departmental procedures. There is no intention of harassment by the departmental staff.

6. WRITTEN SUBMISSION OF APPELLANT:

The Appellant submitted that it is an admitted fact that on the complaint of the present appellant, before CGRF Greater Hyderabad Area on 30.7.2019 related to the illegal disconnection of electricity supply to SC.Nos GA003110, GA003111, GA003109 on 20.6.2019 early in the morning before office hours, directly from the pole by Addl.A.E. Greelands TSSPDCL, the present Respondent No. 2 without giving adequate notice of what is proposed to be done, to the affected party, and illegal connection was disconnected to the above mentioned services. When there was due on SC G4003109 only and not on others services. That too subjected to verification of the alleged bill amount.

Till today the respondent has not placed or produced before your honour any cogent documentary evidence to prove that alleged red notices which were served to the appellant and also communicated orally and on mobile.

That one of the essential principles of natural justice is that the person whose rights are to be affected, must be given notice of the case or charges, which that person has to meet and that person is entitled to adequate notice and opportunity to put forth or make suitable representation in the case.

Heard both sides.

7. In the above mentioned circumstances and on the averments of both sides, the following issues are framed:-

1. Whether the Respondents have illegally disconnected the service connections bearing No.s G4003109, G4003110 and G4003111 belonging to the Appellant as alleged by the Appellant? If so
2. Whether the Appellant is entitled for compensation from the Respondents?
3. To what relief?

Issues 1 & 2

8. A perusal of evidence on record shows that the Appellant Sri. Kamaluddin Hussain Khan is allotted 4 domestic service connections bearing Nos. G4003109, G4003110, G4003111 and A1010287 and that they are located in his premises bearing No. 6-3-110/3/k, Dastagir Manzil, Somajiguda and that on 20.06.2019 the electricity connections of the first three service connections have been disconnected early in the morning i.e. before the working hours from the pole directly rather than from the meter and that too before the due date i.e. 23.06.2019 without intimation or notice. As such contended that the said act on the part of the Respondents is a violation of the rule of law as it is mandatory on the part of the Respondents to serve notice prior to disconnection.

9. The Appellant also contended that as the result of the abrupt disconnection of his three meters of his residence, his wife who is suffering from severe joint pains had to take the trouble of climbing the steps with the help of another lady to reach the AE's office at the Greenands which is located on the 2nd floor, as no male member was present in the house at the time of disconnection. The Appellant further stated that at the AE's office his wife was informed that the disconnection of the supply to the three meters was due to non payment of electricity bill pertaining to service connection No. G4003109. It was further informed her that the service connection No. G4003010 and G4003111 did not have any dues to be paid and that the due date was 23.06.2019. She was also informed by the Respondents that she now has to pay the due bill amount along with reconnection charges to avoid further inconvenience and nuisance. The Appellant contended that since the service connections No.s G4003010 and G4003111 did not have any dues,

the disconnection of the said two meters not only resulted in mental agony, physical strain and sufferings by the Appellant and his family members and as such the Respondents are liable to pay him Rs 25,000/- towards compensation for the said sufferings of the Appellant. He also pointed out that the disconnection of the said meters is not only illegal but is also on the fabricated details created by the Respondents for the disconnection of the service connection bearing No. G4003109 and that too from the pole. He further claimed that the Respondents have fabricated a false and made up theft case against him with regarding to the fourth service connection bearing No. A10102817 which was affixed in the premises of the neighbour.

10. The Respondent No.2 i.e. ADE/OP/Greenlands on behalf of the Respondents contended that the Appellant has a history of irregular payment towards electricity charges. He pointed out the service connection bearing No. G4003109 was under disconnection from Oct'2015 to Nov'2018 due to non payment of electricity bills of Rs 15,858/-. They also contended that the Appellant also has a history of committing theft of one of his service meters. They admitted that the supply was disconnected to the other two service connections on 20.06.2019 by the departmental staff for non payment of arrears of Rs 5,250/- which was due to be paid on 21.05.2019 itself. They also contended that another bill cum notice for the assessed demand for Rs 5250/- was also served on the Appellant and for the current month demand of Rs 2,808/-, the due date was 23.06.2019. They stated that they restored the connections immediately on receiving the payments of the arrears.

11. In other words the contentions of the Appellant is that the disconnection of the service connections bearing No. G4003110 and G4003111 before the due date that too from the pole and without giving notice causing sufferings and mental agony is not only illegal but the Respondents are also liable for payment of compensation of Rs 25,000/- and that the Respondents cannot disconnect the above two service connections on the basis of the arrears of the third service connection i.e. G4003109. While the Respondents contended that their act of disconnection was absolutely in accordance with the provisions of law in view of the arrears on the service connection No. G4003109 and that they have also served the notices due on the Appellant and further that the said disconnection was made from the pole as the Appellant did not allow the Respondents staff members to enter his premises. They also contended that the Appellant is also involved in the theft of meter pertaining to service connection

No. A1010287 and as such was due Rs 8242/- in the said case after paying 50% of the amount of Rs 16,639/- assessed.

12. Admittedly the issue of theft of meter pertaining to SC No. A1010287 against the Appellant cannot be considered by this office as the same is beyond the jurisdiction of this office as per clause 2.37(b) of Regulation 3 of 2015. Hence the issues to be considered are whether the service bearing No. G4003109 was having a due amount at the time of the disconnection and as such on the basis of the said arrears due the Respondents could disconnect the service connection Nos. G4003110 and G4003111 and that too the disconnection from the pole directly instead of from the meter.

13. The evidence on record shows that admittedly an amount of Rs 5,250/- was due on the service connection bearing No. G4003109 on the date of disconnection of the other two service connections and that the said service connection was disconnected from Oct'2015 to Nov'2018 for non payment of arrears, though admittedly there were no dues on the service connections Nos. G4003110 and G4003111 on the date of disconnection. The evidence on record further shows that the due amount on the service connection bearing No. G4003109 has fallen due on 21.05.2019 while the service connection Nos. G4003110 and G4003111 had to pay the current bills of the said supply on 23.06.2019 and that all the said three service connections were disconnected on 21.06.2019.

14. The contentions of the Appellant is that when there are no arrears on the service connection Nos. G4003110 and G4003111, the disconnections of the said service connections is illegal and that too disconnecting the same from the pole and not from the meter without giving notice supports that the Respondents have committed an illegal act, while the Respondents contended that the said disconnection was legal in view of the arrears due from the Appellant and that they have disconnected from the pole as the Appellant did not allow them to enter his house for disconnection and that they have given the required notices apart from the Red notice and claimed that under Section 56(1) of the Electricity Act'2003 they are entitled for disconnection on the basis of arrears due from the consumers.

15. In the face of the said contentions and counter contentions of the Appellant and the Respondents Clause 10 of Regulation 7 of 2013 is perused and is reproduced as under:-

“Where any consumer defaults in payment of charges for supply of electricity; and or any other sums payable to the company under the contract of supply agreement, the company may without prejudice to its other rights cause to disconnect all or any of the other service of the consumer within the area of supply of the licensee though such service be distinct and are governed by separate agreement and though no default occurred in respect thereof.”

The said provision clearly shows that the Respondents have the authority to disconnect all the service connections or any of the service connections of a consumer when there are arrears on one connection. In this case, admittedly the Appellant failed to pay the arrears for the supply on service connection No. G4003109 as he did not denied the same and as such the Respondents have rightly used their discretion and disconnected the other two service connections i.e. G4003110 and G4003111 and hence the Appellant cannot object to the same. With regard to the allegations of the Appellant that the meter was disconnected from the pole, the Respondents have reasonably explained that the Appellant does not allowed the staff members of the Respondents to enter their house and as such they have disconnected the service connections from the pole. Hence in the said circumstances this appeal is decided against the Appellant.

Issue No.3

16. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this, the 7th day of January’2020.

Sd/-
Vidyut Ombudsman

1. Sri.S.M.Kamaluddin Hussain Khan, 6-3-1103/K/K1, Dastagir Manzil, Behind, Gulrez Apartments, Raj Bhavan Road, Somajiguda, Hyderabad - 500 082.
Cell: 9393498535.
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5. The DE/OP/Greenlands/TSSPDCL/Hyderabad.
6. The SE/OP/Green Lands/TSSPDCL/Hyderabad.

Copy to :

7. The Chairperson, CGRF - GHA, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad.
8. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.