



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**

TUESDAY THE THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

Appeal No. 28 of 2023-24

Between

M/s. Ankit Packaging Limited, represented by Sri Ankit Agarwal, s/o. Manohar Lal Agarwal [Sy.No.849](#), Agarwal Estate, Patancheru, Sangareddy District - 502319, Cell: 8801002022.

.....Appellant

AND

1. The Assistant Divisional Engineer / Operation / Patancheru / TSSPDCL / Sangareddy District.
2. The Divisional Engineer / Operation / Patancheru / TSSPDCL / Sangareddy District.
3. The Senior Accounts Officer / Operation / Sangareddy Circle / TSSPDCL / Sangareddy District.
4. The Superintending Engineer / Operation / Sangareddy Circle / TSSPDCL / Sangareddy District.
5. The Accounts Officer / Revenue / Sangareddy / TSSPDCL / Sangareddy District.
6. The Chief General Manager (Revenue) / Corporate Office / TSSPDCL / Hyderabad.
7. The Chief General Manager (Commercial)/Corporate Office / TSSPDCL / Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 25.09.2023 in the presence of Sri Ankit Agarwal, representative of the appellant, Sri N. Durga Prasad - ADE/OP/Patancheru, Sri M. Prabhu - SAO/OP/Sangareddy and Sri A.Srinivas - DE/Technical/Sangareddy for 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), Hyderabad (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No 664/2022-23/Sangareddy Circle dt.10.08.2023, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No. SGR-558 to the appellant-industry on the basis of HT agreement on behalf of the appellant and the respondents on 10.05.2010, for a period of (2) years. The respondents have issued a notice to the appellant demanding Rs.21,36,882/- on 15.12.2021, under the Revenue Recovery Act (in short 'the Act') which is not justified. It is accordingly prayed to set aside the impugned notice, waive the penal charges since 2011 and to refund Rs.3,15,254/- collected towards Security Deposit.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondent No.1, it is, inter-alia, submitted that the appellant has not submitted any application for termination of HT Service Connection.

4. In the written reply submitted by respondent No.4, it is, inter-alia, submitted that originally the subject Service Connection was released on 28.01.1993. It was terminated on 30.12.2009. Subsequently under the sick industries revival scheme the Service Connection was restored on 11.05.2010. Finally for non-payment of CC charges the service was disconnected on 09.08.2010 and terminated on 10.05.2012. The notices under Form 'A', 'B', and 'C' were issued under the Act to realise the arrears. The Security Deposit of Rs.3,15,254/- was adjusted and the appellant has to pay Rs.9,15,350/- as on 21.08.2018. Thereafter the impugned notice was issued. The appellant made a representation to respondent No.7 on 19.05.2021 for restoration of power supply.

AWARD OF THE FORUM

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

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred. The appellant has reiterated its case as projected before

the learned Forum. It is accordingly prayed to set aside the impugned notice and impugned Award and also to direct the respondents to waive the surcharge fully.

WRITTEN SUBMISSION OF RESPONDENTS

7. In the written reply filed by respondent No.1 before this Authority he has reiterated the contents of his written reply filed before the learned Forum. It is also submitted that on receipt of No Dues Certificate, he is ready to dismantle the subject Service Connection.

8. In the written reply filed by respondent No.4, before this Authority, he has reiterated the contents of his written reply filed before the learned Forum. It is also submitted that the appellant is liable to pay the amount demanded by the respondents.

9. In the rejoinder filed by the appellant it is stated that the learned Forum has not taken into consideration the HT inspection report dt.14.07.2023 while passing the Award.

ARGUMENTS

10. It is argued on behalf of the appellant that the appellant factory is completely wound up now and there is no scope of its revival since it is situated near Outer Ring Road (in short 'the ORR') and the Rules of the State Government do not permit for restarting the business. Hence it is prayed to

waive the interest/surcharge levied completely.

11. On the other hand, it is argued on behalf of the respondents that there is no scope for any waiver of surcharge; that already 'A','B' and 'C' notices were issued to recover the arrears under the Act and hence it is prayed to reject the appeal.

POINTS

12. The points that arise for consideration are:-

- i) Whether the appellant is entitled for any waiver out of the arrears amount?
- ii) Whether the Award of the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT Nos. (i) and (ii)

ADMITTED FACTS

13. It is an admitted fact that the respondents have released Service Connection No. SGR-558 to the appellant. It is also an admitted fact that at present the appellant-factory is not in working condition.

SETTLEMENT BY MUTUAL AGREEMENT

14. 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

15. The present appeal was filed on 28.08.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

16. As regards Security Deposit, the record goes to show that the respondents have already adjusted the said amount. There is also no dispute that now the respondents are proceeding to recover the arrears from the appellant under the Act.

17. The main grievance of the appellant is that at present the appellant-factory cannot be restarted as the Government is not going to give any permission to do so since it is near to the ORR now.

18. It is significant to note that the appellant addressed multiple letters to respondent No.7 including on 19.05.2021 requesting to waive off the surcharge etc., from the date of disconnection, but the appellant did not get any relief. However, already the process of recovery of arrears was on under the Act. Since now the appellant cannot be permitted to restart the factory no benefits are given from the respondents in respect of the bills. Therefore, it is

desirable to give some relief to the appellant in lieu of benefit meant for sick industry revival scheme.

19. At the cost of repetition, representations were made to respondent No.7 by the appellant for waiving the surcharge etc., Since the appellant lost the opportunity of reviving the appellant-factory in view of changed scenario from the point of view of the Government because of location of the premises of the appellant-factory due to its proximity to the ORR, it is desirable in the interest of both parties to direct the respondents to collect the amount of Rs.21,36,882/- as mentioned in the notice Form 'B' without levying further surcharge. Accordingly, I hold that though the appellant is not entitled for any waiver out of the arrears mentioned in Forum 'B', the appellant is entitled for waiver of the surcharge beyond the date of Form 'B' notice. These points are accordingly decided partly in favour of the appellant and partly in favour of the respondents.

POINT No. (iii)

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

RESULT

21. In the result, the appeal is allowed in part and the Award of the learned Forum is set aside. The respondents are entitled to recover the arrears of Rs.21,36,882/- from the appellant. The respondents are not entitled

to impose any surcharge on the above said amount. The appellant is granted (6) equal monthly instalments to pay the due amount. The said instalments shall be paid as under:-

Sl.No.	Instalment Number	Due Date
1.	First instalment	On or before 31.10.2023
2.	Second instalment	On or before 30.11.2023
3.	Third instalment	On or before 31.12.2023
4.	Fourth instalment	On or before 31.01.2024
5.	Fifth instalment	On or before 29.02.2024
6.	Sixth instalment	On or before 31.03.2024

If the appellant fails to pay the first (2) instalments as per schedule stated above, it is not entitled to the aforesaid benefit. It is made clear that after payment of the amount mentioned above, the appellant is at liberty to apply for dismantling of subject Service Connection and the respondents shall dismantle the subject Service Connection as per procedure. The appeal in respect of other reliefs is rejected.

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 3rd day of October 2023.

**Sd/-
Vidyut Ombudsman**

1. M/s. Ankit Packaging Limited, represented by Sri Ankit Agarwal, s/o. Manohar Lal Agarwal [Sy.No.849](#), Agarwal Estate, Patancheru, Sangareddy District - 502319, Cell: 8801002022.
2. The Assistant Divisional Engineer / Operation / Patancheru / TSSPDCL / Sangareddy District.
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4. The Senior Accounts Officer / Operation / Sangareddy Circle / TSSPDCL / Sangareddy District.
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6. The Accounts Officer / Revenue / Sangareddy / TSSPDCL / Sangareddy District.
7. The Chief General Manager (Revenue) / Corporate Office / TSSPDCL / Hyderabad.
8. The Chief General Manager (Commercial)/Corporate Office / TSSPDCL / Hyderabad.

Copy to

9. The Chairperson, Consumer Grievances Redressal Forum -I of TSSPDCL- H.No.8-03-167/14, GTS Colony, Yousufguda, Hyderabad - 45.