



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Hyderabad Boat Club Lane
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

FRIDAY THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 30 of 2020-21

Between

Sri Abdul Rasheed, s/o. Late Shaikh G K, H.No.11-4-621/A2, Lucky
Apartments, Red Hills, Hyderabad - 9866035965.

.....Appellant

AND

1. The Assistant Engineer / Operation / Moinabad / TSSPDCL / Ranga Reddy District.
2. The Assistant Divisional Engineer / Operation / Ibrahimbagh / TSSPDCL / Ranga Reddy District.
3. The Assistant Accounts Officer / ERO / Ibrahimbagh / TSSPDCL / Ranga Reddy District.
4. The Divisional Engineer / Operation / Ibrahimbagh / TSSPDCL / Ranga Reddy District.
5. The Superintending Engineer / Operation / Cyber City Circle / TSSPDCL / Ranga Reddy District.

..... Respondents

This appeal is coming on before me for final hearing on 07.10.2022 in the presence of Sri Abdul Rasheed, appellant and Sri Tirupathi Reddy - AE/OP/Moinabad 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 / Order passed by the Consumer Grievances Redressal Forum - Greater Hyderabad Area,

Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') vide Lr.No.Chairperson/CGRF-II/Gr.Hyd./D.No.443/20-21 dt.14.12.2020, rejecting the complaint on the ground that it has no jurisdiction to entertain and finalise the grievance like the present one in view of Clause 2.37(b) of Regulation 3 of 2015 of Hon'ble Telangana State Electricity Regulatory Commission (in short 'the Regulation')..

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that on his Service Connection No. 8209 00264 of Category-V, a false case was booked vide reference No. DPE/HYD/SD02/1392/10 by the respondents. It is accordingly requested to withdraw the said case.

AWARD OF THE FORUM

3. The learned Forum, after considering material on record, has rejected the complaint under Clause 2.37(b) of the Regulation holding that it has no jurisdiction.

4. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred.

GROUND OF THE APPEAL

5. In the grounds of the appeal, it is, inter-alia, submitted that in the year 1999/2000 the agricultural Service Connection No. 8209 00264 of Category-V was sanctioned to him by the respondents in his land bearing

Sy.. No. 27, measuring (1) acre situated at Medipally village of Moinabad Mandal, Rangareddy District. He has not installed any borewell till date. There is no electricity connection to his borewell. A false case was booked against him by the respondents vide case No. DPE/HYD/SD02/1392/10. Therefore it is prayed to withdraw the notice stated above.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written submissions filed by respondent No.2 on 12.02.2021 and 23.07.2021, it is, inter-alia, submitted that a short billing case was booked against the subject agricultural Service Connection for an amount of Rs. 15,038/- on 22.10.2010. The 4th respondent has passed a Final Assessment Order for an amount of Rs. 15,038/- on 25.07.2019. The appellant is liable to pay the said amount. It is also submitted that the short bill was after inspection by the then 1st respondent on 22.10.2010 at about 10.45 AM.

ARGUMENTS

7. The appellant has submitted that he has not utilised the power supply from the subject Service Connection and the sum claimed in this case is not legal. Therefore it is prayed to waive the said amount.

8. On the other hand, the respondents have supported the final assessment order for Rs. 15,038/-. It is accordingly prayed to reject the appeal.

POINTS

9. The points that arise for consideration are:-

- i) Whether the amount of Rs. 15,038/- claimed by the respondents is liable to be waived?
- ii) Whether the impugned Award / Order of the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)

SETTLEMENT BY MUTUAL AGREEMENT

10. Both the parties have appeared before this Authority on 07.10.2022. 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

11. 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.

ADMITTED FACTS

12. It is an admitted fact that the respondents have released agricultural Service Connection No.8209 00264 in favour of the appellant for his land situated at Medipally village. It is also an admitted fact that out of the amount

claimed by the respondents. The appellant has already paid a sum of Rs. 10,000/- to the respondents on 25.11.2020.

CRUX OF THE MATTER

13. A back billing case was booked on 22.10.2010 against the agriculture Service Connection No. 8209 00264 of the appellant on the ground that supply was being utilised for agriculture farm and fruit garden, whereas the supply is being billed under Agriculture free Category. There were no capacitors available for the motor which is the mandatory provision under Demand Side Management (in short 'DSM') measures to qualify under free supply. The period of back billing assessment is from 22.10.2009 to 22.10.2010. The units assessed were 7519 i.e. 625 units per month and an amount of Rs. 15,038/- was assessed along-with electricity duty of Rs. 452/-. The amount of amount of Rs.15,038/- wawas arrived charging the cost of unit at Rs.2/-. The learned Forum had rejected the above said appeal on the ground that the case is booked under Sec.126 of the Act which is not correct as no penal charges were levied for assessment. The appellant filed the appeal after 10 years on 18.12.2020 before the learned Forum on the ground that there is no 5 HP motor attached for pumping of water and the appellant has no knowledge of any kind of inspection taken place at the agriculture land on 22.10.2010. The appellant has denied that there is electricity connected to the bore meter though the agriculture service was sanctioned in the year

1999/2000. In support of his claim, appellant submitted the photographs of the agriculture land.

14. As per the Tariff Order 2009-10, under LT- Category V(A) Agriculture, the agriculture services without DSM measures under corporate farmer and IT Assesses shall be charged Rs.2/- per unit. An agriculture consumer shall qualify for free supply complying with the conditions of the DSM measures as applicable for his pumping system which includes friction less valve, capacitor of adequate rating, High Density Polyethylene or Rigid Polyvinyl Chloride piping at suction and / or delivery and ISI marked mono block or submersible pumpsets. The Inspecting Officer during the inspection has found that the above said conditions were not maintained and hence proposed back billing for one year at the rate of Rs. 2/- per unit. Now the appellant has filed an appeal denying such inspection and claimed that he has not availed the supply. In view of the above said circumstances it is very difficult to adjudicate the actual facts prevailing during the period way back 10 years. The Clause 2.37(c) of the Regulation 3 of 2015 mandates rejection of complaint if rejection of complaint if the grievance which has been submitted (2) years after the date on which the cause of action arose / ceases to continue whichever is later. Hence, there is no provision to give any relaxation towards the back billing case booked 10 years back. In view of these factors, I hold that there are no sufficient grounds to waive the amount in question and accordingly the Award/Order of the learned Forum is not liable to be set aside.

These points are accordingly decided against the appellant and in favour of the respondents.

POINT No. (iii)

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

RESULT

16. In the result, the appeal is rejected. However the appellant is granted (5) monthly instalments to pay the balance amount. The first instalment shall be paid within (1) month from today.

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 18th day of November 2022.

Sd/-

Vidyut Ombudsman

1. Sri Abdul Rasheed, s/o. Late Shaikh G K, H.No.11-4-621/A2, Lucky Apartments, Red Hills, Hyderabad - 9866035965
2. The Assistant Engineer / Operation / Moinabad / TSSPDCL / Ranga Reddy District.
3. The Assistant Divisional Engineer / Operation / Ibrahimbagh / TSSPDCL / Ranga Reddy District.
4. The Assistant Accounts Officer / ERO / Ibrahimbagh / TSSPDCL / Ranga Reddy District.

5. The Divisional Engineer / Operation / Ibrahimbagh / TSSPDCL / Ranga Reddy District.
6. The Superintending Engineer / Operation / Cyber City Circle / TSSPDCL / Ranga Reddy District.

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.

APPEAL NO. 30 OF 2020-21