



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 TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

Appeal No. 30 of 2022-23

Between

M/s. Sai Balaji Industries, Kataram village and Mandal, Bhupalpally District
represented by Smt. M. Swarnalatha. Contact : 9849136122.

.....**Appellant**

AND

1. The Assistant Divisional Engineer / Operation / Kataram - 9490610812.
2. The Divisional Engineer / Operation / Bhupalpally - 9440814854.
3. The Senior Accounts Officer / Circle Office / Bhupalpally - 7901093934.
4. The Superintending Engineer / Operation / Bhupalpally - 7901093957.

..... **Respondents**

This appeal is coming on before me for final hearing on 07.02.2023 in the presence of Sri Rajesh Kumar - authorised representative of the appellant and Sri D. Nagaraju - ADE/OP/Kataram, Sri D. Nagaraju - DE/OP/Bhupalpally and Malsoor - SE/OP/Bhupalpally 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 - I (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G.No. 232/2022-23 of Bhupalpally Circle dt 29.10.2022, closing the

complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released HT Service Connection No. BPL 070, Category HT-I(A) to the industry viz. M/s. Sai Balaji Industries, at Kataram Village and Mandal Bhupalpally District (appellant) about 7 years back. It is a seasonal industry. The appellant industry has taken an off-season power holiday from 21st April 2021 to 21st October 2021. But on 20.10.2021 the operator has conducted a trial run without knowledge during off-season, for about 25 minutes and consuming 2161 units of electricity. A bill was issued demanding the said amount. Therefore it was prayed to withdraw the entire power holiday bill.

REPLY OF THE RESPONDENT BEFORE THE FORUM

3. In the written reply submitted by Accounts Officer (respondent No.3), it is stated that the appellant industry opted off-season from 21.4.2021 to 21.10.2021 and bills were issued accordingly but the appellant industry started the main plant on 20.10.2021 during the off-season period. The internal audit party observed that the Recorded Maximum Demand (RMD) recorded was more than 30% of Contracted Maximum Demand (CMD) i.e, 107.57 KVA during off-season period and consumption recorded was 2177 KVAH units in October 2021. Accordingly the off-season benefit was cancelled and the shortfall amount of Rs 1,75,550.50/- was included in CC bill in the month of July 2022.

AWARD OF THE FORUM

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

5. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the appellant-industry was started and conducted the trial run for about 25 minutes during off-season by mistake. The management took action against the Technical Operator. Therefore it is prayed to withdraw the demanded amount.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written submission of respondent No.2, It is stated that during off-season the RMD of the appellant exceeded 30% of the subject Service Connection. Meter Reading Instrument (in short 'MRI') data also proves the said factor. Accordingly it is prayed to close the appeal.

7. Heard Both Sides.

POINTS

8. The points that arise for consideration are:-

- i) Whether the appellant is entitled for the benefit of the off-season period and withdrawal of the bill issued during the said period?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- ii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

9. It is an admitted fact that the respondents have released subject Service Connection in favour of the appellant industry. Appellant industry consumed the electricity power during the off-season.

SETTLEMENT BY MUTUAL AGREEMENT

10. 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

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.

CRUX OF THE MATTER

12. M/s. Sai Balaji Industries represented by Smt. M. Swarnalatha, Kataram Village and Mandal, Bhupalpally District having a H.T. Service Connection No. BPL 070 under Category H.T. - I(A) with a contracted load of 169 KVA preferred the present appeal seeking withdrawal of Rs. 1,75,550/- levied by the respondents withdrawing the benefit of seasonal industries tariff

rates. Before going to the dispute it is relevant to go through the seasonal industries tariff rates and its terms and conditions. The relevant Tariff Order 2018-19 Clause is reproduced here-under:-

Seasonal Industries coming under HT-I (A)

7.97. Where a consumer avails supply of energy for manufacture of sugar or ice or salt, decorticating, ginning and pressing, cotton seed oil mills, seed processing, fruit processing, tobacco processing and re-drying and for such other industries or processes as may be approved by the Commission from time to time principally during certain seasons or limited periods in the tariff year and the main plant is regularly closed down during certain months, such consumers shall be charged for the months during which the plant is shut down (which period shall be referred to as the **off-season period**).

7.132. Consumers, classified as seasonal load consumers, who are desirous of availing of the seasonal benefits shall specifically declare their season at the time of entering into agreement that their loads should be classified as seasonal loads.

7.133. The period of season shall not be less than 4 (four) continuous months. However, consumers can declare longer seasonal periods as per actual.

7.134. Consumer, who desires to have a change in the period classified as "season" declared by him, shall file a declaration at least a month before commencement of the respective tariff year.

7.135. Existing eligible consumers who have not opted earlier for seasonal tariffs will also be permitted to opt for seasonal tariff on the basis of application to the Divisional Engineer concerned of the respective Licensee.

7.136. The seasonal period once notified cannot be changed, during one Tariff year.

7.137. The off-season tariff is not available to composite units having seasonal and other categories of loads.

7.138. The off-season tariff is also not available for such units who have captive generation exclusively for process during season and who avail supply from Licensee for miscellaneous loads and other non-process loads.

7.139. Any consumer who after declaring the period of season consumes power for his main plant during the off-season period, shall not be entitled to this concession during that year.

7.140. Development charges as applicable to regular HT consumers shall be paid by the consumers for availing supply under the above said category with seasonal benefits. Consumers who have paid the development charges already as regular consumers need not pay the development charges.

Category	Demand Charge* (Rs./month)		Energy Charge (Rs./KVAH)
HT I(A): Seasonal Industries			
11 KV	KVA	390	7.60
33 KV	KVA	390	6.90
132 KV and above	KVA	390	6.70
* Demand charge is calculated at Rs./KVA/Month of the Billing Demand. Billing Demand is based on Recorded Maximum Demand or 30% of the Contracted Demand whichever is higher.			

The basic difference between the tariff rates of normal industry and the seasonal industry is that for the normal industry, the demand charges are calculated at tariff rate /KVA/Month for all the months, whereas for the seasonal industries the demand charges shall be on Recorded Maximum Demand or 30% of the Contracted Demand during the period the main plant is not in use. This facility is given to the seasonal Industries subject to the conditions laid down as shown above.

13. The appellant vide letter dt.15.03.2022 declared the off season period from 21.04.2022 to 21.10.2022, as the season shall start from 22.10.2022. Subsequently vide Lr.No. SE/OP/JS-BHPL/ADE(C)/AE(C)/SUB/C/F.No. HT/D.No.1045/21 dt.28.03.2022 the SE/OP/Bhupalpally accorded approval to declare seasonal and off seasonal period for the FY 2022-23 pertaining to the appellant's Service Connection No. HT BPL 070, based on the appellant's declaration. During the internal audit, it was found that the appellant breached the condition under Clause 7.139 of the Tariff Order 2018-19, consumed maximum demand of 107.57 KVA and recorded consumption of 2177 KVAH units during the month of October 2021. The 30% of the Contracted Demand is 50.7 KVA, the appellant availed almost double the limit i.e. 107.57 KVA. Hence the Accounts Officer/Internal Audit/ Warangal directed to raise the shortfall amount by way of cancelling the off season benefits duly verifying the MRI data. The MRI data of the subject Service Connection is given as follows:-

Sl.No.	MD Reached	Date and time
1.	107.5752 KVA	20.10.2021 10.30 Hrs.
2.	58.7315 KVA	19.10.2021 22.00 Hrs.
3.	57.5620 KVA	19.10.2021 22.30 Hrs.

Further, utilised load date wise is as given below:-

Sl.no	Date	Day Consumption KVAH	Consumption during the load utilised period	Load utilisation timing period
1.	19.10.2021	162.22	100.755 KVAH	21.30 Hrs to 23.00 Hrs
2.	20.10.2021	185.08	118.179 KVAH	10.00 Hrs to 11.00 Hrs

The data shows that the appellant has exceeded RMD beyond 30% of CMD during the month of 10/2021, which is also admitted by the appellant. It is alleged by the appellant that the Technical Operator without knowledge of season power holiday has operated the machinery for (25) minutes which resulted in exceeding the RMD. Here it is relevant to produce the Clause 7.120 of the Tariff Order 2018-19.

Maximum demand

The maximum demand of supply of electricity to a consumer during a month shall be twice the largest number of kilo-volt- ampere hours (kVAh) delivered at the point of supply to the consumer during any consecutive 30 minutes in the month. However, for the consumers having contracted demand above 4,000 kVA the maximum demand shall be four times the largest number of kilo-volt-ampere-hours (kVAh) delivered at the point of supply to the consumer during any consecutive 15 minutes in the month.

The above Clause defines the Maximum Demand, it is the KVAH delivered during any consecutive 30 minutes in the month. In the present case the Recorded Maximum Demand of 107.75 KVA is the demand delivered during

any consecutive 30 minutes in the month. Hence, there is no strength in the statement of the appellant that by mistake, the Technical Operator has operated the machinery for (25) minutes. Accordingly, I hold that the appellant is not entitled for the benefit of the off-season period and withdrawal of the bill issued during the said period and the Award 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)

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

RESULT

15. In the result, the appeal is rejected confirming the Award passed by the learned Forum.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by the Private Secretary, corrected and pronounced by me on this the 28th day of February 2023.

Sd/-
Vidyut Ombudsman

1. M/s. Sai Balaji Industries, Kataram village and Mandal, Bhupalpally District represented by Smt. M. Swarnalatha. Contact : 9849136122.
2. The Assistant Divisional Engineer / Operation / Kataram - 9490610812.

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5. The Superintending Engineer / Operation / Bhupalpally - 7901093957.

Copy to

6. The Chairperson, Consumer Grievances Redressal Forum of TSNPDCL- I,
H.No.2-5-58, Opp: Head Post Office, Nakkalagutta, Hanamkonda, Warangal
District, Pin code - 506001.

