



**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 NINTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY THREE

**Appeal No. 30 of 2023-24**

Between

M/s. Sree Rama Metal Works, H.No.19-5-39/A/2/74-75/1, N.M.Guda,  
Hyderabad - 500 064, represented by Smt. Sandhya Rani, Cell: 8712804086,  
9440944114.

.....Appellant

**AND**

1. The Assistant Engineer/Operation/Attapur/TSSPDCL/Hyderabad.
2. The Assistant Divisional Engineer/Operation/Miralam/TSSPDCL/Hyderabad.
3. The Assistant Accounts Officer/ERO/Salarjung/TSSPDCL/Hyderabad.
4. The Divisional Engineer/Operation/Charminar/TSSPDCL/Hyderabad.
5. The Senior Accounts Officer/Operation/Hyderabad South Circle/ TSSPDCL/  
Hyderabad.
6. The Superintending Engineer/OP/Hyderabad South Circle/TSSPDCL/  
Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 25.09.2023 in the presence of Sri Ravinder Prasad Srivastava, authorised represented of the appellant , Sri Venkatesh - ADE/OP/Miralam and Sri K. Chandra Sekhar Rao - JAO/Billing for the respondents and having stood over for consideration till this day, this Vidhyut 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 80/2023-24, dt.29.08.2023, Hyderabad South Circle, rejecting the complaint.

2. The case of the appellant is that the respondents have released two Service Connections shown as under:-

Sl.No.	SC No.	Contracted load	Category	Name of the service	Purpose
1.	S3019496	77 HP	LT Cat-III	M/s. Sri Rama Metal Works	Aluminium Bhagona, Patila/tapeli manufacturing
2.	M3010503	71HP	LT Cat-III	M/s. GK Plastic Industry	Aluminium Bhagona, Patila/tapeli manufacturing

Respondent No.2 issued a notice No. ADE/OP/Mir Alam Sub Division/D.No.1679/2022-23 dt.29.12.2022 (in short 'the impugned notice') under Clause 3.5.3 of General Terms and Conditions of Supply (in short 'the GTCS') for clubbing the Service Connection No.M3010503 with Service

Connection No. S3019496 under single HT Service Connection.

3. The appellant filed its representation in response to the said notice on 19.01.2023 requesting not to club both the services.

4. The appellant claims that the owners of both the Service Connections are different, their businesses are different and both the industries are situated at different premises. It was accordingly prayed to set aside the impugned notice and revise the bills of March to May 2023 and refund the excess amount with interest @ 24% p.a.

#### **WRITTEN SUBMISSIONS OF THE RESPONDENTS**

5. In the written reply submitted by respondent No.2, it is stated that he has inspected the premises on 29.12.2022 and found both the two Service Connections existing in the same premises having common entrance belonging to the family members and manufacturing the same product. Therefore it is necessary for clubbing the two services into one HT Service Connection.

6. In the written reply and additional written reply of respondent No.3 also he took similar pleas to that of the pleas of respondent No.2.

#### **AWARD OF THE FORUM**

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

8. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that both the Service Connections involved in this case belong to different owners and situated on different premises and also used for different purposes. Clause 3.5.3 and Clause 3.5.4 of GTCS are not applicable in this case.

### **GROUND OF APPEAL**

9. In the grounds of appeal, it is, inter-alia, submitted that the owner of the premises of the appellant-industry is Smt. Sandhya Rani who is residing at Door No. 19-5-39/A/2/74-75/1, N.M. Guda, Hyderabad. She obtained a decree in the Civil Court in O.S.No.1576 of 2000 dt.12.12.2002. The owner of the premises of the G.K.Plastic industry is Sri Gyani Chander who is residing at Door No. 19-5-39/A/2/74-75/2, NM Guda, Hyderabad. A decree in the Civil Court in O.S.No.1575 of 2000 dt.12.12.2002 was obtained in respect of this property. The present occupier of the G.K.Plastic Industry is Sri Rahul Kumar. If the power supply is below 440 volts, it will be LT service line. If the power supply is above 440 volts, it will be HT service line. Therefore it is prayed to set aside the impugned notice and also the impugned Award and to direct the respondents to issue revised bills from March to May 2023 with LT Tariff rates and refund the excess amount of Rs.1,24,771/- with interest @ 24% p.a.

## **WRITTEN SUBMISSION OF RESPONDENTS**

10. In the written reply and also additional written reply filed by respondent No.2, he has reiterated his written submissions made before the learned Forum and he supported the Award passed by the learned Forum.

11. In the rejoinder filed by the appellant, the contents of the grounds of the appeal were reiterated.

## **ARGUMENTS**

12. The authorised representative of the appellant filed written arguments, contending among other things, that both the industries are owned by different persons and they are situated at different premises doing different businesses and therefore the respondents are not authorised to club the said two Service Connections.

13. On the other hand, respondent No.2 has submitted that both the industries are situated at the same premises and the owners of both the industries are family members, doing the same business and therefore these two Service Connections are liable for clubbing into HT Service Connections.

## **POINTS**

14. The points that arise for consideration are:-

- i) Whether the subject Service Connections are not liable for clubbing and the appellant is entitled for revision of bills and refund of excess amount with interest @ 24% p.a.?

ii) Whether the impugned Award passed by the learned Forum is liable to be set aside? and

iii) To what relief?

**POINT No. (i) and (ii)**

**ADMITTED FACT**

15. It is an admitted fact that there are two industries involved in this case where two Service Connections were released, which are as under:-

Sl. No.	SC No.	Contracted load	Category	Name of the service	Purpose
1.	S3019496	77 HP	LT Cat-III	M/s. Sri Rama Metal Works	Aluminium Bhagona, Patila/tapeli manufacturing
2.	M3010503	71HP	LT Cat-III	M/s. GK Plastic Industry	Aluminium Bhagona, Patila/tapeli manufacturing

**SETTLEMENT BY MUTUAL AGREEMENT**

16. 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

17. The present appeal was filed on 18.09.2023. This appeal is being disposed of within the period of (60) days as required.

## CRUX OF THE MATTER

18. Respondent No.2 issued the impugned notice for clubbing both the Service Connections mainly basing on Clause 3.5.3 and 3.5.4 of GTCS. The appellant is opposing the clubbing of services, presumably under Clause 3.5.1 and 3.5.2 of GTCS. At this stage it is necessary to extract the above said Clauses.

Clause 3.5.1:- For the purpose of the GTCS, separate establishments shall include the following types of establishments:

- i Having distinct set-up and staff;
- ii Owned or leased by different persons;
- iii Covered by different licences or registrations under any law where such procedures are applicable; and
- iv For domestic category, the households having a separate kitchen.

Clause 3.5.2:- Each separate establishment will be given a separate point of supply.

Clause 3.5.3:- Notwithstanding the above provisions, the Company reserves the right, where it is reasonably established, that the consumers of the same group or family or firm or company who are availing supply under different service connections situated within a single premises by splitting the units, the Company may treat such multiple connections existing in the single premises as a single service connection and charge the total consumption of all the consumers at

the appropriate tariffs applicable for a single service connection. Any officer authorised by the Company shall issue notices to the concerned consumers asking them to furnish a single application for all such services and to pay required charges for merging the services into a single service.

Clause 3.5.4:- Wherever the total connected load of all such multiple connections exceeds 75 HP, the consumers must necessarily switch over to HT supply or LT III(B) as the case may be and regularise their services duly following the procedure for availing such supply, within 60 days from the Date of Service of such notice,. If the consumer still fails to pay the necessary charges to convert to the specified category, the services will be disconnected after 60 days from the date of service of the notice. Pending such switch over, the licensee shall be entitled to bill the service at HT tariff as per the procedure mentioned under clause 12.3.3.2(i).

A perusal of Clause 3.5.3 of GTCS makes it quite clear that if the Licensee finds that consumers of the same family or company who are availing supply under different Service Connections within a single premises by splitting the units, the company may treat such multiple connections as a single Service Connection and charge the total consumption appropriately.



19. The impugned notice is extracted as under:-

SOUTHERN POWER DISTRIBUTION COMPANY OF TS LTD  
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To,  
M/s Sri Rama Metal Works,  
19-5-39/A/2/74/75/1, NM Guda,  
Attapur, Hyderabad.

From,  
Asst. Divisional Engineer,  
Operation, TSSPDCL,  
Miralam Sub-Division,  
Hyderabad South Circle.

**LT.No. ADE/OP/Miralam Sub Divin/D.No. 1679 /2022-23 / Date.29/12/2022.**

Subject:- Elec.-TSSPDCL – Operation Sub Division, Miralam – Multiple services existing in the same premises using for the same line of activity i.e., Aluminum metal works for Bhagona/ patila/tapeli manufacturing unit - Clubbing of (2) No's LT services S3019496(77HP) and M3010503(71HP) thus making a total load of 148HP at 19-5-39/A/2/74/75/1, NM Guda in Attapur section, Miralam Sub Division – clubbing and billing under HT category as per GTCS – 30days Notice issued - Reg.

Ref:- 1) Clause 3.5.3 & 3.5.4 of General Terms & Condition of Supply  
2) Inspection of premises by ADE/O/Miralam on dated 29.12.2022

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With reference to subject cited above, the ADE/Op/Miralam along with AAE/O/Attapuri have inspected the premises on dt 29.12.2022 in the presence of Sri Venkatesh (Supervisor) mobile no.9550554855, Sri Prabhath and identified that (2) nos LT services are existing in the same premises having common entrance and are using for same purpose /process i.e., Aluminum metal works product manufacturing unit. The nature of activity is common for all the services i.e., Aluminum Bhagona, patila / tapeli, manufacturing purpose. The multiple services existing in the same premises are as mentioned below.

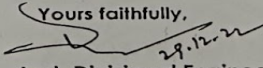
Sl No	SC No	Contracted load	Category	Name of service existing	Purpose
1	S3019496	77HP	LT cat-III	M/s Sri Rama Metal works	Aluminum Bhagona, patila / tapeli, manufacturing
2	M3010503	71HP	LT cat-III	M/s GK Plastic Industry	Aluminum Bhagona, patila / tapeli, manufacturing

**Total Load: 148HP**

As per the **GTCS clause 3.5.3**, the multiple service connections existing in the single premises can be treated as single service and charge the total consumption of all the services at the appropriate tariff applicable for a single service connection. Here the total load of all (2) services is **148HP** will be billed under HT cat-I on expiry of 30days from date of receipt of this notice.

Further as per the **clause 3.5.4 of GTCS** you have to switch over to HT cat-I as the total load 148HP exceeded the limit of LT cat-III load of 100HP and regularize the service duly following procedure for availing such supply within 60days from date of receipt of notice. If you failed to follow the above to switch over to HT category and the service will continue to bill under HT category including disconnection of power supply as the case may be.

The receipt of notice is to be acknowledged.

Yours faithfully,  
  
Asst. Divisional Engineer,  
Operation, TSSPDCL,  
Miralam Sub-Division.

**Copy Submitted to:-**  
The Superintending Engineer/Op/Hyderabad South circle for favor of information please.  
The Senior Accounts officer/Hyderabad south circle for favour of information please.  
The Divisional Engineer/Op/Charminar for favour of information please.  
Copy to: The AAO/ERO/Salarjung/Hyd south for billing the service under HT cat-I as per the GTCS on expiry of notice period.  
The AAE/Op/Attapur for necessary action on billing of service under HT cat-I every month.

20. The respondents claimed that both the owners of the two industries involved in this case are family members, both the industries are doing similar business and also finally that they are situated in a single premises. In view of these factors it is necessary to see as to whether the respondents have reasonably established the above factors fulfilling the Clause 3.5.3 of GTCS.

Whether the owners of the twin industries involved in this case are family members, doing the same business in the same premises.

21. The appellant-industry is represented by Smt. Sandhya Rani. The cause title shows that her husband's name is Gyani Chander. It is admitted by both parties that the appellant-industry is owned by Smt. Sandhya Rani. M/s. G.K. Plastic Industry was owned by Sri Gyani Chander and now it is leased out to Sri Rahul Kumar. At this stage it is necessary to see whether Smt. Sandhya Rani, Sri Gyani Chander and Sri Rahul Kumar belong to the same family or not.

22. Smt Sandhya Rani filed O.S. No.1576 of 2000 where she has shown her Husband's name as Gyani Chander. This suit was filed in respect of the property where the appellant industry - M/s. Sree Rama Metal Works is existing at present. Similarly one Sharada Bai had filed a suit in O.S. No.1575 of 2000. Her husband's name is shown as Ramcharan. This suit was filed in respect of the property where the M/s. G.K.Plastic Industry is existing at present. The said Sharada Bai wife of Ram Charan executed a registered will

deed dt.16.05.2004 as per the copy of will deed submitted before this Authority by the appellant. In the said will deed she has specifically stated that, in fact, Gyan Chander is her son and that he is the owner of the property (M/s. G.K. industry). A copy of the death certificate of Sharada Bai shows that she died on 02.06.2004. The appellant has also filed a copy of the Aadhar Card of Rahul Kumar. His father's name is shown as Gyani Chander. The said Gyani Chander has executed an unregistered rental deed in favour of the said Rahul Kumar in respect of M/s. G.K. Plastic Industry. In the said rental deed dt.31.07.2019, it is mentioned that the father's name of Gyani Chander is Ram Charan. Similarly the father's name of Rahul Kumar is G. Chander. Like-wise the house number of Smt. Sandhya Rani is 3-3-110/73 as shown in the copy of her Aadhar Card. The House number of the said Rahul Kumar is also 3-3-110/73 as mentioned in his Aadhar Card. Similarly the house number of Gynani Chander as mentioned in the rental deed is also 3-3-110/73. These factors only establish that Smt. Sandhya Rani is the wife of Gyani Chander and Rahul Kumar is their son. Therefore both the industries belong to the same family.

23. The written reply filed by respondent No.2 and the material on record establish that both the industries involved in this case are producing the aluminium utensils.

24. The documents filed by the appellant before this Authority themselves show that the twin industries involved in this case are situated side by side or abutting each other and the property of the third party is not at all separating these two properties.

25. Admittedly the wife, husband and son are involved in the present case who are family members. As per Clause 3.5.3 in spite of Clause 3.5.1 if the consumer of the same group or family or firm or company are availing supply under different Service Connections, situated in a single premises by splitting the units, the Licensee may treat such multiple connections as a single Service Connection. Thus in the present case Clauses that applicable are 3.5.3 and 3.5.4 of GTCS and not Clauses 3.5.1 and 3.5.2 of GTCS .

26. It is the argument on behalf of the appellant that clubbing Service Connections without consent of the owner is a violation of Article 21 of the Constitution of India. The respondents are not denying electricity Service Connection to the industry but the wife and husband have obtained separate Service Connections by splitting the industries to cause financial loss to the respondents, the question of violation of Article 21 of the Constitution of India does not arise. Further since the respondents themselves are proposing to club both the services, therefore the question of any offence under Sec.135(e) of the Electricity Act also does not arise.

27. The respondents have relied upon the judgement of the High Court of Telangana at Hyderabad, in Anup Kumar Bhandari v. The Southern Power Distribution Company of Telangana Ltd., and (5) ors. (W.P.No. 458 of 2023 dt.06.01.2023). The Hon'ble High Court has referred to the judgement of the Hon'ble Supreme Court reported in Punjab State Electricity Board and Another v. Ashwani Kumar<sup>1</sup>, wherein the Hon'ble Supreme Court in Paragraph No. 10 and 11 has held as under:-

"10. The bare reading of the above regulations and circular makes it apparent that the aim of the Electricity Board is to provide single connection in the premises. Not only this, it is the obligation of the consumer, to get the connections clubbed where more than one connection exists in the same premises. This policy is, primarily, meant to encourage single connection as well as consumers to opt for clubbing of their loads and also to facilitate a smooth transmission. Besides this, the most important aspect is the mischief that these provisions ought to suppress.

11. A consumer who gets two meters installed in his premises and in that garb receives bulk supply instead of medium supply clearly makes an attempt to avoid payment of higher tariff. It cannot be disputed that a consumer of a medium supply is subjected to a lower tariff than the one receiving bulk supply. Therefore, the intention, thus, is to avoid revenue loss to the Board by circulating the prescribed procedure. These regulations and circulars, thus, cannot be interpreted so as to defeat the very object of suppressing such a mischief in the consumption of electricity. Therefore, if the Electricity Board finds that such mischief is being played, there is nothing in law preventing the Board from treating it as a clubbed connection and impose such tariff and penalty as is permissible in accordance with law. No consumer can be permitted to defeat the spirit of the regulations and take undue advantage of receiving electric supply through all different meters in the same premises and with an intention to defraud the Electricity Board of its genuine dues for supply of electricity."

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<sup>1</sup> (2010) 7 SCC-569

Finally, the Hon'ble High Court has held that if the different consumers in single premises belong to one family and if they are availing different Service Connections by splitting the same premises into different units Clause 3.5.3 and 3.5.4 of GTCS apply. The facts in the said case and the facts of the present case are more or less similar. In the present case it is reasonably established by the respondents that the consumers in this case belong to the same family doing similar business and availing supply under different Service Connections situated within the same premises by splitting the units to cause loss to the respondents. Therefore this judgement is applicable in the present case also.

28. In the due course, Appellant has applied for deration of contract load from 77 HP to 49HP for S.C.No.S3019496 at customer service centre vide CC904233602019 dated 21.05.2023 on temporary basis. It is not possible to derate load **on temporary basis** in LT category as connected load and contract load are same for LT consumers.

29. The learned Authorised representative of the appellant has relied on the Award of this Authority in Appeal No. 12 of 2018 dt.26.09.2018, where this Authority has passed the Award as follows:-

“In the result the Appeal is allowed and the Respondents are directed to revise the assessment amount of Rs 5,85,454/- to

Rs 82,704/- (Rs 82,490/- + ED Rs 214/-) on condition of the Appellant undertaking the following before the DE/Operation:

i. Opting HT IA Industry General - Optional Category

ii. To convert distinct LT metering setup into single HT Metering setup within a period of not more than 3 months.

Until the compliance of the above undertakings within the stipulated period Clause 9.53 (V) of the Tariff Order 2016-17 shall prevail i.e. 3% of the recorded energy during the month shall be added to arrive at the consumption on High Tension side of the transformer. However, the Appellant is free to opt to remain under HT IA Category or to choose the Optional Sub Category subsequent to which the relevant assessment amount shall be imposed”.

30. It is submitted on behalf of the appellant that the appellant is at liberty to take HT IA Industry General - Optional Category. The relevant Clause is as under:-

**HT IA Industry General - Optional Category:-**

**Clause 10.16.6 of Tariff Order 2023-24:-** This Optional category is applicable to HT-I- Industry- general consumers whose contracted maximum demand is upto 150 kVA and **availing supply at 11 kV only**. The consumers who qualify under this category are free to opt to remain under HT-I(A) or choose this Optional sub category.

**Clause 10.16.7:** The electricity charges applicable are as follows:

Category	Demand charge *		Energy charge (INR/KVAH)
	(INR/Month)		
	Unit	Rate	
<b>HT I(A): Industry General - Optional Category for contract maximum</b>			

<b>demand upto 150 kVA</b>			
11kV	kVA	100	8.00
* Demand charge is calculated at Rs./kVA/month of the Billing Demand			

31. In the award of appeal no.12 of 2018, back billing was done for clubbing of services. In this case, there was no back billing. HT billing was done only after giving notices and clarification by the respondents as per the GTCS clause of 3.5.3 and 3.5.4. Hence the question of revision of bills does not arise. Accordingly, I hold that the subject Service Connections are liable for clubbing and the appellant is not entitled for revision of bills and refund of excess amount with interest @ 24% p.a. These points are accordingly decided against the appellant and in favour of the appellant.

**POINT No. (iii)**

32. In view of the findings on point Nos. (i) to (iii), the appeal is liable to be rejected.

**RESULT**

33. In the result, the appeal is rejected, confirming the Award passed by the learned Forum. However, the appellant is allowed to opt HT IA Industry General - Optional Category on condition of its undertaking the following before respondent No.4 (DE/Operation):



i. Opting HT IA Industry General - Optional Category

ii. To convert distinct LT metering setup into a single HT Metering setup within (3) months from today.

Until the compliance of the above undertakings within the stipulated period, Clause 10.12.10(V) of the Tariff Order 2023-24 shall prevail according to which 3% of the recorded energy during the month shall be added to arrive at the consumption on High Tension side of the transformer. This formula is applicable from the bills already issued w.e.f March 2023.

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 29th day of September 2023.

**Sd/-**  
**Vidyut Ombudsman**

1. M/s. Sree Rama Metal Works, H.No.19-5-39/A/2/74-75/1, N.M.Guda, Hyderabad - 500 064, represented by Smt. Sandhya Rani, Cell: 8712804086, 9440944114.
2. The Assistant Engineer/Operation/Attapur/TSSPDCL/Hyderabad.
3. The Assistant Divisional Engineer/Operation/Miralam/TSSPDCL/Hyderabad.
4. The Assistant Accounts Officer/ERO/Salarjung/TSSPDCL/Hyderabad.
5. The Divisional Engineer/Operation/Charminar/TSSPDCL/Hyderabad.
6. The Senior Accounts Officer/Operation/Hyderabad South Circle/ TSSPDCL/ Hyderabad.

7. The Superintending Engineer/OP/Hyderabad South Circle/TSSPDCL/  
Hyderabad.

**Copy to**

8. 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.

