



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

:: Present:: R. DAMODAR

Tuesday the Fifth Day of December 2017

Appeal No. 32 of 2017

Preferred against Order Dt.06.05.2017 of CGRF in
C.G.No.499/2016-17/MBNR Circle

Between

M/s Indus Towers Limited, represented by Sri. K. Ashok Kumar Reddy,
4-51,8th Floor, SLN Terminus, Besides Botanical Gardens, Gachibowli,
Hyderabad- 500 032. Cell : 9963348777.

... Appellant

AND

1. The AE/OP/Atmakur/TSSPDCL/Mahaboobnagar Dist.
2. The ADE/OP/Atmakur/TSSPDCL/Mahaboobnagar Dist.
3. The AAO/ERO/Atmakur/TSSPDCL/Mahaboobnagar Dist.
4. The DE/OP/Mahaboobnagar/TSSPDCL/Mpahaboobnagar Dist.
5. The SE/OP/MBNR Circle/TSSPDCL/Mahaboobnagar.

... Respondents

The above appeal filed on 14.09.2017, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 25.10.2017 at Hyderabad in the presence of Sri. K. Ashok Kumar Reddy - On behalf of the Appellant Company and Sri. Rajender Goud - AAE/OP/Atmakur, Sri. G. Prudvi Raju - ADE/OP/Kothakota, Sri. G.S.Raju - JAO/ERO/Atmakur for AAO/ERO/Atmakur and Smt. L. Leelavathi - DE/OP/Wanaparthy for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant has Service Connection No. 0110303273 Category -II with sanctioned load of 1KW released on 1.12.2005. The Appellant has requested for additional load of 19 KW with LT CT meter and registered the request at the consumer service center on 20.09.2014. When the additional load was not released, the Appellant lodged a complaint on 6.3.2017 with the CGRF.

2. The 2nd Respondent ADE/O/Atmakur submitted a reply dt.22.03.2017 admitting the request for additional load of 19 KW made by the Appellant. He stated that an estimate was proposed with replacement of existing 3-phase meter with LT CT meter and after payment of the necessary charges, the LT CT meter was drawn and fixed on 18.03.2017. He further stated that the additional load was also replicated in EBS on 21.03.2017.

3. On behalf of the Appellant, it is represented that the work was completed in time by the 1st Respondent/AE/O/Atmakur. The 2nd Respondent /ADE/O/Atmakur stated that the estimate for release of the additional load with replacement of the existing 3 phase meter was completed, the load was released and updated in EBS in the month of March,2017.

4. After considering the material on record and rival contentions, the CGRF found that the Respondents have not acted as per GTCS norms and so also the standards of performance and noted that the Appellant had applied for the additional load on 20.9.2014 and there was delay in preparing the estimates and after receipt of payment for additional load, there was further delay in release of the supply and on both the points, the standards of performance have to be applied as per the amended Regulation 5 of 2016 Clause VIII(i) and thus the Appellant is found entitled to compensation and gave details of the additional load as follows:

1. Registered for additional load on 20.09.2014.
2. Estimate sanctioned by ADE/Operation on 30.04.2015.
3. Additional load charge Rs 39,325/- paid vide DD No. 277783 dt.25.02.2016 and PR No. 50402009685 dt.10.03.2016. } 10.03.2016
4. Complainant complained to the FORUM for not releasing the additional load on } 06.03.2017
5. The LT CT meter was fixed to the service as per the Respondent D.No.2420 dt.22.03.2017 and service was released on } 18.03.2017

The details of Category - II "Meter burnt" status (11) are as follows:

- a) Meter burnt status '11' from 05/2013 to 11/2013
- b) Again meter burnt status from October,2014 to January,2016.

5. The CGRF, on noticing the aforementioned facts, directed departmental action against the then meter readers/concerned officials for keeping the meter under burnt status '11' without replacing it and also not following Clause 7.2.2 of GTCS during 2013 for 6 months and approximately 15 months during 2014 to 2015 and sought intimation of action taken against the officials. The CGRF further directed investigation not only into the delay in replacing the burnt meter status '11' and also for not releasing the additional load and fixing LT CT meter in time, but complying with after a delay of 345 days (one month for drawal, fixing LT CT meter by MRT) duly taking departmental action within 30 days, through the impugned orders.

6. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal, demanding compensation for the delayed rendering of service.

7. The DE/OP/Wanaparthi filed a copy of Memo dt.11.10.2017 stating that the consumer has registered for additional load on 20.09.2014, the estimate for Additional load was sanctioned on 30.4.2015 with 10 months delay, and

additional load charges were paid on 10.03.2016 and additional load was released on 18.03.2017 with One year delay after payment on 10.03.2016, due to gross negligence of ADE/OP/Atmakur and that is why, the Appellant preferred the complaint before CGRF. He further stated that additionally the meter was shown as burnt from May,2013 to November,2013 and again from October,2014 to January,2016 (roughly for 15 months) without replacing the meter and not following Clause 7.2.2 of GTCS. Thus he named the Additional Assistant Engineer Sri. Rajender Goud as the person who failed to perform his duties with devotion and integrity, which amounts to misconduct as per APSEB discipline and Appeal Regulations adapted by TSSPDCL. He stated that a show cause notice was served on him and a similar show cause notices were served on Sri. D.Chandramouli/ADE/OP/Atmakur and on Sri. Ravishankar, Line Inspector/Atmakur Headquarters/Operation Section/Atmakur. With these three show cause notices, he stated that the disciplinary action has been initiated and this information was furnished by the DE/OP/TSSPDCL/Wanaparthi through letter dt.24.10.2017. It is further reported that even though the Appellant sought compensation, the CGRF has not ordered compensation.

8. The AAO/ERO/Atmakur/R3 submitted a report dt.18.10.2017 stating that 19 KW load was released in EBS on receipt of additional load release return from

ADE/OP/Atmakur/R2 in the month of March,2017 and now the existing load of the service connection is 20KW.

9. The efforts to arrive at a reasonable compensation by way of mediation failed and therefore, the matter is being disposed on merits.

10. In view of the material on record and rival contentions, the following issues arise for determination:

1. Whether the Appellant is entitled to compensation for violation of Clause IX of Regulation 9 of 2013 and Clause IX of Regulation 5 of 2016 for delay in release of additional load and if so, what is the amount of compensation the appellant is entitled to?
2. Whether the impugned orders are liable to be set aside?

Heard.

Issues 1 & 2

11. The Appellant with SC No. 0110303273 has applied for additional load for 19 KW over the existing load of 1 KW on 20.09.2014 at the Customer Service Centre vide CC 50414481 and for replacement of the existing meter with LT CT meter. The Appellant stated that the service connection was released on 6.3.2017. In view of delay in rendering service, in releasing the additional load sought compensation.

12. The delay in rendering service occurred in the following manner:

- a. The Application for additional load was registered with the Consumer Service Centre. : 20-09-2014
- b. The estimate was sanctioned on : 30.04.2015
- c. Payment of additional load charges for Rs 39,325/- was made on 25.02.2016 but was shown as paid on : 10.03.2016
- d. The LT CT meter was fixed and additional load released (as per the Respondents) : 18.03.2017

13. Apart from noting the delay of 345 days in release of the additional load, the CGRF pointed out the delay in replacing the burnt meter and directed the DISCOM to take departmental action against the concerned officials. The Respondents, on the allegation of non payment of compensation, stated that there is no direction from the CGRF other than the direction to take departmental action

against the concerned, and therefore, they have not paid any compensation to the Appellant.

14. There appears to be no dispute about the delay in releasing the additional load. The TSERC regulations (Licensee's standards of performance) in order to improve the reliability and quality of supply, imposed certain standards of performance on various parameters to serve the consumers and the relevant clauses are as follows:-

a. Clause IX of Regulation 9 of 2013, the second amendment of Regulation No. 7 of 2004 and third amendment i.e. Regulation 5 of 2016 w.e.f. 13.7.2016 attract compensation for delay in release of Additional load, which covers the period between 25.2.2016 to 18.3.2017.

b. Clause IX of Regulation 9 of 2013:release of new connection/additional load upon payment of all charges:

All cases-if connection feasible from existing networks for release of supply	Within 30 days of receipt of Applications (along with prescribed charges)	Rs 100/- for each day of default.	Not Applicable
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c. Clause IX of Regulation 5 of 2016, release of new connection/additional load upon payment of charges mandates the following

All cases-if connection feasible from existing networks for release of supply	Within 30 days of receipt of Applications a (along with prescribed charges)	Rs 200/- for each day of default.
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15. Based on the Standards of Performance, the calculation of compensation has to be made. The date of payment of all charges is 25.2.2016; the time allowed for release of the additional load as per the said regulation is 30 days. Hence from 25.3.2016 to 18.3.2017 has to be taken into account for awarding compensation@ Rs 100/- per day upto 12.7.2016 and @ Rs 200/- per day from 13.7.2016 based on the relevant regulation governing the periods.

<p>As per Regulation 9 of 2013:</p> <p>= 25.03.2016 to 12.7.2016 = 109 days</p> <p>= 109 x Rs 100/-</p> <p>= Rs 10,900/-</p>	<p>As per Regulation 5 of 2016</p> <p>= 13.7.2016 to 18.03.2017</p> <p>= 248 x Rs 200</p> <p>= Rs 49,600/-</p>
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Total compensation the Appellant is found entitled to is Rs 10,900/- + 49,600/- = Rs 60,500/-.

The CGRF, having noted the view of the Member, Consumer Affairs about payment of compensation for the delayed service, has unjustly failed to order payment of Compensation while disposing of the complaint. The issues are answered accordingly.

16. In the result, the Appeal is allowed with the following directions:

- a. The Appellant is found entitled to and the Respondents are directed accordingly to pay compensation of Rs 60,500/- by way of adjustment of the amount in the future CC bills of the Appellant.
- b. The DISCOM is directed to take disciplinary action against the delinquent officials and recover Rs 60,500/- from those found responsible for the consumer action.
- c. The impugned orders are set aside to the extent indicated.

17. The licensee shall comply with and implement this order within 15 days for the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Clerk Computer Operator, Corrected, Signed and Pronounced by me on this the 5th day of December, 2017.

Sd/-

Vidyut Ombudsman

1. M/s Indus Towers Limited, represented by Sri. K. Ashok Kumar Reddy,
4-51,8th Floor, SLN Terminus, Besides Botanical Gardens,
Gachibowli, Hyderabad- 500 032. Cell : 9963348777.

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6. The SE/OP/MBNR Circle/TSSPDCL/Mahaboobnagar.

Copy to :

7. The Chairperson, Consumer Grievance Redressal Forum - 1, TSSPDCL,
Vengal Rao Nagar, Erragadda, Hyderabad - 500 045.
8. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapool, Hyd.