



**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**

WEDNESDAY THE FIRST DAY OF MARCH  
TWO THOUSAND AND TWENTY THREE

**Appeal No. 32 of 2022-23**

Between

M/s. Mancherial Cement Company (P) Ltd., H.No.8-2-120/86/1/101,  
Flat No. 101, Padmaja Residency, Road No.2, Banjara Hills, Hyderabad - 500  
034. Contact: 040-23310410.

**.....Appellant**

**AND**

1. The Divisional Engineer / Operation / Mancherial - 9440811677.
2. The Senior Accounts Officer / Operation / Mancherial - 7901093932.
3. The Superintending Engineer / Operation / Mancherial - 7901093951.
4. The Chief General Manager / Commercial / Warangal - 9440811300.

**..... Respondents**

This appeal is coming on before me for final hearing on 23.02.2023 in the presence of Smt. Indrani - authorised representative of the appellant, Sri Sudheer Rao - authorised representative of respondent Nos. 1 to 3 and Sri V. Srinivas - SAO/OP/Mancherial, representing respondent No.4 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 - Nizamabad (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short

'TSNPDCL') in C.G.No. 913/2021 dt 15.09.2022, allowing the complaint in part.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant before the Forum is that the respondents have released the Service Connection No MCL-008 (Old ADB-028). The HT agreement was revised several times causing changes in Contracted Maximum Demand (in short 'CMD'). The appellant has requested respondent No.3 on 05.09.2019 to derate CMD from 5000 KVA to 500 KVA. The said deration was not effected due to which the arrears of the appellant were increased additionally an amount of Rs 26,90,000/- per month apart from surcharges @ 18% p.a.. The appellant sustained heavy loss due to the deficiency in service and delay caused by the respondents to derate the CMD. Therefore it is prayed to direct the respondents to implement the deration from 5000 KVA to 500 KVA from 04.10.2019, to reduce the excess amount charged towards additional CMD energy charges from 04.10.2019 with surcharge at 18% p.a, and also to direct the respondents to pay the damages of Rs 77.35 crore for deficiency in service, delay in making decision for adopting vindictive attitude towards the appellant and thereby causing enormous financial loss and mental agony.

### **REPLY OF THE RESPONDENT BEFORE THE FORUM**

3. In the written reply submitted by respondent No.3, It is stated that the appellant has failed to pay the outstanding CC charges arrears of

Rs 11,64,92,060/-. Therefore the subject Service Connection was disconnected on 21.11.2019. After the disconnection a one month notice was issued and after lapse of one month, agreement was terminated w.e.f, 22.03.2020 on failure to pay the arrears. On termination of the HT agreement the consumer shall pay all the sums due under the agreement as on the date of its termination. It is accordingly prayed to reject the complaint.

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

4. After hearing both sides and after considering the material on record, the learned Forum has allowed the complaint directing the respondents to derate the load and revise the bills from 05.09.2019 till the date of termination of the agreement but rejected the claim for compensation.

5. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the Forum has erred in not awarding the compensation. It is accordingly prayed to grant compensation as prayed for by the appellant and to set-aside the impugned Award to that extent.

6. The authorised representation of the respondents has filed a memo stating that aggrieved by the Award in C.G.No 913 of 2021 dated 15.09.2022 the respondents have preferred W.P.No 97 of 2023 before the Hon'ble High Court. Therefore it is prayed to reject the appeal.

7. Heard Both Sides. The appellant has also submitted a memo on 28.02.2023 stating that the present appeal is with regard to compensation due to the deficiency of service by the respondents, whereas W.P.No. 97 of 2023 is against the order of the learned Forum with regard to the deration of CMD from 5000 KVA to 500 KVA etc.,

### **POINTS**

8. The points that arise for consideration are:-

- i) Whether the appeal is maintainable in view of the Clause 2.37 of the Regulation No.3 of 2015 of Hon'ble Telangana State Electricity Regulatory Commission( in short 'Regulation') ?
- ii) Whether the impugned Award of the learned Forum is not 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 the subject Service Connection to the appellant. It is also an admitted fact that the respondents have filed W.P.No 97 of 2023 aggrieved by the impugned Award of the learned Forum.

### **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. In this appeal admittedly W.P.No.97 of 2023 was filed by the respondents - Licensee challenging the impugned Award and is pending. Now it is necessary to refer to Clause 2.37 of the Regulation which reads as under:-

“The Forum may reject the grievance at any stage under the following circumstances:

a) Where proceedings in respect of the same matter or issue between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority as the case may be;”

xxxxx

13. As already stated, it is not disputed about the pendency of W.P.No.97 of 2023 filed by the respondents challenging the impugned Award. Thus when once a Writ Petition is pending between the same parties here in respect of the impugned Award, in view of Clause 2.37 of the Regulation, this Authority

has no jurisdiction to entertain the present appeal. Even if the present appeal is filed questioning not awarding the compensation by the learned Forum, since the Hon'ble High Court is seized of the matter, I hold that the appeal is not maintainable and the Award passed by the Forum is not liable to be set aside. These points are decided accordingly against the appellant and in favour of the respondents.

**POINT No. (iii)**

14. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

**RESULT**

15. In the result, the appeal is rejected, without costs.

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 1st day of March 2023.

Sd/-  
**Vidyut Ombudsman**

1. M/s. Mancherial Cement Company (P) Ltd., H.No.8-2-120/86/1/101, Flat No. 101, Padmaja Residency, Road No.2, Banjara Hills, Hyderabad - 500 034. Contact: 040-23310410.
2. The Divisional Engineer / Operation / Mancherial - 9440811677.
3. The Senior Accounts Officer / Operation / Mancherial - 7901093932.
4. The Superintending Engineer / Operation / Mancherial - 7901093951.
5. The Chief General Manager / Commercial / Warangal - 9440811300.

**Copy to**

6. The Chairperson, Consumer Grievances Redressal Forum of TSNPDCL- II,  
Power House Compound, Heritage Building, Varni Road, Nizamabad - 503201.

