



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

:: Present:: Smt. UDAYA GOURI

Wednesday the Eighteenth Day of March 2020

Appeal No. 35 of 2019-20

Preferred against Order dt.27.12.2019 of CGRF
in CG No.446/2019-20 of Rajendra Nagar Circle

Between

Sri. Anil Kumar Agarwal, S/o. (Late) Birmanad Agarwal, #16-11-16/189,
Saleem Nagar Colony, Near Farhath Nursing Home, Hyderabad - 500 036
Cell: 9246583736.

... Appellant

AND

1. The AE/OP/Kattedan/TSSPDCL/RR Dist.
2. The ADE/OP/Gaganpahad/TSSPDCL/ RR Dist.
3. The AAO/ERO/Gaganpahad/TSSPDCL/RR Dist.
4. The DE/OP/Rajendra Nagar/TSSPDCL/RR Dist.
5. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.

... Respondents

The above appeal filed on 04.01.2020, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 12.03.2020 at Hyderabad in the presence of Sri. Anil Kumar Agarwal - Appellant and Sri.A. Laxmi Narayana - DE/OP/Rajendranagar, Sri.V. Chandrashekara Rao - I/c. AAO/ERO/Gaganpahad and Sri. G. Prashanth Kumar - ADE/OP/Rajendra Nagar for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal against the Orders of the CGRF in CG No. 446/2019-20, Rajendra Nagar Circle dt: 27.12.2019.

2. The Appellant stated that he has filed a complaint before the CGRF vide CG No. 446/2019-20 seeking for the withdrawal of back billing amount of Rs 2,42,489/-

towards difference of KWH and KVAH billing vide case No. DPE/RRS/SDO2/13531/18 and Rs 67,159/- towards fixed charges vide case No. DPE/RRS/SDO2/13530/18 and that the learned CGRF failed to appreciate and address his grievances and disposed of the matter without any relief as such he filed the present Appeal.

3. The Appellant i.e. Sri. Anil Kumar Agarwal averred in the Appeal that the service connection No. 3405 00480 of Category IIIA of 05 HP in his premises No.140/P, Sy No.48, IDA Kattedan, Rangareddy Dist. stood in the name of Sri. K. Ramulu and that he has been utilising the said service connection having purchased the same from Sri. K. Ramulu and that they have received a back billing notices regarding KVAH billing and fixed charges for an amount of Rs 2,42,489/- and Rs 67,159/- (DPE/RRS/SDO2/13530/18) stating that we have paid the development charges amount of Rs 82,000/- as per the case No. DPE/RRS/SD01/7827/13 for an additional load of 41 HP over existing load of 05 HP making a total load of 46 HP, but the load was not regularised as on date of inspection. In this regard we humbly submit the following few words for your kind perusal.

1. The service was inspected by DPE officials in 2013. At that time my connected load was not 46 HP but the DPE officials enhanced the machinery loads and recorded them in their reports.
2. After two years of inspection the development charges of Rs 82,000/- was demanded by the local office. In threat of disconnection I have paid the same amount.
3. The department has not regularised my load even after the payment of development charges nor meter was changed till date.
4. I am not having 46 HP load and never recorded in our service history.
5. We are utilising only upto 20 HP load only.
6. We have received a notice for Rs 2,42,489/- vide case No. DPE/RRS/SDO2/13531/18 penalising for KVAH billing and Rs 67,159/- vide case No. DPE/RRS/SDO2/13530/18 penalising for fixed charges from the year 2013 to 2018.
7. In this regard, I hereby bring to your kind notice that KVAH billing will be done only for 20 HP and above service. Here our service is having only 05 HP of contracted load. We are not aware of KVAH billing.
8. If department officials were regularising our loads after payment of development charges, the CC bills may be issued with KVAH readings and if so I would have been aware of KWH and KVAH billing and I have a chance to take

remedial measures for improving my power factor (PF). It may easily rectified by installing capacitors in the circuit.

9. As per the GTCS and Tariff order of respected department LT service capacitor surcharge should not be penalised for more than one year. Whereas in our case the back billing was calculated and assessed from 14/03/2018 (about four and half years).
10. As per the Provisional Assessment Notice received by us the service was inspected on 14.03.2018 and the notice was generated on 14.09.2018. Instead of immediately the notice served to us after including the said penalties in our CC bill on 20.10.2018. Why the delay took place at the department end.
11. I have appealed to the Division Engineer, Operation, Rajendra Nagar (Shivrampally) praying to re-examine the case on 20.10.2018. But no justice was received till date. We have visited the office of the DE/OP/Rajendra Nagar (Shivrampally) with a hope of justice, but we never received a positive response from them till date. We left our hope and stopped visiting the office.
12. Also the accounts wing has started levying surcharge on our penalty amount stated as case amount in CC bill resulted the arrears are increasing every month.
13. I am running a SSI and it is the only source for earning bread and daily needs to our whole family. If the assessment amount of Rs 3,09,648/- (Rs 2,42,489/- + Rs 67,159) levied on me was penalty it is a very heavy and huge burden on me and it is impossible to pay such amount by me in the current financial situation.
14. I have approached Hon'ble Forum for redressal of consumer grievances for seeking justice for my grievance in which the judgement was awarded in favour of TSSPDCL only.
15. The judgement awarded by the CGRF in which it was mentioned that the DE/OP/Rajendranagar has issued Final Assessment Order on assessment amounts. In this regard, we humbly submit that we have approached the Hon'ble Forum on 23.09.2019. As we have approached for sorting our grievance in a Forum how can we appeal before another Appellate authority? So we have not appealed to the SE/OP/Rajendranagar.
16. After attending hearing on 21.10.2019 in which DE/OP/Rajendranagar submitted to the Hon'ble Forum that they have issued Final Assessment Order on 16.10.2019 only which was unknown to us and we have not received the

order copy. It clearly reveals that DE/OP/Rajendranagar issued the Final Assessment Order to safeguard themselves from Hon'ble Forum and to create us as culprits before the Hon'ble Forum which was totally injustice to us.

17. We have received our Final Assessment Order on 29.10.2019 instead of the immediate date after Final Assessment Orders.

4. Reply of the Respondents

The Respondents submitted their reply through the Respondent No.3, AAO/ERO/Gaganpahad stating that a Development Charges case was booked on 09.11.2013 vide case No. DPE/RRS/SD01/7827/13 against the SC No. 3405 00480 Cat-III from 5HP to 46 HP for Rs 82,000/- and the amount added in the bill vide JE.No.116816 dt.31.07.2014 and consumer paid Rs 82,000/- on 07.11.2015 vide Pr.No.2322192848. As per the GTCS, additional connected load regularised from 5HP to 46 HP with effect from the month of October'2018 to the SC No. 3405 00480.

As per the Tariff Order, the industrial service above 20 HP is to be billed with KVAH reading mode. On 14.03.2018 a back billing case was booked for Rs 2,42,489/- vide Case No. DPE/RRS/SD02/13531/18 towards difference in KWH and KVAH readings and another back billing case was booked vide case No. DPE/RRS/SD02/13530/18 for Rs 67,159/- towards Fixed Charges from 14.11.2013 to 14.03.2018 against SC No. 3405 00480 and consumer paid only Rs 32,159/- on 22.12.2018 vide PR No. 21078 against the actual amount of Rs 67,159/-

The complaint of CGRF No. 446/2019-20/Rajendra Nagar Circle//dt.27.12.2019 was disposed of and directed as the consumer is liable to pay the FAO amounts.

5. Rejoinder of the Appellant

I have appealed for justice regarding withdrawal of back billing assessment amount of my service SC No. 3405-00480, M/s. M. Ramulu, LT Cat-III, 05 HP existing in Kattedan Village, Rajendranagar Mandal, Ranga Reddy District which was pending before your kind office. In this regard, the AAO/ERO/Gaganpahad has submitted a reply in which they have explained the case from their end.

1. The case No. DPE/RRS/SD01/7827/13 an additional load of 41 HP over existing load of 5 HP making a total load of 46 HP for an assessment amount of Rss 82,000/- which was paid by me on 07.11.2015 as demanded by the respective TSSPDCL in threat of disconnection.

2. I have represented and requested many times for regularisation of additional load in CC bill, but it was not regularised. The load was regularised on 24th October'2018 without any intimation to us in the CC bill.
3. We have received a notice for Rs 2,42,489/- vide case No. DPE/RRS/SD02/13531/18 penalising for KVAH billing and Rs 67,159/- vide case No. DPE/RRS/SD02/13530/18 penalising for fixed charges form the year 2013 to 2018. I have appealed to the Division Engineer, Operation, Rajendra Nagar (Shivrampally) praying to re-examine the case on 20.10.2018. But no justice was received till date. We have visited the office of the DE/OP/Rajendra Nagar (Shivrampally) where we have not received any conclusion. Later I have approached Hon'ble Forum for redressal of consumer grievances for seeking justice for my grievance in which the judgement was awarded in favour of TSSPDCL only.
4. As per the reply submitted by the AAO/ERO/Gaganpahad KVAH billing will be done only for those services which are having load of 20 HP and above services which were already submitted by us. As per the records available with the department we are having only 05 HP and we have utilised maximum load of 19 HP after regularisation of additional load.
5. As per the reply submitted by the AAO/ERO/Gaganpahad the consumer has paid only Rs 32,159/- on 22.12.2018, but till date (18.01.2020) a total amount of Rs 1,02,159/- has been already paid against the case amount.
6. Its total department side fault for not regularising our additional load within a stipulated time after payment of development charges and also not considered consumption history and recorded connected loads.
7. CGRF has not considered our request treating our case as malpractice i.e. under section 126 and rejected the case stating approach SE/OP/RJNR for appeal. But our case is not a malpractice case stating approach SE/OP/RJNR for appeal. But our case is not a malpractice case it is a back billing case only. If it is under Section 126 the case has to be finalised by the SE/Assessments not the DE/OP/RJNR. Hence it is requested to look into the case carefully and do justice for us.
8. I also request you to stop the monthly interest of case amount, levied on us by the accounts wing, which is directly reflecting in my CC bil every month and I am paying it regularly for the past 12 months, till date (11.01.2020) Rs 52,024.23 has been paid against it every month.

Hence we are once again begging for justice before your kindness as per the facts and humanity to us for which we are very grateful to you.

6. Written submissions of the Respondents

The Respondents submitted their reply through the Respondent No.4 stating that the SC No. 3405-00480, M/s. M. Ramulu, LT Category-III, Kattedan Section, Gaganpahad Sub Division, Rajendranagar Division was replaced in the month of January 2014 (at about seven years back).

The Respondent No.4 vide Lr.No. DEE/OP/RJNR/D.No.2239/2020 dt.11.03.2020 stated that the service was inspected by Sri. P.V.Mohana Krishna, ADE/OP/Gaganpahad on 31.01.2013 and registered a case vide case No. RRS/RJNR/GGPD/1575/13 for unauthorised usage of supply and assessed an amount of Rs 2876/- and the consumer has paid the amount. At that time of inspection of service on 31.01.2013 the meter particulars are Make: SAAMI, Sl.No.047075,10-40 A, Reading: 5055. The old meter was replaced with a new meter (Make:HPL, Sl.No.19984402, Capacity : 3 Phase, 10-40 A) due to the old meter being a non high quality meter and replaced with a high quality meter in the month of January'2014. The old meter final reading is 5397 as per the meter change report. The service was again inspected by Sri.G. Suman, AE/DPE on 07.09..2018 and registered a case vide case No. DPE/RRS/SD02/13531/18 for back billing for KVAH and assessed an amount of Rs 2,42,489/-.

The meter particulars at the time of inspection on 07.09.2018 are:- Make: HPL, Sl.No.19984402, Capacity: 3 phase, 10-40 A, Reading: 107338. The present meter reading is 1027463.

For the said back billing assessment the consumer has not approached the Appellate within 15 day of Provisional assessment notice. The assessment amount was included in the CC bill for the month of January'2019.

Heard both sides.

Issues

7. The points for consideration is :-

1. Whether the Appellant is entitled for withdrawal of back billing amount of Rs 2,42,489/- towards difference of KWH and KVAH?
2. Whether the Appellant is entitled for withdrawal of fixed charges of an amount of Rs 67,159/-? And

3. To what relief?

Issue Nos. 1&2

8. The averments of both sides go to show that the Appellant Sri. Anil Kumar Agarwal who is the beneficiary of the service connection No. 3405 00480 Category IIIA is standing in the name of Sri. Ramulu and is located in the premises bearing Plot No. 140/P, Sy No. 48, IDA Kattedan, Rangareddy Dist., pleaded for withdrawal of the two back billing cases booked for the period from 14.11.2013 to 14.03.2018.

9. The Appellant contended that the first case is towards shortfall amount on difference of KWH and KVAH units for an amount of Rs 2,42,489/- and the second case is towards shortfall amount in terms of fixed charges for an amount of Rs 67,159/-. The above given back billing cases is against the backdrop of the case booked towards excess connected load of 41 HP over existing load of 5 HP, on 09.11.2013 demanding Rs 61,500/- towards Development Charges and Rs 20,500/- towards Security Deposit. The Appellant paid a total amount of Rs 82,000/- on 07.11.2015 vide PR.No. 2322192848. It was alleged that at that time their connected load was not 46 HP. Over threat of disconnection, the Appellant stated that he had paid the demanded amount of Rs 82,000/-. That the Respondents has not regularised the contracted load to 46 HP even after payment of Development Charges nor the meter was changed till date. That he is not having the 46 HP of load and never recorded in their billing history, they are utilising to an extent of 20 HP load only, thereby not entitled for billing in KVAH units, since the Tariff Orders mandates KVAH billing for the services of 20 HP and above. Hence claimed that the back billing towards KVAH billing for an amount of Rs 2,42,489/- is not liable to be paid. Further held that had it been the excess connected load of 41 HP been regularised in the billing data, he could have got the awareness of KVAH billing which relies on the power factor of the connected load, in turn could have taken remedial measures for improving the power factor, which reduces the KVAH consumption. That as per the GTCS and Tariff Order the levy of LT service capacitor surcharge is restricted to be penalised for not more than one year, whereas in this case the assessment was calculated for 4 and ½ years from 14.11.2013 to 14.03.2018. There was delay in issuing the provisional assessment notice generated on 14.09.2018 when the inspection was commenced on 14.03.2018. That they have appealed against the provisional assessment notices before the DE/OP/Rajendranagar but no justice was done till date. **That the Accounts wing levied surcharge on the penalty amount in terms of case**

amount in the CC bill which resulted in increase of arrears every month. That they are in the current Financial crisis, it's impossible to pay the total assessed amount of Rs 3,09,648/- (Rs 2,42,489/- +Rs 67,159/-).

10. The Respondent No.3 AAO/ERO/Gagan Pahad on behalf of the Respondents submitted that a Development Charges case was booked on 09.11.2013 towards excess connected load of 41 HP over the existing load of 5 HP for an amount of Rs 82,000/- vide case No. DPE/RRS/SD01/7827/13 against the SC No. 3405 00480 and same was added in the monthly bill vide JE No. 116816 dt.31.07.2014. The consumer paid Rs 82,000/- on 07.11.2015 vide PR.No. 2322192848. As per the GTCS the Additional connected load was regularised from 5 HP to 46 HP w.e.f. the month of October'2018. Here no reason was submitted, why 3 Years of delay was made in regularising the load of 46HP after receiving the payments.

That as per the Tariff Order, the Industrial service with loads 20 HP and above should be billed with KVAH units reading. A back billing case was booked towards the difference in KWH and KVAH readings on 14.03.2018 for an amount of Rs 2,42,489/- vide case No. DPE/RRS/SD02/13531/18 and another back billing case was booked towards fixed charges from 14.11.2013 to 14.03.2018 for an amount of Rs 67,159/- vide case No. DPE/RRS/SD02/13530/18. The consumer paid Rs 32,159/- on 22.12.2018 vide PR No. 21078 against the actual amount of Rs 67,159/-. The CGRF in CG No. 446/2019-20/Rajendra Nagar Circle dt.27.12.2019 disposed the Appeal directing the consumer to pay the FAO amounts (Final Assessment Order).

11. The Appellant submitted his rejoinder reiterating the same as in the initial appeal and further added that he has represented several times for regularisation of excess connected load in the CC bill which was eventually regularised on 24.10.2018. That the payment details given by the AAO/ERO/Gaganpahad towards the back billing cases of Rs 32,159/- on 22.12.2018 only is not correct, that he has paid additional amount including Rs 32,159/- of Rs 1,02,159/- as on 18.01.2020, submitted the paid receipts which shows the payments as given below:-

Table -1

Date	PR No.	Amount
24.11.2018	18322190874	Rs 35,000.00 (Adjusted in CC charges)
22.12.2018	18322194144	Rs 32,159.00

18.01.2020	193576	Rs 35,000.00
Total Paid amount		Rs 1,02,159.00
The actual amount towards back billing case paid is		Rs 1,02,159 - Rs 35,000 = Rs 67,159/-

That the CGRF has not considered their appeal treating the back-billing cases under Section 126 and rejected the Appeal stating to approach SE/OP/Rajendranagar for appeal. That their case was not booked under Section 126 since it is the back billing case only. That further requested to stop the monthly interest amount of case levied directly in the CC bills every month which was paid regularly for the past 12 months, Rs 52,024.23 was excess paid over such account.

12. A perusal of the two cases booked on account of difference in KWH and KVAH units and for fixed charges shows that there was no unauthorised usage of supply, the shortfall amount in terms of above given reasons were levied retrospectively for recovery of loss of revenue and hence the CGRF findings that the cases are under Section 126 is not correct and the stand taken to reject the Appeal is not tenable.

13. Back billing towards KVAH billing

The dispute is in regard to recovery of shortfall amount, the billing of the subject service was carried out in KWH units, the Respondents claimed that as per the Tariff Orders for the services having loads 20 HP and above shall be billed in KVAH units, hence consequent to detection of excess connected load in total of 46HP, the billing of subject service was revised retrospectively in terms of KVAH units as against already billed KWH units from the date of detection. The Appellant held that since they are not using the loads more than 20 HP, they are not liable for KVAH units billing.

The present dispute arose on account of inspection held on 09.11.2013 against the SC No. 3405-00480, wherein 41 HP load detected to be excess connected over the existing contracted load of 5 HP. A demand notice was issued vide Lr.No.ADE/OP/GaganPahad/F.No.3677/K/D.No.1868/13 dt:08.01.2014, for regularisation of excess connected load of 41 HP, to pay an amount of Rs 82,000/- towards Development Charges and Security Deposit. At the same time an option was also given to the Appellant to either regularise the total load or to remove additional connected load of part of additional connected load, through a representation to the

DE/OP/Rajendranagar within 30 days. While there was no such representation given as per the records to avail the option to regularise the excess load, here the Appellant claimed that they are using upto 20 HP load. The reasons for not filing their representation to avail the option of regularisation of whatever the load to be regularised was not known. The Appellant finally paid the amount of Rs 82,000/- on 07.11.2015 which shows their acceptance for the total detected load of 46 HP. The letter dt. 10.05.2017 given by the Appellant addressed to the ADE requesting to regularise the load from 5 HP to 46 HP shows that they agree over the total connected load of 46HP. It seems that the dispute was not raised by the Appellant until the notices were generated over KVAH billing and Fixed charges for an amount of Rs 2,42,489/- & Rs 67,159/- respectively following consequential tariff rates towards 46HP load.

Here it is also observed that there is negligence on the part of the Respondents over not regularising the loads after receiving the payments towards excess connected load on 07.11.2015, which took almost 3 years resulting in present dispute. The Tariff Order mandates KVAH billing under LT Category III consumers having contracted load of 20 HP or more. Consequently the back billing case was booked to recover the shortfall amount in terms of billing difference between KWH and KVAH units as given below:-

Assessment

1. KVAH billing is proposed from November'2013 as a difference of KWH and KVAH units.

2. November'2013 KWH = 2028, KVAH = 2897.7

3. March'2018 KWH = 107338, KVAH = 144079

Net KWH = 105310, Net KVAH = 141181

Amount to be paid = $(141181-105310) \times 6.7 = 2,40,336/-$ plus ED Rs.2153/-

The above assessment is in concurrence with the Tariff orders 2013-14, approved by the Hon'ble Commission which mandates the billing of units in terms of KVAH units for the services 20HP and above, under Clause 3 **CATEGORY-WISE SPECIFIC CONDITIONS OF L.T.TARIFF read with Sub-Clause (3)(3)(iii)**. In the event of such provisions of the Tariff Orders, the plea of the Appellant for withdrawal of back-billing amount of Rs 2,42,489/- is not tenable.

14. Back billing towards fixed charges

There are two aspects to this issue, whether the Fixed Charges levied are in line with the statute and if so to what extent. Similar to the above back billing case where the bills were revised retrospectively, in this case also the bills were revised and shortfall amount was raised towards fixed charges relating to excess connected load of 41 HP from the period 14.11.2013 to 14.03.2018 for an amount of Rs 67,159/-.

The assessment is given as follows: _

Assessment

1. Fixed charges are proposed for 46 HP from November'2013.
2. Fixed charges paid from November'2013 to March'2018 = 33,250/-
3. Fixed charges to be paid from Nov'2013 to March'2018:

Nov'2013 to March 2015 - 50/KW

April'2015 to March 2016 - 53/KW

April'2016 to March 2018 - 60/KW

$$= (17 \times 50 + 12 \times 53 + 24 \times 60) \times 0.746 \times 46 = \text{Rs } 100,409/-$$

Balance fixed charges = Rs 100409 - Rs 33250 = Rs 67,159/-

The Tariff Orders mandates billing of fixed charges based on the contracted load of the service connection as per the Tariff rates applicable. The onus on levy of Fixed charges is that Licensees incur a significant amount of fixed cost in connecting and arranging the power supply to retail consumers. In case of single part tariff, if the consumption is nil, the Licensees will not be able to recover any revenue from the consumers despite incurring fixed cost. Hence, levy of two part tariff is rational and shall be extended to all consumer categories as per the rates applicable in the tariff orders. Hence levy of Fixed charges is liable.

The Clause 3 **CATEGORY-WISE SPECIFIC CONDITIONS OF L.T.TARIFF** read with **Sub-Clause (3)(1)** is reproduced hereunder

1) The connected load shall not exceed the contracted load specified in the agreement as per sanction accorded for the service. The fixed charges shall be computed based on contracted Load or actual Recorded Demand whichever is higher. For the purpose of billing, 1 kVA shall be treated as being equal to 1 kW.

The above given Clause clearly mandates for computing Fixed Charges based on the Contracted Demand or actual Recorded Demand **whichever is higher**, hence the plea taken by the Appellant that they are availing supply to the extent of 20HP load only and to restrict the fixed charges to the extent of 20HP is not tenable, in view of the payments made of Rs 82,000/- for excess load of 41 HP.

15. The Appellant pleaded to restrict the period of assessment for not more than one year, upon his claim he has relied on levy of LT service capacitor surcharge as per the GTCS and the Tariff Order. The Hon'ble Commission in the proceeding No. APERC/Secy/96/2014 dt.13.05.2014 amended certain clauses to suitably revise the bills if necessary even with retrospective effect, the assessment shall be made for the entire period during which such reclassification is needed and in the event of uncertainty of the period needed to be reclassified, then the assessment period shall be limited to the period of two months. Such is not the present case as the period of assessment can be ascertained from the date of detection of the excess connected load. Hence the plea of the Appellant to restrict the assessment for one year is not tenable.

16. The Appeal was reserved for orders on 06.02.2020, but in view of certain clarifications the case was suo motu reopened on requirement of additional information on whether the existing meter was changed in the month of January'2014 and also towards the basis for levying Debit JE for an amount of Rs 2,32,489/- towards KVAH billing in the month of January'2019 and Rs 1,00,707/- towards fixed charges levied in the month of October'2018. The Respondents submitted that the meter was changed during the month of Jan'2013, the old meter particulars are Make: SAAMI, Sl.No- 047075, 10-40A, Reading 5055 as per the inspection carried out on 31.01.2013. The new meter particulars which is the existing meter now are: Make: HPL, Sl.No.19984402, Capacity: 3- Phase, 10-40 A).

The Appellant claimed that the accounts wing levied surcharge on the penalty amount in the CC bill resulting in increase of arrears every month. A perusal of the above goes to show that the provisional assessment notices towards back billing/short billing vide Lr.No.ADE/OP/Gagan Pahad/ F-Theft/D.No. 1312/18 dt.14.09.2018 and Lr.No.ADE/OP/Gagan Pahad/ F-Theft/D.No. 1313/18 dt.14.09.2018 was issued for an amount of Rs 67,159/- and Rs 2,42,489/- respectively. The Final Assessment Orders confirming the provisionally assessed amount of both the cases was issued vide order No .DEE/OP/OP/RJNR/F.No.FAO/19/D.No.1136/19 and

DEE/OP/OP/RJNR/F.No.FAO/19/D.No.1137/19, on Dated: 16.10.2019, respectively. The Respondents held that since the Appellant has not approached the Appellate Authority within 15 days of Provisional Assessment Notice, the assessment amount was included in the CC bill in the month of January'2019.

This subject was clearly addressed in the GTCS Clause 5(5.3) read with Appendix 7 - Assessment notice for short billing, which is reproduced here under:-

5.3 “ In case there is no representation from you within 15 days from the date of service of this notice, the electricity charges payable by you shall be included as arrears in your subsequent CC bill.”

The above given clause clearly mandates the provisions on when the charges shall be included in the CC bills for the cases booked under short billing/ Back billing. There is no evidence produced by the Appellant to show that he has represented against the provisional assessment notices issued against the subject service connections within 15 days from the date of service of the notice. In such case the withdrawal of the interest amount is not tenable.

Other than the provisional Assessed amount of Rs.67,159/- towards Fixed charges, the Respondents levied Debit JE of Rs 1,00,707/- on account of same Fixed charges upto the period October'2018, which is contradictory to each other, resulting in double levy of Fixed charges. The DE/OP/Rajendra Nagar confirmed the liability for payment of Fixed Charges of Rs. 67,159/- on dt.16.10.2019, vide Final Assessment Order, that is after levy of Fixed Charges vide Debit JE of Rs 1,00,707/-, resulting superseding the Debit JE amount. The Respondents failed to show the reasons for levy of Fixed Charges of Rs 100,707/- double time when already an amount of Rs 65,159/- towards the same cause is pending. Hence in the present scenario the Final Assessment Order issued by the DE/OP/Rajendranagar after taking into account the objections raised by the Appellant against the PAO (Provisional Assessment Order) holds good.

17. Under the circumstances stated supra the Respondents are directed to issue fresh demand as per the Final Assessment Order dt 16.10.2019 of Rs 67,159/- along with the consequent interest/ additional charges which would arise from the month of October'2018, from where the Respondents preferred to levy the Fixed Charges of Rs 1,00,707/- in the CC bills. The double amount raised of Rs 1,00,707/- in the month of Oct'2018 and its interest/additional charges shall be withdrawn. The

fresh demand so raised shall be after deducting the amounts already paid by the Appellant, as in Table I above. In addition the Appellant is liable to pay the back billing charges towards the difference of KVAH units of Rs 2,42,489/- also and hence accordingly decides these issues.

Issue No.3

18. In the result the Appeal is accordingly disposed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this, the 18th day of March' 2020.

Sd/-

Vidyut Ombudsman

1. Sri. Anil Kumar Agarwal, S/o. (Late) Birmanad Agarwal, #16-11-16/189, Saleem Nagar Colony, Near Farhath Nursing Home, Hyderabad - 500 036 Cell: 9246583736.
2. The AE/OP/Kattedan/TSSPDCL/RR Dist.
3. The ADE/OP/Gaganpahad/TSSPDCL/ RR Dist.
4. The AAO/ERO/Gaganpahad/TSSPDCL/RR Dist.
5. The DE/OP/Rajendra Nagar/TSSPDCL/RR Dist.
6. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.

Copy to :

7. The Chairperson, CGRF - GHA, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda.
8. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.