



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**

SATURDAY THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

Appeal No. 36 of 2022-23

Between

Smt. Vijay Laxmi Agarwal, H.No.6-4-454/3, Bholakpur, Secunderabad - 500
080. Cell: 9505507402 and 7036205211.

.....Appellant

AND

1. The Assistant Engineer / Operation / Padma Rao Nagar / TSSPDCL / Secunderabad.
2. The Assistant Divisional Engineer / Operation / Padma Rao Nagar / TSSPDCL / Secunderabad.
3. The Assistant Accounts Officer / ERO / Seethafalmandi / TSSPDCL / Secunderabad.
4. The Divisional Engineer / Operation / Paradise / TSSPDCL / Secunderabad.
5. The Senior Accounts Officer / Operation / Yadadri Circle/ TSSPDCL / Yadadri Bhongir District.
6. The Superintending Engineer / Operation / Secunderabad Circle TSSPDCL / Secunderabad.
7. The Superintending Engineer / Operation / Yadadri Circle / TSSPDCL / Yadadri Bhongir District.

..... Respondents

This appeal is coming on before me for final hearing on 16.02.2023 in the presence of Miss. Nishtha, authorised representative of the appellant, and Sri S. Balachandrudu - SAO/OP/Yadadri Circle 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 - Greater Hyderabad Area in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.242/2022-23, Hyderabad South Circle dt.09.12.2022, allowing the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No. F4005842 to the appellant for her premises bearing H.No.6-4-454/3, Bholakpur, Secunderabad under LT Consumer of Category - II(B) with contracted load of 3 KW. Respondent No.2 vide Lr.No.ADE/OP/PR Nagar/D - XVII/C-V/D.No.1047/2022-23 dt. 22.10.2022 demanding her to pay Rs. 6,08,86,720/- arrears of M/s. Hariyana Steel (KDM) within (3) days and on failure her Service Connection will be disconnected as link service. According to the appellant, she is nothing to do with the Hariyana Steel KDM. Therefore it is prayed to set aside the claim under the notice dt.22.10.2022 as illegal etc.

REPLY OF THE RESPONDENT BEFORE THE FORUM

3. In the written reply submitted by respondent No.2, it is, inter-alia, submitted that the Service Connection of the appellant is link service of M/s. Hariyana Steel (KDM) as such the appellant is liable to pay the arrears of M/s. Hariyana Steel (KDM).

4. In the written reply submitted by respondent No.7 also it is stated that the Service Connection of the appellant is the link service of Hariyana Steel (KDM).

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has allowed the complaint declaring the impugned notice as illegal and not valid and also directing the respondents not to disconnect the Service Connection of the appellant.

GROUND OF THE APPEAL

6. In the grounds of the appeal, it is, inter-alia, submitted that the direction of the learned Forum to issue fresh notice is not legal. Therefore it is prayed to set aside the Award in respect of the direction stated above and also to set aside the impugned notice dt.22.10.2022.

WRITTEN SUBMISSION OF THE RESPONDENTS

7. In the written reply filed by respondent No.6, he has reiterated his submissions made before the learned Forum.

REJOINDER OF THE APPELLANT

8. In the rejoinder filed by the appellant it is submitted that the appellant is not connected with M/s. Hariyana Steel (KDM).

9. Heard both sides. The authorised representative of the appellant has also filed written arguments on 08.02.2023 and 16.02.2023.

POINTS

10. The points that arise for consideration are:-

- i) 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

11. It is an admitted fact that the respondents have released Service Connection No. F4005842 to the appellant. It is also an admitted fact that the learned Forum has declared the impugned notice dt. 22.10.2022 as illegal and not valid and also directed the respondents not to disconnect the power supply of the appellant.

SETTLEMENT BY MUTUAL AGREEMENT

12. 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

13. 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

14. The appellant has submitted that the learned Forum has observed that the respondents are at liberty to give fresh link service notice to the appellant within (15) days etc., It is to be noted that such an observation was made by the learned Forum in Paragraph No. 13 of the impugned Award. It is only an observation and not a positive direction. Apart from that the result portion of the impugned Award reads as under:-

“In the result, the grievance complaint filed on 26.10.2022 by the Complainant/Consumer is allowed partly by declaring the impugned link service notice of the respondent No.2 vide Lr.No.1047/2022-23, dt.22.10.2022 as illegal, not valid and the respondents are directed not to disconnect the power supply of Service Connection bearing S.C.No.F4005842.”

The above result portion of the Award makes it crystal clear that whatever the prayer was sought by the appellant before the learned Forum, was granted. Thus practically there is no further grievance as on the date of the impugned Award to file the appeal. That being the case, the appeal is not maintainable. Accordingly, I hold that the impugned Award is not liable to be set aside. This point is decided against the appellant and in favour of the respondents.

POINT No. (ii)

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

RESULT

16. 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 Office Executive cum Computer Operator, corrected and pronounced by me on this the 25th day of February 2023.

Sd/-
Vidyut Ombudsman

1. Smt. Vijay Laxmi Agarwal, H.No.6-4-454/3, Bholakpur, Secunderabad - 500 080. Cell: 9505507402 and 7036205211.
2. The Assistant Engineer / Operation / Padma Rao Nagar / TSSPDCL / Secunderabad.
3. The Assistant Divisional Engineer / Operation / Padma Rao Nagar / TSSPDCL / Secunderabad.
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8. The Superintending Engineer / Operation / Yadadri Circle / TSSPDCL / Yadadri Bhongir District

Copy to

9. 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.