



BEFORE THE VIDUYUT 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
VIDUYUT OMBUDSMAN**

FRIDAY THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

Appeal No. 36 of 2023-24

Between

M/s. Karimnagar Milk Producer Company Ltd., Sy.No.94/E2-5/1, Lingapur Village, Dandepally Mandal, Mancherial District - 504 206, represented by its proprietor Sri P. Shanker Reddy. Cell: 9177737070,9849082818.

.....Appellant

AND

1. The Assistant Engineer / Operation / Dandepally.
2. The Assistant Divisional Engineer / Operation / Luxettipet.
3. The Divisional Engineer / Operation / Mancherial.

..... Respondents

This appeal is coming on before me for final hearing on 02.11.2023 in the presence of Sri J. Sampath Rao - representative of the appellant virtually and Sri M.Prabhakar Rao - ADE/OP/Luxettipet, Sri M.M.Khaisar-DE/OP/Mancherial virtually and having stood over for consideration, this Viduyut 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.171/2023-24/Mancherial Circle dt.18.08.2023, advising

the appellant to pay the shifting charges of the DTR and also directing the respondents to prepare the estimate, serve the demand notice to the appellant and execute the work after receipt of shifting charges etc.,

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the appellant has applied for new Service Connection and also for transformer to its company at Lingapur village (Madaripet), Dandepally Mandal, Mancherial District on 19.10.2020 through TS-iPASS for 45 HP, 3 phase for 24 hours. Initially as per the estimates prepared by the respondents an amount of Rs.3,10,876/- was paid but the power supply was given only for eight hours. Again on the request of the appellant for 24 hours power supply, re-estimate was prepared for Rs.13,87,486/-. That amount was also paid on 29.07.2021. In February 2023, 3 phase power supply for 24 hours was given, but the transformer was not shifted at the choice place of the appellant. While erecting the (24) hours line, Superintending Engineer/Operation visited the site and instructed the Assistant Engineer for fixing the DTR backside, but the Assistant Engineer connected to the front side of the existing DTR due to which the appellant incurred additional charges for (4) poles. Apart from that there is every possibility of passing electricity to the BCU tin shed and the water tank of the appellant which is dangerous. It was accordingly prayed to direct to erect or shift the

transformer at the choice place of the appellant.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondent No. 3, it is, inter-alia, submitted that there was a pending payment of Rs.4,14,997/- towards revised estimate charges for providing 3 phase 24 Hours power supply to the Service Connection No. 63003-00725 of the appellant vide WBS No. E-2102-16-01-02-02-003. Therefore after receipt of the said payment the DTR will be shifted after preparing the estimate etc.,

AWARD OF THE FORUM

4. After considering the material on record and after hearing the respondents, the learned Forum has passed the Award advising the appellant to pay the shifting charges of the DTR and also directing the respondents to prepare the estimate, serve the demand notice to the appellant and execute the work after receipt of shifting charges etc.,

5. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the DTR was not erected at the choice place of the appellant; that earlier 8 hours power supply was given from the front portion of BCU but as per the re-estimate, the 24 hours power supply was to be given from the backside of BCU even as per the instructions of the Superintending Engineer to respondent No.1, but that was

not done; that whenever there is wind there is every possibility of passing power supply to the BCU tin shed and also to the water tank which is dangerous. In all the appellant paid Rs.16,98,342/- to the respondents. Though 24 hours power supply was given, the DTR was not shifted. With the execution of the work by respondents in the above manner additional poles were erected unnecessarily and that expenditure fell on the appellant. It is accordingly prayed to do justice and see that the dairy farmers are not sustained financial loss.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written reply filed by respondent No.3, it is, inter-alia, stated that after initial payment of Rs.3,10,876/- Service Connection of 45 HP industrial load on Lingapur AGL feeder was released to the appellant. Subsequently, on the application of the appellant estimation charges of an amount of Rs.13,87,486/- was paid by the appellant and 3 phase (24) hours supply work was erected upto the express feeder. Owing to site objection by the farmers behind the appellant company work was stopped and the estimate was revised. The Cost of the revised estimate became Rs.18,02,483/-. The balance amount of Rs.4,14,997/- was not paid by the appellant. An estimate was also prepared for shifting of the existing DTR from the existing location to behind the plant. Demand notice was issued for Rs.70,687/-. The said amount

was not paid.

ARGUMENTS OF THE APPELLANT

7. It is submitted on behalf of the appellant that though the appellant requested initially for 24 hours power supply to its dairy company, only 8 hours agriculture connection was given. Further instead of utilising 16 poles the respondents have used three more poles additionally causing additional financial budget to the appellant. There is also a delay in executing the work. The appellant is not responsible for payment of Rs. 4,14,997/-. The location of the present transformer is not in a safe place and there is likelihood of causing damage or loss of life. It is accordingly prayed to shift the existing DTR to the backside of the BCU shed. The appellant has also filed sketch map and photographs.

ARGUMENTS OF THE RESPONDENTS

8. The respondents have submitted that the appellant made an online request for release of new Service Connection without mentioning 3 phase (24) hours power supply. The delay if any in executing the work and also using more number of poles is due to the right of way issue and diversion of the route. The estimate was revised as per the consent given by the appellant dt.14.10.2022 and the work was executed. The appellant gave assurance in writing for payment of amount after the work was executed. Therefore unless

the appellant pays the due amount of Rs.4,14,997/- and also Rs.70,687/- as per the demand notice for shifting the DTR, it is not possible to shift the DTR.

POINTS

9. The points that arise for consideration are:-
- i) Whether the respondents are liable to shift the present DTR as per the request of the appellant?
 - ii) Whether the Award of the learned Forum is liable to be set aside? and
 - iii) To what relief?

POINT Nos. (i) & (ii)

ADMITTED FACTS

10. It is an admitted fact that the respondents have released Service Connection No. 63003 00735 with 45 HP industrial load on Lingapur AGL feeder in 2020. Subsequently on the request of the appellant the respondents have erected an express feeder of 3 phase (24) hours power supply to the subject Service Connection.

SETTLEMENT BY MUTUAL AGREEMENT

11. Both the parties have appeared before this Authority on different dates physically and virtually. 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

12. The present appeal was filed on 03.10.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

13. Admittedly the appellant is doing dairy business. Necessarily 24 hours power supply is necessary for such a business. Though the appellant claims that the respondents were informed in writing about the proposal of the business, instead of giving 24 hours power supply only 8 hours power supply was given. At present there is no material before this Authority to establish this point alleged by the appellant.

14. The material on record goes to show that initially power supply was given for 8 hours. Subsequently, 3 phase (24) hours power supply was given on the request of the appellant and prima-facie, it appears that there was issue with the farmers who are near the site of the appellant. It appears that the route of the line was slightly diverted. This Authority cannot undertake roving enquiry of these aspects raised by the appellant. A detailed enquiry is required

to come to a correct conclusion of these allegations after giving necessary opportunity to both parties.

15. Admittedly an amount of Rs. 4,14,997/- is due by the appellant in erecting the 24 hours power supply. Admittedly a demand notice was issued for Rs.70,687/- for shifting the DTR from the present place to the backside of the BCU tin shed of the appellant. The obstacle for the respondents in shifting the DTR is the due amount payable by the appellant. According to the appellant the transformer is existing on one side of BCU and on the other side the water tank of the appellant is situated and when wind comes, it endangers human life. It appears that the location of the present DTR is not in a safe place and its continuation there may endanger human life. Keeping these factors in view it is necessary for the respondents to shift the DTR to the place mentioned by the appellant as stated above after receipt of the amount of Rs.70.687/- as mentioned in the demand notice. However as regards the arrears of Rs.4,14,997/- it is desirable to initiate an enquiry to find out as to whether there was any negligence on the part of the respondent-officials or their predecessors while executing the works involved in this case including the delay and utilising more number of poles than required, ultimately accumulating more due amount. Accordingly, I hold that the respondents are liable to shift the present DTR to a safer place shown by the appellant and the

impugned Award of the learned Forum is liable to be allowed in part. These points are accordingly decided.

POINT No. (iii)

16. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be allowed in part to the extent indicated above.

RESULT

17. In the result, the appeal is allowed in part and the respondents are directed to shift the transformer as requested by the appellant on receipt of the shifting charge of Rs. 70,687/- (Rupees seventy thousand six hundred and eighty seven only) and file compliance report within (15) days thereafter.

As regards the due amount of Rs.4,14,997/-,(Rupees four lakhs fourteen thousand nine hundred and ninety seven only) the highest authority of TSNPDCL shall order for departmental enquiry as to :

(i) Whether there was dereliction of duty by the respondents or their predecessors while executing the work at any level while releasing the service initially till now and whether excess poles were utilised than required?

(ii) If there is dereliction or negligence or delay on the part of the employees of the Licensee, to that extent of money shall be recovered from such employees out of Rs.4,14,997/- and the balance shall be recovered from the appellant.

(iii) If it is found that no employee is at fault, the entire amount of Rs.4,14,997/- shall be recovered from the appellant in (10) monthly equal instalments, without any surcharge.

(iv) Till the enquiry is concluded, no recovery shall be made from the appellant out of Rs.4,14,997/-

(v) Without reference to the enquiry as regards of Rs.4,14,997/-, the shifting of DTR shall be done on payment of shifting charges of Rs.70,687/-

Transmit a copy of this Award to the Chairman and Managing Director, TSNPDCL, H.No: 2-5-31/2, Corporate Office, Vidyut Bhavan, Nakkalahgutta, Hanamkonda, Warangal, Telangana 506001.

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 3rd day of November 2023.

**Sd/-
Vidyut Ombudsman**

1. M/s. Karimnagar Milk Producer Company Ltd., [Sy.No.94/E2-5/1](#), Lingapur Village, Dandepally Mandal, Mancherial District - 504 206, represented by its proprietor Sri P. Shanker Reddy. Cell: 9177737070,9849082818.
2. Chairman and Managing Director, TSNPDCL, H.No: 2-5-31/2, Corporate Office, Vidyut Bhavan, Nakkalahgutta, Hanamkonda, Warangal, Telangana 506001
3. The Assistant Engineer / Operation / Dandepally.
4. The Assistant Divisional Engineer / Operation / Luxettipet.
5. The Divisional Engineer / Operation / Mancherial.

Copy to

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