



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

FRIDAY THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

Appeal No. 37 of 2020-21

Between

Sri Abdul Rahman Shaik, s/o. Abdul Hameed Shaik, TRT 1200, H.No. 7-2-1455, Taj Mansion, First Floor, 'B' Block, Sanath Nagar, opp: Telangana Pollution Control Board, Sanath Nagar, Hyderabad - 500 018.
Mobile: 9849170134. **.....Appellant**

AND

1. The Assistant Engineer / Operation / Sainikpuri / TSSPDCL / Medchal- Malkajgiri District.
2. The Assistant Divisional Engineer / Operation / Sainikpuri / TSSPDCL / Medchal- Malkajgiri District.
3. The Assistant Accounts Officer / ERO / Sainikpuri / TSSPDCL / Medchal- Malkajgiri District.
4. The Divisional Engineer / Operation / Sainikpuri / TSSPDCL / Medchal- Malkajgiri District.
5. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL / Medchal- Malkajgiri District. **..... Respondents**

This appeal is coming on before me for final hearing on 08.08.2022 in the presence of Sri Abdul Rahman Shaik, appellant in person and Sri P. Muthaiah - ADE/OP/Sainikpuri and Sri S. Ravi Kumar - AAO/ERO/Sainikpuri representing 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 - II (Greater Hyderabad Area) Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.99/2020-21 dated 04.01.2021.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The Service Connection No. 2102 19966 was released in favour of the appellant on 26.02.2018 under Category-II with an initial contracted load of (5) HP to his house at Sainik Enclave, Keesara, Medchal-Malkajgiri District. The respondents have failed to change the Service Connection of the appellant from Commercial Category to Domestic Category and revise the bills in that regard, in spite of requests. Only in September 2020 the respondents have changed the Category of the said Service Connection. Hence it is prayed to revise the bills for the period from September 2018 to September 2020 under Domestic Category.

CASE OF THE RESPONDENTS BEFORE THE FORUM

3. In the written submission of respondent No.2, he has submitted that the Service Connection was released to the appellant as requested with a load of (5) KW under Category-II on 06.02.2018 to Flat No.2, Sainik Enclave, Sainikpuri. It was for construction purpose and the height of the building was less than (10) metres. After completion of the building the appellant has not

applied for change of Category at Integrated Customer Service Centre (in short 'ICSC') as required. When the appellant applied for change of Category on 26.08.2020, it was effected on 29.08.2020.

4. Respondent No. 3 also submitted written submissions with similar facts as that of respondent No.2.

AWARD OF THE FORUM

5. After hearing both sides and after considering the material on record, the learned Forum has rejected the complaint holding that the revision of bills of the Service Connection for the period from 09/2018 to 09/2020 is not tenable.

GROUND OF THE APPEAL

6. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the material on record properly and that without any fault of the appellant, he was forced to pay excess electricity bills to the respondents.

7. In the grounds of the appeal, it is, inter-alia, submitted that due to fault of the respondents the appellant was burdened with huge electricity bill and they have not changed the Category of the Service Connection to domestic.

8. In the written submissions of respondent No.2, before this Authority, it is reiterated about the release of Service Connection in favour of the appellant

on his request and also stated that the appellant has not applied for change of Category of the Service Connection.

9. In the written submissions of respondent No.3, also similar averments were made.

ARGUMENTS

10. The appellant has submitted that in spite of completion of construction of his house, the Category of his Service Connection was not changed due to which he was forced to pay excess amount of electricity bills; that the respondents were at fault for the delay to change the Category of his Service Connection and hence he prayed to refund of the said excess amount paid from September 2018 to September 2020.

11. On the other hand, it is argued by the respondents that unless the appellant applies for change of Category of Service Connection there is no scope of changing it and soon after the application was made by the appellant, the Category of his Service Connection was changed.

POINTS

12. The points that arise for consideration are:-

- i) Whether the appellant is entitled for revision of bills of his Service Connection under Domestic Category from September 2018 to September 2020?
- ii) Whether the Award passed by the learned Forum is liable to be set aside? and
- iii) To what relief.

SETTLEMENT BY MUTUAL AGREEMENT

13. 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

14. 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.

POINT No. (i) and (ii)

Admitted facts

15. It is an admitted fact that on the application of the appellant the Licensee-respondents have released Service Connection to the appellant to his house at Sainik Enclave, Keesara for construction purpose under Category-II on 26.02.2018. There is also no dispute that the Category of the said Service Connection was changed to Category-I (Domestic) on 29.08.2020.

CRUX OF THE CASE

16. The material on record makes it quite clear that the appellant has not applied for change of Category from Category - II to Category - I either online or at ICSC, soon after the construction of his house was completed. There is no iota of evidence to show that the appellant has approached any superior officer

for change of Category and made any application to that effect. That being the case, when once there is no application from the appellant to convert the Category, it cannot be contended that there is any delay on the part of the respondents in that regard. At this juncture it is necessary to refer Clause VI (6.1) of Regulation No. 5 of 2016 of Hon'ble Telangana State Electricity Regulatory Commission, which is relevant, which reads as under:-

Clause VI. Transfer of ownership and conversion of services

6.1 The Licensee shall give effect to transfer of ownership, change of category and conversion of the existing services from the Low Tension to the High Tension and vice-versa within the following time limits:

Change of Category	Time limit
(a) Title transfer of ownership	Within Seven (7) days of receipt of application, with necessary documents and prescribed fee, if any
(b) Change of category	
(c) Conversion from Low Tension single phase to Low Tension 3-phase and vice-versa	Within Thirty (30) days from the date of payment of necessary charges by the consumer
(d) Conversion from Low Tension single phase to High Tension and vice-versa	Within Thirty (60) days from the date of payment of necessary charges by the consumer

The Category of a Service Connection depends upon the usage of supply. The General Terms and Conditions of Supply (in short 'the GTCS') is also relevant.

Clause 3.3 which is relevant is reproduced hereunder:-

3.3 Classification of consumer Categories:- The classification of consumers under different categories both under LT supply and HT supply shall be as specified by the Commission in the Tariff Orders issued from time to time or by any other order of the Commission

At this stage, it is also necessary to refer relevant Clauses of Tariff Order.

Clause 7.37 of Tariff Order 2018-19 reads as under :-

“LT-VIII:Temporary supply:- Construction activities like construction of all types of structures/infrastructures such as residential/commercial buildings (height of 10 metres and above), bridges, fly-overs, demand, power stations, roads, aerodromes, tunnels for laying of pipelines, etc. The relevant tariff for temporary supply shall be applicable during the phase of construction. **Construction activities of structures of height less than 10 metres will fall under LT-II and HT-II, as relevant.”**

Clause 3.4.2 of GTCS mandates the procedure for change of Category reproduced hereunder:-

“If a consumer makes a written request for reclassification of his Service Connection (change of Category) the company shall comply with the request within the time frame specified in the APERC (Licensees’ Standards of Performance) Regulation, 2004 (No.7 of 2004).”

The above mentioned Clauses makes two points very clear. The first point is that the consumer must make an application to the Licensee. The second point is that within the prescribed period the Licensee has to comply with the said request. At the cost of repetition, the appellant has not made any application to the Licensee-respondents. Therefore, the question of changing the Category of his Service Connection suo motu by the respondents does not arise. Further, unless the appellant informs about the completion of construction of his house, there is no scope for the respondents to know about the stage of the construction of his house. Therefore for these reasons, I hold that the appellant

is not entitled for revision of bills of his Service Connection under Domestic Category from September 2018 to September 2020. Accordingly the Award passed by the learned Forum is not liable to be set aside. These points are accordingly decided against the appellant and in favour of the respondents.

Point No. (iii)

17. In view of the findings on point No. (i) and (ii) the Award of the Forum is not liable to be set aside.

RESULT

18. In the result, the appeal is rejected, without costs, confirming the Award passed by the Forum.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 19th day of August 2022.

Sd/-

Vidyut Ombudsman

1. Sri Abdul Rahman Shaik, s/o. Abdul Hameed Shaik, TRT 1200, H.No. 7-2-1455, Taj Mansion, First Floor, 'B' Block, Sanath Nagar, Opp: Telangana Pollution Control Board, Sanath Nagar, Hyderabad - 500 018. Mobile: 9849170134.
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7. The Chairperson, Consumer Grievances Redressal Forum - Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyderabad.

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