



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**

TUESDAY THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

Appeal No. 39 of 2021-22

Between

Smt. N. Krishnaveni, Plot No.28, Indira Nagar, Lothukunta, Secunderabad.
Cell: 7702448350.

.....Appellant

AND

1. The Assistant Engineer / Operation / R.P.Nilayam / TSSPDCL / Secunderabad.
2. The Assistant Divisional Engineer / Operation / Lal Bazar /TSSPDCL / Secunderabad.
3. The Assistant Accounts Officer / ERO / R.P.Nilayam / TSSPDCL / Secunderabad.
4. The Divisional Engineer / Operation / Secunderabad /TSSPDCL / Secunderabad.
5. The Superintending Engineer / Operation / Secunderabad Circle / TSSPDCL / Secunderabad.

..... Respondents

This appeal is coming on before me for final hearing on 10.08.2022 in the presence of Sri Ramana, representing the appellant who has appeared through virtual mode and Sri T. Venugopal - AAE/OP/R.P.Nilayam, Sri D. Nagaraju - ADE/OP/Lal Bazar and Smt. B. Vijayalatha - AAO/ERO/R.P.Nilayam 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.68/2021-22 dated 06.11.2021.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The appellant is the consumer of the Licensee-respondents with electricity Service Connection No. AZ077460 for her premises No. 28, Indira Nagar, Lothkunta, Secunderabad. In 2016, one A. Saidulu, Designated Officer came to the house of the appellant, inspected the meter etc., and stated that the appellant was getting very less electricity bill. Thereafter Development Charges of Rs 7,000/- was levied to the bill for June 2016. The respondents have not responded to the complaint of the appellant and the imposition of Development Charges. The appellant was permitted to pay the bills after several requests. The appellant requested the Forum to withdraw the said Development Charges.

CASE OF THE RESPONDENTS BEFORE THE FORUM

3. In the written submissions of respondent No.1, it is stated that they have served Preliminary Assessment Order on the appellant for regularisation of additional load. A sum of Rs. 4,040/- was paid by the appellant, which is part of the amount of Rs 8,080/- demanded by the respondents.

4. In the written submissions of respondent No.3, it is stated that as per Clause 2.39 of Regulation No. 3 of 2015 of Hon'ble Telangana State Electricity Regulatory Commission (in short 'the Commission') Development Charges case was registered on 30.05.2016 as un-authorized additional load of 5 KW was found connected on the inspection of premises of the appellant. The appellant was accordingly asked to pay a sum of Rs. 8,080/- (Rs. 6,000/- towards Development Charges, Rs. 1,000/- towards Security Deposit and Rs. 1,080/- towards Goods and Service Tax (GST)). The consumer paid a sum of Rs. 4,040/- on 19.02.2020, leaving a balance of Rs.4,040/-. The appellant has not appealed to the Divisional Engineer within (15) days from the date of receipt of notice as required, in respect of dispute of Development Charges.

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 Development Charges case booked by the respondents holds good and need not be withdrawn and directed the appellant to pay the balance Development Charges amount, which is due immediately, if not already paid.

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, she was forced to pay excess electricity bills to the respondents.

WRITTEN SUBMISSIONS OF RESPONDENT No.2

7. In the written submissions filed before this Authority, respondent No.2 has submitted that Development Charges case was booked for additional load of (5KW) 1KW to 6 KW and a notice was issued to pay Rs. 8,080/-. The appellant paid Rs. 4,040/- and the balance amount is to be paid.

8. Heard, Sri Ramana, son of the appellant, through Video (Watsapp) on his request. Heard the respondents in person.

POINTS

9. The points that arise for consideration are:-

- i) Whether the appellant is liable to pay the Development Charges, Security Deposit and GST to the respondents?
- ii) Whether the Award passed by the learned Forum is liable to be set aside? and
- iii) To what relief?

SETTLEMENT BY MUTUAL AGREEMENT

10. Efforts were made to reach a settlement between the parties on 10.08.2022 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.

POINT No. (i) and (ii)

ADMITTED FACT

12. It is an admitted fact that the electricity Service Connection No. AZ077460 under Category -I was released to the appellant to her premises bearing No.28, Indira Nagar, Lothkunta, Secunderabad.

13. The claim of the appellant is that the Designated Officer inspected the premises of the appellant in 2016 and levied Development Charges of Rs. 8,080/- (Rs 6,000/- towards Development Charges, Rs. 1,000/- towards Security Deposit and Rs. 1,080/- towards GST without proper reason. It is also the claim of the appellant that the respondents have not responded for the grievance of the appellant.

CRUX OF THE MATTER

14. It is pertinent to note that there were two inspections conducted. The first inspection was conducted on 20.05.2016 which resulted in discovery of excess load of (5) KW over contracted load of (1) KW. The details of inspection against the connected load are as follows:-

Sl.No.	Appliance Name	Type of Usage	Wattage	Quantity (Nos.)
1.	AC	1500 (Infrequent usage)	1500	1
2.	Fridge	Heavy	131	1
3.	Television	Moderate	45	1
4.	Tubelight	Moderate	40	5
5.	Fan	Moderate	40	3
6.	Washing Machine	Infrequent usage	300	1
7.	Mixer	Infrequent usage	500	1

15. On the request of the consumer, there was a second inspection conducted by the ADE/OP/R.P.Nilayam to verify the actual connected load vide Lr.No. 1262 dt.07.09.2021. He has submitted the following load details:-

Sl.No.	Appliance Name	Type of Usage	Wattage	Quantity (Nos.)	Total Load (W)
1.	AC	Moderate usage	1800	1	1800
2.	Fridge	Heavy	300	1	300
3.	Television	Moderate	300	1	300
4.	Tubelight	Moderate	40	5	200
5.	Fan	Moderate	60	3	180
6.	Cooking range	Infrequent usage	1000	1	1000
7.	Washing Machine	Infrequent usage	300	1	300
8.	Water Heater	Infrequent usage	1000	1	1000
9.	Mixer	Infrequent usage	200	1	200
Total Load					5840 (W)

Based on the second inspection, the DE/OP/Secunderabad gave final orders vide Lr.No.1887 dt.25.10.21 confirming the total connected load as (6) KW. Comparing the connected load of both the inspections with a gap of (5) years, it seems there is no major change in connected load. All the electrical gadgets are the same except the addition of cooking range of 1000 Watts and Mixer 200 Watts. Thus it is clear that there are no proper reasons to quash the demand of payment of Development Charges towards regularisation of (5) KW excess load. The appellant has not commented on the connected load shown nor shown any intention to remove the partial load, but raised a question as regards the load factor, which claimed to be not considered while calculating the total connected load. It is necessary to understand the Load factor here:-

“Load factor:- It is the average load divided by the peak load in a specific time period.”

“Connected load:- Connected load means the aggregate of the manufacturer's rating of all the apparatus including portable apparatus on the consumer's premises. This shall be expressed in kW or HP. If the ratings are in kVA the same should be converted to kW by multiplying the kVA with power factor of 0.90. If some or any of the apparatus is rated by manufacturers in HP, the HP ratings shall be converted to kW by multiplying it by 0.746.”

Basically Development Charges and Security Deposit are levied against the Connected Load existing in the premises of the L.T. consumer. The prospective L.T. consumers shall declare the Connected Load at the time of placing the request for the new Service Connection. It is technically correct that at a given time all the electrical gadgets connected shall not function, but the load factor is relative to the time period. Whereas, Development Charges and Security

Deposit are one time charges liable to be paid based on the connected load only. In view of these factors, I hold that the appellant is liable to pay the Development Charges, Security Deposit and GST to the respondents and 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)

16. In view of the findings on point No. (i) and (ii), the Award of the Forum is liable to be confirmed.

RESULT

17. In the result, the appeal is rejected, without costs, confirming the Award passed by the Forum. However, the appellant is granted (4) monthly equal instalments to pay the balance amount of Rs. 4,040/- (Rupees four thousand and forty only) commencing with the next electricity bill, after receipt of the certified copy of this Award.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 23rd day of August 2022.

Sd/-

Vidyut Ombudsman

1. Smt. N. Krishnaveni, Plot No.28, Indira Nagar, Lothukunta, Secunderabad.
Cell: 7702448350.
 2. The Assistant Engineer / Operation / R.P.Nilayam / TSSPDCL /
Secunderabad.
 3. The Assistant Divisional Engineer / Operation / Lal Bazar /TSSPDCL /
Secunderabad.
 4. The Assistant Accounts Officer / ERO / R.P.Nilayam / TSSPDCL /
Secunderabad.
 5. The Divisional Engineer / Operation / Secunderabad /TSSPDCL /
Secunderabad.
 6. The Superintending Engineer / Operation / Secunderabad Circle /
TSSPDCL / Secunderabad.
- Copy to**
7. The Chairperson, Consumer Grievances Redressal Forum - Greater
Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyderabad.