



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 Twentieth Day of June 2018

Appeal No. 40 of 2017

Preferred against Order Dt. 11.07.2017 of CGRF in
CG.No.102/2017-18/Rangareddy South Circle

Between

Sri. Y. Raji Reddy, H.No.2-32, Golconda Kalan (Village), Shamshabad Mandal,
RR District - 501 218. Cell; 9985957255.

... Appellant

AND

1. The AE/OP/Shamshabad/TSSPDCL/ R.R.District.
2. The ADE/OP/Shamshabad/TSSPDCL/R.R.District.
3. The AAO/ERO/Gaganpahad/TSSPDCL/R.R.District.
4. The DE/OP/Rajendranagar/TSSPDCL/R.R.District.
5. The SE/OP/R.R.South Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 04.12.2017, coming up for final hearing before the Vidut Ombudsman, Telangana State on 07.06.2018 at Hyderabad in the presence of Sri.Y. Raji Reddy - Appellant and Sri. M. Ramsingh - ADE/OP/Shamshabad, Smt. K. Suma - AAO/ERO/Gaganpahad and Sri. S. Srinivasa Reddy - AE/OP/Shamshabad for the Respondents and having considered the record and submissions of both the parties, the Vidut Ombudsman passed the following;

AWARD

The Appellant Sri. Y. Raji Reddy R/o.2-32, Pedda Golconda Village (Golconda Kalan) Shamshabad Mandal, R.R District contended that he filed a complaint before CGRF vide CG No. 102 of 2017-18 seeking for rectification of bills pertaining to his 6 services bearing SC Nos.4103 00168, 4103 00235, 4103 00234, 4103 00232, 4103 00191 and 4103 00167 and in spite of his supporting his averments the learned CGRF failed to

appreciate the same and rejected his complaint. As such aggrieved by the same the present Appeal is filed.

2. The Appellant in his appeal contended that he has obtained 6 service connections to his agricultural fields between 26.11.1987 to 14.04.1997 vide SC Nos. bearing No.4103 00168, 4103 00235, 4103 00234, 4103 00232, 4103 00191 and 4103 00167. He contended that though he has obtained 6 service connections, most of the said connections were not functioning, yet the Respondents have billed the said service connections for an amount of Rs 7 Lakhs and as such prayed that the said bills were in excess requires to be rectified.

3. The Respondent No.2 The Respondent No.2 ADE/OP/Shamshabad vide Lr.No. 2181 dt.22.12.2017 has submitted the written submissions stating that the said 6 Nos. Agl services were billed as per the average of 125 units per HP per Month, as per the departmental procedure.. That the said service connections were inspected again on the directions of the CGRF and detailed report was submitted stating that this office has not issued any excess bills, subsequently the CGRF has disposed the complaint in their favour.

4. The Respondent No.3 AAO/ERO/Gaganpahad vide Lr.No.760 dt.22.01.2018 has submitted the following written submissions:

I. The services bearing Nos. 4103 00168, 4103 00235, 4103 00234,4103 00232, 4103 00191 and 4103 00167 released in the name of Sri. Y. Raji Reddy, were released and running under LT category - 5/15 i.e. Agriculture Category under IT Assesses.

II. The Tariff structure existing from year 2005 to till date for category 5/15 is as follows:

Sl.No	Year Wise Tariff	Unit Rate		Customer Charges
		Cat-5/15 Corporate Farmers & IT Assesses	Cat- 5/13 Dryland Farmers (Connections >3 Nos)	
1	2005-06 to 2010-11	1.00	0.20	20
2.	2011-12	1.50	0.30	30
3.	2012-13 to 2016-17	2.50	0.50	30
4.	2017-18	2.50	--	30

and claimed that The tariff of 0.20 Paise/Unit is for Agricultural connections having more than 3 connections i.e. 5/13, where as the consumer Sri. Y. Raji Reddy comes under IT Assesses and Corporate Farmer coming under LT Cat-5/15 for which tariff applicable from time to time are submitted as above. Further when there is no meter an average billing done by the hours of supply being utilised i.e., 125 Units/HP per month on tariff charges prevailing that year. Further in support of her claim she has submitted the EBS Consumption, Billing, Collection and Arrears history and claimed that the bills issued were in order and there is no excess billing done.

5. The Respondent No.3 further added rejoinder vide Lr.No. 826 dt.20.02.2018. That as per the APERC Regulations, if the consumer maintains more than 3 Nos. connections and the meters were fixed in the premises, then the billing shall be applicable in terms of Corporate Consumer of IT assessee. That the consumer has not submitted any documents for change of Category i.e. white ration card, patta passbook of the consumer/MRO certificate of the extent of land holdings, affidavit on non judicial stamp paper declaring that he is not an income tax assessee and affidavit on non judicial stamp paper of declaring the No.of acres of land holding.

6. The Appellant filed a rejoinder on 15.05.2018 stating that he want the G.O. Copy of more than 3 connections falls under corporate agriculture connections and claimed that his service connections falls under dryland agriculture and not in corporate and IT assessee. That he is not a corporate farmer and falls under dryland farmer, have no water and canals or rivers nearby. That bills were issued without fixing any meter, would have been the meter were fixed, he would have known the consumption of electricity. He strongly opposed the Respondents claim of serving the notice and having acknowledgement, that no notice was given to him to submit white ration card and patta passbook for change of category from corporate farmer to dryland farmer. Further demanded the copy of Memo issued by CGM/Expenditure referred in the letter No. 31 dt.01.05.2018, of AAO/ERO/Gaganpahad, stating that the 6 service connections were billed according to Memo No. CGM(EXP)/GM(REV)/SAO(R)/AglBilling/D.No.1002/07 dt.18.09.2007. That he is unable to pay that much bill of Rupees 7 Lakhs and requested to rectify as much as possible for nominal bill payment, being not cultivated agriculture from so many years since October,2005, how can he pay the bill according to corporate farmer tariff and claimed that he is cultivating agriculture during rainy season only.

7. The Appellant filed one more written submission on 07.06.2018 during the proceedings giving the following details of the service connections:

Sl.No .	Service Number	Contracted load	Date of release	Category
1.	4103 00167	5	26.11.1987	V
2.	4103 00168	5	14.04.1997	V
3.	4103 00191	5	30.03.1990	V
4.	4103 00232	7.5	30.05.1994	V
5.	4103 00234	5	29.11.1994	V
6.	4103 00235	5	31.03.1995	V

and claimed that the charges were levied at 2.50ps per unit instead of 0.20 ps per unit as per the Tariff Structure and also minimum charges were levied when there was no meter and further contended their first service connection was released on 26.11.1987 and last connection was released on 14.04.1997. At the time of release the said Agl connections were under LT Category V i.e. free supply of power to the Appellant was given by the Respondents after obtaining the required documents. The State Government every year provides the subsidy for agriculture service connections of Category V. The Appellant quoted the Tariff Order of FY 2016-17 wherein at page No. 193 approval of the subsidy commitment was given by the Government of Telangana is reproduced here under:

	Amount (INR.Crore)		
Consumer Category	TSSPDCL	TSNPDCL	Total
LT I Domestic	53.93	1087.81	1141.74
LT I Domestic - Additional subsidy	56.68	57.72	114.40
LT II Non Domestic/Commercial			
LT II (D) Hair Cutting Salons	1.13	2.27	3.39
LT V Agricultural	946.43	2359.04	3305.48
Poultry Farms (LT+HT) - Subsidy @ INR 2.00 per unit	16.11	3.41	19.52
Total Subsidy required	1074.27	3510.23	4584.50

8. Further added that as per Clause No. 7.10 at page No. 176 of Tariff Order has exempted the IT Assessee from paying consumer list the detailed approval is as follows:

“LT-V Agriculture: In this category, the Income Tax (IT) Assessee along with Corporate farmers were been previously considered as paying consumers. During the public hearing many of the agricultural consumers’ associations have requested the Commission to exempt the IT Assessee as paying consumers, since nowadays to open a bank account or to avail of bank loans, requirement of PAN card is mandatory. Because of this requirement most of the farmers may fall in the purview of IT Assessee. Hence the Commission based on the above views has decided to exclude IT Assessee from the paying consumers list.”

That Respondents has not raised monthly bills and not insisted to make the payment at any point of time until Aug,2013 and disconnected the power supply to all the 6 connections without any notice in violation of provision of Electricity Act,2003. He has relied on Clause 56(2) of Electricity Act,2003 which is given below:

Disconnection of supply in default of payment:(1)....

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date of when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

9. Further stated that in the letter No.31 dt.1.5.2018 AAO/ERO/Gaganpahad submitted that the consumer who maintain more than 3 nos. Connections and meters fixed in the premises is applicable for corporate consumer of IT Assessee. It is to be noted that the Appellant was not provided meter to all the 6 services upto Aug,2013. The Appellant was not a consumer of IT Assessee and after Aug,2013 the power supply was not utilised by the Appellant, hence the Respondents are not entitled to claim any charges for LT Category V service connections. Further requested to withdraw the claim of the Respondents of Rs 6,72,815/- against the 6 Nos. agriculture service connections.

10. The Appellant relied on the fact that his 6 Nos. Agl Service Connections pertains to dryland category and he is not a Corporate farmer. Thus claims that he is entitled for billing under Free supply for Agl Connections, thereby bills issued previously needs to be rectified with retrospective effect.

11. In the face of the said contentions by both sides, the following issues are framed :

1. Whether the Appellant is entitled for rectification of bills on his 6 Service connections to SC Nos.4103 00168, 4103 00235, 4103 00234, 4103 00232, 4103 00191 and 4103 00167 as he is entitled for billing under free supply for agricultural connections as claimed by him?
2. Whether the Appellant comes under the Category of Corporate consumer of IT Assessee as assessed by the Respondents?
3. To what relief?

Issue No.1&2

12. The contention of the Appellant is that he is entitled for rectification of bills of his 6 service connections as he comes under the category of free supply for agricultural connections, whereas the contentions of the Respondents is that the Appellant does not come under the free supply for agricultural supply category but comes under corporate consumer of IT Assessee. As mentioned earlier the submissions of both the Appellant and the Respondents in writing have been perused and found that both of them are supporting their respective contentions but since the Appellant is seeking for billing under free supply for agricultural connections and since the Electricity Act shows that the grant of subsidy is within the power of the State Government, Section 65 of Electricity Act,2003 is perused and found that the State Government has grouped the Agricultural consumers into different categories for grant of different levels of subsidy to different groups of consumers under the same category and on the basis of the said categorisation the Hon'ble Commission has given the following Tariff Rates abolishing the previous Tariff rates under the Agricultural category from the FY 2005-06 as shown below:

Table No.138
CAT-LT-V: AGRICULTURE TARIFFS

CAT-LT-V: AGRICULTURE TARIFFS						
Current charges			DISCOMS Proposed charges		APERC	
Slab	Fixed charges (Rs/HP/ Year)	Metered tariff (ps/ unit)	Fixed charges (Rs/HP/ Year)	Metered tariff (ps/ unit)	Fixed charges (Rs/HP/ Year)	Optional metered tariff (ps/ unit)
DPAP areas						
Up to 3 HP (2.25kw)	225	@	These categories are now abolished.			
> 3 HP up to 5 HP (2.25to 3.75kw)	375	@				
> 5 HP up to 10 HP (375 to 7.5kw)	475	@				
> 10 HP (7.5kw)	575	@				
Non-DPAP areas						
Up to 3 HP (2.25kw)	275	@				
> 3 HP up to 5 HP (2.25to 3.75kw)	425	@				
> 5 HP up to 10 HP (375 to 7.5kw)	525	@				
> 10 HP (7.5kw)	625	@				
Category V (B) - Agriculture (Tatkal) Metered Tariff		50				
Category V (C) - Horticulture metered tariff Upto 2500/yr Balance units/yr		20 50				
As per GoAP Policy						
With DSM measures						
Dry Land Farmers (Connections <= 3 Nos.)	No matching classification in the existing tariff		--	0	--	0
Wet Land Farmers (Holdings <= 2.5 Acres)	- do -		--	0	--	0
Dry Land Farmers (Connections > 3 Nos.)	- do -		* 210	20	* 210	20
Wet Land Farmers (Holdings > 2.5 Acres)	- do -		* 210	20	* 210	20
Corporate Farmers & I T Assessees	- do -		--	100	--	100

Slab	Current charges		DISCOMS Proposed charges		APERC	
	Fixed charges (Rs/HP/ Year)	Metered tariff (ps/ unit)	Fixed charges (Rs/HP/ Year)	Metered tariff (ps/ unit)	Fixed charges (Rs/HP/ Year)	Optional metered tariff (ps/ unit)
Without DSM measures						
Dry Land Farmers (Connections <= 3 Nos.) #	- do -	--	0	--	0	
Wet Land Farmers (Holdings <= 2.5 Acres) #	- do -	--	0	--	0	
Dry Land Farmers (Connections > 3 Nos.)	- do -	* 525	50	* 525	50	
Wet Land Farmers (Holdings > 2.5 Acres)	- do -	* 525	50	* 525	50	
Corporate Farmers & I T Assessees	- do -	--	200	--	200	
Out of Turn allotment (Tatkal) : with DSM measures	- do -	--	20	--	20	

(@) - Represents optional metered tariff : up to 2500 units / year - 20 p / unit
above 2500 units / year - 50 p / unit

(*) - Equivalent flat rate tariff

(#) - The Farmers eligible for free supply under Dry Land as well as Wet Lands have to comply with the following Demand Side Management measures (DSM) as applicable for his pumping system viz. submersible and surface pump sets in the following stages failing which they shall not be eligible for free supply.

Stage - I to be complied by March 2006

Friction less foot valve (exempted for submersible pumpset)
Capacitor of adequate rating for the pumpset

Stage - II to be complied by March 2008

HDPE or RPVC piping suction and/or delivery
ISI-marked monobloc or submersible pumpset

Free supply shall not be allowed for Paddy in second crop. Farmers in dry land areas shall not be eligible for free supply if they grow Paddy in second crop.

All new connections shall be given only with DSM measures implemented and with meters.

13. A perusal of the said Tariff rates fixed by the Commission clearly shows that the same came into existence from the FY 2005-06, hence the contentions of the Appellant that from the date of release of supply since 1987, the billing was done in Agricultural Category V under free supply as stated by him in his written submissions dt.07.06.2018 does not stand ground as the directions as per the Tariff Order for the FY

15. The contention of the Appellant is that the charges were levied at Rs 2.50 ps per unit instead of 20 ps per unit as per the Tariff structure and also minimum charges levied when there was no meter but the documentary evidence filed by the Respondents clearly show that the Respondents have countered the same by submitting that :

“The tariff of 0.20 Paise/Unit is for Agricultural connections having more than 3 connections i.e. 5/13, where as the consumer Sri. Y. Raji Reddy comes under IT Assesses and Corporate Farmer coming under LT Cat-5/15 for which tariff applicable from time to time are submitted as above. Further when there is no meter an average billing done by the hours of supply being utilised i.e., 125 Units/HP per month on tariff charges prevailing that year.”

Further in support of her claim she has submitted the EBS Consumption, Billing, Collection and Arrears history and claimed that the bills issued were in order and there is no excess billing done.

16. Thus the above discussions clearly shows that the Appellant is not entitled for billing under free supply for agricultural connections. Even otherwise no documentary evidence is adduced by the Appellant to show that the Respondents have at one stage did the billing of the Appellant under the said category. On the contrary the EBS (Energy Billing System) records since March,2003 filed before this office shows that there were no payments made except Rs 5000/- for each service during the month of December,2012 and as such an amount of Rs 6,72,815/- has been accumulated due to non payment of Electricity bills regularly. Hence the contentions of the Appellant that the Respondents has not raised monthly bills and disconnection of power supply is violation of provisions of Electricity Act,2003, under Clause 56(2) also does not stand ground particularly when the EBS records submitted by the Respondents clearly shows that dues were continuously shown as recoverable as arrears. Hence the contentions of the Appellant that he is entitled for revision of bills under free power supply as his 6 Nos. agricultural service connections are being utilised only for dryland without complying the stipulated Conditions to avail the benefits of Tariff of free supply to the agriculture service connections cannot be accepted, hence decides these issues against the Appellant.

Issue No.3

17. In the result the Appeal is dismissed for want of necessary documentary evidence in support of the contentions of the Appellant. Hence the Respondents are directed to take necessary action against the Appellant as per the Memo No. CGM/Comml./SE(C)/DE(C)/ADE-II/D.No.2792/14 dt.11.03.2015 subject to compliance of the stipulated conditions by the Appellant.

18. The licensee shall comply with and implement this order within 15 days from the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC

TYPED BY Clerk Computer Operator, Corrected, Signed and Pronounced by me on this the 20th day of June, 2018.

Sd/-

Vidyut Ombudsman

1. Sri. Y. Raji Reddy, H.No.2-32, Golconda Kalan (Village), Shamshabad Mandal, RR District - 501 218. Cell; 9985957255
2. The AE/OP/Shamshabad/TSSPDCL/ R.R.District.
3. The ADE/OP/Shamshabad/TSSPDCL/R.R.District.
4. The AAO/ERO/Gaganpahad/TSSPDCL/R.R.District.
5. The DE/OP/Rajendranagar/TSSPDCL/R.R.District.
6. The SE/OP/R.R.South Circle/TSSPDCL/Hyderabad.

Copy to :

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