



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**

THURSDAY THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

Appeal No. 40 of 2023-24

Between

Sri Syed Waseem Pasha, Divisional Railway Manager, Traction Distribution,
South Central Railway, 1st Floor, Sanchalan Bhavan, Secunderabad - 500 025.
Cell : 9701371301.

.....Appellant

AND

1. The Divisional Engineer/OP/Huzurnagar/TSSPDCL/Suryapet District.
2. The Senior Accounts Officer/OP/Suryapet/TSSPDCL/Suryapet District.
3. The Superintending Engineer/OP/Suryapet Circle/TSSPDCL/Suryapet District.
4. The Chief General Manager/Commercial/Corporate Office/TSSPDCL/
Hyderabad.
5. The Chief General Manager/Revenue/Corporate Office/TSSPDCL/Hyderabad.
6. The Chief Engineer (Comml.& RAC)/TSTRANSCO/Vidyut Soudha/Hyd.

.....Respondents

This appeal is coming on before me for final hearing on 27.12.2023 in the presence of Sri G.Naveen Kumar, Sri P. Ganesh Raju and Smt. M.A.Ramadevi for the appellant and Sri V. Dali Naidu - DE/OP/Suryapet, Sri N. Venkata Kistaiah - DE/OP/Huzur Nagar, Sri V. Satyanarayana - SAO/OP/Suryapet, Sri N. Ashok Kumar - ADE/Technical and Sri Pothuraju John - DE/Commercial/Corporate Office (representative of respondent No.4) for the respondents and having stood over for consideration, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award in
C.G.No.122/2023-24/Suryapet Circle date:18.10.2023 passed by the Consumer
Grievances Redressal Forum - I (in short 'the Forum') of Telangana State

Southern Power Distribution Company Limited (in short 'TSSPDCL') allowing the complaint in part.

2. The dispute involved in this appeal is in respect of refund of penal charges collected by the respondents.

CASE OF THE APPELLANT BEFORE THE FORUM

3. The case of the appellant before the learned Forum is that the appellant is the consumer of HT Service Connection No. SPT-1232 of South Central Railway at Traction Substation at Mattampally. It has applied online for release of additional Contracted Maximum Demand (in short 'CMD') from 5500 KVA to 8000 KVA on 25.03.2022. The period of (6) months was completed on 24.09.2022. The respondents have collected penal charges from 25.09.2022 with the billing month from October 2022. There was an abnormal delay in releasing the additional CMD. The appellant paid Rs 59,07,081/- towards penal charges. Respondent No.4 has intimated the appellant to pay an amount of Rs.25,01,148/- towards Security Deposit. That amount was paid on 30.12.2022. The required load was released on 09.02.2023. Since the release of additional CMD was after expiry of six months from the date of online application it is prayed to waive the penal demand charges of Rs.59,07,081/-.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

4. In the written reply submitted by respondent No. 3, before the learned Forum, it is, inter alia, submitted that the penal charges were levied as

per the provisions of the Tariff Order issued by Telangana State Electricity Regulatory Commission (in short 'the Commission'). The appellant has paid Security Deposit for additional load on 30.12.2022 and HT agreement was entered into between the parties on 23.01.2023. The required additional load of 2500 KVA was released on 09.02.2023 making the total CMD of 8000 KVA. It was accordingly prayed to consider the matter favourably.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has allowed the complaint in part and directed the respondents to issue revised bills for a period of (27) days for the bills already issued as additional CMD was deemed to have been released i.e., treating the CMD of the service as 8000 KVA and adjust the excess amount paid in the future bills of the consumer.

6. Aggrieved by the Award passed by the learned Forum, disallowing the remaining part of the prayer of the appellant, this appeal is preferred, contending among other things, that the respondents could not complete the process of releasing the additional required load within (6) months after making online application for additional load. It is deemed that the additional load was released and as such the respondents are not at all entitled to levy any penal charges. Therefore it is prayed to direct the respondents to revise the bills for (138) days for the bills already issued in

respect of the present Service Connection.

WRITTEN SUBMISSION OF THE RESPONDENTS

7. In the written reply filed by respondent No.3, it is, inter-alia, submitted that the appellant paid the Security Deposit on 30.12.2022 and the HT Agreement was entered into between the parties for additional load on 23.01.2023 and the additional load was released on 09.02.2023.

ARGUMENTS

8. It is argued on behalf of the appellant that the appellant had applied online for release of the additional load of electricity; that there is no delay or fault on the part of the appellant in making online application and payment of required charges and that though the appellant paid necessary charges, there was delay of more than (6) months in releasing the additional power supply to the appellant. Though it is mentioned in paragraph No.6 of the appeal that the appellant is entitled for the benefit of (226) days, finally it is prayed to revise the bills for (138) days for the bills already issued, as additional CMD is deemed to have been released i.e, treating the CMD of the service as 8000 KVA.

9. On the other hand, it is argued on behalf of the respondents, that soon after payment of required amount the additional load of power supply was released and hence it is prayed to reject the appeal.

POINTS

10. The points that arise for consideration are:-

i) Whether the appellant is entitled for waiver of entire penal charges as prayed for ?

ii) Whether the Award of the learned Forum is liable to be set aside rejecting the balance prayer of the appellant? and

iii) To what relief?

POINT Nos. (i) and (ii)

ADMITTED FACTS

11. It is an admitted fact that the respondents have released HT Service Connection No. SPT-1232 to the appellant at Mattampalli, with 5500 KVA before releasing the additional load. There is no dispute that the penal charges amount claimed in this appeal was already paid by 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. The present appeal was filed on 10.11.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. The respondents have released 5500 KVA of power supply to the appellant initially and that power was enhanced to 8000 KVA on the application filed by the appellant. That additional load required was already released by the respondents and the appellant has been utilising the same. The appellant claims that since there was delay of more than (6) months in releasing the additional load, from the date of online application the respondents are not entitled to collect penal charges from 25.09.2022.

15. The plea of the appellant is that though they have applied for release of additional power supply by the respondents and though they paid the required charges, the respondents did not release the additional power supply within (6) months of their application, as such the appellant is entitled for refund of the penal charges already collected by the respondents. The claim of the appellant is based on the order of the Hon'ble Andhra Pradesh Electricity Regulatory Commission (in short " A.P. Commission") dt.10.03.2011 passed in R.P.No. 9 of 2009 and I.A.No.18 of 2009 in O.P.No.17 to 20 of 2008. When a similar dispute and another dispute came before the A.P. Commission, between Railways and Electricity authorities, the Hon'ble A.P.Commission has directed both parties to hold a meeting in that regard in respect of the similar dispute, among others both the groups came to an understanding. In those circumstances the Hon'ble A.P.Commission passed an order. In view of these factors it is necessary to extract the relevant paragraphs of the order.

Para 8(d)

Issue (2): Non release of additional load by DISCOMs to Railway Traction Services:

(i). It is observed that DISCOMs are not releasing additional demand for existing Railway Traction services. Railway Traction loads are moving loads and the trains cannot be stopped for want of additional demand. The Railways should plan well in advance, i.e., a minimum of six months period should be given for DISCOMS and APTRANSCO to release additional demand or new connection for any traction service connection.

(ii). The DISCOMs and APTRANSCO shall strictly follow the licensees' Standards of Performance (Regulation No 7 of 2004) and Regulation No 3 of 2004.

(iii). The DISCOMS / APTRANSCO shall intimate to the applicant in writing the amount to be paid, like Service line Charges, Security Deposit and Development Charges within 45 days from the date of registration of application AP TRANSCO will correspond with Railways through DISCOMs only. The DISCOMs and AP TRANSCO shall release the additional Demand within six months time period after the receipt of payment from the applicant.

(iv) If the DISCOM and APTRANSCO could not complete the process or if no action is initiated after registration of the application for additional load within six months, the additional Demand sought is deemed to have been released. The Railways shall pay the required charges as estimated by the DISCOM /APTRANSCO as per the Regulations/Orders issued by the Commission from time to time on the above deemed additional load.

(v). If the DISCOM fails to release the additional Demand within the stipulated time, the DISCOM shall not levy penal charges on Railway Traction services for exceeding the contracted demand to the extent of additional Demand requirement for which the application was registered and pending with DISCOMs.

16. Keeping in view the above order it is necessary to refer to the facts of the present case. The material on record clearly goes to show that initially the appellant made an online application to the respondents for release of additional power on 25.03.2022. Therefore the effective date is considered as 25.03.2022. The date 14.07.2022 as fixed by the learned Forum is not correct.

17. The comparative table in respect of relevant transaction is as under:-

	According to CGRF	According to the appellant	According to this Authority (Vidyut Ombudsman)
Effective date	14/07/2022	25.03.2022 (The date of online application for enhancement of CMD from 5500 KVA to 8000 KVA)	25/03/2022
Time limit for intimation of charges (i.e., 45 days)	31/08/2022	---	09/05/2022
Date of intimation to pay SD charges by respondents	---	---	21/12/2022
As per issue No.2 Point 4 of the A.P. Commission Award if no action is initiated within (6) months after registration of application, the additional demand sought is deemed to be released. (date of completion of (6) months)	14.01.2023	24.09.2022	24.09.2022
Date of release of additional load	09.02.2023	09.02.2023	09.02.2023
No. of days of violation	27 days	138 days	138 days

It is significant to note that the Hon'ble A.P. Commission in Paragraph No.9 of the order stated above, in respect of Sanathnagar Railways Traction Service (HDN 465) in a similarly situated case, has directed the respondents therein (Licensee) to review the penal charges. This means the Licensee-respondents are not entitled to levy penal charges, unless they stick to the time schedule. In

the present case also they did not stick to the time schedule. Therefore, the appellant is entitled to the relief to the extent of delay of (138) days on the part of the respondents. More-over the appellant did not claim any compensation before the learned Forum. Therefore it is desirable to give relief to the extent of delay occurred and the respondents shall not levy the penal charges to the extent of delayed period. Thus there is a delay of (138) days in releasing the additional power supply. Therefore the respondents shall not levy penal charges for these days. Accordingly, I hold that the appellant is entitled for waiver of (138) days of penal charges and the Award of the learned Forum is liable to be set aside to that extent rejecting the claim. These points are decided accordingly in favour of the appellant and against the respondents.

POINT No. (iii)

18. In view of the finding on point Nos. (i) and (ii), the appeal is liable to be allowed to the extent indicated above.

RESULT

19. In the result, the appeal is allowed by setting aside the Award of the learned Forum. The respondents are directed to issue revised bills for the period of (138) days for the bills already issued, as additional CMD is deemed to have been released on 24.09.2022 i.e., treating the CMD of the service as 8000 KVA and adjust the excess paid amounts to the future bills of consumer's

HT Service Connection No. SPT-1232 at Traction Substation Mattampally under Huzurnagar Division of Suryapet circle.

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 28th day of December 2023.

**Sd/-
Vidyut Ombudsman**

1. Sri Syed Waseem Pasha, Divisional Railway Manager, Traction Distribution, South Central Railway, 1st Floor, Sanchalan Bhavan, Secunderabad - 500 025. Cell : 9701371301.
2. The Divisional Engineer/OP/Huzurnagar/TSSPDCL/Suryapet District.
3. The Senior Accounts Officer/OP/Suryapet/TSSPDCL/Suryapet District.
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6. The Chief General Manager/Revenue/Corporate Office/TSSPDCL/Hyderabad.
7. The Chief Engineer (Comml.& RAC)/TSTRANSCO/Vidyut Soudha /Hyderabad.

Copy to

8. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL-Rural, H.No.8-03-167/14, GTS Colony, Yousufguda, Hyderabad.