



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. 41 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.

AND

1. The Divisional Engineer/OP/Bhongir/TSSPDCL/Yadadri District.
2. The Senior Accounts Officer/OP/Yadadri/TSSPDCL/Yadadri District.
3. The Superintending Engineer/OP/Yadadri Circle/TSSPDCL/Yadadri 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, virtually and Sri D.S.Mallikarjuna - DE/OP/Bhongir, Sri S. Balachandrudu - SAO/OP/Yadadri, Sri Ashok Kumar - ADE/Technical and Sri Pothuraju John - DE/Commercial/Corporate Office (representing respondent No.4) for the respondents, virtually 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.123/2023-24/Yadadri Circle dated: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 Service Connection No. YDD-294 at Traction Substation at Aler. It has applied online for release of additional Contracted Maximum Demand (in short "CMD") from 14000 KVA to 19500 KVA on 06.07.2022. The period of (6) months was completed on 05.01.2023. The respondents have collected penal charges from 06.01.2023 with the billing month from February 2023. As on the date of filing the complaint on 05.07.2023 the additional load was not released. The appellant paid Rs.1,14,10,590/- towards penal demand charges. In spite of paying necessary charges the required additional load was not released by the respondents. Therefore it is prayed to waive the penal demand charges of Rs.1,14,10,590/-.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

4. In the written reply submitted by respondent No. 1, before the learned Forum, it is, inter alia, submitted that there was necessity to provide separate Current Transformers (in short 'CTs) and Potential Transformers

(in short 'PTs') for metering and protection which were not provided by the appellant. It was accordingly prayed to dismiss the complaint.

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 the revised bills for a period of (154) days for the bills already issued as additional CMD was deemed to have been released i.e., treating the CMD of the service as 19500 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 and as such it is deemed that the additional load was released and 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 (265) 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.1, it is, inter-alia, submitted that there was necessity to provide separate CTs and PTs for

metering and protection, which were not provided by the appellant. Hence it is prayed to dismiss the appeal.

8. It is argued on behalf of the appellant that the appellant had applied online on 06.07.2022 for release of the additional load of electricity; that at every stage there was delay on the part of the respondents and that the respondents did not stick to the period of (6) months after online registration in releasing the additional power supply to the appellant. Hence it is prayed to revise the bills for (265) days.

9. On the other hand, it is argued on behalf of the respondents, that the additional load of 5500KVA was not released due to the reason that the appellant has not made any arrangements for replacing the CTs and PTs. Based on an undertaking of the consumer on 26.09.2023 for replacement of existing CTs and PTs with suitable capacity and accuracy, the additional load was released on 27.09.2023. Hence the penal charges levied cannot be revised. Accordingly, 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 Service Connection No. YDD-294 with 14000 KVA to the appellant at Aler 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 14000 KVA of power supply to the appellant initially. During the pendency of the complaint before the learned Forum the 19500 KVA additional power supply was released. Thus the additional load required was already released by the respondents and the appellant has been utilising the same.

15. The appellant claims that since there was a delay of more than (6) months in releasing the additional load from the date of online registration, the respondents are not entitled to collect penal charges. The claim of the respondents is that as the appellant has not provided CTs and PTs, the additional load was not released and as such they are entitled to levy and collect penal charges.

16. 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 from the date of their online application, as such the appellant is entitled for refund of the penal charges already collected by the respondents. This 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 other disputes 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, and other disputes. Accordingly both the groups came to an understanding. In those circumstances the Hon'ble A.P.Commission has 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. APTRANSCO will correspond with Railways through DISCOMs only. The DISCOMs and APTRANSCO 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.

17. The relevant Clause of latest Regulation No. 5 of 2016 dt.16.07.2016 of Hon'ble Telangana State Electricity Regulatory Commission is extracted as under:-

5.2 Where Power Supply required extension of distribution mains:

(i) Where power supply requires the extension of distribution mains, the licensee shall acknowledge the receipt of the application within two(2) days and shall intimate to the applicant in writing, the

amount of security deposit and other charges payable within seven days of receipt of the application for Low Tension, within (15) days of receipt of the application for High Tension(11KV), within Twenty One (21) days of the application for High Tension (33 KV) and Within Forty Five (45) days of the receipt of application for Extra High Tension.

(ii) The supply of electricity in such cases shall be effected by the licensee within the time limits specified as under:

Supply Voltage	Time Limit*
Low Tension	30 days
High Tension (11KV)	45 days
High Tension (33KV)	60 days
Extra High Tension (Above 33KV)	180 days

- To be applicable from the date of payment of required security deposit and other charges within which supply of electricity shall be provided.

WHETHER RELEASE OF ADDITIONAL POWER SUPPLY WITHIN (6) MONTHS FROM THE DATE OF REGISTRATION / APPLICATION IS AUTOMATIC

18. No doubt the above referred provisions provide for release of additional supply of power to the consumer within (6) months of the registration. But that is not automatic. In the meanwhile there are certain aspects which are to be performed by both parties. For instance within (45) days of application or registration by the consumer the Licensee has to intimate the consumer as to payment of necessary charges like Development Charges and Security Deposit etc., After such intimation the consumer has to pay such charges. Therefore

unless such charges are paid, the Licensee may not proceed with the matter. Thus payment of amount by the consumer is also one important factor in the present case.

19. The material on record particularly as regards intimation and payment of necessary charges clearly goes to show that initially the appellant made an online application to the respondents for release of additional power on 06.07.2022. Therefore the effective date as fixed by the learned Forum as 14.07.2022 is not correct. Therefore the date of application is treated as 06.07.2022. As per the existing Regulation the respondents have to acknowledge the receipt of the application within two days and shall intimate to the applicant in writing the amount of Development Charges, Security Deposit and other charges payable within (45) days of receipt of application for Extra High Tension (above 33 KV) as in the present case. But that was not done. It appears that there is delay on the part of the respondents in giving intimation about Security Deposit Charges and also about Development Charges etc., Now it is necessary to deal with them separately.

DEVELOPMENT CHARGES

20. A perusal of the record shows that the intimation as regards the payment of Development Charges, such intimation was received by the appellant on 20.01.2023. The appellant has intimated to the respondents on 20.01.2023 that Development Charges were already paid. Therefore the date of intimation about payment of Development Charges and payment is taken as 20.01.2023.

SECURITY DEPOSIT

21. As regards the Security Deposit charges, the material on record goes to show that the respondents have intimated about payment of Security Deposit Charges on 16.02.2023. The delay is from 20.08.2022, which is (180) days. This delay is inclusive of the delay in respect of Development Charges. The appellant paid the said charges on 25.04.2023.

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	06/07/2022	06/07/2022
Date of completion of six months	---	05/01/2023	---
Time limit for intimation of DC,SD and other charges (45 days)	31/08/2022	---	20/08/2022
Date of intimation to pay DC charges by respondents	23/11/2022	---	---
No. of days of violation	84 days	---	---
Date of intimation to pay SD charges by respondents	---	---	16/02/2023
No. of days of violation	---	---	180 days
DC charges paid date	20/01/2023	---	20/01/2023
SD Charges paid date	---	---	25/04/2023
Time limit for release of additional load (180 days) after DC payment	20/07/2023	---	---
No. of days of violation	70 days	---	180 days
Additional load released	27/09/2023	27/09/2023	27/09/2023
Total No.of days of violation	84+70 = 154 days	265 days	180 days

22. 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 on the part of the respondents. Moreover, 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 revise the penal charges proportionately. Thus there is a delay of (180) days in releasing the additional power supply and not (154) days as found by the learned Forum. Therefore the respondents shall not levy penal charges for (180) days. In fact the efforts put by the Independent Member of the learned Forum in analysing the facts are also appreciable. Accordingly, I hold that the appellant is entitled for waiver of (180) days of penal charges and the Award of the learned Forum is liable to be set aside to that extent. These points are decided accordingly partly in favour of the appellant and against the respondents.

23. The respondents have stated that the additional load was released on 27.09.2023 after undertaking given by the consumer on 26.09.2023 for replacement of existing CTs and PTs with suitable capacity and accuracy. The estimate charges were intimated to the railways for Rs.14,24,671 /-towards the

above subject work on 26/09/2023. The appellant is liable to pay the necessary estimate charges and complete the process accordingly. The Railways are directed to limit their RMD within the limit of CMD for safe operation of the grid.

POINT No. (iii)

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

RESULT

24. In the result, the appeal is allowed in part by setting aside the Award of the learned Forum. The respondents are directed to issue the revised bills for the period of (180) days for the bills already issued, as additional CMD is deemed to have been released i.e., treating the CMD of the service as 19500 KVA and adjust the excess paid amounts to the future bills of consumer's HT Service Connection No. YDD-294 at Traction Substation Aler under Bhongir Division of Yadadri circle.

The appellant is directed to pay the necessary estimated charges of CTs and PTs within (15) days of receipt of copy of this Award and complete the process accordingly.

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 025Cell : 9701371301.
2. The Divisional Engineer/OP/Bhongir/TSSPDCL/Yadadri District.
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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. - 45

