



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

SATURDAY THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

Appeal No. 44 of 2022-23

Between

M/s. Vasudeva Industries, Challur Village, Veenavanka Mandal, Karimnagar
District - 505505, represented by Sri Chinthala Adireddy. Cell: 8008666082.

.....**Appellant**

AND

1. The Assistant Divisional Engineer/Op/Jammikunta - 9440811422.
2. The Divisional Engineer/OP/Huzurabad - 9440811396.
3. The Senior Accounts Officer/C.O./Karimnagar - 9440811501.
4. The Superintending Engineer/Operation/Karimnagar - 9440811393.

..... **Respondents**

This appeal is coming on before me for final hearing on 11.04.2023 in the presence of Sri Chinthala Adireddy - representative of the appellant and Sri Ch.Rajender - ADE/OP/Jammikunta and Sri S. Laxma Reddy - DE/OP/Huzurabad for 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 - 1 (in short 'the Forum') of Telangana

State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G.No.368/2022-23 Karimnagar Circle, dt.15.02.2023, closing the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No. KRN188, Category HT-I(A) to the appellant. The respondents have seized the distribution transformer due to non-payment of arrears of electricity consumption charges. Owing to unavoidable circumstances the appellant industry was closed. In spite of payment of the bills regularly, the respondents are demanding the arrears. Therefore, it was prayed to do justice.

WRITTEN REPLY OF THE RESPONDENTS BEFORE THE FORUM

3. In the written reply submitted by respondent No.1, it is stated that the appellant has complained regarding seizing of the distribution transformer during the period 2010-2012. But on verification no such details are found. It is the consumer who is responsible for maintenance of the distribution transformer in respect of the HT service.

4. In the written reply submitted by respondent No.3, it is stated that the subject Service Connection was released to the appellant on 21.05.2008. As per BP Ms No. 151, service was stopped on 01.01.2012 and the arrears stood at Rs.3,41,443/- up-to 31.12.2021 after adjustment of Security Deposit. The appellant paid the said amount of Rs.3,41,443/- but the appellant has to pay the other amounts including Delayed Payment Charges from 12.09.2012

to 16.12.2022.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has closed the complaint as stated above.

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the material on record properly. Accordingly it is prayed to do justice.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

7. In the written reply of respondent No.4, before this Authority it is stated that the appellant has paid Rs.3,41,443/- on 22.12.2022. The appellant has to pay the belated payment surcharge amount of Rs.1,56,507/- as on 22.12.2022.

8. Heard both sides.

POINTS

9. The points that arise for consideration are:-

- i) Whether the appellant is entitled for waiver of the balance amount due?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

10. It is an admitted fact that the respondents have released the Service Connection No. KRN188, Category HT-I(A) with a contracted load of 170 KVA to the appellant on 25.01.2008. It is also an admitted fact that the appellant has paid Rs.3,41,443/- on 22.12.2022.

SETTLEMENT BY MUTUAL AGREEMENT

11. 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

12. This appeal was filed on 24.03.2023. This appeal is being disposed of within the prescribed period of (60) days as required, as such there is no delay.

CRUX OF THE MATTER

13. M/s. Vasudeva Industries, Challur Village, Veenavanka Mandal, Karimnagar District bearing HT Service Connection No. KRN188 filed the present appeal alleging that the Distribution Transformer was taken away by the department people and withdrawal of Delayed Payment Surcharge. The

record shows that the supply was disconnected due to pending arrears on 12.09.2012. The following is the statement showing the details of arrears pending as on 22.12.2022 given by the SAO/OP/Karimnagar:-

S.C.No.	KRN188
Name	M/s. Vasudeva Industries
Cat	1(A) General
Load	170 KVA
Date of Disconnection	12.09.2012
Arrears up-to disconnection	Rs.2,50,011/-
Security Deposit available as on disconnection	Rs. 1,66,563/-
BP151 Review detail	
Particulars	Rs
(i) Arrears up-to disconnection	2,50,011/-
(ii) (-) Security Deposit adjusted to CC	1,66,563/-
(iii) To be paid (i)-(ii)	83,448/-
(iv) 4 months monthly minimum (10/12 to 01/13)	2,57,995/-
(v) Net to be paid (iii)+(iv)	3,41,443/-
(vi) Arrear as per ledger	6,49,075/-
(vii) BPMS No. 151 withdrawal (vi)-(v)	3,07,632/-
(viii) DPS on 83448 from 12.09.2012 to 22.12.2022 (3751 days)	1,56,507/-
(ix) To be paid as on 22.12.2022 (v)+(viii)	4,97,950/-
(x) Paid as on 22.12.2022	3,41,443/-
(xi) Net to be paid as on 22.12.2022 (ix)-(x)	1,56,507/-

The appellant paid the arrears due of Rs.3,41,443/- vide PR.No.62719 on 22.12.2022 leaving the Delayed Payment Surcharge of Rs.1,56,507/- as on the date 22.12.2022. It is pertinent to reproduce the Clause 9.27.10 of the Tariff Order 2022-23:-

“Clause 9.17.10 :- Additional charges for belated payment of charges

The Licensees shall charge the Delayed Payment Surcharge (DPS) per month on the bill amount at the rate of 5 paise/ Rs.100/ day or Rs.550 whichever is higher. In case of grant of installments, the Licensee shall levy interest at the 228 rate of 18% per annum on the outstanding amounts, compounded annually and the two charges shall not be levied at the same time.”

The appellant has not opposed the levy of arrears and paid the amount. But the Delayed Payment Surcharge remained unpaid. The above said Clause envisages the respondents to levy additional charges for delayed payment from the due date. Here in the present case the amount due is from 12.09.2012 and hence the appellant is liable to pay the Delayed Payment Surcharge which will continue to accumulate as long as unpaid.

14. In regard to the missing of the 315 KVA Distribution Transformer existed in the premises of the appellant having HT Service Connection No. KRN188, the appellant alleged that the said transformer was picked up by the department people due to non-payment of the arrears in the year 2014. On the other hand, the respondents by giving their individual statements from the Officers present, previous and the employees pertaining to that jurisdiction

denied the claim of the appellant and claimed that the distribution transformer for a HT Service Connection is not the property of the Licensee, the consumer is liable to look after the distribution transformer. Here the question remains to be answered is, whether the 315 KVA Distribution Transformer is the property of the appellant. The relevant Clause 5.12.3.5 of GTCS pertaining to the subject is reproduced here-under:-

“Prohibition of star/ star transformers with HT installation of consumers: HT consumers shall instal step down transformers having vector group with windings connected in DELTA on high voltage side and in STAR on low voltage side.”

The above given Clause directs the HT consumers over installing transformer having particular features, which goes to show that the transformers shall be provided by the HT consumers. As can be seen from the metering arrangement for the HT Service Connections the energy meter shall be before the Distribution Transformers unlike the LT Service Connections where the energy meter shall be situated after the DTR. Therefore idle consumption units of the transformers shall be borne by the Licensee. The liability of maintenance of the Distribution Transformers shall fall on the HT consumers only. In view of the above given circumstances, the respondents are not found liable for missing the 315 KVA Distribution Transformer. The appellant is free to find the remedy through filing relevant case appropriately. Accordingly, I hold that the appellant is not entitled for waiver of the balance amount due and the impugned Award of the learned Forum is not liable to be set aside.

POINT No. (iii)

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

RESULT

16. In the result, the appeal is rejected, confirming the Award passed by the learned Forum.

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 15th day of April 2023.

Sd/-
Vidyut Ombudsman

1. M/s. Vasudeva Industries, Challur Village, Veenavanka Mandal, Karimnagar District - 505505, represented by Sri Chinthala Adireddy. Cell: 8008666082.
2. The Assistant Divisional Engineer/Op/Jammikunta - 9440811422.
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5. The Superintending Engineer/Operation/Karimnagar - 9440811393.

Copy to

6. The Chairperson, Consumer Grievances Redressal Forum-1, TSNPDCL, Warangal, H.No.2-5-58, Opp: Head Post Office, Nakkalagutta, Hanamkonda, Warangal District - 506001.

