



BEFORE THE VIDUYUT 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
VIDUYUT OMBUDSMAN**

TUESDAY THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 47 of 2021-22

Between

M/s. Garrison Engineer, Service premises Educational and Research
Institutions, Military Engineer Services, Vignayanakancha - post, Hyderabad -
500 069, represented by Sri J.P. Prasad, IDSE EE(SG). **.....Appellant**

AND

1. The Assistant Divisional Engineer / Operation / Mamidipalli / TSSPDCL /
Ranga Reddy District.
2. The Divisional Engineer / Operation / Kandukur / TSSPDCL / Ranga Reddy
District.
3. The Superintending Engineer / Operation / Rajendra Nagar Circle / TSSPDCL
Ranga Reddy District.
4. The Chief General Manager (Commercial) / TSSPDCL / Corporate Office /
Hyderabad.
5. The Chief General Manager (Revenue) / TSSPDCL / Corporate Office /
Hyderabad. **..... Respondents**

This appeal is coming on before me for final hearing on 26.08.2022 in
the presence of Sri Vimal Kumar Bendwal, representative of the appellant and
Sri P. Raja Ram Reddy - DE/OP/Kandukur representing the respondents and
having stood over for consideration till this day, this Viduyut Ombudsman passed
the following:-

AWARD

This appeal is preferred aggrieved by the Award / Order passed by the Consumer Grievances Redressal Forum - II, Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') vide Lr.No.Chairperson / CGRF-II / TSSPDCL/D.No108/2021 dt.30.12.2021, rejecting the complaint on the ground that it has no jurisdiction.

CASE OF THE APPELLANT

2. The case of the appellant is that the appellant is having Service Connection No.RJN 211. The grievance of the appellant is that the claim of wheeling charges of Rs. 17,88,11,395/- issued by the Licensee-respondents vide Lr.No.SE/OP/RJNR/JAO/HT/D.No.403 dt.11.11.2021, is not correct. Therefore, it is prayed to direct the respondents to withdraw the said claim.

AWARD OF THE FORUM

3. After considering the material on record, the learned Forum has rejected the complaint under Clause 2.37 of Regulation 3 of 2015 (in short 'the Regulation') mainly on the ground that the Hon'ble Supreme Court already passed final order in the subject matter involved in this case.

GROUND OF THE APPEAL

4. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the Forum has not considered the material placed before it properly.

5. In the grounds of the appeal it is submitted that the late payment surcharge Clause has been imposed on the disputed claim along-with serving the disconnection notice, which is illegal and unjustified.

6. In the written submission made by respondent No.3, it is stated that more or less for a similar relief the appellant filed a Writ Petition before the Hon'ble High Court and obtained interim order. It is accordingly prayed to dismiss the appeal.

7. Heard both sides.

POINTS

8. The points that arise for consideration are:-

- i) Whether the appeal is maintainable in view of the Clause 2.37 of the Regulation?
- ii) Whether the Award passed by the learned Forum is liable to be set aside? and
- iii) To what relief.

SETTLEMENT BY MUTUAL AGREEMENT

9. Both the parties have appeared before this authority on 24.08.2022. 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

10. 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.

POINTS (i) and (ii)

ADMITTED FACTS

11. The appellant is having H.T. Service Connection No. RJN-211 released by the respondents. As on date W.P.No. 23168/2022 is pending before the Hon'ble High Court.

12. The learned Forum has rejected the complaint on the ground that the Hon'ble Supreme Court has passed final order in SLP (C) No. 008892 / 2003 on 07.07.2003, which is correct. Apart from that in this appeal also both the parties have submitted that W.P.No.23168 of 2022 filed by the appellant against the respondent - Licensee is pending before the Hon'ble High Court for the State of

Telangana at Hyderabad. Now it is necessary to refer to Clause 2.37 of of the Regulation which reads as under:-

“The Forum may reject the grievance at any stage under the following circumstances:

a) Where proceedings in respect of the same matter or issue between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority as the case may be;”

xxxxx

13. As already stated, it is not disputed about the pendency of W.P.No.23168 of 2022 filed by the appellant against the respondents, touching almost the same subject. Thus when once a Writ Petition is pending between the parties touching the same subject, in view of Clause 2.37 of the Regulation, the Forum has no jurisdiction to entertain the complaint. Like-wise this authority is also not having any jurisdiction to entertain the appeal. Therefore, I hold that the appeal is not maintainable and the Award passed by the Forum is not liable to be set aside. These points are decided accordingly against the appellant and in favour of the respondents.

Point No. (iii)

14. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

RESULT

15. In the result, the appeal is rejected, without costs, confirming the Award passed by the 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 this the 13th day of September 2022.

Sd/-

Vidyut Ombudsman

1. M/s. Garrison Engineer, Service premises Educational and Research Institutions, Military Engineer Services, Vignayanakancha - post, Hyderabad - 500 069, represented by Sri J.P. Prasad, IDSE EE(SG).
2. The Assistant Divisional Engineer / Operation / Mamidipalli / TSSPDCL / Ranga Reddy District.
3. The Divisional Engineer / Operation / Kandukur / TSSPDCL / Ranga Reddy District.
4. The Superintending Engineer / Operation / Rajendra Nagar Circle / TSSPDCL Ranga Reddy District.
5. The Chief General Manager(Commercial) / TSSPDCL / Corporate Office / Hyderabad.
6. The Chief General Manager(Revenue) / TSSPDCL / Corporate Office / Hyderabad.

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum - GHA, Erragadda, Hyderabad.