



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**

WEDNESDAY THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

Appeal No. 48 of 2023-24

Between

M/s. Sunder Ispat Ltd., represented by Sri Girish Kumar Sonthalia, Director,
#2-1-41, Tobacco Bazar, Secunderabad - 500 003. Cell: 9246523395.

AND

1. The Assistant Divisional Engineer/OP/Kothur/TSSPDCL/Ranga Reddy District.
2. The Divisional Engineer/OP/Shadnagar/TSSPDCL/Ranga Reddy District.
3. The Senior Accounts Officer/OP/Rajendra Nagar Circle/TSSPDCL/Ranga Reddy District.
4. The Superintending Engineer/OP/Rajendra Nagar Circle/TSSPDCL/Ranga Reddy District.
5. The Chief General Manager/Commercial/Corporate Office / TSSPDCL / Hyderabad.

.....Respondents

This appeal is coming on before me for final hearing on 22-01-2024 in the presence of Sri Ravinder Prasad Srivastava, authorised representative of the appellant and Sri M.S. Chandra Mouli - JAO/HT/Rajendra Nagar, 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 201/2023-24/Rajendra Nagar Circle dt.18.11.2023 (in short "the impugned Award") passed by the Consumer Grievances Redressal Forum, Greater

Hyderabad Area (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL'), rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released HT Service Connection No. RJN-604 with Contracted Maximum Demand (in short 'CMD') of 550 KVA for supply of energy and demand on 09.02.2004 to the appellant at Upparpally Village. The Hon'ble Telangana State Electricity Regulatory Commission vide its Proceedings No.TSERC/Secy/47/2022 dt.19.10.2022 has clarified that the billing shall be done on voltage basis and not on CMD basis. Accordingly, it was prayed to bill in 33 KV and revise the bills and refund the amount with interest @ 18% p.a.

AWARD OF THE FORUM

3. After considering the material on record and after hearing both sides, the learned Forum has passed the impugned Award as stated above.

4. Aggrieved by the said Award of the learned Forum, the present appeal is preferred, contending among other things, that the complaint is not to review the earlier Award but it is a fresh complaint. Accordingly it is prayed to set aside the impugned Award and to give relief to the appellant on energy consumed in proper tariff rate and to refund the excess amount paid with interest @24% p.a.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

5. In the written reply submitted by respondent No.4, before this Authority, it is, inter-alia, submitted that the CC bills were issued to the appellant correctly under 11 KV voltage. It is accordingly prayed to dismiss the appeal.

ARGUMENTS

6. Heard both sides.

POINTS

7. The points that arise for consideration are:-

- i) Whether the appellant filed a review petition before the learned Forum?
- ii) Whether the impugned Award of the learned is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACT

8. It is an admitted fact that the subject Service Connection was released to the appellant on 09.02.2004.

SETTLEMENT BY MUTUAL AGREEMENT

9. Both the parties have appeared before this Authority. 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. The present appeal was filed on 22.12.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

11. The learned Forum has passed the Award which is as under:-

“Heard both sides on 08.11.2023. Upon perusal of the written submissions filed by the Complainant and as well as the Respondents, the Forum noticed that the Forum has already passed the award on 08.02.2020 in C.G. No. 561/2019-20 with regard to same subject.

The Forum is not having power to review the Forum award once passed in terms of Regulation No. 03 of 2015 of Hon’ble TSERC. Hence, the present Complaint filed by the Complainant/ Consumer is hereby rejected.

The Complaint is disposed of accordingly.”

12. At this stage it is necessary to refer to the prayer sought in C.G.No.561/2019-20 and also the the C.G.No.201/2023-24 which are as follows:-

C.G.No. 561/2019-20	i) To set aside the notice send vide letter No. SE/OP/RJNR/SAO/JAO(HT)/D.No.426/19 dt.20.12.2019 by respondent No.2 ii) To set aside the claim of Rs.91,430/- in December 2019 bill dt.26.12.2019 and iii) Any such other order or orders as may deem fit by this Hon’ble CGRF-II in the circumstances of the complaint in the interest of justice and fair play.
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C.G.No. 201/2023-24	<p>i) To bill in 33 KV-HT (I) instead of 11 KV-HT(II) tariff as the actual supply is given at 33 KV for our HT Service Connection NO. No. RJN604.</p> <p>ii) To revise the bills and refund the excess amount charged by TSSPDCL and paid by us along with 18% interest.</p> <p>iii) To pass such other Order as this Hon'ble CGRF (Greater Hyderabad Area),TSSPDCL, may deem fit and proper in the circumstances of grievance and in the interest of justice.</p>
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13. The above tabulation makes it clear that the prayers made in both C.Gs are quite distinct. The prayer in C.G.No.201/2023-24 there is no prayer to review any Award. More-over after disposal of C.G.No.561/2019-20 on 08.02.2020 and also disposal of Appeal No.12 of 2020-21 on 07.10.2020, the Hon'ble TSERC issued Proceedings No.TSERC/Secy/47/2022 on 19.10.2022. Therefore, the learned Forum has to now determine whether this proceedings dt.19.10.2022 is applicable to the case of the appellant. In view of these factors, I hold that the appellant has filed a fresh complaint before the learned Forum and no review petition was filed before the learned Forum. Accordingly the impugned Award is liable to be set aside.These points are accordingly decided in favour of the appellant and against the respondents.

POINT No. (iii)

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

RESULT

15. In the result, the appeal is allowed and the impugned Award of the learned Forum is set aside. The appellant is directed to approach the learned Forum with the copy of complaint in C.G.No.201/2023-24 within (15) days from the date of receipt of copy of the Award. The learned Forum is directed to treat that complaint as a fresh one, give notice to the parties, take the written replies of the respondents, hear the arguments and adjudicate the complaint as to whether the proceedings of the Hon'ble Telangana State Electricity Regulatory Commission dt.19.10.2022 is applicable to the appellant or not.

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 24th day of January 2024.

**Sd/-
Vidyut Ombudsman**

1. M/s. Sunder Ispat Ltd., represented by Sri Girish Kumar Sonthalia, Director, #2-1-41, Tobacco Bazar, Secunderabad - 500 003. Cell: 9246523395.
2. The Assistant Divisional Engineer/OP/Kothur/TSSPDCL/Ranga Reddy District.
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6. The Chief General Manager/Commercial/Corporate Office / TSSPDCL / Hyderabad.

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.

