



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**

TUESDAY THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

Appeal No. 48 of 2024-25

Between

Sri Dharma Praneeth, Proprietor of Hayasree Adds, Sy.No.24/1, H.No.2-151/A,
Sriram Nagar Village, Yadagirigutta Mandal, Yadadri Bhongir District - 508115.
Cell: 9848888788.

..... Appellant

AND

1. The Assistant Engineer/Operation/Bhongir Rural/TGSPDCL/Yadadri District.
2. The Assistant Divisional Engineer/Operation/Bhongir/TGSPDCL/Yadadri District.
3. The Assistant Accounts Officer/ERO/Bhongir/TGSPDCL/Yadadri District.
4. The Divisional Engineer/Operation/Bhongir/TGSPDCL/Yadadri District.
5. The Superintending Engineer/Operation/Yadadri Circle/TSSPDCL/Yadadri District.
6. The Chief Engineer/Commercial/Corporate Office/TGSPDCL/Hyderabad.

.....Respondents

This appeal is coming on before me for final hearing on this day in the presence of Sri Dharma Praneeth - appellant and Sri S. Venkateshwarlu - AE/OP/Bhongir Rural, Sri R. Anand Reddy - ADE/OP/Bhongir, Sri A. Satyanarayana Reddy - AAO/ERO/Bhongir and Sri V. Ram Reddy - DE/Commercial/Corporate Office for the respondents and having stood over for consideration, this Viduyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Rural, (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL') in C.G.No. 268/2024-25/Yadadri Circle dt.03.01.2025, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the learned Forum is that the respondents have released Service Connection Nos.1) 4503200472 2) 4500902149 3) 4500902150 4) 4500902151 and 5) 4500902152 (in short 'the subject Service Connections') in Yadadri District in favour of the appellant under Category LT-II(B) initially. After inspection of the appellant premises on 23.03.2024 by the Assistant Engineer/DPE, the Category was changed to Category LT-II(C) on the ground that the appellant was utilising the power supply for advertising through billboards. Back billing was also proposed for the subject Service Connections by respondent no.2 under the below notices :-

- i. Lr.No. ADE/OP/BHONGIR/SD/D.No.3189/23-24 dt.26/Mar/2024
- ii. Lr.No. ADE/OP/BHONGIR/SD/D.No.3190/23-24 dt.26/Mar/2024
- iii. Lr.No. ADE/OP/BHONGIR/SD/D.No.3191/23-24 dt.26/Mar/2024
- iv. Lr.No. ADE/OP/BHONGIR/SD/D.No.3192/23-24 dt.26/Mar/2024
- v. Lr.No. ADE/OP/BHONGIR/SD/D.No.3193/23-24 dt.26/Mar/2024 and
- vi. Lr.No.AAO/ERO/BGR/JAO-III/SA/JA/Theft Section /D.No.333/24 dt.30.07.2024 for Rs.2,86,655/- was also issued by respondent No.3 for the subject Service Connections (in short 'the impugned notices').

It is also submitted that the appellant has informed about the use of electricity for advertisement purposes initially itself when the connections were sought

and it is the mistake of the respondents for giving different Category. The appellant has also sustained losses when the respondents disconnected the subject Service Connections thrice earlier. It is accordingly prayed to withdraw the said impugned notices and back billing amount on the ground that the proposed change of Category and back billing were not correct.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. Respondent No. 2 has filed his written reply before the learned Forum stating that previously the subject Service Connections were released in Category - II(B) but in March 2024, they found that it is Category - II(C) by the DPE wing which is correct. Therefore the consumer is liable to pay the back billing amounts.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides the learned Forum has rejected the complaint on the ground that the back billing of the subject Service Connections is as per Tariff Orders.

5. Aggrieved by the said Award of the learned Forum, the present appeal is preferred, reiterating the contents of the complaint filed before the learned Forum.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written reply filed by respondent No.2 before this Authority, he has reiterated the contents of his written reply filed before the learned Forum.

7. In the written reply filed by respondent No.3 before this Authority, he has mentioned the similar contents of the written reply filed by respondent no.2 before the learned Forum.

ARGUMENTS

8. On behalf of the appellant it is submitted that the appellant informed the respondents about the advertising business at the time of service release itself but due to mistake of the respondents now they are giving back billing notices on the ground that wrong Category was allotted to him. He has also submitted that earlier the subject Service Connections were disconnected due to which he sustained loss. Hence it is prayed to set aside the Award of learned Forum and also the impugned notices.

9. On the other hand, it is submitted by the respondents that the subject Service Connections falls under Category LT-II(C) as the consumer was utilising the power supply for advertising purpose and basing on the inspection report dated 23.03.2024 the Category was changed to LT-II(C) which is correct and not LT-II(B) which was released initially. Hence it is prayed to reject the appeal.

POINTS

10. The points that arise for consideration are:-

- i) Whether the impugned notices are liable to be set aside as prayed for?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT Nos. (i) and (ii)

ADMITTED FACTS

11. It is an admitted fact that the respondents have released the subject Service Connections to the appellant under LT Category-II(B). It is also an admitted fact that respondent No.2 has issued the subject notices for the first time on 26.03.2024. Further respondent No.3 has also issued the subject notice vide mentioned at Sl.No. vi of the subject Service Connections subsequently.

SETTLEMENT BY MUTUAL AGREEMENT

12. 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

13. The present appeal was filed on 27.02.2025. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. In the present case the material particulars are as under:-

| Sl.No. | Service Connection No. | Date of release | Date of inspection by AE/DPE | Period of back billing | Amount in Rs. as on July 2024 |
|--------|------------------------|-----------------|------------------------------|--------------------------|-------------------------------|
| 1. | 4503200472 | 09.12.2019 | 23.03.2024 | 09.12.2019 to 23.03.2024 | 31,172/- |
| 2. | 4500902149 | 25.12.2018 | 23.03.2024 | 25.12.2018 to 23.03.2024 | 64,929/- |
| 3. | 4500902150 | 25.12.2018 | 23.03.2024 | 25.12.2018 to 23.03.2024 | 36,564/- |
| 4. | 4500902151 | 25.12.2018 | 23.03.2024 | 25.12.2018 to 23.03.2024 | 80,474/- |
| 5. | 4500902152 | 25.12.2018 | 23.03.2024 | 25.12.2018 to 23.03.2024 | 73,516/- |
| | | | | | 2,86,655/- |

15. The record shows that the concerned Assistant Engineer/DPE has inspected the premises of the appellant on 23.03.2024 and found that the subject Service Connections were running under Category LT-II(B), but the correct Category is LT-II(C). Basing on the said inspection, respondent No.2 thereafter has issued the impugned notices at Sl.No. i to v on 26.03.2024 to

the appellant mentioning about the inspection of the premises of the appellant and demanding the back billing amount for the subject Service Connections which was provisionally assessed for the relevant period on the ground that the subject Service Connections are covered under Category LT-II(C) but not Category LT-II(B). The impugned notices at Sl.no. i to v are extracted as under:-

Assessment for BACK BILLING

CaseNO : DPE/YDR/YDR/255/24

From

Assistant Divisional Engineer
Operation: BHONGIR
TGSPDCL

To

**HAYASREE ADDS(Beneficiary(Hayasree ads))
SYNO 24/1, RAIGIRI, BHONGIR RURAL,**

Lr.No. ADE/OP/BHONGIR/SD/F.NO/D.NO.3189/2023-24 Dt:26/Mar/2024

Sub:Assessment Notice of SC No. 4500902149 Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month of 45009-RAIGIR (Dist) for BACK BILLING

1. Inspection undertaken:

Your service connection bearing No. 4500902149, Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month, BHONGIR _RURAL Village/ Section was inspected on 23-Mar-24 at 12:40 at hours by Sri.P.ANURAG with designation AE .

2. Incriminating Points Observed:

At the time of inspection, it is observed that the service (independent) is being utilized for the purpose of advertising through billboards and hence falls under Cat 2C, but the service is being billed under Cat 2B. Hence, conversion along with back billing under Cat 2C is herewith proposed from the date of release of the service. Consumption(since DOR) as per EBS records is arrived as 15955 units.

3. Nature of defect reported

The above observations clearly establish that the service connection is being run in wrong Category/Reading. Hence Back billing was done for your service owing to Wrong Category/M.F./Readings.

4.Value of assessed revenue loss:

In view of the above, the energy consumption during the period of wrong Category/wrong M.F. and the details of the assessment are indicated below.

Assessment Period: From 25-Dec-18 To 23-Mar-24
Connected Load: 1350 watt
Contracted Load: 2000 watt
Units Assessed: 15955
Units Recorded: 15955
Units Back Billed: 15955
Value of Demand Back billed: 1350 watt

The Revenue loss to the company has been assessed at Rs 59321.0, for the Period from 25-Dec-18 to 23-Mar-24.

5. Payment of back billed amount:

5.1 If you are agreeable to the assessed amount, you may pay the amount in full within 15 days from the date of service of this order. Further proceedings to recover the assessed amount will be closed after production of a receipt towards payment of the provisionally assessed amount of Rs 59439.0 in full, to AAO/ERO BHONGIR (designated officer for payment of assessed amount), in addition to the Supervision charges including GST of Rs.118.0.

5.2 If you are not agreeable to the above assessment, you may make a appropriate Representation to DE/Operation BHONGIR within 15 days from the date of service of this notice, who will dispose off your Representation after giving opportunity to you for being heard if you desire so. And mention the same in your representation.

5.3 In case there is no representation from you within 15 days from the date of service of this notice, the Electricity charges payable by you shall be included as arrears in your subsequent CC bill.

Designated Officer to issue Notice

Name : R. ANAND REDDY

Designation : ADE/OP/BHONGIR

Copy Submitted To :

The Assistant Accounts Officer/ERO/Bhongir.

The Divisional Engineer/operation/Bhongir.

The Supertending Engineer/Divisional Engineer/Assesment,Hyd.

The Divisional Engineer/DPE/Yadadri.

The Circle Inspector/APTS and Vegilence/Nalgonda



Assessment for BACK BILLING

CaseNO : DPE/YDR/YDR/257/24

From

Assistant Divisional Engineer
Operation: BHONGIR
TGSPDCL

To

**MS HAYASREE ADDS(Beneficiary(Hayasree ads))
0, WADAIGUDEM, BHONGIR RURAL,**

Lr.No. ADE/OP/BHONGIR/SD/F.NO/D.NO.3192/2023-24 Dt:26/Mar/2024

Sub:Assessment Notice of SC No. 4503200472 Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month of 45032-WADAIGUDAM(Dist) for BACK BILLING

1. Inspection undertaken:

Your service connection bearing No. 4503200472, Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month , BHONGIR _ RURAL Village/ Section was inspected on 23-Mar-24 at 13:15 at hours by Sri.P.ANURAG with designation AE .

2. Incriminating Points Observed:

At the time of inspection, it is observed that the service (independent) is being utilized for the purpose of advertising through billboards and hence falls under Cat 2C , but the service is being billed under Cat 2B.
Hence, conversion along with back billing under Cat 2C is herewith proposed from the date of release of the service. Consumption(since DOR) as per EBS records is arrived as 5760 units.

3. Nature of defect reported

The above observations clearly establish that the service connection is being run in wrong Category/Reading. Hence Back billing was done for your service owing to Wrong Category/M.F./Readings.

4.Value of assessed revenue loss:

In view of the above, the energy consumption during the period of wrong Category/wrong M.F. and the details of the assessment are indicated below.

Assessment Period: From 09-Dec-19 To 23-Mar-24

Connected Load: 1360 watt

Contracted Load: 2000 watt

Units Assessed: 5760

Units Recorded: 5760

Units Back Billed: 5760

Value of Demand Back billed: 1360 watt

The Revenue loss to the company has been assessed at Rs 25439.0, for the Period from 09-Dec-19 to 23-Mar-24.

5. Payment of back billed amount:

5.1 If you are agreeable to the assessed amount, you may pay the amount in full within 15 days from the date of service of this order. Further proceedings to recover the assessed amount will be closed after production of a receipt towards payment of the provisionally assessed amount of Rs 25557.0 in full, to AAO/ERO BHONGIR (designated officer for payment of assessed amount), in addition to the Supervision charges including GST of Rs.118.0.

5.2 If you are not agreeable to the above assessment, you may make a appropriate Representation to DE/Operation BHONGIR within 15 days from the date of service of this notice, who will dispose off your Representation after giving opportunity to you for being heard if you desire so. And mention the same in your representation.

5.3 In case there is no representation from you within 15 days from the date of service of this notice, the Electricity charges payable by you shall be included as arrears in your subsequent CC bill.

Designated Officer to issue Notice

Name : R. ANAND REDDY

Designation : ADE/OP/BHONGIR

Copy Submitted To :

The Assistant Accounts Officer/ERO/Bhongir.

The Divisional Engineer/operation/Bhongir.

The Supertending Engineer/Divisional Engineer/Assesment,Hyd.

The Divisional Engineer/DPE/Yadadri.

The Circle Inspector/APTS and Vegilence/Nalgonda



Assessment for BACK BILLING

CaseNO : DPE/YDR/YDR/256/24

From

Assistant Divisional Engineer
Operation: BHONGIR
TGSPDCL

To

HAYASREE ADDS(Beneficiary(Hayasree ads))
SYNO 24/1, RAIGIRI, BHONGIR RURAL,

Lr.No. ADE/OP/BHONGIR/SD/F.NO/D.NO.3191/2023-24 Dt:26/Mar/2024

Sub:Assessment Notice of SC No. 4500902150 Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month of 45009-RAIGIR (Dist) for BACK BILLING

1. Inspection undertaken:

Your service connection bearing No. 4500902150, Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month , BHONGIR _ RURAL Village/ Section was inspected on 23-Mar-24 at 13:10 at hours by Sri.P.ANURAG with designation AE .

2. Incriminating Points Observed:

At the time of inspection, it is observed that the service (independent) is being utilized for the purpose of advertising through billboards and hence falls under Cat 2C , but the service is being billed under Cat 2B. Hence, conversion along with back billing under Cat 2C is herewith proposed from the date of release of the service. Consumption(since DOR) as per EBS records is arrived as 7921 units.

3. Nature of defect reported

The above observations clearly establish that the service connection is being run in wrong Category/Reading. Hence Back billing was done for your service owing to Wrong Category/M.F./Readings.

4.Value of assessed revenue loss:

In view of the above, the energy consumption during the period of wrong Category/wrong M.F. and the details of the assessment are indicated below.

Assessment Period: From 25-Dec-18 To 23-Mar-24

Connected Load: 680 watt
Contracted Load: 2000 watt
Units Assessed: 7921
Units Recorded: 7921
Units Back Billed: 7921
Value of Demand Back billed: 680 watt

The Revenue loss to the company has been assessed at Rs 34222.0, for the Period from 25-Dec-18 to 23-Mar-24.

5. Payment of back billed amount:

5.1 If you are agreeable to the assessed amount, you may pay the amount in full within 15 days from the date of service of this order. Further proceedings to recover the assessed amount will be closed after production of a receipt towards payment of the provisionally assessed amount of Rs 34340.0 in full, to AAO/ERO BHONGIR (designated officer for payment of assessed amount), in addition to the Supervision charges including GST of Rs.118.0.

5.2 If you are not agreeable to the above assessment, you may make a appropriate Representation to DE/Operation BHONGIR within 15 days from the date of service of this notice, who will dispose off your Representation after giving opportunity to you for being heard if you desire so. And mention the same in your representation.

5.3 In case there is no representation from you within 15 days from the date of service of this notice, the Electricity charges payable by you shall be included as arrears in your subsequent CC bill.

Designated Officer to issue Notice

Name : R. ANAND REDDY

Designation : ADE/OP/BHONGIR

Copy Submitted To :

The Assistant Accounts Officer/ERO/Bhongir.

The Divisional Engineer/operation/Bhongir.

The Supertending Engineer/Divisional Engineer/Assesment,Hyd.

The Divisional Engineer/DPE/Yadadri.

The Circle Inspector/APTS and Vegilence/Nalgonda



Assessment for BACK BILLING

CaseNO : DPE/YDR/YDR/254/24

From

Assistant Divisional Engineer
Operation: BHONGIR
TGSPDCL

To

**HAYASREE ADDS(Beneficiary(Hayasree ads))
SYNO 24/1, RAIGIRI, BHONGIR RURAL,**

Lr.No. ADE/OP/BHONGIR/SD/F.NO/D.NO.3190/2023-24 Dt:26/Mar/2024

Sub:Assessment Notice of SC No. 4500902151 Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month of 45009-RAIGIR (Dist) for BACK BILLING

1. Inspection undertaken:

Your service connection bearing No. 4500902151, Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month , BHONGIR _ RURAL Village/ Section was inspected on 23-Mar-24 at 12:55 at hours by Sri.P.ANURAG with designation AE .

2. Incriminating Points Observed:

At the time of inspection, it is observed that the service (independent) is being utilized for the purpose of advertising through billboards and hence falls under Cat 2C , but the service is being billed under Cat 2B. Hence, conversion along with back billing under Cat 2C is herewith proposed from the date of release of the service. Consumption(since DOR) as per EBS records os arrived as 20924 units.

3. Nature of defect reported

The above observations clearly establish that the service connection is being run in wrong Category/Reading. Hence Back billing was done for your service owing to Wrong Category/M.F./Readings.

4.Value of assessed revenue loss:

In view of the above, the energy consumption during the period of wrong Category/wrong M.F. and the details of the assessment are indicated below.

Assessment Period: From 25-Dec-18 To 23-Mar-24

Connected Load: 1960 watt

Contracted Load: 4000 watt

Units Assessed: 20924

Units Recorded: 20924

Units Back Billed: 20924

Value of Demand Back billed: 1960 watt

The Revenue loss to the company has been assessed at Rs 74050.0, for the Period from 25-Dec-18 to 23-Mar-24.

5. Payment of back billed amount:

5.1 If you are agreeable to the assessed amount, you may pay the amount in full within 15 days from the date of service of this order. Further proceedings to recover the assessed amount will be closed after production of a receipt towards payment of the provisionally assessed amount of Rs 74168.0 in full, to AAO/ERO BHONGIR (designated officer for payment of assessed amount), in addition to the Supervision charges including GST of Rs.118.0.

5.2 If you are not agreeable to the above assessment, you may make a appropriate Representation to DE/Operation BHONGIR within 15 days from the date of service of this notice, who will dispose off your Representation after giving opportunity to you for being heard if you desire so. And mention the same in your representation.

5.3 In case there is no representation from you within 15 days from the date of service of this notice, the Electricity charges payable by you shall be included as arrears in your subsequent CC bill.

Designated Officer to issue Notice

Name : R. ANAND REDDY

Designation : ADE/OP/BHONGIR

Copy Submitted To :

The Assistant Accounts Officer/ERO/Bhongir.

The Divisional Engineer/operation/Bhongir.

The Supertending Engineer/Divisional Engineer/Assesment,Hyd.

The Divisional Engineer/DPE/Yadadri.

The Circle Inspector/APTS and Vegilence/Nalgonda



Assessment for BACK BILLING

CaseNO : DPE/YDR/YDR/253/24

From

Assistant Divisional Engineer
Operation: BHONGIR
TGSPDCL

To

HAYASREE ADDS(Beneficiary(Hayasree ads))
SYNO 24/1, RAIGIRI, BHONGIR RURAL,

Lr.No. ADE/OP/BHONGIR/SD/F.NO/D.NO.3193/2023-24 Dt:26/Mar/2024

Sub:Assessment Notice of SC No. 4500902152 Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month of 45009-RAIGIR (Dist) for BACK BILLING

1. Inspection undertaken:

Your service connection bearing No. 4500902152, Category LT II(B)-Non Domestic/Commercial-Above 50 Units/Month , BHONGIR _ RURAL Village/ Section was inspected on 22-Mar-24 at 12:30 at hours by Sri.P.ANURAG with designation AE .

2. Incriminating Points Observed:

At the time of inspection, it is observed that the service (independent) is being utilized for the purpose of advertising through billboards and hence falls under Cat 2C , but the service is being billed under Cat 2B.
Hence, conversion along with back billing under Cat 2C is herewith proposed from the date of release of the service. Consumption(since DOR) as per EBS records os arrived as 19234 units.

3. Nature of defect reported

The above observations clearly establish that the service connection is being run in wrong Category/Reading. Hence Back billing was done for your service owing to Wrong Category/M.F./Readings.

4.Value of assessed revenue loss:

In view of the above, the energy consumption during the period of wrong Category/wrong M.F. and the details of the assessment are indicated below.

Assessment Period: From 25-Dec-18 To 23-Mar-24
Connected Load: 1000 watt
Contracted Load: 2000 watt
Units Assessed: 19234
Units Recorded: 19234
Units Back Billed: 19234
Value of Demand Back billed: 1000 watt

The Revenue loss to the company has been assessed at Rs 69486.0, for the Period from 25-Dec-18 to 23-Mar-24.

5. Payment of back billed amount:

5.1 If you are agreeable to the assessed amount, you may pay the amount in full within 15 days from the date of service of this order. Further proceedings to recover the assessed amount will be closed after production of a receipt towards payment of the provisionally assessed amount of Rs 69604.0 in full, to AAO/ERO BHONGIR (designated officer for payment of assessed amount), in addition to the Supervision charges including GST of Rs.118.0.

5.2 If you are not agreeable to the above assessment, you may make a appropriate Representation to DE/Operation BHONGIR within 15 days from the date of service of this notice, who will dispose off your Representation after giving opportunity to you for being heard if you desire so. And mention the same in your representation.

5.3 In case there is no representation from you within 15 days from the date of service of this notice, the Electricity charges payable by you shall be included as arrears in your subsequent CC bill.

Designated Officer to issue Notice

Name : R. ANAND REDDY

Designation : ADE/OP/BHONGIR

Copy Submitted To :

The Assistant Accounts Officer/ERO/Bhongir.

The Divisional Engineer/operation/Bhongir.

The Supertending Engineer/Divisional Engineer/Assesment,Hyd.

The Divisional Engineer/DPE/Yadadri.

The Circle Inspector/APTS and Vegilence/Nalgonda

16. Subsequently respondent No.3 has also issued similar notice mentioned at Sl.No.vi of the impugned notices for all the subject Service Connections and according to him the total amount of the back billing is Rs.2,86,655/-.

17. As per the Tariff Order for the years 2023-24 issued by Telangana Electricity Regulatory Commission, the correct Category for advertising business is LT Category-II(C). It appears that the appellant disclosed about his advertising business at the time of obtaining Service Connections itself. In view of these factors it is necessary to verify whether the relevant Clause of GTCS is complied with or not.

COMPLIANCE OF CLAUSE 3.4.1 OF GTCS

18. At this stage it is necessary to refer to Clause 3.4.1 GTCS which is as under:-

“ 3.4.1: Where a consumer has been classified under a particular category and is billed accordingly and it is subsequently found that the classification is not correct (subject to the condition that the consumer does not alter the category/ purpose of usage of the premises without prior intimation to the Designated Officer of the Company), the consumer will be informed through a notice, of the proposed reclassification, duly giving him an opportunity to file any objection within a period of 15 days. The Company after due consideration of the consumer's reply if any, may alter the classification and suitably revise the bills if necessary even with retrospective effect, the assessment shall be made for the entire period during which such reclassification is needed, however, the period during which such reclassification is needed cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection”

This Clause of GTCS makes it quite clear that if the respondents want to change a particular Category of the appellant on the ground that the earlier Category was not correct, the respondents have to issue initial notice to that effect calling for the objections of the consumer within a period of (15) days. Thereafter they have to change the Category after their satisfaction and back-bill the Service Connection if necessary with retrospective effect also. In the present case, admittedly the respondents have not issued the initial notice prior to the impugned notices as such there was no opportunity to the appellant to explain its stand. Respondent No.2 thus has straight-away issued the back billing impugned notices (i.) to (v.) on 26.03.2024 even by mentioning the back billing amounts for the relevant period. At the cost of repetition, Clause 3.4.1 of GTCS makes it quite clear about issuing the initial notice

explaining about the intention of the respondents-licensee for the proposed change of Category and giving an opportunity to the consumer to file objections. Thereafter the respondents have to consider the reply, if any, of the consumer and then if necessary they have to alter the classification, even with retrospective effect and revise the bill. This procedure was not followed by the respondents in the present case. Thus there is no compliance of Clause 3.4.1 of GTCS, which is mandatory.

19. As already stated, the mandatory notices as required under Clause 3.4.1 of GTCS was not issued to the appellant. Respondent no.2 in the impugned notices, not only mentioned the back billing amount even before the appellant could explain his stand in this regard but also instructed the appellant to approach respondent no.4 within (15) days of the receipt of the said notices. This means respondent No.2 already came to the conclusion of the correct Category and amount even without giving an opportunity to the appellant. The learned Forum has not considered all these factors and not analysed Clause 3.4.1 of GTCS properly and came to incorrect conclusion. In view of these factors, I hold that the impugned notices back billing of the subject Service Connections are liable to be set aside and the Award of the learned Forum is also liable to be set aside. These points are accordingly decided in favour of the appellant and against the respondents.

POINT No. (iii)

20. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be allowed by setting aside the back billing impugned notices and also the impugned Award.

RESULT

21. In the result, the appeal is allowed by setting aside all the impugned back billing notices finally demanding an amount of Rs. 2,86,655/-. Consequently the Award of the learned Forum is also set aside. The amount of Rs.50,000/- (Rs.10,000/- for each Service Connection) paid by the appellant during the pendency of the present appeal shall be adjusted in the future bills of the subject Service Connections. C.M.P.No.16 of 2024-25 is closed.

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 11th day of March 2025.

**Sd/-
Vidyut Ombudsman**

1. Sri Dharma Praneeth, Proprietor of Hayasree Adds, Sy.No.24/1, H.No.2-151/A, Sriram Nagar Village, Yadagirigutta Mandal, Yadadri Bhongir District - 508115, Cell: 9848888788.
2. The Assistant Engineer/Operation/Bhongir Rural/TGSPDCL/Yadadri District.

3. The Assistant Divisional Engineer/Operation/Bhongir/TGSPDCL/Yadadri District.
4. The Assistant Accounts Officer/ERO/Bhongir/TGSPDCL/Yadadri District.
5. The Divisional Engineer/Operation/Bhongir/TGSPDCL/Yadadri District.
6. The Superintending Engineer/Operation/Yadadri Circle/TSSPDCL/Yadadri District.
7. The Chief Engineer/Commercial/Corporate Office/TGSPDCL/Hyderabad.

Copy to

9. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL-Rural, H.No.8-03-167/14, GTS Colony, Yousufguda, Hyderabad. - 45.

