



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: Smt. UDAYA GOURI

Thursday the Seventh Day of February 2019

Appeal No. 52 of 2018

Preferred against Order dt:31.10.2018 of CGRF in
CG No. 252/2018-19 of Cyber City Circle

Between

Mohd. Imam, S/o. Mohd. Ghouse, #4-12, Himayath Nagar, Moinabad (M),
RR District - 500 075. Cell: 8008842047.

... Appellant

AND

1. The AE/OP/Moinabad/TSSPDCL/Hyderabad.
2. The ADE/OP/Ibrahimbagh/TSSPDCL/Hyderabad.
3. The AAO/ERO/Ibrahimbagh/TSSPDCL/Hyderabad.
4. The DE/OP/Ibrahimbagh/TSSPDCL/Hyderabad.
5. The SE/OP/Cyber City Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 27.12.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 06-02-2019 at Hyderabad in the presence of Sri. Mohammed Gaffar - on behalf of the Appellant and Sri.G. Sanjeev - ADE/OP/Ibrahimbagh and Smt. B.Sumalatha - AAO/ERO/Ibrahimbagh for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal filed against the orders of the CGRF Cyber City Circle in CG No. 252/2018-19 dt.31.10.2018.

2. The Appellant stated that he has filed a complaint before the CGRF Cyber City Circle vide CG No. 252/2018-19 seeking for the relief of rectification of excess bills issued to the service connection bearing No. 2725 00245, by revising the bill, withdraw the excess bills and to issue regular CC bills for the said service and the

learned CGRF disposed the said complaint without addressing his grievances and as such aggrieved by the same he has filed the present Appeal.

3. The averments in the Appeal are that the Appellant i.e. Sri. Mohammed Imam has sought for electricity connection and the same was released in the month of April,2012 vide SC No. 2725 00245 but the said service was disconnected in the month of September,2012 and that he has not used the said service connection after the same but yet he received a bill for an amount of Rs 45,762/-. He contended that he is not liable to pay the said amount as he has not used the said service connection since the day it was disconnected and as such prayed that the Respondents be directed to withdraw the excess bills pertaining to his service connection and issuance of bills on the same.

4. The Respondent No.2 on behalf of the Respondents submitted written submissions vide Lr.No.2020 dt.19.01.2019 stating that “ That the appeal filed by Sri. Mohd. Imam for SC No. 2725 00245 is in the name of Sri. MD. Imam under LT Category II as per the EBS report. The service is under disconnection status (03) since September,2012 and minimum bills (EC,FC&CC) are being raised and issued to the above service. It is also submitted that there is no payments received for the above service since long back. The pending outstanding arrears on the above service is Rs 45,762/-.

During a drive to inspect the OSL services, it was noticed that SC No. 2725 00245 and SC No. 2725 00409 are situated in the same premises and SC No. 2725 00409 is under Category III. And for SC No. 2725 00245 an outstanding arrears of Rs 45,762/- is due from the consumer and upon insisting the payment, the consumer has approached CGRF vide CG No. 252/18. The Hon’ble chairperson of CGRF passed orders in CG No. 252/18 as follows: *“since there is no excess bill issued on the service of the consumer, the service of the consumer was released on 07.04.2012 since from the date of release of service the consumer has not paid single payment due to which the arrears was accumulated. Therefore, this Forum of the opinion that there is no need to revise the bill of the consumer. Since, the service of the consumer is under OSL from February, 2018, therefore the Respondents have rightly not issued the CC bills on the service of the consumer. With regard to the change of category from II to III, the R2 has rightly submitted since the arrears outstanding on the service of the consumer and after the consumer has paid the arrears and after regularising the service of the consumer the Respondents are directed to inspect the service of the*

consumer and by observing the purpose of which the supply of service is using and the consumer is entitled they may directed to change the category from II to III as per the rules in vogue.”

In view of the above it is humbly requested to dismiss the above appeal.

5. Heard both sides.

6. On the basis of the said averments by both sides the following issues are framed:

Issues

1. Whether the Appellant is entitled for withdrawal of the bills issued on the service number 2725 00245 standing in the name of the Appellant namely Sri. Mohammed Imam and revise the same as prayed for ? and
2. To what relief?

Issue No.1

7. Admittedly the Appellant was provided with the service connection bearing No. SC 2725 00245 under LT Category II and the same was located in Sy No. 121/A and 122/A, Himayat Nagar Village, Moinabad Mandal in April,2012. And that later the said service connection was disconnected in the month of September,2012 for non payment of arrears and further that the same has been noted in OSL i.e. Outstanding Ledger as UDC service i.e. Under Disconnection Service.

8. The averments of both sides go to show that admittedly the service connection that is allotted to the Appellant vide 2725 00245 was located in Sy No. 121/A and 122/A of Himayath Nagar Village in Moinabad Mandal and the same stood disconnected since September,2012, but a perusal of the records submitted by the Respondents show that though the service connection No. 2725 00245 was disconnected in the premises of the Appellant i.e. Sy No. 121/A and 122/A, another service connection bearing SC No. 2725 00409 was shifted into the said premises and that the same stood in the name of Mohammed Gaffar i.e. the brother of the Appellant. The records further show that the premises in Sy No.121/A and 122/A of Himayath Nagar Village, Moinabad Mandal was leased out by Mohammed Gaffar to One. Yaseen Basheer for running a flour mill in the said premises and as such the said Yaseen Basheer was utilising the services of the service connection No. 2725 00409 for

running the flour mill. The records also further show that originally the service connection No. 2725 00409 which stood in the name of Mohammed Gaffar was under Category III and was located in Sy No. 59/E of Surangal Village and that at the request of Mohammed Gaffar the said service connection was shifted to the Appellant's premises in Sy No. 121/A and 122/A, Himayath Nagar Village in Moinabad Mandal. The Respondents contended that the said shifting of the service connection bearing No. 2725 00409 would have been to the knowledge of the Appellant, as no connection would have been shifted in the premises belonging to the Appellant without his consent.

9. The records submitted by the Respondents further show that on the physical inspection of the Appellant's premises in Sy No.121/A & 122/A of Himayath Nagar Village in Moinabad Mandal by the Respondent No.1 i.e. AE/OP/Moinabad on 03.07.2018 showed that the service connection No. 2725 00245 is not existing anymore and the Appellant was utilizing the supply of electricity from SC No. 2725 00409 and that the bills pertaining to the consumption of electricity supply was being paid regularly.

10. In other words the averments of both sides go to show that the Respondents have sanctioned the existence of two service connections i.e. SC No. 2725 00245 and 2725 00409 to the same premises i.e. Sy. No.121/A & 122/A belonging to the Appellant. A perusal of Clause 3.5.2 of the GTCS shows that two service connections cannot be allowed to exist in the same premises and as such it is mandatory on the part of the Respondents to dismantle one of the service connections the moment it has come to their knowledge after informing the consumer the reason for dismantling. But in this case the Respondents have neither dismantled one of the connections in view of Clause 3.5.2 of GTCS nor have they informed the Appellant of the rule position. In the present case though two service connections have been sanctioned to the same premises one of them was already disconnected for non payment of arrears and it is to the knowledge of the Respondents that the Appellant was using the electricity supply from the other service connection i.e. 2725 00409, the Respondents could have dismantled the service connection that was already disconnected instead of causing hardship to the Appellant, who was not utilising the said service connection in view of the Clause 3.5.2 of the GTCS. Hence accordingly decides this point in favour of the Appellant.

Issue No.2

11. In the result the Appeal is allowed and the Respondents are directed to dismantle the service connection bearing No. 2725 00245 standing in the name of the Appellant and revise the bills consequent to dismantlement of the service and inform the Appellant for payment to be made if any and the Appellant is directed to pay the amounts as per the revised bills.

12. The licensee shall comply with and implement this order within 15 days from the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 7th day of February, 2019.

Sd/-

Vidyut Ombudsman

1. Mohd. Imam, S/o. Mohd. Ghouse, #4-12, Himayath Nagar, Moinabad (M),
RR District - 500 075. Cell: 8008842047.
2. The AE/OP/Moinabad/TSSPDCL/Hyderabad.
3. The ADE/OP/Ibrahimbagh/TSSPDCL/Hyderabad.
4. The AAO/ERO/Ibrahimbagh/TSSPDCL/Hyderabad.
5. The DE/OP/Ibrahimbagh/TSSPDCL/Hyderabad.
6. The SE/OP/Cyber City Circle/TSSPDCL/Hyderabad.

Copy to :

7. The Chairperson, CGRF- GHA, GTS Colony, Vengal Rao Nagar,
Erragadda, Hyderabad.
8. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.