



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: **R. DAMODAR**

Thursday, the Twenty Ninth Day of December 2016

Appeal No. 62 of 2016

Preferred against Order Dt.16.09.2016 of CGRF In
CG.No:126/2016-17 of Rangareddy North Circle

Between

M/s Padmasri Ice Industry represented by Sri. Md. Aasham Pasha,
Plot No. 413,414 Bowrampet, Qutubullapur, RR District.
Cell No. 7416270569 & 9392431959.

..... Appellant

AND

1. The ADE/OP/Jeedimetla/TSSPDCL/RR District.
2. The AAO/ERO/Jeedimetla/TSSPDCL/RR District.
3. The DE/OP/Kukatpally/TSSPDCL/RR District.
4. The SE/OP/RR North Circle/TSSPDCL/Hyderabad.

..... Respondents

The above appeal filed on **19.10.2016**, came up for final hearing before the Vidyut Ombudsman, Telangana State on **29.12.2016** at Hyderabad in the presence of Sri. Md. Aasham Pasha - Appellant, and his counsel Smt. Siddiqua Syed and Sri. P. Vittal - AAO/ERO/Jeedimetla for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant has SC No. 0150 01713 at Bowrampet. The Appellant claimed that he purchased the Ice plant in September,2015 and in the same month, he paid Rs 2,00,000/- to the DISCOM as part payment of outstanding arrears against the service connection and got the power restored in October,2015. He started production from January,2016. He claimed to have paid an amount of Rs 61,286/-

towards the CC bill issued on 11.2.2016 and thereafter, he has not received any CC bills for the months of March,2016 and April,2016. He claimed that he received a CC bill dt. 13.5.2016 for Rs 8,56,406/- for the period from 13.4.2016 to 13.5.2016. The Appellant claimed that it is an excess bill which has to be withdrawn and sought a direction to the Respondents not to disconnect the service till the dispute is settled before the CGRF.

2. The 2nd Respondent/AAO/ERO/Jeedimetla through a letter dt.30.5.2016 stated that the records disclosed that the service connection was disconnected and kept under bill stop in September,2014 for non payment of Rs 1,68,922/- which has been adjusted from the available Security Deposit. He stated that in August,2015 the Appellant paid an amount of Rs 2,00,000/- and as per the proposals of AAE/O/DP Pally, the service has been restored from February,2016 by adjusting the deposit amount. He stated that CC bill was issued in February,2016 including for billstop period amounting to Rs 59,472/- and the Appellant paid Rs 61,286/-. He stated that the CC bill for March, 2016 was issued for Rs 2,936/- under disconnection status and that in the month of May,2016 a bill for Rs 8,56,406/- was issued through Spot Billing Machine, representing accumulated consumption which the Appellant has to pay.

3. The Appellant represented before the CGRF for revision of the excess bill and sanction of instalments. The incharge AAO/R2 stated that the bill was revised later.

4. On consideration of the material on record and contentions, the CGRF directed the Appellant to pay Rs 8,56,406/- representing the revised amount, through the impugned orders.

5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal contending that when the amounts were being paid, there is no question of disconnection status and that in all the previous years prior to September,2014 the unit never consumed energy worth Lakhs of Rupees and that the CC bill for above Rs 2,00,000/- was never issued and further claimed that he never sought instalments.

6. In the Appeal, the 1st Respondent/ADE/O/Jeedimetla submitted a report dt.8.12.2016 stating as follows:

- a. The service was disconnected in the month of Aug,2014 due to non payment of CC charges of Rs 1,68,922/- and it was kept under bills stop duly adjusting the amount from the available Security Deposit of Rs 2,25,376/- .
- b. The service was under bill stop from September,2014 and on payment of Rs 2,00,000/- out of which Rs 1,68,992/- was adjusted towards Security Deposit and balance of Rs 32,892/- was shown as credit to the account of the Appellant in August,2015 and the service was restored.
- c. In the month of January,2016 a letter was addressed by AAE/OP/DP Pally to restore the service.
- d. Due to technical problem (i.e. KWH consumption is more than KVAH consumption) in the meter, CC bill was not generated in the spot billing machine. After rectification, a letter dt.1.6.2016 was addressed by the AAE and a revised bill for Rs 8,56407/- was issued.
- e. The meter was found OK (MRT test report copy is enclosed).
- f. The CGRF directed the Appellant to pay the amount.

7. In view of the nature of the dispute and stand of the parties, efforts at mediation have been initiated. The AAO/ERO/Jeedimetla/R2 is present and submitted a handwritten letter dt.29.12.2016 to the following effect:

“ The service connection standing in the name of the Appellant has pending arrears amounting to Rs 6,52,980/-, out of which an amount of Rs 89,000/- is paid through DD No. 608388 dt.28.12.2016. After deducting the amount paid by way of Demand Draft, the Appellant has to pay an amount of Rs 5,63,980/-.”

The Demand Draft has been received by AAO/ERO/R2 during the hearing in the office of Vidyut Ombudsman, Telangana State.

8. In view of the contents of letter of AAO/ERO/Jeedimetla, who received the DD for Rs 89,000/- dt.28.12.2016 representing the two bounced cheques, the Respondents are directed to restore power to the Appellant.

9. In view of the request of the Appellant seeking instalments and facts and circumstances of the case, as per Clause 9 of Regulation 7 of 2013 amending Regulation No. 5 of 2004, the Appellant is permitted to pay the amount of Rs 5,63,980/- in 10 equal instalments at the rate of Rs 56,398/- per month

starting from the month of January,2017. Failure to pay even one instalment shall make the entire amount fall due, with all the consequences of the non payment.

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

TYPED BY CCO, Corrected, Signed and Pronounced by me on this the 29th day of December, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. M/s Padmasri Ice Industry represented by Sri. Md. Aasham Pasha,
Plot No. 413,414 Bowrampet, Qutubullapur, RR District.
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Copy to:

6. The Chairperson, CGRF - Greater Hyderabad Area, TSSPDCL, Vengal Rao Nagar Colony, Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.