



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

Friday the Twenty Fourth Day of May 2019

Appeal No. 65 of 2018

Preferred against Order dt:29.01.2019 of CGRF in
CG No. 609/2018-19 of Rajendra Nagar Circle

Between

Sri. Hamed Hussain, #6-3-542, Panjagutta, Hyderabad.
Cell: 9246552233.

... Appellant

AND

1. The ADE/OP/Shamshabad/TSSPDCL/RR District.
2. The DE/OP/Rajendra Nagar/TSSPDCL/RR District.
3. The DE/OP/Saifabad/TSSPDCL/Hyderabad.
4. The SAO/OP/Rajendra Nagar Circle/TSSPDCL/RR District.
5. The SAO/OP/Hyd.Central Circle/TSSPDCL/Hyderabad.
6. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR District.

... Respondents

The above appeal filed on 23.02.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 04.04.2019 at Hyderabad in the presence of Sri. Md. Shahed Hussain - on behalf of the Appellant and Sri. U.C.V.Annaiah - ADE/OP/Shamshabad, Sri. E. Rajaiah - ADE/OP/Saifabad, Sri. Ch.Chandrudu - SAO/OP/Hyderabad Central Circle, Sri. G. Lokeshwariah - SAO/OP/Rajendra Nagar Circle were present 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 Greater Hyderabad Area in CG No. 609/2018-19 Rajendra Nagar Circle dt.29.01.2019.

2. The Appellant stated that he filed a complaint before the CGRF Greater Hyderabad for rectification of excess bills issued by the Respondents on his service connection bearing No. RJN2117(Old No. HBC 894) of HT Category IIA for the month of February 2018 to April,2018 and for withdrawing the excess billed amount and to adjust the same towards his service account. The learned CGRF failed to appreciate the same and rejected his grievance as such aggrieved by the same the present Appeal is filed.

3. The Appellant Mohammed Hameed Hussain bearing HT Service Connection SC No. RJN2117 (earlier HDC 894) under Category II, preferred this appeal to waive of the charges towards monthly minimum charges levied during the intermediary period of shifting of HT service from H.No.6-3-543, Panjagutta, Hyderabad from Central Circle to H.No.11-2/2, Madhura Nagar, Shamshabad, Rajendra Nagar Circle.

a. Having made application with the CGRF for justice and Roll back of the revised bills and charges levied for the interim period with nill consumption after submitting an application with the department for transfer of the HT connection connection No HDC894. I hereby put this application to bail me out of financial losses, peace of mind and also for the kind justice due to me.

b. Due to their internal documentations and necessities, I was compelled to run around offices several seeking the current status of my application even after putting in several requests to expedite the process and remove me from financial losses through which I was already burdened.

c. Herein please find the application dt.18.01.2018 submitted for shifting of transformer and submitted Indemnity Bond and other requisites as demanded for. A rejoinder for disconnection of the said service and issue me bill accordingly and also and application was registered on 27.01.2018 vide HT reference No. HT13018724 at the Saifabad ICSC simultaneously.

d. Aggrieved for no fault of oneself and having submitted several reminders for closure of said applications, the same pending as on 14.03.2018 (endorsement by the SE to initiate N.A. for shifting of HT service). I was pushed to wall and made to pay for no fault of mine.

e. In accordance to GTCS and as per procedure, as I have already submitted application for the transfer with clear request to disconnect the services from said

premises. I am to presume that the mandatory period of 2 years completion as well as a notice period of discontinuing service in said region whereby I should not be put to task and that too for the misconduct/lethargic approach of the concerned officers.

f. All the efforts were put in vain as the said application as enrolled by the concerned officers and escalated to the office of SE came to a halt that the same was enrolled wrong and afresh registration on 14.03.2018 was done vide HT124419165 and processed thereafter.

g. Also herewith please refer to response as given by the said honorary officers clearly showing in their dual standards wherein they clearly mention for “As per the GTCS Clause 5.9.4.2 and 5.9.4.3” for the provisions for bill stoppage/Non billing to HT consumers and herein charge me for the same even after putting in application.

h. They also herein state that the old consumer is strained (only because of procedural norms) for getting his connection transferred even after maintaining a clear record while the new consumer (as per circular Memo CGM(Comml)/SE(C)/ADE-III/D.No.512/15 dt.28.05.2015) has a passage to get the connection within a week days time.

i. As the CGRF has overlooked that the Memo No.CGM(C)/SE(C)/DE(C)/ADE-I/D.No.4106 dt.28.02.2018 has lapsed for a period of more than a month (42 days)during circulation of the file and also that as per the said letter nowhere in the GTCS has given instructions to collect charges for the interim period of which references are made therein.

j. I hereby request your kindness to please do justice by rolling back the charges for the interim period as should have been done earlier itself (after putting in several applications to the higher officers and as per hierarchy for speedy redressal of case/grievance) as indicated in the RTI application and same in ending as of date. I also request to help the general public by making all the details clear and not ambiguous (as done by the department in imparting the details and justifying the same) hereafter.

k. In view of all the happenings herein above and taken to task, I hereby submit myself for justice with your kindness and look forward positively with high expectations.

Written submissions of the Respondents

4. The SAO/OP/Central circle/Respondent No.5 submitted his written submissions vide Lr.No.SAO/OP/CC/HYD/JAO/HT/D.No.4724/19 dt.16.03.2019.

HT service in name of M/s. Sri. Hameed Hussain H.No.6-3-542, Panjagutta, Somajiguda, Hyderabad was released on 24.09.2009 with 190 KVA in the category HT-II and exiting CMD is 190 KVA.

Above HT service consumer represented this office on 08.01.2018 and requested for information on HT-II category service shifting from Hyderabad Central circle to Rajendra Nagar circle - Shamshabad. Vide Lr.No.SE/OP/CC/Hyd/SAO/HT/D.No.3386 dt.17.01.2018 this office requested the consumer to contact the concerned Asst. Divisional Engineer/Operation/Saifabad for procedure for shifting of HT connection and informed the detailed procedure vide Lr.No.SE/OP/CCHyd/SAO/HT/D.No.3825 dt.14.02.2018.

The ADE/DPE/HT-2/Hyderabad submitted the inspection report vide letter No.ADE/DPE/HT-2/HYD/F.HT/D.No.82/2017-18 dt.03.02.2018 and ADE/Saifabad submitted the final reading in Ht meter cards after disconnecting the service as per representation of consumer and issue of final billing at Hyderabad Central (i.e. upto 03-02-2018 final reading KWH 3536, KVAH 46156 & KVA1.205)

The consumer represented the office of CGM (Comml) on 18.01.2018 requesting for shifting of HT service. The CCGM (Commercial) directed this office to submit detail report on the Ht service for necessary action vide Memo No. DCGM(Comml)/SE(C)/DE(C)/ADE-I/D.No.3819/17 dt.30.01.2018. In response to the above this office submitted detailed report vide Lr.No.SE/OP/CC/Hyd/SAO/HT/D.No.3690/2018 dt.03.02.2018.. After review of detailed report submitted by this office the CGM(commercial) accorded approval for shifting of service vide Memo No.CGM(C)/SE(C)/DE(C)/ADE-I/F.Shift Ser/D.No.4106 dt.28.02.2018 subject to conditions mentioned in the memo and as per GTCS Clause No.5.9.1.3 and 5.3.4.

The ADE/SAIFABAD Vide Lr.No.ADE/OP/Saifabad/F.Tech/D.No.08/18 dt.23.05.2018 informed to this office that the HT service code No. HDC-894 Sri. Hameed Hussain has been shifted to Rajendra Nagar Circle vide T.Note No.2758 dt.13.02.2018. Consumer approached the CGRF in this regard they ordered in CG No.609/2018-19/Rajendra

Nagar circle dt.29.01.2019 that, since the consumer has agreed apart from other certain conditions as per the approval of CGM/Commercial for shifting of the service from Panjagutta to Shamshabad, the Respondents has rightly submitted as long as the agreement in between the consumer and licensee is in force, the consumer is liable to pay the minimum cc charges and FSA until release of HT Cat-II at new location. Accordingly the Respondents have levied the minimum charges Rs 99,666/- were levied during the shifting period of the service from 19.02.2018 to 23.02.2018 as per Clause 2.2.38 of GTCS. Therefore there is no excess/wrong bill was issued on the service connection during the shifting period since the agreement is in force and they have levied minimum charges. The consumer is hereby directed to pay the arrears outstanding on his service connection to avoid disconnection of his service connection without any further delay.”

5. The DEE/OP/Saifabad/Respondent No.3 filed his written submissions/ para wise remarks on the petition of the Appellant vide his letter No. DEE/Opn/Saifabad/F.File/D.No.3645/2018 dt.16.03.2019 stating as follows;_

Para No.1: - NIL

Para No. 2 :- NIL

Para No. 3:- An application for shifting of HT service HDC-894 with a load of 1190 KVA of Sri. Hameed Hussain, H.No.6-3-542, Panjagutta, Hyderabad from Central Circle to H.No.11-2/2, Madhura Nagar, NH-44, Shamshabad, Rajendra Nagar Circle on 27.01.2018 vide Reg.No.13018724.

Based on the application CGM/Comml get the information from SE/OP/Central and SE/OP/Rajendra Nagar and given approval on 28.02.2018 by collecting necessary charges as per 5.9.1.3 & 5.3.4 of GTCS.

The ADE/DPE/HT inspected the above service on date 03.03.2018 the final readings of the above service are furnished.

For dismantle the HT service at old location. And estimate was prepared and get sanctioned on 03.03.2018 as per the Corporate Office instruction and consumer was paid the necessary charges on 05.03.2018, vide DD.No.746063.

After payment of the shifting charges, 1 No. CTPT and HT Trivector meter removed and transported from old location to new location and handed over to AE/OP/Shamshabad vide T.Note No. 2758 on 13.03.2018 and also got acknowledgement by DE/OP/Shamshabad the T-Note letter on 13.03.2018.

6. The SE/OP/Rajendranagar/Respondent No.6 Circle submitted his written submissions vide Lr.No.SE/OP/RJNR/SAO/HT/D.No.490/2018 dt.18.03.2019 stating as follows:-

That the Appellant is the HT consumer of M/s. Hamed Hussain bearing SC No. RJN2117, in this regards it is further to submit that, initially the service was released in Hyderabad Central Circle with SC No. HDC894 under Cat-II later on the service was shifted to Rajendra Nagar Circle at Shamshabad subdivision on 23.03.2018 as per consumer request.

Further it is to submit that, the final bills issued upt 18.02.2018 at Hyderabad Central Circle and paid the same by consumer as per No Dues Certificate issued by SAO/OP/Central Circle. Further estimate for erection of shifting f service was sanctioned. Accordingly appellant paid the estimated cost on 14.03.2018 through Consumer Service Centre (CSC).

Further it is to submit that, the service was shifted to Shamshabad Sub division the service has been charged on 23.03.2018 with SC No. RJN2117 as per the MRT test report under Ref.5th cited, detailed report on shifting of services is as follows:-

a. Applicant applied for shifting of service from Hyderabad Circle to Rajendra Nagar Circle at Consumer Service Centre (CSC) Saifabad on 27.01.2018 vide RegNo.HT13018724.

b. Application was forwarded to CGM(Comml)/Corporate Office, after getting the feasibility from both the circles, sanction was given by CGM(Comml) on 28.02.2018 vide Memo No. CGM(C)/SE(C)/DE(C)/ADE-SAO/Hyd Central Circle vide Lr.No.41046/18.

c. Further estimate for shifting of service was sanctioned on 20.03.2018 by DEE/OP/Rajendranagar vide Memo No.DEE/OP/RJNR/F.No.DCW/DR.No88/D.No.1649/18 dt.20.03.2018.

d. Applicant paid the same at CSC/Shamshabad on 20.03.2018 vide PR No. 15802015251 (DD No.105800 dt.20.03.2018).

e. After getting the approval from CEIG on 22.03.2018 the service was released on 23.03.2018 vide SC No. RJN21117 as per MRT test Report.

Further it is to submit that, as long as the agreement between applicant and the Respondents is in force/operation, the applicant is liable to pay the minimum CC charges to the extent of 80% of CMD as per Clause 2.2.38 of GTCS. Accordingly the minimum demand was raised during the shifting period from 19.02.2018 to 23.03.2018 for Rs 99,666/- and the same was paid by applicant.

In view of the above submissions, it is clear that there is no abnormal delay in shifting of the service from Hyderabad Central Circle to Rajendra Nagar Circle, hence it is requested to arrange to dismiss the grievance of the consumer or pass such other suitable orders in the matter.

7. On the basis of the said submissions by both sides the following issues are framed:-

1. Whether the Appellant is entitled for waiver of the charges imposed by the Respondents towards the monthly minimum charges levied during the intermediary period of shifting of HT Service from H.No.6-3-543, Panjagutta, Hyderabad from Central Circle to H.No.11-2/2, Madhura Nagar, Shamshabad, Rajendra Nagar Circle?
2. To what relief?

Heard both sides.

Issue No.1

8. The contention of the Appellant is that he is entitled for disconnection of the service for the purpose of shifting the same to the place of request as per the GTCS rules as he has completed 2 years minimum agreement period and one month notice period. He claimed that there was an undue delay on the part of the Respondents and the GTCS or any provisions does not indicate to bill the monthly minimum charges during non usage of supply. There is no dispute between the parties over duration of time taken from the date of application to the release of the service at the new location. A thorough analysis of the process involved for shifting of a HT service from one location to others reveals that, the Appellant applied on 18.01.2018, the proposal was accorded approval by the CGM/Commercial on 28.02.2018 after obtaining the detailed reports from the old location, Hyderabad Central Circle and

the new location Rajendra Nagar Circle. This process is mandatory firstly to ascertain any dues are pending, existing consumption deposit is sufficient as required and technical feasibility at the new location to ascertain whether the existing network can cater the required load of 190 KVA CMD. This process took almost 42 days for approval. He further stated that it is the Respondents who caused the said delay yet he was pushed to the wall and made to pay the monthly minimum charges in spite of there being no fault on his part. He pointed out that GTCS Clause 5.9.4.2 and 5.9.4.3 clearly indicates the provisions for bills stoppage/ Non billing to HT consumers and that existing consumers were discriminated strained in getting the service connection transferred even after maintaining a clear record, while new consumers (As per Circular memo.CGM(Comml)/SE(C)/DE(C)/ADE-III/D.No.512/15, Dt:28.05.2015) has a passage to get the new connection within a week days time. That the CGRF had overlooked that the Memo. No. CGM(C)/SE(C)/DE(C)/ADE-I/F.Shift/D.No.4106/17 dt.28.02.2018, has lapsed for a period of more than a month (42 days) during circulation of file and nowhere in the GTCS has directions to collect the charges for the interim period of which references were made by the Respondents. Hence, pleaded to withdraw the monthly minimum charges levied during the process of shifting the HT service connection.

9. A perusal of the submissions made by the Respondents show that when a service connection is to be shifted the CGM/Commercial requires to direct SE/OP/Central circle (existing location) and SE/OP/Rajendra Nagar Circle (location of shifting) for detailed report on arrears pending and technical feasibility respectively. And as such On procuring the same the CGM/Commercial vide Memo No. CGM(C)/SE(C)/DE(C)/ADE-I/F.Shift/D.No.4106/17 dt.28.02.2018 accorded approval for shifting of the subject service connection. Consequently the ADE/DPE/HT inspected the service on 03.03.2018 to record the final readings of the meter at old location for dismantlement and an estimate was prepared for dismantlement of the HT service at the old location and the Appellant paid the necessary charges on 05.03.2018, vide DD No.746063,the SAO/Hyderabad Central Circle vide Lr.No. 41046/18 dt.09.03.2018 issued NOC against the service connection HDC-894 and 1 No. CTPT and HT trivector meter was removed from old location and transported to new location and handed over to AE/OP/Shamshabad vide T-Note No. 2758 on 13.03.2018.

Subsequently, at the new premises of the shifting, the DE/OP/Rajendranagar accorded sanction vide Memo No. DEE/OP/RJNR/F.No.DCW/Dr.No.88/D.No.1649/18

dt.20.03.2018, for execution of the shifting work and issued demand notice for payment towards the execution, which was paid at the CSC Shamshabad on 20.03.2018, vide PR No 15802015251. After getting approval from the CEIG by the Appellant on 22.03.2018 the service was released at the requested new Location on 23.03.2018, vide sc No. RJN-2117. During the above course of action i.e. intermediary period of process of shifting from 19.02.2018 to 23.03.2018 an amount of Rs 99,666/- was raised as a minimum demand by the Respondents which was paid by the Appellant. In the meanwhile the Appellant placed several requests to expedite the work of shifting before the CGM/Commercial/Corporate Office through letters dt. 10.02.2018, 21.02.2018, 03.03.2018, 08.03.2018 and also to the SE/OP/Rajendranagar vide letter dt.13.03.2018. The Appellant held that levy of monthly minimum charges during the intermediary period of shifting, where there was no usage of supply and no fault of his side is highly unjustified and hence requested to waive off the monthly minimum charges accordingly. And subsequent to the approval of shifting proposal, clearance from the DPE wing is required to record the final readings at the old location as such the same was taken up on 03.03.2018 and hence the Appellant had to pay the charges as per Clause 5.3.4 of GTCS. An estimate for dismantling at the old location was accorded approval on 03.03.2018. The Appellant paid the said charges on 05.03.2018, the SAO/Central Circle/Hyd given the NOC after verifying the dues on 09.03.2018. Transportation of the metering equipments was carried out on 13.03.2018. Subsequent to this a estimate was given approval vide Memo No. DEE/OP/RHNR/F.No.DCW/Dr.No.88/D.No.1689/18 dt.20.03.2018 and a demand notice was given for execution of shifting at the new location to the Appellant, which was paid on 20.03.2018. And after the mandatory CIG approval produced by the Appellant on 22.02.2018, the service was released on next day dt.23.03.2018 by the MRT wing.

10. As per the above discussion given supra, the two locations fall under different jurisdiction w.r.t circles, i.e. Hyderabad Central Circle pertaining to Panjagutta & Rajendra Nagar Circle pertaining to Shamshabad which maintains their book of accounts and distribution network separately. In order to coordinate with these two circles, the CGM/Commercial approval requires ascertaining the dues and technical feasibility from both the areas. The discrimination aspect with the new consumers, raised by the Appellant is not correct, since the new service connection does not involve such process. The only positive the Appellant can get through shifting of his connection is that he does not have to pay Development charges, Security Deposit again for 190 KVA CMD & cost of metering equipments. Seemingly there was

scope of early disposal of the request of shifting of HT connection from one premises to another premises, compared with time taken by the Licensee i.e. from 18.01.2018 to 23.03.2018. Having said this, there are no specific standards of duration prescribed for shifting along different locations (premises), though there is standard of performance on licensee to be maintained for shifting of **meter** in the **same premises** in the Regulation 5 of 2016, Schedule -I, Clause IV. There are necessary steps in sequence to be taken up for undergoing the process of HT service connection shifting. And it is found that there is no negligence towards the execution of the works, since the shifting process demand such steps to be taken. During this process the Appellant had to pay the minimum demand raised from 19.02.2018 to 23.03.2018 for Rs 99,666/-.

Secondly the Appellant held that there are no provisions to bill minimum demand during the non usage period. While the CGM/Commercial has given the following requirements for approval of the shifting scheme in the approval order vide Memo No. CGM(C)/SE(C)/DE(C)/ADE-I/F.Shift/D.No.4106/17 dt.28.02.2018 which is as following:-

- a. The consumer has to pay dismantling charges at old site.
- b. The consumer should erect necessary line, DTR(If necessary) and metering equipment to extend power supply at new place.
- c. The agreement at old site shall be terminated from the date of effect of fresh agreement under HT Category II at new site.
- d. The consumer has to obtain “No Objection” from local body at new location.
- e. The consumer should pay the minimum charges along with all other CC & FSA dues at old site until release of HT Cat-II service at new location.

As can be seen from the above, the approval was given with certain conditions laid above, the relevant condition on the issue is at point “e” i.e. payment of minimum charges with all other CC & FSA dues at old location until the release of HT Category-II at new location.

Further, the clause 5.9.4.2 and 5.9.4.3 referred by the Appellant towards his claim of bill stoppage/non billing to HT consumers is not correct and also does not relates to the present case, the said clause provides the procedure for the consumers who seek reduction of contracted maximum demand or termination of HT agreement voluntarily or on account of disconnection.

11. Whereas the Clause 5.9.7 of the GTCS specifically gives the directions on the state of agreements during the shifting of the service which is reproduced here under

Clause 5.9.7.-“Agreement in case of shifting of service:- *A consumer desiring to shift his service to a new premises shall execute a fresh agreement in respect of new premises and on his doing so the agreement relating to the old premises shall be deemed to have been terminated from the date of coming into force of new agreement.”*

The above Clause clearly speaks about the termination of the agreement at the old location which remains active until the execution of fresh agreement in respect of new location. Thereby the agreement entered by the Appellant on Dt:01.09.2009 at the time of the relase of said HT service connection, at the old location, is active until the release of the service, consequent to shifting, at the new location. Relevant portion of the agreement dt.01.09.2009 concluded by the Appellant at the time of release of the said service is given below:-

“Clause 10-“Monthly minimum charges: *I/we shall pay minimum charges every month as prescribed in tariff and the General Terms and Conditions of supply even if no electricity is consumed for any reason whatsoever and also if the charges for electricity actually consumed are less than the minimum charges. The minimum charges shall also payable by us even if electricity is not consumed because supply has been disconnected by the company because of non-payment of Electricity charges. Theft of electricity or Unauthorised use of electricity or for any other valid reason.”*

As per the above given clause of the HT Agreement executed by the Appellant, at the time of release of the subject HT service connection, he has undertaken to abide by the conditions and to pay the electricity charges even if there is no electricity consumed for any valid reason whatsoever here in this case shifting of HT Service.

The above given clause 10 of the HT Agreement is based on the clause 2.2.38 of the GTCS which is reproduced hereunder.

Clause 2.2.38.

“Minimum Charges means the charges payable by the consumer even if no electricity is actually consumed for any reason whatsoever and also when the charges for the

quantum of electricity consumed are less than the minimum charges specified by the Commission.”

12. The above discussions clearly show that the process of shifting of HT service requires tedious process involving approvals from various levels and that there are no statutory standards prescribed for the shifting of HT service connection from one premises to another and as such the Respondents have followed the same. Hence the Appellant cannot take it as a delay on the part of the Respondents for following the said process and putting the process in force cannot be said to be a delay on the part of the Respondents. Hence concludes that the Appellant is liable to pay the monthly minimum charges even if there is no usage of supply during the process of shifting of HT service to an extent of 80% of CMD as per the GTCS Clause 2.2.38 and Clause 10 of Agreement dt. 01.09.2009 executed by the Appellant at the time of release of HT Connection. Hence decides this issue against the Appellant.

Issue No.2

13. Hence in the result the Appeal is dismissed confirming the orders of the CGRF in CG No. 609/2018-19 dt.29.01.2019.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 29th day of May, 2019.

Vidyut Ombudsman

1. Sri. Hamed Hussain, #6-3-542, Panjagutta, Hyderabad.
Cell: 9246552233.
2. The ADE/OP/Shamshabad/TSSPDCL/RR District.
3. The DE/OP/Rajendra Nagar/TSSPDCL/RR District.
4. The DE/OP/Saifabad/TSSPDCL/Hyderabad.
5. The SAO/OP/Rajendra Nagar Circle/TSSPDCL/RR District.
6. The SAO/OP/Hyd.Central Circle/TSSPDCL/Hyderabad.
7. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR District.

Copy to :

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