



**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**

Monday, the Twenty Seventh Day of March 2017

Appeal No. 69 of 2016

Preferred against Letter Dt. 29-10-2016 of CGRF

vide D.No. 157/16 of Warangal Circle

Between

Sri. K. Laxman, Haripirala Post, Thorrur mandal, Mahabubabad District  
- 506 101. Cell : 9989968770.

**... Appellant**

**AND**

1. Sri. Ajay Kumar/AE/SD-I/DPE/Warangal.
2. The AE/OP/Thorrur(R)/TSNPDCL.
3. The ADE/OP/Thorrur/TSNPDCL.
4. The AAO/ERO/Thorrur/TSNPDCL.
5. The DE/OP/Mahabubabad/TSNPDCL.
6. The SE/OP/Warangal/TSNPDCL.

**... Respondents**

**The above appeal filed on 07.11.2016 coming up for hearing before the Vidyut Ombudsman, Telangana State on 27.12.2016 at Hyderabad in the presence of Sri. K. Laxman - Appellant and Sri. B. Bixapathi - DE/OP/Mahabubabad, Sri. T. Harinath - AAO/ERO/Thorrur, Sri. B. Mangilal - AAE/OP/Chinavangara for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;**

**AWARD**

This is a peculiar case where the dispute is not settled by the CGRF when approached by the Appellant with his application dt.22.10.2016 seeking restoration of power on the ground that to his service connection bill was stopped initially and

power was not disconnected. The Appellant claimed that his many requests for issue of CC bill remained unattended and no action was taken. In the name of special collection drive, for the last time, he paid CC bill for the last time on 29.3.2016. On 20.9.2016 a case was registered against him, while he addressed letters to SE and CMD, CGRF and there was no response. He was using one fan, cooler, one tube light, 3 LED lights. He requested for taking meter reading and collection of the balance amount to restore power.

2. The above complaint of the Appellant was presented to this office and this complaint was forwarded along with the record to CGRF warangal to settle the matter.

3. CGRF on the basis of the complaint, disposed of the complaint on the ground that a theft of energy case was booked against the Appellant by the DPE wing under Section 135 of the Electricity Act 2003 and therefore CGRF is not authorised to settle the dispute under Clause 2.37(b) under Regulation 3 of 2015 of TSERC and rejected the complaint.

4. Aggrieved and not satisfied with the impugned order of the CGRF, the Appellant preferred the present Appeal stating that without removing his service connection, the DISCOM officials stopped taking meter reading. He further stated that until a notice was given to him on 20.9.2016 by the vigilance officials, he was not aware of any case filed against him and that he was not informed about disconnection of his service connection and that he consumed power only through the meter and that he is ready to pay the bill based on meter reading.

5. The 6th Respondent/SE/OP/Warangal submitted a report dt.5.12.2016 stating that at the time of disconnection of supply, the staff would orally inform the consumer/representative available and in case of non availability also the supply will be disconnected and then the consumer has to approach the staff of the DISCOM and enquire about the status of the service and that in the present case, the Appellant has not approached any staff, got the service reconnected and drawn power unauthorisedly and therefore, a theft case was booked by the DPE wing and that the Appellant has paid an amount of Rs 1000/- towards compounding fee vide challan

No.204632 on 4.11.2016 and that in view of the payment of the compounding fee, it is presumed that the Appellant had accepted the allegation of theft of energy.

6. The 5th Respondent/DE/OP/Mahabubabad filed a report dt.5.12.2016 stating that ex- AE II/DPE/Warangal had inspected the domestic SC No. 14521 - 00255 Category I at Haripirala distribution in Thorrur Mandal on 26.8.2016 at 9.25 AM and observed that the service was under bill stop status (i.e. the service became bill stopped due to non payment of CC charges and service was disconnected) and even in this status, the Appellant was using supply unauthorisedly through the energy meter and thus the Appellant has intentionally indulged in unauthorised use of energy and a case was booked.

7. The DE/R5 submitted a report dt.24.12.2016 stating that as on the date an amount of Rs 7136/- remained due and if this amount is paid, the service would be regularised, which the Appellant agreed.

8. During the mediation in response to the letter of the DE/O/Mahabubabad dt.24.12.2016, the Appellant agreed to pay the amount of Rs 7136/- shown as due. At the same time, he sought instalments in view of his financial difficulties.

9. Keeping in view the fact about consumption of power by the Appellant when the service was in bill stop status, and when the power was not actually disconnected, the Appellant consumed power and this cannot be termed strictly as theft of energy. Instead of responding to the repeated pleas of the Appellant for issue of proper bills, the staff of the DISCOM have resorted to disconnection of the service ultimately. During the hearing on 27.12.2016, the Appellant paid 1925/- towards part payment of the dues and Rs 75/- for reconnection to the DE/OP/Mahabubabad. In view of this part payment, a direction was issued to the Respondents to restore power to the service connection of the Appellant.

10. There is a parallel proceedings in the present case which started from the inspection by the 1st Respondent AE/SD-1/DPE/Warangal on 26.08.2016. The 3rd Respondent in his report dt.29.9.2016 claimed that the Appellant was using LT supply unauthorisedly through energy meter, at the same time terming the action of the Appellant as amounting to theft of electricity punishable under Section 135 of the Electricity Act. He had provisionally assessed the loss to the DISCOM as Rs 55,609/-

through this Provisional Assessment notice dt.29.09.2016. Based on a report, a case was registered under Section 135 of the Electricity Act for theft of energy and ultimately, the Appellant paid compounding fee of Rs 1000/- on 4.11.2016.

11. The Appellant claimed that the service was not disconnected and that he has been consuming power and requesting the DISCOM officials to issue CC bills, which was not headed. The record shows that the service connection remained in bill stop status and it was not disconnected physically, while the Appellant has been drawing power. The assessment by the 3rd Respondent ADE/OP/Thorrur through notice dt.29.9.2016 discloses that this assessment was done under Section 126(6)(b) of the Electricity Act. The Appellant has not used any artificial means to consume electricity. The power was not disconnected. He was not given any notice about either bill stop status or disconnection status. If it is so, then the action of the 3rd Respondent in preparing Provisional Assessment for unauthorised use of electricity is not correct. Due to negligence or carelessness, an allegation of theft of electricity indulged in by the Appellant has been made, which is a straight dishonesty on the part of the officials, to punish a consumer/Appellant for no fault of his. Thus the entire proceedings relating to theft of energy and criminal case and related proceedings became illegal and unauthorised. The Appellant was mistreated by the DISCOM officials by slapping a criminal case of theft of energy under Section 135 of Electricity Act in total disregard for the truth and in utter carelessness, which cannot be countenanced. None of the officials at the time of hearing referred to the Provisional Assessment amount even at the stage of last hearing on 27.12.2016. Only after noticing the Provisional Assessment dt.29.9.2016 on record, the Respondents were summoned again and asked to explain the Provisional Assessment notice especially in view of the claim of the 5th Respondent that only an amount of Rs 7,136/- is due.

12. At this stage, it is necessary to extract the report dt.24.12.2016 of the Respondent No.5/DE/OP/Mahabubabad stating as follows:

“It is to submit that, the service number 14521-00255 pertaining to Sri.K.Laxman of Haripirala(V) is under bill stopped (i.e., the service becomes bill stopped due to non payment of CC charges) status from 11/2011. The final reading then was 6400. The check readings furnished vide ref 3rd Cited above is (11278).

Accordingly, taking the F/R 11278 and I/R 6400, the demand raised for 4878 units is Rs 12,541/- duly revoking the service.

The charges raised are as follows

**Energy charges**

3040 units *1-45ps	=	4422.50
1828 units * 2-60ps	=	<u>3752.80</u>
<b>Total energy charges</b>		<b>9175.30</b>

**Electricity duty charges**

4878 units * 0.06ps	=	292.68
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**Customer charges**

61 months * 30 Rs	=	<u>1830.00</u>
<b>Sub total</b>	=	<b><u>11297.98</u></b>

BP151 withdrawal amount	=	<u>1243.00</u>
<b>Total Amount</b>	=	<b>12540.98</b>

Or say  
**12541.00**

The adjustment amounts are paid as follows:

<b>PR.No.</b>	<b>Date</b>	<b>Amount</b>
363410	25/11/2011	1000.00
157654	01/02/2014	1425.00
781066	30/08/2015	1000.00
984517	29/03/2016	1000.00
		980.00
<b>Total adjustment amount paid</b>		<b>5405.00</b>
<b>Remaining amount</b>		<b>=12541.00</b>
		<b>- <u>5405.00</u></b>
		<b>7136.00</b>

Further it is to be submit that the remaining amount of Rs 7,136/- if paid by Sri.K.Laxman, the service connection would be regularised.”

When this response came from the DISCOM officials, the Appellant has agreed to pay the due amount, but in installments.

13. In view of the plea of the Appellant for instalments, from the due amount of Rs 7136/-, an amount of Rs 1925/- which was paid on 27.11.2016 has to be deducted and the balance amount of Rs 5211/- alone remained to be remitted by the Appellant. The Appellant therefore is found entitled to pay this due amount of Rs 5211/- in 10 equal instalments starting from the month of April,2017 @ Rs 522/- for the first month and 520/- per month for the rest of nine months without fail. Failure to pay even one instalment in time, would make the entire amount fall due with all its consequences.

14. The then inspecting officer Sri.B.Ajay Kumar/AE/DPE-1/Warangal/R1 who inspected the service connection on 26.08.2016 submitted that the Appellant had dishonestly and intentionally reconnected the disconnected service and consumed 4817 units unauthorisedly/by theft and based his report on such allegation, the 3rd Respondent ADE/OP/Thorrur issued the Provisional Assessment notice. This officer(R1) remained unrepentant on the illegal action initiated against the Appellant for theft of energy, which is totally unacceptable. The Provisional Assessment dt.29.9.2016 based on such illegality cannot be sustained on any ground. The Appellant is liable to pay Rs 7,136/- only on all accounts based on the report of the 5th Respondent/DE/OP/Mahabubabad, for which suitable orders are passed. The Provisional Assessment is set aside keeping in view the acceptance of the demand made by the 5th Respondent/DE/OP/Mahbubabad to pay Rs 7,136/- which the Appellant has agreed to pay.

15. Because of the allegation that the Appellant had indulged in theft of energy liable for punishment under Section 135 of the Electricity Act, CGRF has rejected his complaint. After examination of the record as to how the Appellant has been mistreated, the Appeal has been registered and the matter is being disposed of. The CGRF has mechanically rejected the complaint of the Appellant, without going through the record, which is a pity. The Appellant has been unnecessarily harassed and

prosecuted. Under the circumstances, the Appeal is allowed, the Provisional Assessment dt.29.9.2016 and consequent proceedings if any are set aside.

16. The matter is settled in mediation in view of the fact that the Appellant agreed to pay the amount of Rs 7,136/-, which is shown as due by the 5th Respondent DE/OP/Mahabubabad through letter dt.24.12.2016. The Appeal is allowed accordingly.

17. In the result, the following directions shall issue:

a. The Provisional Assessment of the Assistant Divisional Engineer/Operation/Thorrur/R3 dt.29.9.2016 is set aside.

b. The Appellant is entitled to pay the due amount of Rs 5,211/- in 10 instalments starting from the month of April,2017 @ 522/- for the 1st instalment and Rs 520/- per month for the rest of 9 months without fail. Failure to pay even one instalment in time would make the entire amount fall due with all its consequences.

C. The impugned orders are set aside.

18. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in Clauses 3.38, 3.39 and 3.42 of the Regulation No. 3/2015 of TSERC.

TYPED BY CCO, Corrected, Signed and Pronounced by me on this the 27th day of March, 2017

Sd/-

**VIDYUT OMBUDSMAN**

1. Sri. K. Laxman, Haripirala Post, Thorrur mandal, Mahabubabad District  
- 506 101. Cell : 9989968770.
2. Sri. Ajay Kumar/AE/SD-I/DPE/Warangal.
3. The AE/OP/Thorrur(R)/TSNPDCL.
4. The ADE/OP/Thorrur/TSNPDCL.
5. The AAO/ERO/Thorrur/TSNPDCL.
6. The DE/OP/Mahabubabad/TSNPDCL.

7. The SE/OP/Warangal/TSNPDCCL.

**Copy to:**

8. The Chairperson, CGRF, TSNPDCL, Nakkalagutta, Hanamkonda, Warangal.

9. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.