



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

Friday, the Eighteenth Day of November 2016

CMP No. 5 of 2016

in

Appeal No. 15 of 2016

Order Dt. 13-05-2016 of Vidyut Ombudsman

Between

M/s Dr. Reddy's Laboratories Limited, Formulations Tech Ops-1,
Plot Nos.137,138,145 & 146, S.V.Cooperative Industrial Estate.
Bollaram, Jinnaram Mandal, Medak Dist - 502 325.
Tel: 958458-279532/620/622/669.

... Appellant

AND

1. The SAO/OP/Medak/TSSPDCL/Medak Dist.
2. The DE/OP/Sangareddy/TSSPDCL/Medak Dist.
3. The SE/OP/Medak Circle/TSSPDCL at Sangareddy

... Respondents

The above petition filed on 14.07.2016, coming up for hearing before the Vidyut Ombudsman, Telangana State on 13.10.2016 at Hyderabad in the presence of Sri. K. Vishwanatha Gupta - for the Appellant Company and Sri. P. Manjula - SAO/OP/Medak Circle for the Respondents and having considering the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

ORDER

The petitioner is the Appellant in Appeal No. 15 of 2016.

2. The petitioner alleged that the Vidyut Ombudsman by allowing the Appeal by award dt.13.5.2016 set aside the voltage surcharge levied on HT SC No. MDK 578 (merged with MDK 123) with a direction that the amount of voltage surcharge collected shall be adjusted in the future bills. The petitioner further stated that it had requested the Respondents to adjust the amount of Rs 47,23,667.51 within 15 days of the order in the future bills and the DISCOM has not adjusted the amount in

the bill for June,2016 and at the same time intimating the DISCOM that the petitioner would deduct the amount of voltage surcharge on their own in the bill for June,2016 and pay the balance.

3. The petitioner further stated that the amount was not adjusted in the bill for June,2016 and no letter of adjustment of the bill amount has been intimated and thus, the Respondents have not implemented the orders of Vidyut Ombudsman attracting action under Clauses 3.38 3.39 and 3.42 of Regulation 3 of 2015. The petitioner sought imposition of penalties on the Respondents as per Regulation 3 of 2015.

4. The petitioner has filed copies of letters addressed to the 3rd Respondent received in his office on 28.6.2016 demanding adjustment of the voltage surcharge amount collected and also intimating that the matter would be brought to the notice of the vidyut Ombudsman if no action is taken under Regulation 3 of 2015. The petitioner has addressed another letter dt.4.7.2016 to the 3rd Respondent demanding adjustment of the awarded amount in the CC bills. The petitioner has addressed a similar letter dt.5.7.2016 informing the 3rd Respondent that the petitioner was going to adjust the awarded amount from the CC bills of May,2016 and June,2016 with a request to regularise the amounts so adjusted by it.

5. First of all, it is to be noted that the amount involved in Appeal No. 15/2016 (CGRF No. 99/2015) is Rs 19,01,794/93 and not the amount mentioned in the petition.

6. On receipt of notice, the 3rd Respondent filed a copy of letter dt.19.9.2016 addressed to the standing legal advisor for the DISCOM advising him to file Writ Petition in the Hon'ble High Court against the Awards in Appeal Nos. 15 and 16 of 2016. There is another letter from the 3rd Respondent seeking certified copies of the awards in Appeal nos. 15 and 16 of 2016. So far there is no information about any orders received from the Hon'ble High court against the award in the Appeal. The Petitioner on its own it appears, has taken up the matter on hand to adjust the awarded amount from the CC bills. The 1st Respondent, through letter dt.12.8.2016 represented that the higher officials of the Respondents have directed the Respondents to prefer further proceedings against the Award and on this pretext, no orders have been passed by the Respondents for adjusting the awarded amount against the CC bills.

7. The petitioner through letter dt.5.7.2016 addressed to the 3rd Respondent informing that the petitioner would be adjusting the voltage surcharge amount in May,2016 and June,2016 CC bills. Whether this proposed adjustment suggested by the petitioner has been regularised, accepted and updated is not on record. But the petitioner claimed to have been appropriating the voltage surcharge amount towards the CC bills. EBS(Electronic Billing System) statement does not show any adjustment of the voltage surcharge amounts in the CC bills by the DISCOM.

8. The only defence the Respondents have for not implementing the award in Appeal dt.13.5.2016 is that they were preferring a writ petition. Even though six months have elapsed after passing of the Award, there is no record of filing any WP in the Hon'ble High Court questioning the award and obtaining any interim orders on file. There is a strong presumption that the Respondents have not implemented the Orders in the Award in question deliberately and wantonly, which are binding on the DISCOM, as per Clause 3.38 of Regulation 3/2015.

9. The petitioner has given notice to the Respondents several times demanding implementation of the Award and adjustment of the voltage surcharge amount in the CC bills from May,2016 which evoked no response, warranting imposition of penalty and award of additional compensation under Clause 3.42 of Regulation 3/2015. Failure of the DISCOM to implement the Award of Vidyut Ombudsman which is binding on the DISCOM as per Clause 3.38, amounts to violation of the order inviting appropriate action by the TSERC.

10. Since there has been no reasonable cause for non implementation of the Award, the Respondents/DISCOM shall pay compensation of Rs 50,000/- apart from Rs 2,000/- per day additional compensation from 29.5.2016 till date to the petitioner with liberty to the DISCOM to recover the compensation paid to the petitioner from those officials responsible for non implementation of the Award in time.

Typed by CCO, Corrected, Signed and Pronounced by me on this the 18th day of November,2016.

Sd/-

VIDYUT OMBUDSMAN

1. M/s Dr. Reddy's Laboratories Limited, Formulations Tech Ops-1,
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4. The SE/OP/Medak Circle/TSSPDCL at Sangareddy

Copy to:

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