



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

TUESDAY THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

Inward No. 575 of 2022-23

Between

Mr. Shaik Mateen, #8-4-68/4/4, Ahmed Nagar Colony, Near Rehmath-E-Alam
Masjid, Bandlaguda, Hyderabad - 500 005. **.....Appellant**

AND

1. The Assistant Engineer / Operation / Mylardevpally / TSSPDCL / Hyderabad.
2. The Assistant Divisional Engineer / Operation / Gaganpahad / TSSPDCL / Hyderabad.
3. The Assistant Accounts Officer / ERO / Gaganpahad / TSSPDCL/ Hyderabad.
4. The Divisional Engineer / Operation / Rajendra Nagar / TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / Rajendra Nagar Circle / TSSPDCL / Hyderabad.

..... Respondents

This matter is coming on before me for the final hearing on 27.02.2023 in the presence of Sri Shaik Mateen appellant in person, and having stood over for consideration till this day, this Vidyut Ombudsman passed the following:-

ORDER

The complainant filed an appeal before this Authority aggrieved by the Award passed by the Consumer Grievances Redressal Forum (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in

short 'TSSPDCL') In CG.No 444/ 2019-20/ Rajendra Nagar Circle dt. 27.12.2019 rejecting the complaint.

2. A notice was issued to the proposed appellant to hear it on the point of limitation as the appeal was filed after the period of limitation.

3. The proposed appellant has submitted that due to ignorance, the appeal was not filed within the prescribed time. Therefore it is prayed to condone the delay and register the appeal.

4. The presence of the respondents is not required.

5. The point for consideration is:-

Whether the delay can be condoned in registering the appeal beyond (60) days as prayed for?

POINT

6. As seen from the records, the learned Forum has disposed of the complaint in CG.No 444/2019-20 on 27.12.2019. The copy of the Award shows that it was dispatched to the complainant on 27.12.2019 itself. Thus at the most the copy of the Award might have reached the complainant on 03.01.2020. At this stage it is necessary to refer Clause 3.19 (a) of Regulation 3 of 2015 of Hon'ble Telangana State Electricity Regulatory Commission, which reads as under:-

- a. The complainant including an association representing the complainant(s), if aggrieved by the order of the forum may prefer a representation to the Ombudsman within 45 days from the date of receipt of the order of the Forum.

Provided that the Ombudsman may entertain a representation of the complainant after the expiry of the period of 45 days if he is satisfied that there was a sufficient cause for not filing it within said period allowing it be filed, within a further period of not exceeding 15 days.

The above Clause makes it quite clear that the appeal has to be filed before this Authority within (45) days from the date of receipt of the copy of the Award from the Forum. However this Authority may also extend a further period not exceeding 15 days. Thus at any cost the appeal must be filed within (60) days (45 days +15 days) before this Authority after receipt of the copy of the Award by the complainant. Thus in the instant case the proposed appellant might have received the certified copy of the Award on 03.01.2020. The appeal must have been filed on or before 16.02.2020 within (45) days. After availing fifteen(15) days the appeal might have been passed on or before 03.03.2022. But the instant appeal was filed on 04.01.2023 much beyond the period of limitation. The time limit enshrined under Clause 3 of the Regulation is to be followed in true letter and spirit because of the fact that speed is the essence of the Regulation. This authority cannot condone the delay beyond the permissible limits of 60 days (45+15) days .

7. Even the Hon'ble Supreme Court has extended the period of limitation included the filing the appeals etc., before the Courts and Tribunals between 15.03.2020 to 28.02.2022 in view of the COVID related problems. This matter is not covered in the said period. In view of these factors I hold that the delay beyond (60) days cannot be condoned in registering the appeal.

8. It appears that the complainant has also filed an appeal before this Authority on 24.08.2020, but that was returned on 26.08.2020.

9. In the result, return the appeal as barred by limitation.

A copy of this order be made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Private Secretary, corrected and pronounced by me on this the 28th day of February 2023.

Sd/-
Vidyut Ombudsman

1. Mr. Shaik Mateen, #8-4-68/4/4, Ahmed Nagar Colony, Near Rehmath-E-Alam Masjid, Bandlaguda, Hyderabad - 500 005.
2. The Assistant Engineer / Operation / Mylardevpally / TSSPDCL / Hyderabad.
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