



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 Seventh day of September 2015

Appeal No. 41 of 2015

(Old Appeal No. 81 of 2014)

Preferred against Order Dt. 7.11.2014 of CGRF In

CG.No: 281/2014 of Hyderabad North Circle

Between

Hotel Tulip Deluxe Lodge, represented by Sri. Baldev Singh Babba,
#9-4-214,49/50,
Opp;Secunderabad Rly Station,
Secunderabad - 500003

..... Appellant

AND

1. The AE/OP/Clock Tower/TSSPDCL/Secunderabad.
2. The ADE/OP/James Street/TSSPDCL/Secunderabad.
3. The DE/OP/City-V/TSSPDCL/Secunderabad.
4. The SAO/OP/Hyderabad North Circle/TSSPDCL/Hyderabad.
5. The SE/OP/Hyderabad North Circle/TSSPDCL/Hyderabad.

..... Respondents

The above appeal filed on 05.12.2014 came up for final hearing before the Vidhyut Ombudsman, Telangana State on 26.08.2015 at Hyderabad in the presence of Sri. Baldev Singh - Appellant and Sri. P Raja Ram Reddy-DE/OP/Secunderabad, Sri. E Narasimha Reddy - ADE/OP/James Street, Sri. Mohd. Moulana - JAO/N/CRS/HYD, for the Respondents and having considered the record and submissions of both the parties, the Vidhyut Ombudsman passed the following;

AWARD

The Appellant has one HT Service Connection No. HDN 1200 with CMD of 70 KVA. The Appellant has 2 more service connections in the premises with SC No. LZ - 7084, of Indus towers limited with 20 KW load being used by Airtel tower released on 7.6.2004 and another SC No. LZ - 6652 with 5 KV load being used

by ATM of Andhra Bank released on 25.2.2003 both of Mrs. Jasbeer Kaur. The Appellant claimed that he has been getting heavy bills due to the extension of supply from their MCB of LT side of their transformer and he assumed that his total consumption is being reflected in the HT bill. He claimed that the LT service connections (2) are being fed through his HT service leading to heavy bills and heavy burden on him, which is going on for the last 8 years. The Appellant claimed that if the Respondent cannot set right the LT service connections, they should disconnect the LT services. The Appellant sought refund of the amounts he paid, on the ground that the Respondents have collected consumer charges from the two LT services twice, Once from LT consumers and 2nd time from him through his HT connection.

2. The 2nd Respondent claimed that along with the 1st Respondent, he visited the premises with HDN 1200 (released on 4.6.2008) on 8.10.2014 and found that the HT service metering equipment was located in the backside of the premises. The Respondents 1 and 2 observed that the LT service connections LZ 007084(released on 7.6.2004) and LZ 006652(released on 25.2.2003) were located in the same premises and supply to these meters was extended from the distribution box MCB of HT transformer.

3. The 1st Respondent claimed to have informed the representative of the Appellant to get the service wire to extend the supply to the LT connections from the adjacent LT pole on 29.9.2014. Since the Appellant failed to provide the service wire, the Respondents have cut the supply to LT services from MCB of HT consumer on 8.10.2014. The Appellant was reminded to get the service wire to get the restoration of supply to LT services.

4. The CGRF, after hearing both sides, came to the conclusion that extension of supply to LT services from the MCB of HT service is a peculiar, unusual and unauthorised activity, which does not come within the purview of the forum and so saying, it has rejected the complaint without giving any finding and without applying their mind to the facts on record and the admitted position, through the impugned orders.

5. Aggrieved and not satisfied with the impugned orders of the CGRF, the Appellant preferred the present Appeal claiming that for 8 years, the service to two LT connections was extended from his MCB of HT service and the Respondents had collected the consumption charges of HT, which included the supply to LT

connections, apart from collecting the CC charges from 2 LT connections separately and that he should be refunded the extra amount collected from him for the last 8 years till it was set right on 8.10.2014.

6. The Appellant claimed that he never doubted the integrity of the officials of the Respondents and that he paid consumption bills up to date without suspecting that he was also bearing the burden of 2 LT connections with 5 KW load and 20 KW load.

7. The 2nd Respondent claimed by way of written submission that the supply to the LT SC No. LZ 6652 and LZ 7084 is taken from the distribution box MCB of HT transformer. LT services SC No. LZ 6652 was released on 26.2.2003 and SCNO. LZ 7084 was released on 7.6.2004 and HT service HDN 1200 was released on 4.6.2008. The premises was inspected on 29.9.2014. The 2nd Respondent further claimed that the premises of the Appellant has a bar and restaurant and it is having a HT meter existing in the backside of the premises and the consumer panels are inside the premises. The LT services monthly meter readings were taken by the Clock Tower section staff.

8. The 2nd Respondent ADE/OP/James Street submitted a report on 24.8.2015 stating that there are Six LT connections including the Two LT connections LZ -6652 & LZ - 7084 in the premises of the Appellant, which were released prior to SC No. HDN-1200 released on 4.6.2008. The 2nd Respondent claimed that in any HT service premises, the distribution company is responsible upto HT metering i.e CTPT set and HT Meter and beyond this HT metering, the responsibility for the Distribution Transformer, MCB, Panel Board and earthing and of LT network lies with the consumer. In the premises of the appellant, DTR , Distribution MCB, and panel board were under the custody of the Appellant. He has to carry out repairs. Every year the chief electrical inspector to Government will inspect HT service premises, give approval of all electrical equipment connected after HT metering i.e DTR, Capacitor bank, LT Network connected, panel board, generator, motors load, earthing and other equipment. The excess load connected if any will be intimated by the CEIG to the consumer for regularization from the time of release of HT service. And no complaint has been received from the Appellant regarding excess billing till 29.9.2014. He claimed that generally HT consumer should appoint an ITI electrician for supervising the loads connected, noting the readings, power factor and for maintenance works.

9. According to the Appellant, wrong connections were given by the staff of the Respondents to the two LT connections and he had not doubted the integrity of the staff of the Respondents at the time of his HT service installation.

10. Both Sides filed photographs of the installations.

ARGUMENTS HEARD.

11. The points for determination are:-

1. Who is responsible for allowing Two LT service connections through HDN-1200?
2. Whether the Appellant failed to get the Chief Electrical Inspector to Government inspect HT service HDN-1200 and get approval of all electrical equipment connected to HT metering and excess load connected if any?
3. Whether the Appellant has been additionally burdened with the consumption of power in the 2 LT connections in question, which were drawn from HT service HDN 1200 from 4.6.2008 and if so, whether the Respondents are liable to make good the consumption charge collected additionally from the Appellant through HDN 1200?
4. What is the Amount the Appellant is entitled to get from the Distribution company by way of compensation for the Additional burden he suffered in the present case?

12. Efforts were made to bring in a settlement through mediation and the efforts could not succeed, because of the peculiar nature of the dispute and lack of a meeting point.

POINTS 1 to 4

13. The Admitted facts are as follows:-

a) The Appellant was released HT service No. HDN-1200 on 4.6.2008 to his premises. In the same premises, he has 2 LT connections LZ-6652 released on 22.6.2003 with 5 KW load (Andhra Bank ATM) and LZ 7084 with 20 KW load (Airtel Tower) released on 7.6.2004 in the name of Mrs. Jasbeer Kaur.

b) The supply to two meters/LT connections is taken from the distribution box MCB of HT transformer leading to separate consumption bills being issued to two LT

service connections on one side and the combined consumption of these two LT connections also getting reflected in the consumption of HT No. HDN - 1200.

c) The service connection of the Appellant was inspected on 29.9.2014 as per CGRF complaint which disclosed that supply to LT - 6652 and LT - 7054 was existing from the Distribution box MCB of HT No. HDN -1200. The 2nd Respondent had inspected the service connection along with the Respondent No.1 on 8.10.2014 and removed the two LT services SC No. LZ 6652 and LZ 7084 from the distribution box MCB of the HT transformer.

Now to the matters in the controversy.

14. The Appellant claims that he was getting heavy bills due to the extension of supply to the Two noted LT Service connections from his HT service HDN-1200 and he has been getting not only the consumption bill for HT, but also the consumption of Two LT service connections which have been drawing power from his HT service. He is demanding refund of the amounts already collected by the Respondents from him on account of consumption of two LT connections, the consumption of which was already billed and collected from the consumers of the LT connections 'Airtel Tower' with 20 KW Load and 'Andhra bank ATM' with 5 KW load separately.

15. The Respondents in effect are throwing the blame on the Appellant stating that he should have been alert and should have got the entire HT service inspected by the Electrical Inspector for the Government, which would have corrected the position and removed the LT service connections from the distribution box MCB of HT service. From the facts revealed in this case, it is clear that some members of the staff of the Respondents might have taken a short cut and extended the supply to the LT service connections from the distribution box MCB of High Tension service connection of the Appellant HDN-1200, when this HDN 1200 was released long subsequent to the two LT connections in question. There is also a strong possibility that the Appellant was in the dark about the supply to Two LT connections through his HT service HDN 1200.

16. According to the 2nd Respondent, as reflected in his written submission dt.2.7.2015 that the Appellant has been running a Bar and Restaurant in the premises. The consumption of such commercial operation may not be consistent. On the other hand, the consumption of power for these two LT connections one for 'Airtel Tower' and another for 'Andhra Bank ATM' may be consistent with little

variation. The Appellant is claiming that he should be refunded the amount he paid representing the consumption of two LT connections embedded in the HT bill right from 4.6.2008, the date of release of HDN 1200. On the other hand, the Respondents claim that it is the mistake of the Appellant to have neglected to get the service inspected by the Electrical Inspector to periodically check the equipment, which would have revealed the problem. They claimed that from what date this LT Connections were drawing power through HT connection is not known with certainty and therefore, the Appellant is not entitled to any relief. On this aspect, the role of CGRF is not praiseworthy. Senior officials of the Distribution Company are members and they washed their hands of the matter stating that “this is a peculiar case and unusual, unauthorised activity” and therefore, it does not come under the purview of CGRF. The CGRF has not discharged its function expected of them and failed to consider the fair case of the Appellant prima facie. This attitude of CGRF is against the spirit of section 42(5) of the Electricity Act, 2003.

17. The Appellant filed billing data showing amounts collected from the two LT connections in question. From July,2008 to November, 2014 the LT service connection No. 7084 shows demand for Rs 29,88,298/-while the amount collected by the DISCOM was 29,69,355/-. Similarly, for LT connection 6652 from July, 2008 to November, 2014 the service attracted a demand for Rs 8,19,987/ and whereas, the collection was Rs 8,10,111/-.

18. In the First instance, the Appellant clearly proved through facts that the Two LT service connections in question were getting power from the distribution box MCB of his HT transformer. From what date onwards till 8.10.2014 this activity went on is not certain. According to the 2nd Respondent, HT metering is located by the back side of the premises and the consumer panels are inside the premises. The monthly meter readings of LT services were being taken by the clock tower section staff. Unless on a particular complaint, there is less likelihood of the staff checking the odd situation presented in the present case. The photographs filed show this position. There was no occasion for the subsequent metering staff to have examined the MCB from which the Two LT connections were getting power. Whatever be the reason, it could be the negligence of the disgruntled staff of the Respondents who fixed the supply to Two LT service connections from the distribution box MCB of the HT transformer, for the reasons which could be only speculative. It was also due to the failure of the Appellant to get the HT service inspected by the Electrical Inspector for certification after installation as required under clause 4(7) of the

Regulation No. 4 of 2013, which resulted in the serious flaw and financial burden on the Appellant, which could have been avoided had there been an inspection. Keeping in view these deficiencies and also the fact that at the cost of the Appellant, the DISCOM collected the CC charges for the power drawn by the Two LT connections in question through MCB of the HT transformer from the respective consumers and again metered the energy to the Appellant along with his regular consumption of High Tension service. Things remained as aforesaid, it is to be noted that the responsibility of giving connection of LT services to the LT network lies with the DISCOM, and whereas, maintaining and checking of LT distribution of HT service through CEIG vests with the Appellant. Thus in the present matter, both parties are found responsible for the typical situation. The Appellant has to be compensated naturally by the Distribution company, a public utility which is not expected to enrich itself wrongly at the cost of the consumer.

19. Keeping in view the facts, circumstances, peculiar nature of the dispute, shortcomings of the Appellant and of the Respondents, who could have detected the mischief at the earliest point of time, it is in fitness of things and justice that both parties should be held liable to bear equal burden in the matter. The Appellant therefore should be compensated for the bills he paid for LT service connections through his HT service for a period of 3 years 2 months upto 8.10.2014 (total period being 6 years 4 months from 4.6.2008 to 8.10.2014), the date the two LT service Connections in question were removed from the distribution box MCB of the HT transformer, on the basis of the consumption calculated in terms of HT rates along with incidental charges.

20. The points 1 to 4 are answered accordingly.

21. In the result the Appeal is allowed.

- a. **The impugned orders of the CGRF dt. 7.11.2014 are set aside:**
- b. **The Appellant is found entitled to recover the charges he paid for the consumption of two LT connections LZ 6652 and LZ 7084 for a period of 3 years 2 months upto 8.10.2014 (from 7.8.2011 to 8.10.2014) by way of extra units charged to his HT service connection HDN 1200 with all attendant proportionate charges calculated upto 8.10.2014 and**

- c. The Respondents shall revise the monthly bills for HT service HDN 1200 w.e.f. 7.8.2011 to 8.10.2014 (3 years 2 months) by deducting consumption of LT services LZ-6652 and LZ-7084 every month correspondingly from the HT service consumption. The amount so arrived at shall be adjusted against the future bills of HT service HDN 1200 every month till the said amount is liquidated.

Corrected, Signed and Pronounced on this 7th September 2015.

Sd/-

VIDYUT OMBUDSMAN

1. Hotel Tulip Deluxe Lodge, represented by Sri. Baldev Singh Babba,
#9-4-214,49/50,
Opp;Secunderabad Rly Station,
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6. The SE/OP/Hyderabad North Circle/TSSPDCL/Hyderabad.

Copy to

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