



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

Tuesday, the Thirteenth day of October 2015

Appeal No. 62 of 2015

Preferred against Order Dt. 30-06-2015 of CGRF In

CG.No: 132/2015 of Ranga Reddy North Circle

Between

Sri. P.Srinivas, House No:2 Aparna Orchids, Izzath Nagar, Kothaguda, HITEX, Kondapur,
Near NAC, Hyderabad - 500 084, Cell No: 9394712500.

..... Appellant

AND

- 1) The AE/OP/Kondapur/TSSPDCL/Hyderabad.
- 2) The ADE/OP/Gachibowli/TSSPDCL/Hyderabad.
- 3) The DE/OP/Gachibowli/TSSPDCL/Hyderabad.
- 4) The SE/OP/R.R.North Circle/TSSPDCL/Hyderabad.

..... Respondents

The above appeal filed on 11.08.2015 came up for final hearing before the Vidyut Ombudsman, Telangana State on 06.10.2015 at Hyderabad in the presence of Sri. P Srinivas - Appellant and Sri. N Janaiah - DE/OP/Gachibowli and Sri. E Ambedkar - ADE/OP/Gachibowli for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant Sri.P.Srinivas is the owner of two villas in the community of M/s Aparna Orchids Owners Association consisting of 59 houses at Izzath nagar. He claimed that while HT category VI supply was given to 57 houses, his two houses were excluded. And LT Service was given to his two houses from a public transformer, which is overloaded and poorly maintained.

2. The Appellant claimed that due to poor service in LT, he suffered power outages more than 100 times, some times 4-5 times in one day during summer months since April, 2013. His house old electronic equipment like AC, Microwave , Refrigerator, Washing Machine etc failed and he got them repaired due to

non-extension of HT power supply from the HT line in the society. The Hon'ble High Court directed the TSSPDCL to give HT supply to the villas of the Appellant. The Appellant is seeking a direction to respondents to solve this problem and award suitable compensation.

3. The respondent No 1 stated before CGRF to the effect that the Appellant has been getting power supply fed through a public transformer to his two service connections of 4KW each. The peak load measured during peak summer on the DTR are within the permissible limits of a 100 KVA DTR. This DTR is of ESP nature and is equipped with a LT breaker mechanism which tended to trip in the event of overloading. There was no occasion to trip even once since its installation. The frequent outages are due to incoming supply failure to 33 KV kothaguda substation and other substations in the area due to increase in the loads, resulting in the over loading of 33KV feeders. The enhancement work on two existing 8 MVA power transformers in kothaguda substation to 12.5 MVA capacity has been completed and therefore, Kothaguda sub-station is well equipped to cater to the prevailing loads.

4. Before CGRF, the ADE, regarding power failure, claimed that there was a possibility of incoming supply failure.

5. In the meanwhile, the Appellant filed WP No 9533 /2015 on the file of the Hon'ble High Court and by orders Dt 07.04.2015 the Hon'ble Court directed the respondents to consider the representation Dt 24.05.2014 made by the petitioner (Appellant) whereunder he sought HT service connection and dispose of the same, within a period of 4 weeks from the Date of receipt of a copy of the order.

6. The CGRF, after hearing the arguments and on consideration of the record, and without examining the relevant notifications, regulations, GTCS, Simply directed the respondents to implement the orders of the Hon'ble High Court through the impugned orders.

7. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal with the following allegations:

- i. The respondents failed to give the HT service in spite of the orders of the Hon'ble High Court within 30 days.
- ii. The respondents failed to implement the orders of the Hon'ble High court within 15 days.
- iii. The problem of LT to HT conversion to the entire colony was done illegally in 2013 by the TSSPDCL. The owners association applied for 57 houses leaving the appellant's two houses.
- iv. The HT category VI connection can be given to the entire colony with one HT meter. There is no provision for giving HT connection to only a part of the colony.
- v. LT service quality being served to the two houses of the appellant is very poor which remained without corrective action. The appellant suffered no water and no power to his two houses , because of erratic power.

8. The complaints given to the respondents to correct supply and power failures remained without prompt action. The Appellant complained of power disruptions, voltage fluctuations etc which remained unattended with promptness.

9. The respondent no 2 filed a report making the following additional allegations:

The Appellant gave representations Dt 13.04.2013 and 15.04.2013 stating that he had not opted for HT conversion till that day and expressed his willingness to get his LT service converted to HT category VI, similar to other 57 house owners. This request of the Appellant was communicated to M/s Aparna Orchids Owners Welfare Association, who in return replied in writing expressing their unwillingness to get the Appellant included in their HT service supply as he excluded himself voluntarily and the issue could be decided only in the general body meeting. The Association claimed that the Appellant should approach its executive council to comply with the conditions and renew his request. The control of the DISCOM exists up to the metering point of the service and after the metering point, the consumer/association can extend supply to their township/ residents from their HT service without further permission from TSSPDCL.

10. Except the appellant, no other consumer serviced by the village DTR, have complained damage to electronic equipment due to power fluctuations. The appellant has exaggerated the issue to claim more money from TSSPDCL. The Appellant started giving complaints after 57 Nos LT services of M/s Aparna Orchids Owner Welfare Association got converted into HT category and his request for inclusion of his 2 villas into HT fold was not accepted by the society.

11. The 2nd respondent, apart from other documents, annexed a copy of handwritten letter Dt 15.04.2013 of the Appellant addressed to the AE/OP/APCPDCL/kondapur wherein he sought HT connection and alleged that earlier he did not opt but now he was exercising the option (to get HT connection) and willing to pay the amounts to the association and sought permission for the connection. Similar letter Dt 13.04.2013 was addressed by the Appellant to manager APCPDCL/kondapur, among other things admitting that he had not opted to HT conversion. He addressed another letter dt.24.5.2014 to ADE/OP/APCPDCL/Gachibowli claiming that now he wanted to apply for HT connection and was ready to pay the necessary charges to APCPDCL and pay realistic actual charges to the association. He prayed for extension of the HT supply immediately.

12. The 2nd respondent annexed another letter of the Appellant claiming that in his struggle to get HT supply, he was forced to file a WP No 9533/2015 and get an order Dt 07.04.2015 directing the respondents to consider his representation Dt 24.05.2014 whereunder he sought HT service connection and dispose of the same

within a period of four weeks from the date of receipt of a copy of the order.

13. The second respondent, pursuant to the order of the Hon'ble High Court, addressed M/s Aparna Orchids Owners Welfare Association vide Letter dt 1.05.2015 requesting collection of necessary charges from the appellant and facilitate conversion from LT to HT category for proceeding further for requisite estimate preparation and approval of the same. The Aparna Orchids Owner Welfare Association by letter Dt 6.05 2015 addressed the second respondent/ADE/OP by way of reply stating that they have had running feud with the appellant narrating several incidents, complaints against the society to the police, objection about every activity of the society, including maintenance issues, complaints to the Registrar of Societies and lastly their readiness if approached by the appellant for full power backup and further stating that if TSSPDCL wishes, it can provide HT service to the two villas of the Appellant without relying on the resources of the society.

14. Basing on facts and circumstances, absence of M/s Aparna Orchids Owners Welfare Association as a party in this case, there could be no successful mediation. Hence, the matter is being disposed of on merits.

15. The following points arise for determination:

1. Whether the respondents have any say in providing HT service connection from the Association's HT service to the appellant?

2. whether there is any deficiency in service from the side of the respondents

in the present matter of providing HT service connection to the two villas of the appellant?

3. Whether the impugned orders are liable to be set aside?

16. The allegation of the Appellant regarding deficiency in service in providing reliable power through LT service warranting award of compensation is subject matter of Appeal No. 62/2015 which is pending disposal.

ISSUES 1&2

17. Aparna Orchids Owners Welfare Association which is a registered body consists of 59 villas. The Appellant owns 2 villas. Earlier all the villas in the Association were provided with LT service. Later, the Association secured HT service through which 57 villas are connected, as the Appellant had opted out of the HT service at that time. The Appellant, as per the allegation, had disputes over many issues with the Association and the terms are not good. The Appellant claims to have had no

satisfactory experience with LT service to his two villas which were connected to a public DTR and is now seeking HT service connection to his 2 villas.

18. The Respondents plead that the Registered Welfare Association of which the Appellant is a member owning 2 villas, has been provided HT service, through which the Appellant has to get HT service connection from the metering point and that the Appellant has to approach the Association to have the benefit of the HT service connection and they are ready to assist if required and that from their point, nothing more to be done in the matter. It is to be noted that as per clause 2(r) of Regulation 4 of 2013, the responsibility of the Licensee is upto incoming circuit breaker linked switch fuse, after metering equipment.

19. The Appellant had voluntarily opted out of HT service facility offered by his Association and he has to approach the association to get the HT service facility or take appropriate steps in law against his Association. What all that could be done by the Respondents has been done when HT service was provided up to the metering point to the Association. The Respondents further point out that beyond the metering point, the Association has installed Switch Fuse Unit, DTR, Main Control Panel, HT Control Panel and then service cable to the villas. The Appellant has to approach the Association to get the service connection to his two villas, and not the Respondents.

20. The Respondents are willing to provide separate HT service connection provided that there is power load of 70 KVA or above with the Appellant's readiness to bear the entire cost of installation, security deposit, minimum charges payment per month, Demand Charges, Consumption Charges each month, which the Appellant apparently not ready to bear, apart from his power required being 8 KW for two villas, which is found during hearing of the Appeal.

21. The Appellant is entirely relying on the direction of the Hon'ble High Court in his W.P, "to consider the representation dt. 24.5.2014 made by the petitioner, whereunder he sought HT service connection and dispose of the same, within a period of four weeks from the date of receipt of a copy of this order" and seeking HT connection to his 2 villas.

22. The dispute regarding HT service connection of the Appellant is with M/s Aparna Orchids Owners Welfare Association of which, by virtue of being owner of 2 villas, the Appellant is a member and it is for him to take appropriate steps to get HT service to his 2 villas. If he seeks separate HT service to his 2 villas, he has to bear the heavy cost, install machinery, pay minimum charges, consumption charges, show minimum power load by applying separately to the Distribution company, which line of action is very expensive and the Appellant, if he is willing may get separate HT service through separate lines. The Tariff Order 2015-16 under the Heading: **HT CATEGORY - VI- TOWNSHIPS AND RESIDENTIAL COLONIES**, makes it clear under clause 5(8)(iii) which is to the effect that "The above provisions shall not in any way affect the right of a person residing in the housing unit sold or leased

by such Cooperative Group Housing Society, to demand supply of electricity directly from the distribution Licensee of the area.”

23. The Appellant next raised an objection about sanction of HT service to the welfare association on the ground that one person who claimed to be the General Secretary of the Welfare Association, was not actually the General Secretary and the Respondents, without verifying the genuineness of the application, sanctioned the HT service. It is to be seen that the other members of the society 57 in number have not raised objection and spent their effort and money to get HT service and install the machinery to draw power to the 57 villas with the Appellant opting out of the HT Service Connection, which is clear from his letters dt. 15.4.2014 and 24.5.2014 addressed to R1 & R2 respectively.

24. Thus, it is clear that there is no deficiency in service rendered by the Respondents to the Appellant regarding HT service connection to his 2 villas and that they have no say and role in persuading or instructing M/s Aparna Orchids Owners Association to give HT service connection from their metering installation to the villas of their member/Appellant. Both the issues are answered accordingly.

Issue No. 3:-

25. The CGRF, instead of examining the issues, facts and record, guiding the Appellant in proper way, has chosen to merely order the Respondents to implement the orders of the Hon’ble High Court, thereby failed to discharge the statutory duty cast on them to help the consumer in need.

The issue is ordered accordingly.

Corrected, Signed & Pronounced on this the 13th day of October, 2015.

Sd/-

VIDYUT OMBUDSMAN

1. Sri.P Srinivas,House No:2 Aparna Orchids, Izzath Nagar, Kothaguda, HITEX,
Kondapur,Near NAC, Hyderabad 500 084, Cell No. 9394712500
2. The AE/OP/Kondapur/TSSPDCL/Hyderabad.
3. The ADE/OP/Gachibowli/TSSPDCL/Hyderabad.
4. The DE/OP/Gachibowli/TSSPDCL/Hyderabad.
5. The SE/OP/R.R.North Circle/TSSPDCL/Hyderabad.

Copy to:

6. The Chairperson, CGRF, Greater Hyderabad Area, TSSPDCL,

Vengal Rao Nagar, Hyderabad.

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