

## **BEFORE THE VIDYUT OMBUDSMAN**

Present

**K.Sanjeeva Rao Naidu**  
**Vidyut Ombudsman**

Dated: 23 -04-2013

**Appeal No. 37 of 2013**

**Between**

Sri P.Rajesham  
S/o.P.Shankaram  
M/s. Mallikarjuna Rice Mill, H.No. 1-42/13, Plot No.13,  
Pravelli Enclave, Miyapur  
Hyderabad.

***... Appellant***

**And**

1. Asst Divisional Engineer /Operation / APNPDCL / Godavarikhani
2. Asst. Accounts Officer / ERO / APNPDCL / Godavarikhani
3. Divisional Engineer / Operation / APNPDCL / Peddapally
4. Divisional Engineer / Operation / APNPDCL / Manthani

***....Respondents***

The appeal / representation filed on 27.02.2013 of the appellant has come up for final hearing before the Vidyut Ombudsman on 19.03.2013 at Hyderabad in the presence of Sri P. Rajesham appellant and Sri. B. Sathyanarayana Rao, AAO/ERO/Godavarikhani, and Sri G. Madhusudan ADE, Godavarikhani, for respondents present and having stood for consideration till this day, the Vidyut Ombudsman passed / issued the following:

### **AWARD**

The appellant filed a complaint before the Forum on 22.11.2010 to the effect that he is having SCNo.691 at Godavarikhani. In the complaint, he has narrated the following grounds:

- i. The complainant is having a S.C. No. 691/Godavarikhani.
- ii. The departmental officials have stopped the power supply to this service connection without information.
- iii. He has taken a reading particulars along with payment made under Right to Information Act , 2005 from the department.
- iv. As per the information obtained by him first of all, the departmental officials have disconnected the service connection during the Year 11/2003 without intimation to him.
- v. At the time of disconnection, the meter showing reading for 80616 units for 22 months for which payment is to be made by him for an amount of Rs. 3,71,048/-. But he has already paid an amount of Rs. 3,97,949/-.
- vi. An amount of Rs. 26901/- paid in excess by him against this service connection.
- vii. The departmental officials have also disconnected the service connection 2<sup>nd</sup> time and 3<sup>rd</sup> time without pending any arrears.
- viii. He has furnished the information obtained from the Assistant Accounts Officer/ERO/Godavarikhani enclosed to the petition.
- ix. Hence it is requested to restore the power supply to this service connection immediately by giving appropriate instructions to the field officers.
- x. Further he has already sustained a loss to a tune of Rs. 1,00,00,000/-.

2. The Assistant Accounts Officer/ERO/Godavarikhani, has submitted his written submissions as hereunder:

- i. The S.C. No. GNR-691 (9102-00691) is pertaining to M/s. Mallikarjuna Rice Mill at Gouthaminagar in Godavarikhani ERO.
- ii. The service is being billed from 11/2001 onwards and it was disconnected in 11/2003 for non payment of arrears of Rs. 61,573-00 then the consumer applied and got sanctioned III installments for the amount of Rs. 80,234-00 (C.C. charges 61,573-00 + ACD Rs. 18,751-00) as indicated below :-

|               |   |                                |
|---------------|---|--------------------------------|
| I Installment | - | 30,324-00 (Paid on 08.12.2003) |
| II Instalment | - | 25,000-00                      |

|                 |   |                         |
|-----------------|---|-------------------------|
| III Installment | - | <u>25,000-00</u>        |
| <b>Total</b>    | - | <b><u>80,324-00</u></b> |

- iii. An amount of Rs. 29,379-00 paid by way of cheque towards 2<sup>nd</sup> installment along with current consumption bill of 01/2004 (Rs. 25000 + 4329-00). But the same cheque was dishonored by the bank and simultaneously the service was again disconnected in the month of 03/2004, at that time the service is having an arrears of Rs. 74,289-00 which includes the current consumption charges bill for the month of 02/2004 for Rs. 24,114-00 and dishonored cheque demand of 2<sup>nd</sup> installment and current consumption bill of 01/2004 for Rs. 29,329-00 etc the service was bill stopped in 08/2004.
- iv. Then the consumer has applied for revival of his service under sick industry in 3/2006 and the NPDCL has also accorded approval vide Memo. No. CMD/NPDCL/CGM/P&RAC/F. Industries/D. No. 1306/06, Dated. 11.03.2006. Based on the approval the sick industry benefit was allowed by withdrawing the minimum charges and surcharge from 04/2004 to 12/2005 for Rs. 82,323/- in 4/2006 and reconnected in 02/2006.
- v. Further the consumer has approached the Consumer Grievances Redressal Forum/NPDCL/Warangal on 06.02.2006 on levy of LPF surcharge and the Consumer Grievances Redressal Forum has decided to collect the LPF surcharge @ 25% per month of bill amount to the tune of Rs. 35,716.39 only and also ordered that if the consumer has paid any low power surcharge earlier the same may be deducted vide C.G. No. 52/2006 of Karimnagar Circle, Dated. 18.05.06.
- vi. In compliance to the Consumer Grievances Redressal Forum orders an amount of LPF charges and surcharges of Rs. 42,089-00 was withdrawn in the month of 06/2006.
- vii. Again the consumer approached the Vidyut Ombudsman Hyderabad on 22.06.2006 vide V.O. Appeal No. 12/2006. The Vidyut Ombudsman Hyderabad has awarded on the appeal that the "The LPF surcharge levied during the period from December 2002 to February 2004 shall be withdrawn as it is not leviable" vide Lr. No. VO/Appeal No. 12/2006-1/Dated. 01.09.2006.
- viii. In compliance of the orders an amount of LPF levied along with surcharge of Rs. 46,035/- was withdrawn in the month of 09/2006.
- ix. Further, the consumer has again approached the Consumer Grievances Redressal Forum/NPDCL/Warangal on 01.03.2007 vide C.G. No. 146/2007 of Karimnagar Circle for the capacitor surcharge in the C.G. No. 146/2007, Dated. 09.04.2007. The Consumer

Grievances Redressal Forum ordered to withdraw the capacitor surcharge for 02/2002 and additional charges thereon.

In compliance of the orders an amount of Rs. 12,954/- was withdrawn in 04/2007. After that the service was again disconnected for non payment of the arrears of Rs. 28,733/- to end of 04/2007 and bill stopped in 06/2007.

- x. The consumer has again applied for revival of sick industry in 11/2007 but the same was disallowed vide Memo. No. CGM/ P&RAC/NPDCL/WGL/RAC/F. Industries/D. No. 754/07/ Dated. 17.01.08 on the plea that the consumer has availed the benefit under sick industry vide Memo. No. CMD/NPDCL/ CGM/ P&RAC /F. Industries/D. No. 1306/06, Dated. 11.03.06 and also consumed 7680 units from 03/2006to 04/2007.
- xi. Again, the consumer applied for revival of sick industry vide his application Date. 26.08.10 and the same was submitted to the SE/OP/Karimnagar vide T.O. Lr. No. AAO/ERO/GDK/JAO/NS/D.No. 388/10/Dt. 25.09.10, but the same was not considered as the unit had already availed sick industry benefits and also consumed 10596 units during 02/2006 to 04/2007 vide Memo. No. SE/OP/KNR/AO(Rev)/JAO(CRS)/D. No. 58/10/Dt. 16.11.10.
- xii. Then Sri. P. Rajesham, S/o. Shankaram of M/s. Mallikarjuna Industries has approached to the Consumer Grievances Redressal Forum/NPDCL/Warangal. The Consumer Grievances Redressal Forum has examined the case as per recorded evidences produced by the petitioner and respondents and as per the information given by the Chief General Manager/ Operation & IPC/NPDCL/Warangal vide Lr. No. CGM/OP/ CommI & IPC/DE(IPC)/AAOF.CGRF/D. No. 451/2010/Dt. 09.12.10, decided and ordered passed on 10.01.11 as given below.
  - a. The case is not entertainable.
  - b. The case is not under the purview of Forum.
  - c. The respondents are directed to act accordingly.
- xiii. And also decided that the case is not under the purview of Forum and advised the consumer to represent to Vidyut Ombudsman, APERC, Hyderabad vide Lr. No. CP/CGRF/ NPDCL/ WGL/Orders. Endt. No. AP/CGRFNPDCL/WGL/C.G. No. 297/ 10 / Dt. 10.01.11.
- xiv. Then the consumer moved the Vidyut Ombudsman, APERC, Hyderabad, the authority has passed the award that  
“The respondents are directed to give service connection to the appellant forthwith by giving sick industry benefits to this industry. The respondents are directed to comply this order within 15 days from the date of receipt of this order. No

order as to costs” vide Vidyut Ombudsman/Hyderabad/Award dated. 11.02.11.

xv. The NPDCL has challenged the Vidyut Ombudsman’s order in Appeal No. 1 of 2011, Dt. 11.02.11 in the Hon’ble High Court of Andhra Pradesh and the High Court has pronounced a common order in W.P. No. 10324 of 2011, Dt. 26<sup>th</sup> August, 2011 wherein the following was mentioned in Para 5 regarding the consideration of sick industry benefit.

xvi. “The operative directions given by the ombudsman under the impugned order is not sustainable and liable to be set-a-side” and regarding the restoration of supply the Hon’ble High Court has said that :-

“Consequently the grievance of the petitioner consumer industry shall now stand remitted to the Forum for reconsideration of his case in C.G. No. 297 of 2010 of Karimnagar Circle and the Consumer Grievances Redressal Forum of NPDCL, AP Warangal shall adjudicate upon the said grievance of the petitioner consumer industry in accordance with law by giving due opportunity to both sides.

xvii. In Para (7) it is said that, “the Forum while considering the case in C.G. No. 297 of 2010 as directed herein above shall also consider the application of the consumer industry for restoring the service connection subject to such conditions, as the Forum deems fit and appropriate”.

xviii. Based on the judgment of the Hon’ble High Court, the consumer has again approached the Consumer Grievances Redressal Forum/NPDCL/Warangal for restoration of service connection wherein the Consumer Grievances Redressal Forum has passed order vide Consumer Grievances Redressal Forum, Endt. No. CP/CGRF/NPDCL/WGL/C.G. No. 297/A/2012-1, Dated. 29.02.12 where in it was ordered that :-

“The total amount of arrears pending as arrived by the respondents shall be cleared in three installments by the complainant as desired by him and agreed to pay during the hearing conducted for restoration of his service connection to run the industry as requested by him”.

xix. “The total amount of arrears pending as arrived by the respondents shall be cleared in three installments by the complainant as desired by him and agreed to pay during the hearing conducted for restoration of his service connection to run the industry as requested by him”.

- xx. But, aggrieved by the order of Consumer Grievances Redressal Forum/ NPDCL/Warangal the consumer has again approached Vidyut Ombudsman, APERC, Hyderabad vide Appeal No. 25 of 2012
- xxi. On consideration of the appeal of the consumer the Vidyut Ombudsman, APERC, Hyderabad has now awarded that “the impugned order is partly incorrect and that the same is partly liable to be set-a-side i.e., collection of minimum charges till February 2012 vide VO/Appeal No. 25of201/Datd. 28.07.12.
- xxii. It is also mentioned in the award that :-  
  
“The respondents are hereby directed to collect the minimum charges up to July, 2007 from the amount outstanding by April, 2007 together with interest in accordance with rules. With this observation, this appeal is disposed. If the appellant pays the amount, the respondents are directed to restore the service connection considering it as a new connection. No orders as to costs”.
- xxiii. “The respondents are hereby directed to collect the minimum charges up to July, 2007 from the amount outstanding by April, 2007 together with interest in accordance with rules. With this observation, this appeal is disposed. If the appellant pays the amount, the respondents are directed to restore the service connection considering it as a new connection. No orders as to costs”.
- xxiv. In accordance of the Vidyut Ombudsman orders VO/Appeal No. 25 of 2012, Dated. 28.07.12 a letter has been addressed to Sri. P. Rajesham, S/o. Shankaram to pay the arrears as per the Vidyut Ombudsman orders.
- xxv. But, again the consumer filed a petition vide W.P. No. 31660 of 2012, Dated. 03.10.12 in Hon’ble High Court of AP to declare the orders passed by the Vidyut Ombudsman, Hyderabad in Appeal No. 25 of 2012,Dt. 28.07.12 and consequential Lr. No. AAO/ ERO/ GDK/JAO-II/Sr. Asst/NS/D. No. 502/12/Dt. 05.09.12 as being illegal, improper, unilateral and against to the principles of natural justice.
- xxvi. Hon’ble High Court of Andhra Pradesh has pronounced a order on W.P. No. 31660 of 2012 in W.P. MP. No. 40384 of 2012 the brief contents of the order are mentioned below :-  
  
“Having regard to this request of the learned counsel, the writ petition is disposed of without adjudicating on the correctness or otherwise of the orders impugned in this Writ Petition, with liberty to the petitioner to avail appropriate remedy on the basis of the purported fresh material procured by him. If the

petitioner approaches the above mentioned Forum with such material, the latter shall entertain and dispose of the same without being influenced by the orders passed by it or respondent number one earlier”.

- xxvii. “Having regard to this request of the learned counsel, the writ petition is disposed of without adjudicating on the correctness or otherwise of the orders impugned in this Writ Petition, with liberty to the petitioner to avail appropriate remedy on the basis of the purported fresh material procured by him. If the petitioner approaches the above mentioned Forum with such material, the latter shall entertain and dispose of the same without being influenced by the orders passed by it or respondent number one earlier”.
- xxviii. In accordance with the above order the consumer again approached the Consumer Grievances Redressal Forum on 21.11.12 raising certain points before the Consumer Grievances Redressal Forum/NPDCL/Warangal. The item wise report is submitted hereunder:-

**Point No. 1 :-**

As per records up to 01/2003 no arrears outstanding but from 02/2003 to 10/2003 the consumer was not paid the C.C. bills regularly. Due to non-payment of the C.C. bills the arrears were accumulated and the service was disconnected in 11/2003 with final reading 80745 with arrears of Rs. 61,573-00 only. In this regard the calculations furnished by the consumer are not as per the tariff conditionst as mentioned in the petition. The detailed demand, collection and balance particulars as per records are furnished here under :-

| Month   | F/R   | OB       | Demand   | Collection | JE | CB       |
|---------|-------|----------|----------|------------|----|----------|
| 02/2003 | 69989 | 0.19     | 24431.00 |            |    | 24431.19 |
| 03/2003 | 72457 | 24431.20 | 12695.00 | 31381.00   |    | 5745.19  |
| 04/2003 | 72457 | 5745.19  | 49050.00 | 13904.00   |    | 40891.19 |
| 05/2003 | 73744 | 40891.20 | 12741.00 | 12741.00   |    | 40891.19 |
| 06/2003 | 75284 | 40891.20 | 16001.80 | 12050.00   |    | 44843.00 |
| 07/2003 | 77428 | 44843.00 | 9219.00  |            |    | 5462.00  |
| 08/2003 | 78681 | 54062.00 | 8187.00  | 16131.00   |    | 46118.00 |
| 09/2003 | 79707 | 46118.00 | 3730.00  |            |    | 49848.00 |
| 10/2003 | 79707 | 49848.00 | 8062.00  |            |    | 57910.00 |
| 11/2003 | 80745 | 57910.00 | 3663.00  |            |    | 61573.00 |

|              |                  |                 |  |  |
|--------------|------------------|-----------------|--|--|
| <b>Total</b> | <b>147779.80</b> | <b>86207.00</b> |  |  |
|--------------|------------------|-----------------|--|--|

- xxix. From the above statement from 02/2003 to 11/2003 arrears accumulated amounting to Rs. 1,47,779.80, but the consumer paid Rs. 86,207.00 only.
- xxx. The service was again disconnected in the month of 04/2004 with arrears of Rs. 78,610-00 and bill stopped in 08/2004 for non payment of Rs. 94,924-00 and service was revoked in 01/2006 and again disconnected in 03/2006 for non payment of arrears of Rs. 1,54,912-00 and lastly disconnected in 05/2007 with arrears of Rs. 30,999-00 and simultaneously bill stopped in 06/2007 with arrears Rs. 34,024.00.
- xxxi. As per the above mentioned, it was observed that the consumer was repeatedly applied for availing the benefits under sick industry even though the same was allowed at once but the consumer was not satisfied with that and he is even not complying the Vidyut Ombudsman's order which was facilitated him that his service connection may be treated as new connection as per the rules in vogue. Now at this juncture the consumer is changing his stand from availing the sick industry benefit to the stand of there are no arrears are existing to be paid to the NPDCL as per his calculations duly deviating the tariff order.
- xxxii. Therefore it is prayed that the further proceedings may be taken as per the rules and regulations of APNPDCL in vogue.

3. The Assistant Divisional Engineer/Operation/Godavarikhani has submitted his written submissions as hereunder:

- a. The average units billed during 04/2003 to 10/2003 under sluggish period.
- b. The average units may be billed due to "these may be an internal fault in the meter reading the consumed units like CT Open and CT contacts frequently" here the above service billed under sluggish.

4. After hearing both sides and after considering the material placed before the Forum, the Forum held as hereunder:

- i. **The respondents are directed to withdraw additional consumption added from 04/2003 to 10/2003 during the meter working with sluggish status.**



- ii. **The respondents are also directed to act rest of grievance in connection with Appeal No. 25 of 2012, Dated. 28.07.2012 disposed by the Hon'ble Ombudsman.**
- iii. **The complainant is advised to pay the C.C. charges outstanding after withdrawal of additional consumption added from 04/2003 to 10/2003 during the meter sluggish period.**

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same by narrating the following grounds:

(i) The respondents have not implemented the order of this authority but an amount of Rs.34,024/- was shown as arrears and monthly bill of Rs.2,09,900/- and surcharge Rs.34,704/- totaling Rs.2,81,426/- and demanded for restoration of service, otherwise, they would dismantle the service connection.

(ii) The said procedure is illegal and incorrect. The respondents are harassing the appellant for the last 10 years. Ultimately, he got the information under RTI Act.

(iii) As per the information furnished, the AAO informed Rs.61,573/- as arrears and it was informed by the officials that it was incorrect. The bill was shown as Rs.3,71,408/- and he paid Rs.3,97,949/- in total and he paid the amount Rs.26,901/- in excess.

(iv) In the month of December 2001 Rs.25,570/- was collected as advance for giving the service connection. In the month of April 2004 without informing about the arrears of Rs.78,610/- disconnected the service connection.

(v) Again in the month of December 2005 they received Rs.41,108/- and restored the service connection. In the month of February, he consumed 130 units but in the month of March 2006, the officials informed Rs.154,912/- as arrears and disconnected the service connection.

(vi) Again in the month of April 2007, they showed 28,733/- as arrears and without giving any information, the service connection was disconnected. The respondents did not inform about the withdrawal of amounts of surcharges on the orders of the Forum right from 01.05.2003 to 01.04.2007 but they raised more demanding but by the end of April 2007 paid more than Rs.6000/-.

(viii) The disconnection of service is illegal and requested this authority to conduct an enquiry and pass an order directing the respondents to release the service connection.

6. Now, the point for consideration is, "Whether the impugned order is liable to be set aside? If so, on what grounds?"

7. The appellant appeared before this authority and narrated all the grounds mentioned in the grounds of appeal. He has also submitted an affidavit along with grounds of appeal to the effect that he suffered heavy loss on account of frequent disconnection of service once in November 2003, 04.04.2004 and 04.04.2007 and he sustained loss of Rs.1,00,00,000/- as the manpower and machines were idle for the last 10 years.

8. The respondents are represented by Sri. B. Sathyanarayana Rao, AAO/ERO/Godavarikhani, and Sri G. Madhusudan ADE, Godavarikhani and submitted their written submissions as hereunder

(i) In the year 2006 on representation of the consumer vide CG No.52/2006 of Karimnagar Circle to the CGRF, APNPDCL, Warangal on the levies of LPF surcharge the order was passed for revision of LPF surcharge duly limiting the levies of PLF @25% per month on bill amount vide CGRF order No.52/2006 of Karminagar Circle dt.18.05.2006

(ii) On verification of records of the ERO, it is found that according to the CGRF order the LPF surcharge has been revised @25% LPF surcharge and the rectification of the billed amount during the sluggish period from 04/2003 to 10/2003 including Addl.charges and withdrawn the excess amount billed duly passed a revenue journal entry (RJE) to the records in 06/2006 vide JE No.16 of 06/2006 to the tune of Rs.42,089/- (excess LPF levied Rs.24,433.54 and additional consumption charges including additional charges Rs.17655.46).

(iii) Hence, the rectification of excess billed of 2535 units during the sluggish period from 04/2003 to 10/2003 is already rectified and got effected to the

records.

9. The service was billed in the month of 11/2001 for an amount of Rs.80,234/- and granted three instalments. He paid first installment, the 2<sup>nd</sup> installment cheque was dishonoured and the service was disconnected in the month of 03/04. It was having arrears of Rs.74,289/- which includes current consumption charges billed for the month of 02/04 for Rs.24,114/- and dishonoured cheque payment of 2<sup>nd</sup> installment and current consumption bill of 01/04 for Rs.29,329/-. The service was bill stopped in 08/2004.

10. The appellant submitted an application for revival of service connection by giving sick industry benefit. Sick industry benefit was allowed by withdrawing minimum charges and surcharge from 04/04 to 12/05 for an amount of Rs.82,323/- in the month of 04/06. The consumer approached the Forum on the levy of LPF surcharge. In compliance of the Forum order, an amount of Rs.42,089/- was withdrawn in the month of 06/06. Again the consumer approached Vidyut Ombudsman on 22.06.2006 by filing an Appeal No.12/2006. The Vidyut Ombudsman ordered to withdraw LPF surcharge and it was withdrawn accordingly.

11. Again the consumer approached the Forum on 01.03.2007 for capacitor surcharge and in compliance of the said order, an amount of Rs.12,954/- was withdrawn in the month of 04/2007. Again the service was disconnected for non-payment of arrears of Rs.28,733/- by the end of 04/2007 and bill stopped in 06/07. Again applied for revival of sick industry but the same was disallowed. Again, he applied for revival of sick industry on 26.08.2010 but the same was not considered as he has already availed sick industry benefit, he approached the Forum. Thereafter, the Vidyut Ombudsman ordered to restore the service connection by giving sick industry benefit.

12. Against that W.P.No.10324/2011 was filed. The operative direction given by the Vidyut Ombudsman was set aside and remanded the matter to the Forum to

look into grievance of the appellant. Aggrieved by the order of the Forum, again he approached Vidyut Ombudsman in Appeal No.25/2012 and Vidyut Ombudsman passed the order as hereunder:

**The respondents are hereby directed to collect the minimum charges upto July, 2007 from the amount outstanding by April, 2007 together with interest in accordance with rules. With this observation, this appeal is disposed. If the appellant pays the amount, the respondents are directed to restore the service connection considering it as a new connection. No orders as to costs.**

13. The consumer filed W.P.No. 31660 of 2012 and the Hon'ble High Court directed the appellant to approach the Forum with fresh material procured by him. The Forum has withdrawn the additional consumption of 2535 units added from 04/2003 to 10/2003 ie., sluggish period. Again the consumer approached Vidyut Ombudsman by filing Appeal No.37/2013 (the present appeal).

14. The contention of the respondents is due to non-payment of CC bills the arrears were accumulated and the service was disconnected in 11/2003 with final reading 80745 with arrears of Rs.61,573/-. The arrears were accumulated to Rs.1,47,779/- but the consumer paid Rs.86,207/- and the balance amount is Rs.61,573/-. The Forum passed the impugned order directing the respondents to

*“withdraw additional consumption added from 04/2003 to 10/2003 during the meter working with sluggish status and act rest of grievance in connection with Appeal No. 25 of 2012, Dated. 28.07.2012 disposed by the Hon'ble Ombudsman.”*

15. In the Appeal No. 25/2012, this authority held

**“The disconnection was made by April 2007 for the second time. The respondents are precluded from collecting beyond July 2007. The Forum has observed in the impugned order to collect the amounts from July 2007, till February 2012. The said procedure is unknown to law. The respondents are at liberty to collect the minimum charges for 3 more months one month after disconnection as per the general terms and conditions of the supply. For example if a person takes a service for a**

period of 2 years by entering into an agreement for that period and commits default in paying the service connection in the very next month of agreement the service connection may be disconnected and the minimum charges will be collected till expiry of agreement period that is 2 years period + 3 months and there after there will be no contractual liability in between the parties.

In the light of the above said observations and in the light of the material on record I am of the opinion that the impugned order is partly incorrect and that the same is partly liable to be set aside i.e., collection of minimum charges till February, 2012.

The respondents are hereby directed to collect the minimum charges upto July, 2007 from the amount outstanding by April, 2007 together with interest in accordance with rules. With this observation, this appeal is disposed. If the appellant pays the amount, the respondents are directed to restore the service connection considering it as a new connection. No orders as to costs.”

16. The above said order clearly indicates that the department has no right to collect CC charges throughout though the disconnection was made in April 2007. As per clause 5.9.4.3 of GTCS they have to issue a notice for one month for disconnection and thereafter 3 months with minimum charges. If the amounts are not paid, they have to disconnect the service connection terminating / snapping contractual relationship between the consumer and the supplier i.e, appellant and the respondents herein. Clause 5.9.4.3 reads as follows:

**5.9.4.3 Termination of LT Agreement and HT Agreement on account of disconnection:** *Where any consumer, whose supply is disconnected for nonpayment of any amount due to the Company on any account, fails to pay such dues and regularize his account within three Months from the date of disconnection, the Company shall after completion of 3 months period, issue one Month notice for termination of the LT or HT Agreement, as the case may be. If the consumer still fails to regularize the account, the Company shall terminate the Agreement with effect from the date of expiry of the said one-Month notice. Such termination shall be without prejudice to the rights and obligations incurred or accrued prior to such termination.*

*Provided that where the Company fails to issue notice or terminate the Agreement as prescribed above, the consumer shall not be liable to pay the minimum charges for the period beyond 4 months from the date of disconnection and the Agreement shall be deemed to have been terminated at the end of 4 months period from the date of disconnection.*

17. The department is not expected to collect minimum charges till February 2012 or thereafter. Since the contractual liability in between the parties was snapped in the month of April 2007. Though it was observed by this authority in the impugned order as above, they are collecting minimum charges continuously as if the contractual relationship is in existence. It is against to the said clause and the procedure adopted is unknown to law.

18. Therefore the respondents are directed to adhere to the General Terms & Conditions of Supply collecting minimum charges upto 07/07 plus one month (notice period) and if there is any arrears by that date they can collect together with interest till payment is made. If any payments are made in between by the appellant, they have to give credit and collect balance amount from the appellant and restore the service connection treating it as if it is a fresh service connection if there is any DTR and the service lines in existence at the cost of the appellant at the time of installation of service connection, it may be provided on the said service line through the DTR without insisting for further development charges, etc. If they are not there it can be given afresh as per the departmental rules in vogue.

18. With the above said observation, the appeal is disposed accordingly.

This order is corrected and signed on this day of 23<sup>rd</sup> April 2013

**Sd/-**

**VIDYUT OMBUDSMAN**