



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**

FRIDAY THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

Appeal No. 53 of 2024-25

Between

M/s. Nandi Stone Industry and Cutting, Sri Kotta Srinivas (Proprietor),
s/o Kotta Pandurangam, Allapur Village, Tandur Mandal, Vikarabad District
-501141.

..... Appellant

AND

1. The Assistant Engineer/Operation/Tandur/TGSPDCL/Vikarabad.
2. The Assistant Divisional Engineer/Operation/Tandur/TGSPDCL/Vikarabad.
3. The Assistant Accounts Officer/ERO/ Tandur /TGSPDCL/ Vikarabad.
4. The Divisional Engineer/Operation/ Tandur /TGSPDCL/ Vikarabad Circle.
5. The Superintending Engineer/Operation/Vikarabad Circle/TGSPDCL/
Vikarabad.
6. The Divisional Engineer/DPE/ Vikarabad Circle /TGSPDCL/ Vikarabad.

.....Respondents

This appeal is coming on before me for final hearing on 08.05.2025 in the presence of Dr.C.Adithya Krishna - Advocate for the appellant and Sri B.Sampath Kumar - AAE/DPE/Vikarabad, Sri Shanker - ADE/OP/Tandur, Sri J Mahesh - AAO/ERO/Tandur and Sri K. Vijay Kumar - DE/DPE/Vikarabad for the respondents and having stood over for consideration, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award in C.G.No.50/2024-25/Vikarabad Circle dt. 26.10.2024 passed by the Consumer Grievances Redressal Forum - II (Greater Hyderabad Area) (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL'), allowing the complaint in part.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No. 2225000396 under LT Category-III in the name of M/s. Nandi Stone Industry & Cutting at Tandur Village and Mandal. Like-wise the respondents have released two other Service Connections. The particulars of the said Service Connections are shown as under:-

Sl. No.	SC No.	Contract ed load	Category	Name of the service	Purpose
1.	2225000396	68 HP	LT Cat-III	M/s. Nandi Stone Industry and Cutting	Stone Cutting & Polishing Industry
2.	2236004467	26 HP	LT Cat-III	M/s. Patel Gangadas	Stone Cutting & Polishing Industry
3.	2236002754	49 HP	LT Cat-III	M/s. Ganesh Stone	Stone Cutting & Polishing Industry

Respondent No.2 issued a notice No. ADE/OP/Tandur/D.No.4054 dt.20.12.2023 (in short 'the impugned notice') for merging the two LT Service Connections into the Service Connection of the appellant industry i.e., M/s. Nandi Stone Industry & Cutting, HT Service Connection and assessing the back billing at Rs.4,38,014/- from 16.12.2022 to 15.12.2023.

3. The appellant filed its representation in response to the said notice on 01.02.2024 to respondent No.4 stating that there is no change in the activity or the connected load of the appellant and as such the merging of the Service Connections is not correct. According to the appellant the three Service Connections are owned by different persons and they are different establishments. Therefore, these services are not to be clubbed. It was accordingly prayed to set aside the impugned notice and to grant any other relief.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

4. In the written reply filed by respondent No.2, it is, inter alia, submitted that the appellant premises was inspected by DPE/Vikarabad wing on 25.11.2023. According to him, the three services in this case are located in the same premises with only one entrance to the premises. The supply from all the three services are utilised by the same person though they are in different names. The power supply is being used for cutting and polishing with different stages without any division of work i.e., same material was used for

processing in three stages where supply is connected from different service meters. The inspection was in the presence of its proprietor Sri Kotta Srinivas.

5. In the written replies filed by respondent No.3,4 and 6, separately, apart from the contents of the written reply filed by respondent No.2, they have also stated that basing on the inspection, back billing was raised for clubbing of three services and billed under HT Category-I as per total sanctioned load and connected load exceeding 100 HP to avoid revenue loss of Rs.4,38,014/- to the department for the period from 16.12.2022 to 15.12.2023. Service Connection No.2225000396 was changed from Category-III to HT Category. Respondent No.4 confirmed the said amount of Rs.4,38,014/-.

AWARD OF THE FORUM

6. After considering the material on record and after hearing both sides, the learned Forum has allowed the complaint in part by setting aside the back billing amount. However it directed the respondents to club the services and revise the bills w.e.f., the date of inspection i.e.,25.11.2023.

7. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the three Service Connections in this case belong to different persons operating different units in the same premises. The method adopted by the respondents to club the

services is illegal. Clause 3.5.1(ii) and 3.5.2 of General Terms and Conditions of Supply (in short 'the GTCS') apply in this case and not Clauses 3.5.3 and 3.5.4 of GTCS. Therefore it is prayed to set aside the impugned notice for clubbing the three services by setting aside the impugned Award to that extent.

WRITTEN SUBMISSION OF RESPONDENTS

8. No written reply was filed by the respondents before this Authority.

ARGUMENTS

9. The learned advocate representing the appellant submitted that the three industries in this case are owned by different persons and they are all different establishments and as such the correct Clauses applicable are Clause 3.5.1.(ii) and 3.5.2 of GTCS. Therefore the respondents are not authorised to club the said Service Connections. It is accordingly prayed to set aside the order clubbing the Service Connections by setting aside the impugned Award to that extent.

10. On the other hand, respondents have submitted that all the three industries in this case are situated in the same premises with only one entrance to the premises and they belong to the same family and are dealing with the same business. Therefore the Service Connections are liable for clubbing.

POINTS

11. The points that arise for consideration are:-

- i) Whether the subject Service Connections are not liable for clubbing ?
- ii) Whether the impugned Award passed by the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)**ADMITTED FACTS**

12. It is an admitted fact that there are three industries involved in this case, which are as under:-

Sl. No.	SC No.	Contracted load	Category	Name of the service	Purpose
1.	2225000396	68 HP	LT Cat-III	M/s. Nandi Stone Industry and Cutting (Kotta Srinivas)	Stone Cutting & Polishing Industry
2.	2236004467	26 HP	LT Cat-III	Patel Gangadas (Kotta Murari)	Stone Cutting & Polishing Industry
3.	2236002754	49 HP	LT Cat-III	Ganesh Stone (Kotta Abhilash)	Stone Cutting & Polishing Industry

13. The respondents have released Service Connections in favour of the industries as stated in the table shown above. Admittedly one Kotta Srinivas is the owner of M/s. Nandi Stone Industry & Cutting. It is also an

admitted fact that the owners of the other two industries are the sons of the appellant.

SETTLEMENT BY MUTUAL AGREEMENT

14. Both the parties have appeared before this Authority on different dates. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

REASONS FOR DELAY IN DISPOSING OF THE APPEAL

15. The present appeal was filed on 27.03.2025. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

16. Respondent No.2 has issued the impugned notice for clubbing the Service Connections mainly basing on Clause 3.5.3 of GTCS. The appellant is opposing the clubbing of services basing on Clauses 3.5.1(ii) and 3.5.2 of GTCS on the ground that all these three Services are separate establishments of different persons. At this stage it is necessary to extract the above said Clauses.

Clause 3.5.1:- For the purpose of the GTCS, separate establishments shall include the following types of establishments:

- i Having distinct set-up and staff;
- ii Owned or leased by different persons;
- iii Covered by different licences or registrations under any law where such procedures are applicable; and
- iv For domestic category, the households having a separate kitchen.

Clause 3.5.2:- Each separate establishment will be given a separate point of supply.

17. At this stage it is also necessary to extract Clause 3.5.3 of GTCS, which is as under:-

Clause 3.5.3:- Notwithstanding the above provisions, the Company reserves the right, where it is reasonably established, that the consumers of the same group or family or firm or company who are availing supply under different service connections situated within a single premises by splitting the units, the Company may treat such multiple connections existing in the single premises as a single service connection and charge the total consumption of all the consumers at the appropriate tariffs applicable for a single service connection. Any officer authorised by the Company shall issue notices to the concerned consumers asking them to furnish a single application for all such services and to pay required charges for merging the services into a single service.

A perusal of Clause 3.5.3 of GTCS makes it quite clear that if the Licensee finds that consumers of the same family or company who are availing supply under different Service Connections within a single premises by splitting the units, the company may treat such multiple connections as a single Service Connection and charge the total consumption appropriately.

18. The impugned notice prima-facie proves that respondent No.2 issued it after inspection of the subject premises by the DPE wing at the relevant time. Further the material on record establishes that these three industries are owned by father and two sons. More-over it also appears that all these three industries deal with the same business of stone crushing.

19. According to Clause 3.5.1 of GTCS, if the industry is with different staff, owned by different persons etc., it can be treated as separate establishment. In the present case as already stated the business done by three companies is the same and the persons involved are no other than father and two sons. Therefore Clauses 3.5.1, 3.5.1(ii) and 3.5.2 are not applicable but Clause 3.5.3 is applicable.

20. It is the argument on behalf of the appellant that no notice was issued under Clause 3.5.3 of GTCS as such he prayed to set aside the impugned notice and also clubbing the three Service Connections. This argument of the learned counsel cannot be accepted. Though there is no specific mention of the relevant Clause in the impugned notice the substance of the said Clause is mentioned therein. Thus finally it can be concluded that if the different consumers in single premises belong to one family and if they are availing different Service Connections by splitting the same premises into different units Clause 3.5.3 and 3.5.4 of GTCS apply. In the present case it is reasonably established by the respondents that the consumers in this case

belong to the same family and availing supply under different Service Connections situated within the same premises by splitting the units to cause loss to the respondents. In view of these factors, I hold that the clubbing of the three services by the respondents is perfectly correct. The learned Forum has properly dealt with the subject of clubbing of the services and came to the correct conclusion. Therefore, I hold that the three Service Connections are liable to be clubbed and the impugned Award is not liable to be set aside.

POINT No. (iii)

21. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

RESULT

22. In the result, the appeal is rejected, confirming the Award passed by the learned Forum.

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

Typed to my dictation by Office Executive cum Computer Operator, corrected and pronounced by me on the 9th day of May 2025.

**Sd/-
Vidyut Ombudsman**

1. M/s. Nandi Stone Industry and Cutting, Sri Kotta Srinivas (Proprietor), s/o Kotta Pandurangam, Allapur Village, Tandur Mandal, Vikarabad Dist-501141.
2. The Assistant Engineer/Operation/Tandur/TGSPDCL/Vikarabad.
3. The Assistant Divisional Engineer/Operation/Tandur/TGSPDCL/Vikarabad.
4. The Assistant Accounts Officer/ERO/ Tandur /TGSPDCL/ Vikarabad.
5. The Divisional Engineer/Operation/ Tandur /TGSPDCL/ Vikarabad Circle.
6. The Superintending Engineer/Operation/Vikarabad Circle/TGSPDCL/ Vikarabad.
7. The Divisional Engineer/DPE/ Vikarabad Circle /TGSPDCL/ Vikarabad.

Copy to

8. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.

