



**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**

SATURDAY THE TWENTY FIRST DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

**C.M.P.No 08 of 2024-25**

in

**Appeal No. 28 of 2023-24**

Between

M/s. Ankit Packaging Limited, represented by Sri Ankit Agarwal, s/o. Manohar Lal Agarwal Sy.No.849, Agarwal Estate, Patancheru, Sangareddy District - 502319, Cell: 8801002022.

.....**Petitioner/Appellant**

**AND**

1. The Assistant Divisional Engineer / Operation / Patancheru / TSSPDCL / Sangareddy District.
2. The Divisional Engineer / Operation / Patancheru / TSSPDCL / Sangareddy District.
3. The Senior Accounts Officer / Operation / Sangareddy Circle / TSSPDCL / Sangareddy District.
4. The Superintending Engineer / Operation / Sangareddy Circle / TSSPDCL / Sangareddy District.
5. The Accounts Officer / Revenue / Sangareddy / TSSPDCL / Sangareddy District.
6. The Chief General Manager (Revenue) / Corporate Office / TSSPDCL / Hyderabad.
7. The Chief General Manager (Commercial)/Corporate Office / TSSPDCL / Hyderabad.

..... **Respondents/Respondents**

This petition is coming on before me for final hearing on 19.09.2024 in the presence of Sri Ravinder Prasad Srivatsava, authorised representative of the petitioner/appellant and Smt. V. Anusha - AAO/HT/Sangareddy and Sri M. Prabhu - SAO/OP/Sangareddy for the respondents and having stood over for consideration till this day, this Vidyut Ombudsman passed the following:-

### **ORDER**

This petition is filed to permit the petitioner/appellant to pay Rs.21,36,882/- in lump sum and pass such order as may deem fit and proper.

2. In the petition, it is, inter-alia submitted that due to financial difficulty the petitioner did not pay any amount of Rs. 21,36,882/- in instalments and as per schedule as directed by this Authority vide Award in Appeal No.28 of 2023-24 dt.03.10.2023. Therefore it is prayed to permit it to pay the amount in lump sum as stated above.

3. In the written reply filed by respondent No.3, it is, inter-alia, submitted that the petitioner/appellant has failed to obey the orders of this Authority dt.03.10.2023 in the Appeal. Therefore the petitioner is liable to pay surcharge and after adding the surcharge the amount upto 31.08.2024 comes to Rs.29,73,057/-. Therefore, the petitioner is liable to pay the said amount.

### **ARGUMENTS**

4. The authorised representative of the petitioner/appellant has submitted that due to financial difficulties the petitioner was unable to pay the amount as directed in the Award in question and now the petitioner is ready to pay the entire amount as ordered by this Authority in lumpsum. Therefore he

prayed to permit the petitioner to do so.

5. On the other hand, it is argued on behalf of the respondents that since the petitioner did not stick to the Award passed by this Authority in making payments as per the schedule, surcharge is to be imposed on the amount payable by the petitioner. Accordingly it is prayed to dismiss the petition.

**POINT**

6. The point for consideration is,

Whether there are sufficient grounds to permit the petitioner to pay the amount in question in lump sum as prayed for?

**POINT**

**ADMITTED FACTS**

7. It is an admitted fact that this Authority has passed an Award in Appeal No.28 of 2023-24 on 03.10.2023. The result portion at para No. 21 of the said Award is as under:-

“In the result, the appeal is allowed in part and the Award of the learned Forum is set aside. The respondents are entitled to recover the arrears of Rs.21,36,882/- from the appellant. The respondents are not entitled to impose any surcharge on the above said amount. The appellant is granted (6) equal monthly instalments to pay the due amount. The said instalments shall be paid as under:-

Sl.No.	Instalment Number	Due Date
1.	First instalment	On or before 31.10.2023
2.	Second instalment	On or before 30.11.2023
3.	Third instalment	On or before 31.12.2023

4.	Fourth instalment	On or before 31.01.2024
5.	Fifth instalment	On or before 29.02.2024
6.	Sixth instalment	On or before 31.03.2024

If the appellant fails to pay the first (2) instalments as per schedule stated above, it is not entitled to the aforesaid benefit. It is made clear that after payment of the amount mentioned above, the appellant is at liberty to apply for dismantling of subject Service Connection and the respondents shall dismantle the subject Service Connection as per procedure. The appeal in respect of other reliefs is rejected.”

It is also an admitted fact that so far the petitioner has not complied with the Award passed by this Authority.

### **CRUX OF THE MATTER**

8. In the instant petition it is necessary to refer Clauses 3.23, 3.24 and 3.43 of Regulation 3 of 2015 (in short ‘the Regulation’) which are as follows:-

**3.23.** As soon as it may be practicable to do but not later than one week from the date of receipt of the representation, the Ombudsman shall serve a notice to the complainant and also to the concerned officer of the Licensee named in the representation along with a copy of the representation and endeavour to promote a settlement of dispute by mutual agreement between the Complainant and the Licensee through conciliation or mediation.

**3.24.** For the purpose of facilitating settlement or disposal of the representation, the Ombudsman may follow such procedures, as he may consider appropriate.

**3.43.** The Ombudsman shall be guided by the principles of natural justice, and subject to the other provisions of this Regulation. The Ombudsman shall have the powers to regulate his own procedure and shall dispose of any Complaint fairly and equitably.

9. As far as the settlement between the parties is concerned, since both parties are not coming together for settlement Clauses 3.23 and 3.24 referred to above are not helpful to the petitioner.

10. Clause 3.43 of the Regulation makes it quite clear that this Authority can dispose of the present petition keeping in mind the principles of natural justice and fair play. In view of the facts and circumstances of the present petition it is necessary for this Authority to search for different options and to pass an order accordingly.

11. As already stated, the petitioner did not comply with the Award passed by this Authority in Appeal No. 28 of 2023-24 on 03.10.2023. Likewise in the written reply filed by respondent No.4, he calculated the amount at Rs.29,73,057/-. The Award passed by this Authority became final. However in view of the submission of the petitioner that due to financial difficulty the amount in question was not paid, it is necessary to consider the request of the petitioner. At the same time since huge amount is payable by the petitioner to the respondents, it is desirable to safe-guard the interests of the respondents also. Further the record shows that the dispute between the parties herein is pending since a long time. Therefore it is also necessary to see that the dispute ends finally without any further proceedings. In view of these factors, it is desirable to direct the petitioner to pay an additional amount reasonably apart from the amount already ordered in the Award in Appeal No.28 of 2023-24 dt.03.10.2023.

Accordingly, I hold that there are sufficient grounds to permit the petitioner to pay the amount in question. This point is accordingly decided partly in favour of the petitioner and partly in favour of the respondents.

## **RESULT**

12. In the result, the petition is allowed and the petitioner is permitted to pay an amount of Rs.21,36,882/- (Rupees twenty one lakhs thirty six thousand and eight hundred eighty two only) in lump sum along with additional amount of Rs.2,00,000/- (Rupees two lakhs only) to respondent No.3 within one week from the date of receipt of this order. On receipt of the total amount of Rs.23,36,882/- (Rupees twenty three lakhs thirty six thousand and eight hundred eighty two only), respondent No.3 is directed to issue No Objection Certificate for dismantling the Service Connection of the petitioner.

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 21st day of September 2024.

**Sd/-  
Vidyut Ombudsman**

1. M/s. Ankit Packaging Limited, represented by Sri Ankit Agarwal, s/o. Manohar Lal Agarwal [Sy.No.849](#), Agarwal Estate, Patancheru, Sangareddy District - 502319, Cell: 8801002022.
2. The Assistant Divisional Engineer / Operation / Patancheru / TSSPDCL / Sangareddy District.
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