

VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane Lumbini Park, Hyderabad - 500 063

> :: Present:: Smt. UDAYA GOURI Wednesday the Twelfth Day of August 2020

Appeal No. 04 of 2020-21

Preferred against Order dt.31.03.2020 of CGRF in CG No.64/2019-20 of SangaReddy Circle

Between

M/s. Nichino Chemical India Pvt. Ltd., Through its General Manager Sri. R.C.Murthy, Plot No.60 & 61, IDA Phase - II, Pashamylaram (Po&V), Patancheru Mandal, Sangareddy Dist. - 502 307. Cell: 8501015588.

... Appellant

<u>AND</u>

- 1. The ADE/OP/Isnapur/TSSPDCL/Sangareddy Dist.
- 2. The SAO/OP/Sangareddy/TSSPDCL/Sangareddy Dist.
- 3. The DE/OP/Sangareddy/TSSPDCL/Sangareddy Dist.
- 4. The SE/OP/Sangareddy Circle/TSSPDCL/Sangareddy Dist.

... Respondents

The above appeal filed on 15.06.2020 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 30.07.2020 at Hyderabad in the presence of B.Ramachandra Murthy - Appellant and N.Durga Prasad-ADE/OP/Isnapur and P.Marthaiah-AAO/HT/Sangareddy for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

<u>AWARD</u>

The Appellant M/s. Nichino Chemical Industry Pvt. Ltd., (formerly known as M/s.Nectar Crop Sciences Pvt. Ltd.) is a continuous process Industry, bearing HT service connection SGR 590, submitted the following written submissions :

We, Nichino Chemical India Private Limited (formerly known as M/s. Nectar Crop Sciences Pvt. Ltd.) wish to inform you that our factory at Pashamylaram is having power supply of 1501 KVA CMD vide HT service No. SGR 590 and we are drawing power through a 33 KV dedicated feeder from 132KV/33 KV Substation, Pashamylaram in order to have quality and uninterrupted power supply to our unit w.e.f. 05.03.2018 and ours is a continuous process industry and to get advantage of reduced Tariff charges.

We further wish to inform you that, initially we had a CMD of 1100 KVA connecting from 33/11 KV Pashamylaram EPIP-I Substation, through the 11 KV dedicated feeder to our factory.

After that we have increased factory load and also enhanced our CMD from 1100 KVA to 1501 KVA(401 KVA Increased) and taken approval from Chief Engineer (TS TRANSCO) on 28.03.2017 for 33 KV dedicated feeder bay extension/laying purpose, from 132/33 KV substation Pashamylaram.

Subsequently from June'2017 we started the 33 KV feeder bay extension works and line laying works from 132/33 KV substation to our factory, the same work was completed on 25.02.2018 with an expenditure of 1.8 Cr.

On 30.12.2017 the DE/OP/Sangareddy accepted the HT agreement for extension of additional load of 401 KVA CMD to the existing 1100 KVA with CL 3549 HP making a total of 1501 KVA CMD under HT Cat-I at 33 KV voltage supply.

On dt.05.03.2018 the TSSPDCL officials inspected and charged the new 33 KV feeder.

From the date of charging i.e. from 5th March'2018 to February'2019, we are availing power at 33 KV Voltage level and also the billing done under 33 KV voltage tariff (i.e. 6.15 per unit.)

But from March'2019 onwards the electricity bill had been generating under 11 KV tariff (i.e. 6.65 per unit) instead of 33 KV voltage tariff, and received letter Lr.No.SE/OP/SRD/SAO/AAO,HT/D.No.816/18-19 dt.15.03.2019 from the SE/OP/Sangareddy to pay an amount of Rs 25,51,219/- for differential voltage charge/towards shortfall amount under 11 KV tariff as per tariff order effected from 05.03.2018. Several times we requested to TSSPDCL officials through letter correspondence for 11 KV to 33 KV voltage tariff billing purpose, but they are not responded due to this on 02.03.2020 we have approached CGRF-I for consideration of 33 KV billing tariff purpose, CGRF officials have conducted personal hearing on dt.20.03.2020 along with TSSPDCL Sangareddy Officials. During personal hearing, the CGRF panel were convinced with our genuine say and explanation along with supporting records and only have asked us for some additional information (i.e. 11 KV dedicated feeder details), the same was submitted on 17.04.2020 to CGRF officials through whatsapp, due to COVID-19 lockdown. After that on 02.06.2020 we received a phone call from CGRF officials for collecting the passed order copy, the same order copy received at CGRF-I office by hand on 04.06.2020, the CGRF panel surprisingly given final decision against our company's request, which is not acceptable to us.

Now, we are therefore requesting the esteemed Vidyut Ombudsman to consider our genuine request for billing our company's power consumption as per 33 KV voltage tariff and issue directions to TSSPDCL to withdraw its demand notice given for paying differential voltage amount of Rs 25,51,219/- and also request you to order to refund the excess amount paid by us under protest to the tune of Rs 28,03,720/- (11 KV tariff) from March'2019 to May'2020 and continue to bill power consumption as per 33 KV voltage tariff.

2. Reply of the Respondents

The Respondents through the letter No. SE/OP/SGR/SAO/AAO-HT/File No.SGR950/D.No.94/20 dt.25.06.2020 submitted as follows:-

That the power supply to the Appellant was released on 31.03.1994 initially with a CMD of 500 KVA under Common feeder. Later on, the CMD has been enhanced to 1501 KVA w.e.f. 05.03.2018 and the Appellant has opted for independent feeder in place of the common feeder. As per the Tariff Regulations approved by the TSERC for FY 2018-19, the billing of the Appellant should be under 11 KV voltage tariff since the CMD is less than 2501 KVA. But the service was billed under 33 KV voltage Tariff till March'2019 billing cycle. On observing the same, the billing of the service was changed from 33 KV to 11 KV voltage tariff from March'2019 billing cycle owing to the Tariff Regulations for the FY 2018-19 approved by TSERC.

In this connection, it is submitted that as per the Tariff Regulations approved by TSERC all the consumers availing power supply under Independent feeder

with a CMD of less than 2501 KVA are to be billed at 11 KV voltage level. The Gist of the Tariff Regulation is placed below for perusal please:-

HT Consumers seeking to avail supply through Independent feeders from the substations where transformation to required voltage takes place shall be:-

Upto 2500 KVA	11KV
2501 KVA to 10,000 KVA	33 Kv
Above 10,000 KVA	132 Kv or 220 Kv as may be decided by the Licensee

For total contracted demand with the licensees and all other sources:-

Based on the above regulations, the billing of the Appellant has been changed from 33 KV to 11KV voltage Tariff from March'2019 billing cycle. Accordingly notice dt.15.03.2019 was issued for payment of Rs 25,51,219/- towards shortfall amount under 11KV tariff as per the Tariff Regulations approved by the TSERC for the FY 2018-19.

Aggrieved by the said notice, the Appellant has approached the Hon'ble CGRF and filed a complaint vide CG No. 64 of 2019-20. The Hon'ble CGRF vide order dt.31.02.2020 passed awards in favour of the Respondents and directed the Appellant to pay all the dues on its service connection bearing SC No. SGR590 under 11 KV tariff as per the bills issued by the licensee through the Respondents and to avoid disconnection of its service connection.

In view of the above, the Appellant is liable to pay the shortfall amount under 11 KV tariff arrived at by the Respondents together with surcharge till the date of payment for the period prior to changing of billing from 33 KV to 11 KV i.e. from March'2018 to Feb'2019 as per the Tariff Regulations.

Hence, it is requested to dismiss the Appeal and pass necessary orders to enable the Respondents to collect the shortfall amount to avoid revenue loss.

3. Rejoinder of the Appellant

That our HT service connection released in the year 1994 initially was with a CMD of 500 KVA under common feeder and in the year 2006 we had changed/developed our 11 KV line from common feeder to 11 KV dedicated feeder, from 33/11 KV EPIP substation to our factory and also enhanced our CMD from 500 KVA to 900 KVA(400 KVA increased). And in the year 2014 again we had enhanced our CMD from 900 KVA to 1100 KVA (200 KVA increased) in 11 KV dedicated feeder voltage levels.

In the year 2018, i.e. March, 2018 again we had enhanced our line voltage levels by converting from 11 KV to 33 KV supply and developed a dedicated feeder/line from 132/33 KV substation with our own expenditure of Rs 1.8 Cr, with necessary approvals from the department.

As you are aware that during the 33 KV new dedicated feeder sanction/approval time and line charging time (05.03.2018) the TSSPDCL officials informed us that our power consumption is going to be billed under 33 KV tariff only.

As you are aware that the TSSPDCL officials after charging our dedicated new line, taken and given HT reports of our service, in the same HT test reports also mentioned the tariff commencement under 33 KV HT Category-I.

From the date of charging i.e. from 5th March'2018 to February'2019 we have been availing power at 33 KV voltage level and also the billing done under 33 KV voltage tariff (i.e. Rs 6.15/- per unit.). But from March'2019 onwards, the electricity bill have been generating under 11 KV voltage tariff (i.e. Rs 6.65 per unit) instead of 33 KV voltage tariff (i.e. Rs 6.15 per unit) and received letter Lr.No.SE/OP/SRD/SAO/AAO.HT/D.No.846/18-19 dt.15.03.2019 from SE/OP/TSSPDCL to pay an amount of Rs 25,51,219/- towards differential voltage charge/towards shortfall amount under 11 KV tariff, as per tariff order effected from 05.03.2018 which was a big shock to us.

In this regard we would like to inform that the TSSPDCL officials have given the dedicated feeder permission with 1501 KVA also line charged and every month electricity bill billed 33 KV voltage level tariff upto one year. After one year they have suddenly started asking our industry to pay an amount of Rs 25,51,219/which is not correct, nor intimated to our company in any of the earlier communication nor during interaction with officials of TSSPDCL in the past.

Had TSSPDCL officials not given the approval/sanction for 33 KV dedicated feeder/line with 1501 KVA as per TSERC 33 KV Tariff Regulations, our industry would have not proceeded to for dedicated and own line by investing Rs 1.8 Cr, as already

we were having 11KV dedicated feeder. It is sheer injustice to us and a remedy is required with the intervention of your esteemed office.

At the time of the 33 KV dedicated feeder proposal we had enquired similar industries for tariff/billing regulations, already they are benefiting as per voltage levels billing tariff.

We noticed that as per TSERC Tariff Regulations some relaxations are given with the following conditions.

7.1.18 Voltage of Supply:

The voltage at which supply has to be availed by:

i. HT Consumers seeking to avail of supply on common feeders shall be: For total contracted demand with the licensee and all other sources.

Upto 1500 KVA	11KV
1501 KVA to 5,000 KVA	33 Kv
Above 5,000 KVA	132 Kv or 220 Kv as may be decided by the Licensee

ii. HT Consumers seeking to avail supply through Independent feeders from the substations where transformation to required voltage takes place shall be:-

For total contracted demand with the lice	ensees and all other sources:-
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Upto 2500 KVA	11KV
2501 KVA to 10,000 KVA	33 Kv
Above 10,000 KVA	132 Kv or 220 Kv as may be decided by the Licensee

The relaxations are subject to the fulfilling of the following conditions;-

- a. The consumer should have an exclusive feeder from the substation where a transformation to required voltage takes place.
- b. The consumer shall pay full cost of the service line including take off arrangements at substation.

In the above context as per TSSPDCL officials directions, to get benefit of Rs 0.50 Paisa reduction per unit in 33 KV Tariff and Un-interrupted quality power

supply to our unit, we had incurred Rs 1.80 cr and not getting any benefit and total injustice was done to our company.

Now we are therefore requesting the esteemed Vidyut Ombudsman to consider our genuine request for billing our company's power consumption as per 33 KV voltage tariff and issue directions to TSSPDCL to withdraw its demand notice given to our industry, for paying differential voltage amount of Rs 25,51,219/- and also request you to order to refund the excess amount paid by us "under protest" to the tune of Rs 28,03,720/- (11 KV Tariff) from March'2019 to May'2020 and continue to bill power consumption as per 33 KV voltage tariff or to compensate for the total amount incurred by us to the tune of Rs 1.80 Cr.

Heard both sides.

Issues

4. In the face of the said contentions by both sides the following issues are framed:-

- 1. Whether the Appellants service connection with a CMD of 1501 KVA availing supply under 33 KV dedicated feeder is liable for billing under 11 KV voltage tariff.
- 2. Whether the back billing demand of Rs 25,51,219/- towards differential tariff between 33 KV and 11 KV tariff is admissible.
- 3. To what relief?

Issues 1 & 2

5. The Appellant M/s. Nichino Chemical India Pvt. Ltd, pleaded this Appeal to withdraw the demand notice towards payment of differential tariff rates between 33 KV and 11 KV imposed for Rs 25,51,219/-, refund of excess amount paid to the tune of Rs 28,03,720/- from March'2019 to May'2020 and continuation of billing tariff under 33 KV voltage tariff or to compensate for the total amount included by the Appellant towards 33 KV network conversion to the tune of Rs 1.80 Cr.

6. That M/s. Nichino Chemical India Pvt. Ltd, is an industry bearing electricity service connection SGR 590 (earlier MDK 590) released in the year 1994 with initial CMD of 500 KVA at 11 KV level of supply under the common feeder. During the year 2006 the CMD was enhanced from 500 KVA to 900 KVA duly converting into 11 KV dedicated feeder and again in the year 2014 the load was enhanced from 900 KVA to 1100KVA.

In the year 2018 the load was enhanced from 1100 KVA to 1501 KVA along with conversion of 11 KV level of supply to 33 KV supply under dedicated feeder, vide Sanction Memo No.SE/OP/MDK/ADE/Comml/F.No.D.No.2253/16-17 dt.30.03.2017.

The main features of the sanction scheme was:-

- A.Erection of new 1.6 KM 33 KV line over 11 Mtr poles and 2 Nos. M+6 TOWERS WITH 100 Sq mm AAA conductor.
- B. Erection of 6 No.s 50/1A 33 KV Ct's with 0.2s class at consumer premises.
- C. Erection of 6 Nos 33KV/110V 33KV PT's with 0.2 class at consumer premises.
- D. Shifting of CTPT set temporarily till work completion and after that dismantling of
 2 No.s 11KV 60/5A CTPT sets at consumer premises and 33/11 KV SS.
- E. The existing 3 Nos. 11KV open access meters are to be upgraded (programming) to 33 KV meters.

The above scheme approved was with the following justification :- " The consumer has applied to conversion of supply from 11 KV voltage level to 33 KV voltage level to release an additional load to the existing load."

Later the supply was converted into 33 KV dedicated feeder from 132/33 KV Pashamylaram Sub Station, which was accorded sanction vide Memo No.SE/OP/MDK/ADE/Comml/F-DCN/D.Noo.58/17-18 dt.16.04.2017. The said scheme was approved with the following features:-

- a. Erection of new 0.78 KM 33 KV line (conversion of SC to DC line) over M+6 towers.
- b. Erection of 33 KV bay extension with breaker at 132 KV Pashamylaram SS.
- Laying of double run 2 x 50 mtrs 33 KV 400 sq mm XLPE Cable.
 Total cost of estimate was Rs 49,94,233/-,

the justification for the scheme was "the consumer has applied for 33 KV dedicated line so estimate was prepared with connection of existing SC line (33 KV Inox feeder) to DC line (inox + N/p line) over new proposed 13 Nos. M+6 towers."

Subsequently release orders were issued for release of Additional load of 401 KVA with total CMD of 1501 KVA CMD under HT Category - I at 33 KV supply, vide Memo No.SE/OP/SRD/ADE/Comml/HT/D.No.1594/17 dt.22.02.2018 and HT agreement was executed on 30.12.2017. Subsequently the Additional load of 401 KVA on existing 1100 KVA making total CMD of 1501 KVA was released on 05.03.2018.

7. The Respondents after release of additional load of 401 KVA under 33 KV voltage of supply, issued monthly bills regularly at 33 KV voltage tariff and charged energy charges @ Rs 6.65/unit. Suddenly after one year issued notice vide Lr.No.SE/OP/SRD/SAO/AAO-HT/D.No.846/18-19 dt.15.03.2019, realising that the billing is wrong and issued demand notice for payment of Rs 25,51,219/- as shortfall amount towards 11 KV tariff, stating that as per Tariff order 2018-19, energy charges shall be levied at 11 KV tariff instead of 33 KV Tariff.

8. The Appellant opposed such sudden levy of differential tariff charges through back billing at difference of rates 6.65/unit (11 KV voltage tariff) and 6.15/unit (33 KV voltage tariff) which accounted to Rs 25,51,219/-, stating that the Licensee accorded approval for dedicated 33 KV line for the CMD of 1501 KVA and billed under 33 KV voltage tariff for one year and abruptly resorted to back billing revising to 11 KV voltage tariff. Had it been this was informed prior to them during the approval of 33 KV dedicated feeder they would not have proceeded for the 33 KV line and relied on the 11 KV dedicated feeder. Hence pleaded that it is injustice to them.

9. The Respondents relying on the Tariff Order 2018-19, held that the billing of the service connection shall be under 11 KV voltage tariff since the CMD is less than 2501 KVA and therefore seeing the mistake of billing under 33 KVA voltage tariff, the billing tariff was changed from 33 KV voltage tariff to 11 KV voltage tariff from March'2019 and notice dt.15.03.2019 was issued for payment of Rs 25,51,219/- towards shortfall under 11 KV tariff for the period from 05.03.2018 (date of release) of 401KVA CMD additional load to Feb'2019.

The relevant Clause 7.118 voltage of supply of the Tariff Order 2018-19 is reproduced here under:-

7.118 Voltage of Supply:

The voltage at which supply has to be availed by:

i. HT Consumers seeking to avail of supply on common feeders shall be: For total contracted demand with the licensee and all other sources.

Upto 1500 KVA	11KV
1501 KVA to 5,000 KVA	33 Kv
Above 5,000 KVA	132 Kv or 220 Kv as may be decided by the Licensee

 ii. HT Consumers seeking to avail supply through Independent feeders from the substations where transformation to required voltage takes place shall be: For total contracted demand with the licensees and all other sources:-

Upto 2500 KVA	11KV
2501 KVA to 10,000 KVA	33 Kv
Above 10,000 KVA	132 Kv or 220 Kv as may be decided by the Licensee

The relaxations are subject to the fulfilling of the following conditions;-

- c. The consumer should have an exclusive feeder from the substation where a transformation to required voltage takes place.
- d. The consumer shall pay full cost of the service line including take off arrangements at substation.

The above Clause specifies the applicable voltage level corresponding to contracted demand. It is clear that under independent feeder for the contracted demand upto 2500 KVA, the applicable level of voltage is 11KV. In the present case, the Respondents accorded 33 KV voltage dedicated feeder instead of 11 KV voltage level to the Appellant & clearly ignored the statutory conditions stated above. The wrong action of the Respondents in sanction of the 33KV dedicated network scheme for a CMD of 1501 KVA led to the investment of expenditure of Rs 1.8Cr from the Appellant, resulting in present dispute. The Appellant cannot be held responsibility and penalised for such irregularity of the Respondents.

Now the question is to be answered is whether the presently carried out 11KV Voltage tariff billing is in line with the relevant tariff order. The Tariff Order emphasise energy charges with respect to voltage level of supply. Basically the Tariff rates per KVAH units consumed by the Appellant directly depends upon the voltage level of supply and not on the CMD availed by the Appellant. Until the Tariff 2015-16, there was specific clause 6(3)(iii) for levy of tariffs where the voltage wise tariff was applicable in case of HT-I, HT-II and HT-III consumer categories, the Licensee shall levy the tariff as per the actual supply voltage. From the subsequent Tariff Order 2016-17 the above said clause was omitted from the Tariff Order. In the absence of such mandate the present existing billing under 11 KV voltage tariff corresponding to the CMD of 1501 KVA is in line with the Tariff Order 2018-19, Clause 7.118- Voltage of Supply.

10. Now on the question of Back billing demand of Rs 25,51,219/-, it is clear that when the Tariff Order 2018-19, Clause 7.118 mandates 11KV level of supply for a CMD of 1501KVA, how the sanction was accorded, HT Agreement was concluded and released the supply under 33KV level of supply, imposing whole burden on the Appellant..

Whereas the Respondents relied on the instructions issued by the CGM/Commercial/SE(C)/DE(C)/ADE-III/D.No.1396/2019-20 dt.27.07.2019 which is reproduced here under:-

pue1/8/17. SOUTHERN POWER DISTRIBUTION COMPANY OF TELANGANA MINIED Oro. the Chief General Manager (Commercial), TSSPDCL1 Ground Floor, Corporate Office, Mint Compound, Hyderabad 1356 12019-20. Dt -07-2019 Memo No. CGM (Comm)) SE(CVDE(CVADE-III/D No. TSSPDCL - CommI - Certain HT services whose CMD is less than 1501 kVA (Common Feeder) but availing supply at 33 kV and billing under 33 kV - Instructions issued - Reg. 1 Lt.No.SE/Op/SRD/AAO-HT/D.No.847/19, Dt.30.03.2019. Lr.No.SE/Op/SRD/SAO/AAO-HT/D.No.30/2019, Dt.12.04.2019. TSSPDCL Board Resolution DL31.01.2017. The Superintending Engineer/Operation/ Sangareddy has requested clarification on the HT services where CMD is less than 1501 kVA (common feeder) but availing supply at 33 kV level and billing under 33 kV level. As per the Tariff Order, the services are to be billed under 11 kV voltage level as they are having sanctioned load of less than 1501 kVA. In this regard, all the Superintending Engineers/Operation are requested to issue essary orders to the consumers who have derated supply from 33 kV voltage level to 11 kV voltage level by not changing the actual supply voltage but billing shall be done under TF 200 tariff until the CMD restores to 1501 kVAjto avoid revenue loss to the DESCORIE dely talking ertaking letter from the consumer on Rs 100 - non judicial stamp paper Thus is issued with the approval of the Chairman & Managing Director on Dt 16 07 2019 in e-office. 212/19 Chief General Manager/Commercial SAR All the Superintending Engineer/Operation Copy to: The Chief General Manager/Operation/Metro Zone, Ranga Reddy Zone, Rural Zone & Medchal Zone The Chief General Manager/Finance. The Chief General Manager/Revenue. Copy submitted to: The Director/Commercial/TSSPDCL The Divisional Engineer/Tech to CMD/TSSPDCL

The above instructions are clear that those 33 KV consumers derated to the load equivalent to 11 KV level voltage without changing the actual supply voltage, shall be billed under 11 KV tariff, taking an undertaking letter from the consumer on Rs 100/- non judicial stamp paper. Clearly the above instructions do not emphasis the action of the Respondents in the present case where sanction was accorded under 33 KV dedicated feeder for the CMD of 1501 KVA and no such undertaking letter was taken from the Appellant on Rs 100/- Non Judicial Stamp paper for billing under 11 KV voltage tariff.

In the cases related to the present dispute in Appeal No. 8 of 2018, M/s. Binjusaria Sponge and power Pvt. Ltd and Appeal No. 09 of 2019-20, M/s. Vijaya Textiles Limited, this authority given directions to levy the energy charges as per the Tariff Order in vogue from time to time. In both the above cases, the CGM/Commercial accorded conditional approval under 33 KV level of supply for the CMD's below 1501 KVA CMD with following conditions:-

a. The consumer has to bear 100% estimate cost towards deration of above CMD.

b. If the consumer want restoration of derated CMD in future, the consumer has to pay the 100% cost of metering arrangements and security deposit as applicable.

c. The billing shall be done at 11 KV level until the CMD restores to 1501 KVA.

d. An undertaking has to be submitted in Rs 100/- non judicial stamp paper for accepting for billing at 11 KV level.

After fulfilling above conditions by taking an undertaking furnishing consent to levy 11KV tariff on the Rs 100/- Non Judicial Stamp Paper the consumers entered into a fresh agreement. Though such approval is against the statute of the GTCS or Tariff Order, there was mutual agreement where on one side the Consumer sought for uninterrupted and quality power supply and on other side licensee approved foreseeing less power losses in the 33KV voltage of supply

In the present case there was no such mutual Agreement at the time of sanction of the 33 KV dedicated feeder for a CMD of 1501KVA nor any undertaking given by the Appellant. The Appellant was kept under dark who invested 1.8 Crores of expenditure for 33 KV network conversion, now imposing the burden at a time by back-billing the differential charges is unjustified.

In view of the above discussion supra, the Appellant is found not at fault to be penalised by back billing right from the date of release of additional load 401KVA releasing total CMD of 1501KVA i.e from 05.03.2018, as the sanction was accorded by the Respondents for the 33KV dedicated feeder for the CMD of 1501KVA which is unwarranted by the Tariff order 2018-19. As the Tariff Order 2018-19 does not mandate tariffs as per the actual voltage of supply, the changing of billing tariffs from 33KV to 11KV voltage is admissible, in view of the current CMD of 1501 KVA which is to be under 11KV level of supply, as per the Clause 7.118 of the Tariff Order 2018-19.

In the result the Appeal is partly allowed as follows:

a. Charging 11 KV Voltage tariff for the energy supplied under 33 KV Voltage level is correct, which is based on the omission of clause 6(3)(iii) of the Tariff Order 2015-16, in the subsequent Tariff Orders. There is no such mandate in the tariff Order 2018-19, to bill the Energy charges as per the actual supply of Voltage, here in this case 33KV level. Subsequently the action of the Respondents in billing 11 KV Voltage tariff from 03/2019 holds good.

b. In the event of sanction accorded by the Respondents for release of additional load of 401KVA for a total CMD of 1501KVA under 33KV dedicated feeder against the condition as at Clause 7.118 of the Tariff Order 2018-19, which led to incur the expenditure of 1.8Cr of the Appellant, the back billing demand of Rs 25,51,219/- is unjustified and hence it is set aside.

Issue No.3

11. The Appeal is partly admitted.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 12th day of August, 2020.

> Sd/-Vidyut Ombudsman

- M/s.Nichino Chemical India Pvt. Ltd., Through its General Manager Sri. R.C.Murthy, Plot No.60 & 61, IDA Phase - II, Pashamylaram (Po&V), Patancheru Mandal, Sangareddy Dist. - 502 307. Cell: 8501015588.
- 2. The ADE/OP/Isnapur/TSSPDCL/Sangareddy Dist.
- 3. The SAO/OP/Sangareddy/TSSPDCL/Sangareddy Dist.
- 4. The DE/OP/Sangareddy/TSSPDCL/Sangareddy Dist.
- 5. The SE/OP/Sangareddy Circle/TSSPDCL/Sangareddy Dist.

Copy to :

- 6. The Chairperson, CGRF-GHA, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyd.
- 7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.