



**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

Monday the Fifth Day of October 2020

**Appeal No. 07 of 2020-21**

Preferred against Order dt.10.03.2020 of CGRF in  
CG No. 546/2019-20 of Hyderabad South Circle

Between

M/s. Anup Metal Works, Plot No.D-8, Industrial Estate, Chandulal Baradari,  
Hyderabad - 500 064. Cell: 9603990517.

... Appellant

AND

1. The AE/OP/Chandulal Baradari/TSSPDCL/Hyderabad.
2. The ADE/OP/Miralam/TSSPDCL/Hyderabad.
3. The AAO/ERO/Salarjung/TSSPDCL/Hyderabad.
4. The DE/OP/Charminar/TSSPDCL/Hyderabad.
5. The SE/OP/Hyd. South Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 22.07.2020 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 16.09.2020 at Hyderabad in the presence of Sri. Sunil Kumar Kedia - Appellant and G. Krishnaiah - AAO/ERO/Charminar, Y. Manohar - AO(Rev)/Hyd South, Sri. P. Surya Prakash - ADE/OP/Miralam and Sri. MD. Anwarpasha - DE/OP/Charminar for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal against the orders of the CGRF, Hyderabad South circle in CG No. 546/2019-20 dt.10.03.2020.

2. The written submissions of the Appellant are hereunder:-

We have received on electricity bill for the month of November 2019 showing bill amount of Rs 96,088/- out of which 26,327/- were monthly consumption charges which was paid on 24/12/2019 and an amount of Rs 57,603/- as fixed charges and Rs 12,158/- as interest totaling to 69,761/- as arrears. We did not understand as to how the arrears were shown till last month there were no arrears to be paid by us as we are playing the bills regularly.

When we contacted AE Dist XXI (Chandulal Baradari) regarding the same, we were informed that this is for the fixed charges for the additional power sanctioned in the year 2012 & the notice was served on 30/12/2014, with reference to the notice we had requested vide our letter at 31/12/2014, addressed AAO & copy was submitted to ADE miralam, requesting then to regularise our A/c. But the A/c was not regularised, we did not utilise the power till today, the same can be viewed from our ledger of connected load with your & we never exceeded the contracted load of 48HP. We have received the order copy on 27/5/2020 due to government lockdown.

Moreover we have paid an amount of Rs 39,000/- as development charges on 23/7/2002 for an additional load of 26HP as per schedule III dated 20/06/2002, further we have submitted a letter dated 16-12-2004 to AE Chandulal Baradari and S.E(South Circle) stating there we are not getting the bill including our additional load ie 48+26=74 HP but getting the bills as per existing 48HP and hence if any arrears to rectify the same.

As the industry is struggling for survival we request you to withdraw the fixed charges amount along with the interest charges on it monthly wise and also the interest to be paid on our amount of Rs 39,000/- dated 23/7/2002 till date and regularised our account from this date hope you will understand the difficulties filed by us due to the pandemic and do the needful at the earliest.

**3. Written submissions of the Respondents**

The Respondents through the Respondent No.2, ADE/OP/Miralam Sub Division submitted their written submissions stating as follows:-

As per the report of the AE/OP/Chandulal Baradari on SC No. M3-10500 under Category III pertains to M/s. Anup metal works at D.No. D-8, unit Chandulal Baradari in CH-Baradari Section of Miralam SubDivision in Charminar Division

regarding fixed charges arrears of Rs 57,603/- were raised in the month of Nov'2019. The service has been inspected by DPE wing on 12.08.2010 and it was found that consumer has connected load of 75 HP against Sanctioned load of 48HP. The Development Charges case has been booked for additional 26 HP of Rs 54,000/-, but the consumer has appealed for Re-inspection before the DE/OP/Charminar. After re-inspection of service, the DE/OP/Charminar on 10/12/2012 has issued FAO for connected load 61HP i.e additional load of 13 HP for Rs 26,000/-. The consumer has paid the case amount as per FAO issued by DEE/OP/Charminar in two instalments i.e Rs 18,000/- on 21/09/2013 and remaining Rs 8,000/- on 21/10/2013, but load was not been released in ERO after paying case amount.

As per the case registered in CGRF, the service has been re-inspected on 07.01.2020, along with AE/OP/Chandulal Baradari and found that the present connected load is 52 HP. The fixed charges were raised from the date of inspection as for the additional load of 13 HP, as agreed by the consumer and paid the DC and SD charges.

The above consumer has approached CGRF-2 with final hearing on 13.02.2020 and Hon'ble Chairperson has issued order on 17.03.2020, to revise the bill by calculating fixed charges for 3 years only.

Later CGM Revenue has issued an order to collect the shortfall fixed charges for the entire period as there is no Provision/Rule/Clause/Condition either in GTCS or in Regulation/Tariff Orders approved by the TSERC to restrict the back billing to only 3 years period.

Hence it was requested to drop the case and issue the suitable orders.

4. The Respondents through the Respondent No.3, AAO/ERO/Salarjung submitted their written submissions stating as follows:-

A Development Charges case was booked for service No. M3010500 vide case No.DPE/HYS/SD01/2165/10 on 12.08.2010, for utilising additional load of 27 HP than the actual contracted load of 48 HP for Rs 54,000/- (Development charges Rs 40,500/- and Security Deposit Rs 13500/-). In Dec'2012 a Final Assessment Order vide DE/OP/Division//DAT.D.No.3476 dt.10.12.2012 was issued for Rs 26,000/- (Development charges Rs 19500/- and Security Deposit Rs 6500/-)for excess load of 13 HP.

The consumer has paid the total development charges case amount of Rs 26,000/- vide PR No. 87055210111 dt.21.10.2013 and PR No. 87055210195 dt.21.09.2013. In Nov'2019 the load was enhanced from 48 HP to 60 HP as per Provisional Assessment Notice. Due to which auto generated debit JE for Rs 57,603/- was raised by Head Quarters in the month of November'2019 towards fixed charges for additional load of 13 HP from the date of case booked i.e. from August'2010 to November'2019 which was un billed charges in the monthly bills.

The above information submitted to the CGRF, Chairperson and the CGRF issued directions as follows;-

*The Respondents/Licensee are hereby directed to revise the fixed charges amount only for three years on the service connection of the Consumer bearing S.C. No: M3015000 i.e. for the period from November, 2016 to November, 2019 (36 Months) for excess load of 12 HP and collect the same from the Consumer within (15) days from the date of receipt of this Order copy and shall file a compliance report along with the satisfactory letter of the Consumer.*The Complaint is disposed of accordingly.

*The Order shall be implemented within (21) days from the date of its receipt and compliance furnished to the Forum within a week thereafter as per clause 2.53 of Regulation No.3 of 2015 of Hon'ble TSERC.*

The Complainant if aggrieved by the above order, may approach the "VIDYUTH OMBUDSMAN" situated at First Floor, 33/11 KV Sub Station, Hyderabad Boats Club Lane, Lumbini Park, Hyderabad-500 063, within (45) days from the date of receipt of this order as per clause 3.19(a) of Regulation No.3 of 2015 of Hon'ble TSERC.

The forum directed to implement the orders within (21) days from the date of receipt and directed to submit compliance report to the forum within a week as per Clause 2.53 of Regulation No. 3 of 2015 of Hon'ble TSERC.

The Hon'ble CGRF has also issued orders in other cases and a clarification was sought on implementation of Hon'ble CGRF orders and it was requested to arrange to issue necessary instructions for implementation of the Hon'ble CGRF orders. The clarification was issued which is reproduced here under-

*“To collect fixed charges against unauthorised loads regularised on receipt of 100% of case amount i.e. DEV and SD for the entire period from the date of inspection of service and booked a case for additional load to date of regularisation of load and also to file the Writ Petition before the Hon’ble High Court against the CGRF orders.”*

*“The decision for exemption/limiting the shortfall period to 3 years for collection of shortfall fixed charges will lead to disincentive to the consumer, who have paid these 100% case amount in time and whose unauthorised excess loads are regularised in time in EBS, as they have been paid the applicable fixed charges from the date of Regularisation of excess load in EBS and they have also paid non-refundable Development charges and Security Deposit for the un-authorised loads.”*

**5. REJOINDER BY APPELLANT:**

In the month of November 2019, we had received the bill for an amount of Rupees 96088 out of which 26,237/- was monthly consumption charges and the amount of 57,603/- as fixed charges and rupees 12,158/- as interest totalling to rupees 69,761/- in arrears.

There was no consumption of contracted load above 48HP since the past several years of our operation.

In 2012, there was an addition of security deposit and development charges in the bill amount. We were informed that on non payment of the same our electricity would be disconnect with immediate effect and as we had no other option we were obliged to pay the bill. To our dismay, the case was left pending for several years until the extra 13HP was not released in november 2019.

In addition to this, we have paid a huge amount of Rs 39,000/- as development charges on 23rd February,2002 in addition to 26HP as per schedule III dated on 16th december 2004 was also submitted to AE Chandulal Baradari and accounts officer, mint compound which was received by SE.South Circle to release the addition load being 48HP+26HP=74HP as we were not getting the bill accordingly and rectify the arrears if any.

Then we addressed our grievance to the CGRF court and the Honorable Chairman issued an order dated 10/03/2020, to pay fixed the charges for 3 years.

Hence we approached the Vidyut Ombudsman and humbly request to waive off the above contracted load which we have never used and the department never released along with an amount of Rs 39,000/- dated 23/7/2002 and regularize our account. Our industry is a small scale industry which is severely affected due to the ongoing pandemic. Hope you understand our concern and do the necessary.

**Heard both sides.**

**Issues**

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

1. Is the fixed charges levied by the Respondents is in line with the statutory provisions?
2. To what relief?

**Issue No.1**

7. M/s. Anup Metal Works of Category-3A situated at Plot No.D-8, Industrial Estate, Chandulal Baradari, Hyderabad bearing SC No.M3010500 pleaded for withdrawal of total Fixed Charges of Rs.57,603/- levied in the month of November 2019 to the SC No.M3010500 under LT Category-III.

That they have received an electricity bill for the month of November 2019 showing the bill amount of Rs. 96,088/- out of which Rs 26,327/- were monthly consumption charges which was paid on 24.12.2019 and an amount of Rs 57,603/- as fixed charges and Rs 12,158/- as interest, totalling to Rs 69,761/-. That they didn't understand as to how the arrears were shown, as till last month there were no arrears to be paid by them as they are paying the bills regularly. When they contacted AE regarding the same they were informed that this is for the fixed charges towards the additional load detected in the year 2012 and the notice was served on 30.12.2014. That they have addressed a letter to AAO & ADE with a request to regularize the load against their service connection. But the same was not regularized and they didn't utilize the supply till today, the same can be viewed from their ledger of connected load, it was held that they have never exceeded the contracted load of 48 HP. As their Industry is struggling for survival, hence the Appellant requested to direct the Respondents to withdraw the fixed charges.

8. The Respondent No.3 (AAO/ERO/Salarjung) filed written submissions stating that the the Developmental charges case was booked for service No.M3010500 vide case No.DPE/HYS/SD01/2165/10 on 12.08.2010 for utilizing additional load of 27 HP than the actual contracted load of 48 HP for an amount of Rs. 54,000/- (Developmental Charges Rs.40,500/- and Security Deposit Rs.13,500/-) were levied. In December 2012, a Final Assessment Order vide DE/Op/Division/DAT.D.No.3476 dated 10.12.2012 was issued for Rs.26,000/- (Development Charges Rs.19500/- and Security Deposit Rs.6,500/-) for excess load of 13 HP revising the initial assessment load of 27 HP. And the consumer has paid the revised development charges case amount of Rs. 26,000/- PR Number:87055210111, date:21-10-2013 & PR No.87055210195, dated:21-09-2013. In November 2019, the load was enhanced from 48 HP to 60 HP as per Final Assessment Order. Due to which Debit JE auto generated for Rs. 57,603/- (Rupees Fifty Seven Thousand Seven Hundred and Three only) towards fixed charges in the month of November 2019 to recover the shortfall amount on additional load of 13 HP from the date of case booking i.e., from August 2010 to November 2019 which was un billed charges in the monthly bills.

The details of Fixed charges levied are given below:-

Tariff Date	Start	Tariff End Date	No. of Months	Rate	Load	Charges
01.09.2010		31.03.2011	7	37	12	3108
01.04.2011		31.03.2013	24	50	12	14400
01.04.2013		31.03.2015	24	37.5	12	10800
01.04.2015		30.06.2016	15	39.75	12	7155
01.07.2016		30.11.2019	41	45	12	22140
<b>Total</b>			<b>111</b>			<b>57,603</b>

9. A perusal of the events shows that soon after the receipt of payments towards the additional load of 13 HP, the Respondents should have regularised the load, which would not have raised the present dispute. There is negligence over not regularising the load in time from the Respondents. Coming to the issue of whether levy of fixed charges is in line with the statute or not. The excess load of 27 HP was detected on initial inspection on Dt:12.08.2010, subsequently demand notice of

Rs.54,000/- was issued for regularising the load, the Appellant opposed the detected load. An re-inspection was conducted, subsequently the DE/OP/Charminar issued Final Assessment order on dt.10.12.2012 based on the objections filed by the Appellant vide letter dt.19.09.2012, the additional connected load was revised consequent to the re- inspection from 27 HP to 13 HP. The Appellant paid Rs 26,000/- accepting the revised additional connected load of 13 HP on 21.10.2013. But the load was regularised on Nov'2019, after 6 years of receiving payments by the Respondents for reasons not known. The Tariff Orders issued by the Hon'ble Commission mandates payment of monthly Fixed Charges corresponding to the contracted load of the service connection. The non regularisation load led to the shortfall of the fixed charges to the extent of 13 HP load. The irregularity was observed by Respondents in the month of Nov'2019 and an amount of Rs 57,603/- was raised for the period from Sep'2010 to Nov'2019 but without giving any notice to the Appellant.

The amount so raised was again revised and an amount of Rs 5,298/- was credited to the Appellant's account vide J.E.No.3392 in the month of February' 2020.

The CGRF in CG No.546/2019-20/Hyderabad South Circle disposed of the said appeal directing the Respondents to limit the fixed charges upto 3 years only. Notwithstanding the above relaxation, the Appellant preferred present Appeal to withdraw the total amount.

**10.** The Appellant relied on the fact that he has not consumed the contracted load more than 48 HP in the past history, that they have forcibly paid the demanded amount of Rs 26,000/- consequent to disconnection. But in view of the fact that an opportunity was already awarded to the Appellant against his representation dt.19.09.2012 and on the re-inspection, Final Assessment Order was issued by the DE/OP/Charminar, revising the assessed load to 13 HP instead of initial assessed load of 27 HP, to which the Appellant accepted by paying the amount of Rs 26,000/- in 2013. There is a shortfall in levy of fixed charges from the date of inspection against the additional load of 13 HP. The fixed charges are liable to be paid corresponding to the contracted load as mandated by the Tariff Orders. The Appellant has not given any valid reasons on what grounds the Fixed charges are to be withdrawn. However, the Appellant can reduce their contracted load as per their requirement by applying for load deration. In regard to the plea in terms of amount adjustment of Rs 35,000/- paid in the year 2002, is that the paid amount is non refundable and is not connected to the present dispute of Additional load detected.

The Appeal of the Appellant to withdraw total fixed charges is not tenable. Hence, this issue is decided against the Appellant.

**Issue No.2**

11. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 5th day of October, 2020.

Sd/-

**Vidyut Ombudsman**

1. M/s. Anup Metal Works, Plot No.D-8, Industrial Estate, Chandulal Baradari, Hyderabad - 500 064. Cell: 9603990517
2. The AE/OP/Chandulal Baradari/TSSPDCL/Hyderabad.
3. The ADE/OP/Miralam/TSSPDCL/Hyderabad.
4. The AAO/ERO/Salarjung/TSSPDCL/Hyderabad.
5. The DE/OP/Charminar/TSSPDCL/Hyderabad.
6. The SE/OP/Hyd. South Circle/TSSPDCL/Hyderabad.

**Copy to :**

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