



**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

Thursday the Twenty Second Day of October 2020

**Appeal No. 11 of 2020-21**

Preferred against Order dt.29.02.2020 of CGRF in  
CG No. 36/2019-20 of Yadadri Circle

Between

Sri. M.P. Seshaiyah, S/o. Sri. Kotaiah, represented by his authorised  
Representative, Sri. M. Sharath Babu, Road No.12, Banjara Hills,  
Hyderabad - 34.

... Appellant

**AND**

1. The AE/OP/Choutuppal/TSSPDCL/Yadadri Dist.
2. The ADE/OP/Choutuppal/TSSPDCL/Yadadri Dist.
3. The AAO/ERO/Choutuppal/TSSPDCL/Yadadri Dist.
4. The DE/OP/Choutuppal/TSSPDCL/Yadadri Dist.
5. The SE/OP/Choutuppal/TSSPDCL/Yadadri Dist.

... Respondents

The above appeal filed on 30.07.2020 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 07.10.2020 at Hyderabad in the presence of Sri. M. Sharath Babu - On behalf of Appellant and Sri.M.V. Surendra Naidu - AE/OP/Choutuppal, Sri. Shiv Beer Singh - AAO/ERO/Choutuppal 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, Yadadri circle in CG No. 36/2019-20 dt.29.02.2020.

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

Aggrieved by the Award dt.29.02.2020 of the CGRF, the Appellant filed this appeal stating that the Appellant had received a letter No. ADE/OP/CPL/F.No.UDC-OSL/D.No.102/18 dt.19.11.2019 stating that pay an amount of Rs 1,51,263/- towards arrears pending against SC No. 5121300956 within (7) days, failing which the power supply will be discontinued to his link service (no link service number was mentioned in the notice) as per Regulation No. 7 of 2013 and Electricity Act'2003 and for which the Appellant had raised his objection before the ADE/OP/Choutuppal.

That the Agriculture Service Connection No. 5121300956 was released on 31.12.2001 and the bills was raised up to May'2013 under paying category and the service was kept under bill stop status in the month of May'2013 and thereafter the department physically inspected the premises where the said service was supposed to exist and found that there was no transformer or Electricity Meter and no Agricultural Activity was being carried out in such premises for past many years prior to 2015 and as such the Appellant in the year 2015 itself paid an amount of Rs 40,000/- towards full and final settlement subject to condition of closure of service connection and accordingly the officials had received the above said amount under proper acknowledgement vide letter dt.30.07.2015 whereunder they categorically admitted that received the amount and the remaining balance amount will be withdrawn and the service will be dismantled as per the GTCS of TSSPDCL. While the matter stood thus, after a period of five years now again sent a letter dt.19.11.2019 to pay the balance amount and such the Appellant had approached the CGRF-I, Hyderabad and gave complaint on 02.12.2019 and the complaint was registered vide CG No. 36/2019-20/Yadadri Circle, while the matter stood thus, again the Appellant was received another notice dt.19.12.2019 vide Lr.No.505/2019 issued by the AA/ERO/Choutuppal informing the Appellant to pay the balance amount.

It is further submitted that the Appellant had filed all relevant documents pertaining to his grievance before the CGRF-1 and submitted all his above said contentions but the said CGRF did not consider the pleadings of the Appellant and without examining the material available on record erroneously rejected the complaint vide its Award dt.29.02.2020 and aggrieved by the above said rejection award, the Appellant preferred this Appeal for justice.

## GROUNDS OF APPEAL

- a. The Forum Award dt.29.02.2020 passed by the CGRF-1, Hyderabad is perverse,illegal,arbitrary and liable to be set aside.
- b. The CGRF-I, without examining the matter in perspective manner erroneously rejected the complaint failed by the Appellant is totally illegal and arbitrary and liable to be set aside.
- c. The CGRF-I, has miserably failed to consider that the 1st Respondent has received the amount of Rs 40,000/- towards full and final settlement against service connection No. 5121300956 subject to condition of dismantle of connection thereby categorically admitted in his letter dt.30.07.2015 that the balance amount will be withdrawn.
- d. The Respondents wantonly and intentionally after receipt of full and final settlement amount from the Appellant issued notices again for payment of remaining balance amount which is nothing but harassment and contrary to the law.
- e. The AAO/ERO/Choutuppal has stated in his submissions that the Appellant had paid an amount of Rs 40,000/- on 30.07.2015 but this office ERO/Choutuppal formed in July'2017 and old records not available at ERO, which clearly shows the irregularities committed by the Respondents.
- f. The Respondents having kept quiet for a period of 5 years and now issued notice to pay the arrears of amount against service connection in fact which is already settled by paying certain amounts in the year 2015 itself as such the action of the Respondents is not permissible under law.
- g. The CGRF, ought to have seen that the Respondents are not liable to recover the dues from the Appellant shall not cut off the supply of the electricity as it is barred by the limitation as per Section 56(2) of Electricity Act,2003.
- h. The impugned notice dt.19.11.2019 is liable to be set aside issued under Regulation No. 7 of Electricity Supply Code 2013 as the notice did not contain any link service number and as such the disconnection of link service of Ratnam Poultry is nothing but illegal and arbitrary.

- i. The Respondent No.1 himself admitted in his statement that he inspected the site physically and found that there is no bore well existing and as such raising of bills by the Respondents on the alleged agricultural service connection is illegal and arbitrary.
- j. The appellant pleaded before the CGRF that there is no agricultural activity in the land and they had not applied for any new Agricultural service connection but the respondent were released agriculture service connection in the year 2001 without his application and raised demanding bills every month till may 2013 and this fact was not denied by the respondents and as such it is presumed to be admitted fact as per section 58 of the Indian Evidence Act,1872.
- k. The Respondents without disconnecting the agricultural service connection wantonly and intentionally raised the bill even though they received an amount of Rs 40000/- Unde settlement and dismantle of service connection which is nothing but negligence on the part of the respondents on the part of the appellant and as such section 56 of Electricity Act is not applicable to the Appellant.
- l. The Respondents, having kept quiet all these years having known very well about the dismantlement of service connection, again issued the impugned notice deliberately to pay the arrears which is nothing but contrary to law.
- m. The CGRF has miserably failed to see that the agricultural service connection stands in the name of Appellant individual capacity and the service connection of the poultry firm stands in the name of company and as such it cannot be treated as link service connection.
- n. For the other grounds that may be urged at the time of hearing.

It is further submitted that during the hearing of grievance of the Appellant before the CGRF, the Respondents disconnected the power supply of M/s. Rathnam Poultry Service No. 1213100724 without any notice and also mentioning anywhere in the impugned notice given to the Appellant and after that the Appellant again approached the Respondents and shown all the relevant documents with respect to dismantle of connection and having gone through those documents, the Respondents again reconnected the power supply to M/s. Rathnam Poultry owing to the nature of poultry business as the power supply is a basic necessity for survival of

birds. In the year 1995 itself the poultry was existing along with the service connection No. 1213100724 and since then the Appellant has been paying the power bill to the Respondent authorities without giving any notice trying to disconnect the power supply to M/s. Ratnam Poultry which is nothing but injustice. If the Respondents disconnect the service connection No. 1213100724 the Appellant will be put to irreparable loss and hardship.

It is further submitted that the Appellant is having about 85 years and senior citizen and suffering from various health issues and due to acts of the Respondents the Appellant has been facing problems.

**LIMITATION:** During the Appeal time period there was a lock down declared by the State Government of Telangana due to Covid-19 pandemic and as such the appeal could not be filed within time and as such the limitation period may be considered by this authority.

**PRAYER:-** It is therefore prayed that this Hon'ble Court may be pleased to set aside the Forum Award dt.29.02.2020 in CG No. 36/2019-20/Yadadri Circle passed by the CGRF-1 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

### **3. Reply of the Respondents.**

The Respondent No.3 submitted his written submissions vide Lr.No.AAO/ERO/CPL/JAO-Billing/SA/CGRF/D.No.227/2020 dt.14.08.2020 stating as follows:-

As per available records of this office the S.C No 5121300956, Cat-5, Malkapur Village of Op/Choutuppal section present status is in 99(i.e bill stop) with an arrear amount of Rs 1,51,063/-(11/2019) before that the service was in status 01(i.e Live) upto 04/2013 with an arrear amount of Rs 1,87,094/- and was kept in 99 status from 05/203.

It is further submitted that the consumer has to pay an amount of Rs 1,51,063/-. The service was released on 12/2001 as per records.

Further it is informed that the consumer paid Rs 40,000/- on 30.7.2015, and the balance amount of Rs 1,51,063/- has to be paid for dismantling the service.

4. The Respondent No.1 submitted his written submissions vide Lr.No.AE/OP/CTPL/F.No./D.No.189/2020-21 dt.17.08.2020 stating as follows:-

An agriculture service was released in the name of Sri.M.P Sehshaiah bearing SC.No 5121300956 at Malkapur(V) in Choutuppal (M) on 31.12.2001. Also the consumer paid bills till January-2004 (as per records) and the service was under billstop since May-2013 and arrears at the time of billstop was Rs 1,91,063/- but the consumer has paid Rs 40,000/- in July-2015, as the consumer has not paid all the dues, the service was not dismantled.

Also it is advised the consumer either to clear all the dues or produce.

- I. White ration card.
- II. Latest Income certificate.
- III. Land pahani for waiver of bill raised under paying category.

But the consumer neither cleared all dues nor produced the required documents for waiver of demand raised under paying category.

**5. REJOINDER OF THE APPELLANT:**

I am the Appellant and as well as Authorized signatory of M.P. Sessaiah herein as such I am well acquainted with the facts of the case. The Respondents had filed a report LR.NO.AE/OP/CTPL/F.NO/D.NO/189/2020-21DT:17-08-2020 and Lr.No AAO/APO/CPL/JAO billing/SA/CGRF/D.No 227/2020 dt 14-08-2020 is false, baseless,illegal and arbitrary action of the respondents and I hereby denied the both the reports submitted by the respondents and strict proof of the same.

I submit that I had never received any notice from respondents with regard to reimbursement of electricity bill till July-2015 for dismantlement of SC.No 5121300956.

I further submit that the respondents never advised me to produce the required documents as mentioned below for waiver of demand raised under paying category namely.

- I. White ration card.
- II. Latest Income certificate.
- III. Land pahani for waiver of bill raised under paying category.

I submit that I never received any notices from Respondents for production of the above document at any point of time and manner. I submit that I need not to answer the respondents notice due to the reason that i already filed this appeal before this Honourable Ombudsman upon aggrieved by the Forum Award dated 29-02-2020 passed by the Consumer Grievance Redressal Forum-I, Hyderabad(CGRF) which is perverse illegal, arbitrary and liable to be set aside.

I submit that the respondents are knowingly and wantonly alleging that I had not produced required documents for waiving the electricity bills is not true and it is only invented for the purpose of delaying the proceedings of this case.

It is therefore prayed that this Hon'ble Court may be pleased to reject the content of the report submitted by the Respondents and set aside the Forum Award dt.29.02.2020 in CG No. 36/2019-20/Yadadri Circle passed by the CGRF-I, TSSPDCL and also pass such other order or orders as this Hon'ble authority may deem fit and proper in the circumstances of the case.

**Heard both sides.**

**Issues**

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

1. Whether the demand notice issued by the Respondents to clear the pending arrears of Rs 1,51,063/- against service connection No. 5121300596 is liable to be set aside? and
2. To what extent?

**Issue No.1**

**7.** Sri. M. P. Sessaiah filed an Appeal through an Advocate pleading to set aside the CGRF order dt 29.2.2020 in CG.No 36/2019-20/Yadadri Circle, in regard to the demand notice issued by the Respondent No.2, ADE/OP/Choutuppal, vide Lr.No. ADE/OP/CPL/F.No.UDC-OSL/D.No.102/19 dt.19.11.2019, wherein it was requested to clear the pending arrears f Rs 1,51,263/-against SC No. 5121300596, failing which power supply to the link service shall be disconnected as per the Regulation 7 of 2013. The CGRF-1, disposed of the said Appeal directing the consumer to pay the

arrears outstanding of Rs 1,51,263/- against SC No. 5121300596. That the Forum has no jurisdiction to waive off/withdraw the arrears outstanding.

Notwithstanding the above, the Appellant filed the present Appeal. It is stated that the Agriculture service connection No. 5121300596 was released on 31.12.2001 and the bills were raised upto May'2013 under paying category and the service was kept under "Bill Stop" status from June 2013. The Appellant claimed that thereafter the department physically inspected the premises where the said service was supposed to exist and found that there was no transformer or Electricity Meter and no Agricultural Activity was being carried out in such premises for past many years prior to 2015 and as such the Appellant in the year 2015 itself paid an amount of Rs 40,000/- towards full and final settlement subject to condition of closure of service connection and accordingly the officials had received the above said amount under proper acknowledgement vide letter dt.30.07.2015, wherein they categorically admitted that they have received the amount and the remaining balance amount will be withdrawn and the service will be dismantled as per the GTCS of TSSPDCL. While the matter stood thus, after a period of five years now again Respondents sent a letter dt.19.11.2019, to pay the balance amount of Rs 1,51,263/-vide Lr.No. ADE/OP/CPL/F.No.UDC-OSL/D.No.102/19 dt.19.11.2019. That the Respondents are not liable to recover the dues from the Appellant and shall not cut off the supply of Electricity as it is barred by limitation as per Section 56(2) of Electricity Act'2003. That the impugned notice dt.19.11.2019 is liable to be set aside issued under Regulation No. 7 of Electricity Supply Code 2013, as the notice did not contain any link service number and as such the disconnection of link service of M/s. Ratnam Poultry is nothing but illegal and arbitrary. That the AE/OP/Choutuppall physically inspected the site and found that there is no borewell existing. Further held that the service connection was released in the year 2001, without his application and raised bills every month till 2013, when not denied by the Respondents shall be presumed to be an admitted fact as per Section 58 of Indian Evidence Act'1872.

**8.** The Respondents stated that an agriculture service was released in the name of Sri.M.P Sehshaiah bearing SC.No 5121300956 at Malkapur(V) in Choutuppall (M) on 31.12.2001. Also the consumer paid bills till January-2004 (as per records) and the service was under billstop since May-2013 and arrears at the time of billstop was Rs 1,91,063/- but the consumer has paid Rs 40,000/- in July-2015, as the consumer has not paid all the dues, the service was not dismantled.



Also it is advised the consumer either to clear all the dues or produce.

- I. White ration card.
- II. Latest Income certificate.
- III. Land pahani for waiver of bill raised under paying category.

But the consumer neither cleared all dues nor produced the required documents for waiver of demand raised under paying category.

9. Admittedly the impugned notice dt.19.11.2019 did not mention the link service connection No. 1213100724, which was addressed to Sri. M.P.Seshaiah, Malkapur (V), Choutuppal (M). The then AE/Choutuppal during the year 2015 addressed a letter to Sri. M.P. Seshaiah, %, Ratnam Poultry Pvt. Ltd. Malkapur (V) Choutuppal (M), acknowledged receipt of an amount of Rs 40,000/- vide PR No. 56499301762 dt 30.07.2015 against the service connection No. 5121300956, duly intimating in writing that the remaining balance amount will be withdrawn and the service will be dismantled as per the GTCS. But the service was not dismantled on record and the arrears were also not withdrawn. However it was not made clear that on what basis / Clause of the GTCS, the arrears would be withdrawn. The plea of the Appellant stating that the service connection was released in the year 2001 without their application cannot be admitted when the payments were received against the subject service connection during January'2004 of Rs 2000/- and Rs 40,000/- in July'2015, which shows that there is no substance to deny that the service connection does not belong to the Appellant. In regard to the subject of link service the sale deed document No. 2756/94 and 2755/94 reveals that Ratnam Poultry Pvt. Ltd. belongs to Sri. M.P. Seshaiah, S/o. Kotaiah and hence the agriculture connection SC No. 5121300956 in the name of Sri. M.P. Seshaiah can be treated as the Link service to the connection No.1213100724 of Ratnam Poultry Pvt. Ltd, under Clause 10 of the Regulation no 13.

The Appellant denied the request of the Respondent No.1 who stated that the pending arrears can be cleared through category conversion from paying to free category on production of the following:-

- I. White ration card.
- II. Latest Income certificate.
- III. Land pahani for waiver of bill raised under paying category.

Stating that he has not received any such advisory from the Respondent No.1. More so neither produced later, in order to review/withdraw the arrears. Under such scenario the subject service is liable to be billed under paid category, rather than qualifying under free category for withdrawal of the arrears.

10. A perusal of the billing details produced by the Respondents of consumption, billing, collection and arrears particulars of SC No. 5121300956, shows that supply date is 31.12.2001, last paid date is 30.07.2015, Category V, Contracted load is 5 HP and the meter Number is Null. The service was kept under "99" Status (Bill stop) from May'2013.

The CGM/Expenditure has given guidelines over billing paid category services for unmetered Agriculture services where rates are not fixed, vide Memo No.CGM(EXP)/GM(REV)/SAO(R)/AglBilling/D.No.1002/07 dt.18.09.2007 which is reproduced here under:-

**CENTRAL POWER DISTRIBUTION COMPANY OF A.P. LIMITED**  
1st floor:: Opp:Singareni Bhavan::Red Hills::Hyderabad.500 004.

Memo No. CGM(Exp.)/GM(Rev)/SAO@/Agl.billing/D.No.1002/07 Dt.18.9.2007

Sub: APCPDCL – Billing of Agriculture Services other than free power Services – Uniform procedure to be adopted for In-House Billing  
Certain instructions – Issued.

Ref: Lr.No.CGM(Expr.)/GM@/AO@/Agl./D.No.731 /04 Dt: 28.7.2004.

###

It has come to the notice of the Management that different procedures are being adopted for billing of Agriculture services for arriving at the assessed units where meters are not provided for. To have uniformity in billing, it is decided that the following procedure shall be adopted for billing of agriculture services, Taluk, Income Tax Assesses and Corporate farmers.


2. Where energy meters are not installed an assessment needs to be made of the units consumed, the following methodology shall be taken for arriving at the assessed units.

**Energy Assessed: Contracted Load x .746 x 0.8 (LF) x 7 hours x 30 days = 125 units per H.P.per month.**  
(As per old GTCs Clause No.39.7.4 and new GTCs Clause No.10.3.2.8(Annexure XII(V))

**Amount Assessed: Energy Assessed x Rate as per the Tariff Order (Different for DSM and Non-DSM Consumers)**

3. All the Superintending Engineers, Operations are requested to arrange for necessary modifications in the In-House Billing software for issue of Bills by following uniform procedure as per para 2 above.

4. The Superintending Engineers, Operation shall ensure that all I.T. Assesseees & Corporate Farmers shall be provided with meters immediately. Till meters are provided, the services may be billed by adopting the above methodology for arriving at the assessed units.

  
Chief General Manager (Expr.)

To  
The Superintending Engineers,  
Operation, APCPDCL.

Copy to S.A.O./Operation/-----  
Copy to the General Manager (I.T.)/APCPDCL/Hyderabad for arranging necessary modifications to the In-House Agriculture Billing software.  
Copy to CGM/Metro Zone/R.R. Zone/Mint Compound/Hyderabad.  
Copy to CGM/Commercial/APCPDCL/Hyderabad.  
Copies to:  
DEE/Tech. to C.M.D./APCPDCL/Hyderabad.  
P.A. to Director(Finance & RA)/APCPDCL/Hyderabad.  
P.A. to Director(Comm. & HR)/APCPDCL/Hyderabad.  
P.A. to Director(Operation)/APCPDCL/Hyderabad.  
P.A. to Director(Projects & PMM)/APCPDCL/Hyderabad.

As per the above given guidelines the monthly bills were issued for 625 units per month since June 2009 and right from the available billing data i.e. from January 2004 the billing status was shown as under “01” (live) with “0” readings, which shows that the meter is not available, this can also be ascertain from the physical inspection of the AE/Operation and no meter number available in the billing data. Further perusal of the 04/2013 month bill shows that for the 625 units the demand was raised upto Rs 3993/-, but as per the tariff rates of the Tariff Order 2013-14, Rs 2.50 is the rate per unit, which is equal to Rs 1563/- + Rs 30/- (customer charges) = Rs 1593/-. It is not clear how an amount of Rs 3943/-was arrived. Similarly for the months prior to this also there is discrepancy in billing, not correlating when compared with the applicable tariff rates against the paid category under corporate farmers and IT assessee of the Tariff Orders issued by the Hon’ble Commission from time to time. Hence in view of the above, the Respondents are found liable to review the billing once again afresh duly calculating the bills as per the rates against the paid category corporate farmer and IT Assessee under agriculture category and revise the bills as per the yearly corresponding tariff orders.

The following is the the tariff rates under paid category for the Corporate farmers and IT Assessee :-

Sl.No	Year Wise Tariff	Unit Rate		Customer Charges
		Cat-5/15 Corporate Farmers & IT Assesses	Cat- 5/13 Dryland Farmers (Connections >3 Nos)	
1	2005-06 to 2010-11	1.00	0.20	20
2.	2011-12	1.50	0.30	30
3.	2012-13 to 2016-17	2.50	0.50	30
4.	2017-18	2.50	--	30

The period of the revision of bills as per the applicable tariff rates can be taken from the month of Jan 2004 i.e, availability of the billing data. The revised bills shall be submitted to the Appellant within 15 days from the receipt of this order with a copy to this authority following the procedures laid down in the above said Memo of the CGM/Expenditure, accordingly the Appellant shall pay the amount within 15 days from the date of receipt of the revised demand notice, on non payment of

such amount, the Respondents are free to take coercive action against the link service connection No.1213100724 of M/s. Ratnam Poultry Pvt. Ltd.

The present dispute is not hit by the Section 56(2) of the Electricity Act when the arrears were first produced as dues to be paid by the Appellant recently in the year 2019 through demand notice vide Lr.No.102 dt.19.12.2019.

## **Issue No.2**

**11.** In the result, the Appeal is partly allowed and Respondents are directed to revise the bills as per the tariff rates of the yearly corresponding Tariff Orders, following the procedures issued in the Memo No. CGM(EXP)/GM(REV)/SAO(R)/AglBilling/D.No.1002/07 dt.18.09.2007.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 22nd day of October, 2020.

Sd/-

**Vidyut Ombudsman**

1. Sri. M.P. Sessaiah, S/o. Sri. Kotaiah, represented by his authorised Representative, Sri. M. Sharath Babu, Road No.12, Banjara Hills, Hyderabad - 34
2. The AE/OP/Choutuppal/TSSPDCL/Yadadri Dist.
3. The ADE/OP/Choutuppal/TSSPDCL/Yadadri Dist.
4. The AAO/ERO/Choutuppal/TSSPDCL/Yadadri Dist.
5. The DE/OP/Choutuppal/TSSPDCL/Yadadri Dist.
6. The SE/OP/Choutuppal/TSSPDCL/Yadadri Dist.

### **Copy to :**

7. The Chairperson, CGRF-1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyd.
8. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.