



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33 / 11 kV substation, Hyderabad Boats Club Lane Lumbini Park,
Hyderabad - 500 063

Present Sri. NAGARAJ NARAM

Monday the Eighteenth day of January 2021

Appeal No. 14 of 2020-21

Preferred against order dated 31.03.2020 of CGRF in CG No. 583 / 2019-20 of
Hyderabad South Circle

Between

Mr. Mohammed Ahmed Ali, #17-1-175/282,
Nehru Nagar Colony, Rain Bazar,
Hyderabad - 500 023. Cell: 9014450503.

... Appellant

AND

1. The AE/OP/Madannapet/TSSPDCL/Hyderabad.
2. The ADE/OP/Santosh Nagar/TSSPDCL/Hyderabad.
3. The AAO/ERO/Chanchalguda/TSSPDCL/Hyderabad.
4. The DE/OP/Asmangadh/TSSPDCL/Hyderabad.
5. The SE/OP/Hyd.South Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 17.09.2020 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 04.11.2020 at Hyderabad in the presence of Sri. Mohammed Ahmed Ali, appellant and Sri. N. Keval Kumar, ADE / OP / Santosh Nagar 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 dated 31.03.2020 in CG No. 583 / 2019-20.

2. The while questioning order of the CGRF has stated in his representation to this authority as under:-

a) The appellant herein is the owner and possessor of H. No. 17-1-175 / 282, situated at Nehru Nagar Colony, Rain Bazar, Hyderabad. He let out the said house on rent in the year 2010 and 2011 during the said period the appellant was out of the country.

b) The appellant is no way concerned with the H. No. 17-3-1, Yakuthpura, Hyderabad and never resided in the said house at any point of time. It seems that the officials of the company under the influence so called tenants, illegally installed the said meter in the house of the appellant.

c) That in the month of February / March 2020, the consumer lodged a complaint in the CGRF that the meter No. R2005813 was disconnected in the year 2011 and finally he received an order from CGRF asking him to pay the bill amount of Rs. 71,856/- for dismantling the meter. It is a very big amount for him to pay. Already he is facing so many financial problems, moreover the above said GRC meter is neither in his name nor on his address even he was ready to pay four months minimum bill from 2011. Moreover the meter has not been used from 2011.

d) In the year 2010, he gave his house on rent, the tenant illegally installed the GRC meter without his notice to him in the premises. At that time, he was out of the country. After he came to India. he asked the tenant to vacate the house. Later the said tenant vacated. The said meter is neither in his name nor on his address. Immediately he went to the electricity office and verified about the said GRC meter so objected about the installation and asked to remove and take back the said meter.

e) Two years back he went to the electricity office and enquired about the GRC meter which is installed in my premises. They said that the meter is on name of the Mr Mohammed Aleem Uddin who is unknown to him. He request the company to take back the meter. They did not come and take the meter. Few days back Santosh Nagar A.E. came to his house and asked him to pay the bill. He said if he did not pay the bill the officer will disconnect his domestic meter and disconnected without any written notice his domestic meter No. R2-0047618.

f) That on 18.06.2020 the appeal was returned with certain objection and after complying with the objections mentioning the reason as the appellant is not at all related to the said house that is 17-3-1, Yakutpura, Hyderabad neither he is the owner nor resided as tenant in the said house at any point of time. It is pertinent to submit that the appellant herein is the owner of house bearing No. 17-1-175 / 282, Nehru Nagar, Rein Bazar, Hyderabad during the year 2010 and 2011. He was out of the country, that one person by name Naseer Uddin, S/o. Moinuddin was the tenant in my house bearing No. 17-1-175 / 282, Nehru Nagar, Rein Bazar, Hyderabad.

g) The Consumer is surprised that when he did not use the meter why should he pay the bill. Moreover, the meter is not in his name and address. The order passed

by the CGRF is neither maintainable as per law and facts and the said order is liable to be set aside. Hence, he prays to set aside the order passed by the CGRF and any other suitable order may be pass as may deem fit and proper oblige.

3. The Accounts Officer has filed a statement vide letter dated 28.09.2020. It is stated that the bills for SC No. R 2005813 of Madannapet section were revised upto March and an amount of Rs 1,18,537/- and withdrawal proposal submitted, but the consumer did not paid his share of Rs. 71,856/- which was ordered by the CGRF. Due to which till September'2020 surcharge is added and amount is revised as Rs 1,41,462/- the proposal for approval of JE under process at AO (Rev) / SAO / SE / OP / South / Hyd after receiving the approval the JE will be effected but the consumer share of Rs. 74,890/- was not paid. After arranging for Rs. 74,890/- as on 09 / 2020 No Dues Certificate will be issued. Further delay of arranging payment by consumer surcharge will be levied till payment.

4. The Assistant Divisional Engineer / OP / Santosh Nagar has filed a statement vide letter dated 29.09.2020. As per the statement of AE / OP / Madannapet, he has given notice to consumer R 2005813 to pay the bill pending against that service, consumer has agreed to pay the dues of Rs. 1,86,239/- for dismantling the service.

5. It is stated that as the consumer is neither paying the bills not dismantling the service, a notice has been issued to the consumer to disconnect the live service in the same premises bearing SC No. R 2047018 after issuing the notice to the consumer Sri. MD. Ahmed Ali refused to accept that the service belongs to him but accepted that the service is being utilised in his premises before 2010 and also agreed to pay the amount if surcharge has been waived off from it.

6. It is also stated that at the time of inspection on 05.03.2020 the consumer / owner Sri. Md. Ahmed Ali in his oral statement said that he has given his premises to his friend on rental basis during the period from 2010 to 2012. He stated that he returned from abroad in 2012 and from 2012 to till date he is residing at that premises along with his family duly after vacation of the tenant in 2011. In the EBS records it is noticed that the consumer is utilising the supply till 2015 duly paying the arrears in-between in order to avoid disconnection.

7. It is further stated that since huge arrears have accumulated, the consumer is ready to pay the arrears but insisted for waiver of the surcharge for dismantling the service. The consumer asked for some time to pursue with the higher officials so that there may be scope for waiver of surcharge and then he approached CGRF stating that the service does not belong to him to avoid payment of the dues. Further it is stated that the consumer is trying to escape from the fact that the service and meter is in his premises only and he was utilising the supply for a decade that is since 2010 only to avoid payment of dues.

8. The appellant has filed a rejoinder on the following lines.

a) The consumer stated that he is owner and possessor of H. No. 17-1-175 / 282, situated at Nehru Nagar Colony, Rain Bazar, Hyderabad. He had let out the said house on rent in the year 2010 and 2011 during the said period the appellant was residing out of the country.

b) The Consumer stated that he is no way concerned with the H.No.17-3-1, Yakuthpura, Hyderabad and never resided in the said house at any point of time. It seems that the officials of the licensee under the influence of my tenants illegally installed the said meter in my house.

c) The consumer had lodged a complaint before the CGRF and stated that the meter No. R 2005813 was disconnected in the year 2011. He received an order copy from CGRF asking me to pay the bill amount of Rs. 74,890/- for dismantling the meter. It is very big amount for him to pay. Already he is facing so many financial problems. Moreover the above said GRC meter is neither in his name nor on my address even I am ready to pay four months minimum bill from 2011.

d) He stated that in the year 2010, he gave his house on rent, the tenant illegally got installed the GRC meter without his notice in the premises. At that time, he was out of India. After, he came to India, he had asked the tenant to vacate the house. Later he vacated and expired. The said meter is neither in his name nor in his address.. He went to the electricity office and verified about the said GRC meter and objected to the same. Therefore, he went to the electricity office and enquired about the GRC meter which is installed in his premises. They informed that the meter is on Mr. Mohammed Aleem Uddin who is unknown to him. Accordingly request the electricity department to take back the meter. They did not come and take the meter.

f) The consumer is surprised that when he did not use the meter why should he pay the bill. Moreover the meter is not in his name and address. As the ADE mentioned in the letter to the Vidyut Ombudsman that he used this meter for a decade which is absolutely false. If he used that GRC meter, meter reading has to change but it is showing the same from last 9 years. That the order passed by CGRF is neither maintainable as per law and facts and the said order is liable to be set aside.

g) Hence, he prayed for setting aside the order passed by the CGRF and any other suitable order as may be appropriate and deemed fit and proper in the circumstance.

9. The AAO/ERO/Chanchalguda reiterated his submissions as made by him earlier again vide letter dated 03.10.2020.

10. I have heard the both representatives and considered the material on record. The short question that is 'Is the consumer entitled to any relief.'

11. From the pleadings and the material it is noticed that the following points emerge.

a) the consumer's own the premises bearing 17 – 1 – 175 / 282 as mentioned with above address.

b) that he lent his premises to one Sri. Naseeruddin whose premises number is 17- 1 – 175 / 281.

c) that the licensee has released power supply to the said premises through a separate connection without the consent of the consumer.

d) that the said service has been tagged to the address 17-3-1 in the name of Mr. Md Aleemuddin.

e) that in respect of the said service the consumption particulars have been placed on record which shows that there is 0 consumption from June 2011 to August 2020 except for stray incidents of consumption and payment of some amount.

f) the address shown in the data sheet of the consumption particulars does not match with the address of the consumer.

g) it is seen from the record of the CGRF that there are two service connections involved being R2005813 being that of Sri. Md Aleemuddin, R2047618 in the name of appellant and that the service connections are located at two different places as the address shown are different.

12. If the above facts are taken into consideration, then it is clear the licensee has overstepped its brief or that the field officers are not giving a true picture in the matter. This arises out of the fact that the consumer has reported that earlier he has rented the premises, but got it vacated in the year 2011 itself and he has been staying in the said premises. There is no statement from the officers of the licensee as to the fact why the meter is located in the said premises, if so, why the address shown is different from that the consumer.

13. Inasmuch, as per the terms and conditions of supply if the service is not use or there is 0 consumption, there are any arrears of payment of bills, then the licensee ought to have raised the bill to that effect immediately within 2 years from 2011 and issued notice for payment by invoking sec 56 of the Electricity Act, 2003. Nothing of this action also happened in the case of the consumer, assuming the payment is due. From the record it is seen that the officers of the licensee realise that there are payments due from the service connection only when the consumer sought the dismantling of the service.

14. It is clear that the consumer is not liable for the amount in view of the fact that the said service is not in his name or address as recorded earlier. As also if really the said premises belonged to the appellant, why has not the licensee invoked the provisions of the Act, 2003 at the relevant point of time to initiate steps for recovery of the amount.

15. This authority is of the view that the consumer is entitled to the relief of not being liable for any amount payable to the licensee. For the lapses of the licensee the consumer cannot be punished and mulcted with an amount which he is not bound to pay.

17. The CGRF appears to have lost sight of the record available from the licensee as also the evidence placed by the consumer. Non appreciation of the evidence has resulted in the conclusion that has been arrived at. Even allowing part complaint is also incorrect in the teeth of the evidence available with the CGRF. Therefore the appeal succeeds and accordingly, allowed holding that consumer is not liable to pay any amount in so far as service No. R2005813. However, the licensee is at a liberty to

take such action insofar as service No. R2047618 if really any arrears is due from such consumer. It is needless to state that the payments, if any, made pursuant to demand for retaining supply shall given credit, by not merely in journal entries but truly adjusting the same in the succeeding bills of the consumer.

18. The licensee shall file a compliance report before this authority as also the CGRF with due intimation to the consumer within 15 days of receipt of the order.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 18th day of January, 2021.

Sd/-
Vidyut Ombudsman (FAC)

1. Mr. Mohammed Ahmed Ali, #17-1-175/282, Nehru Nagar Colony,
Rain Bazar, Hyderabad - 500 023. Cell: 9014450503
2. The AE/OP/Madannapet/TSSPDCL/Hyderabad.
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6. The SE/OP/Hyd.South Circle/TSSPDCL/Hyderabad.

Copy to :

7. The Chairperson, CGRF-1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyd.