



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**

FRIDAY THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

Appeal No. 14 of 2024-25

Between

M/s. Ashok Rerolling Mills, Plot No.9/1, Road No.6, IDA Nacharam,
Secunderabad - 500 076, represented by Sri Shyam Kumar Agarwal,
s/o. Gheesaram Agarwal, Cell: 9866992000.

.....Appellant

AND

1. The Assistant Engineer/Operation/Nacharam/TGSPDCL/Habsiguda Circle.
2. The Assistant Divisional Engineer /Operation / Habsiguda / TGSPDCL / Habsiguda Circle.
3. The Assistant Accounts Officer/ERO/Habsiguda/TGSPDCL/Habsiguda Circle.
4. The Divisional Engineer/Operation/Habsiguda/TGSPDCL/Habsiguda Circle.
5. The Superintending Engineer/Operation/Habsiguda/TGSPDCL/Habsiguda Circle.
6. The Divisional Engineer/DPE/Habsiguda/TGSPDCL/Habsiguda Circle.

..... Respondents

This appeal is coming on before me for final hearing today in the presence of Sri Shyam Kumar Agarwal - representative of the appellant and Sri B. Nagaraju - AE/OP/Nacharam, Sri J. Dasaradha - ADE/OP/Habsiguda, and Sri J. Sreenivas - DE/DPE/Habsiguda Circle representing the respondents and having stood over for consideration till this day, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - II (Greater Hyderabad Area), (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL') in C.G. No.206/2023-24/Habsiguda Circle dt.20.02.2024, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released four Service Connections Nos. 1201 13551, 1201 13515, 1201 23341 and 1201 23342 to the appellant. Earlier the respondents have booked a back billing case for an amount of Rs.1,32,798/- by clubbing the said Service Connections. It approached the learned Forum to waive off the said back-billing and for de-clubbing vide C.G.No.133/2022-23. The learned Forum while allowing the said complaint directed the respondents to set aside the back billing and de-clubbing the said four Service Connections and also withdrawal of eight nos. Development Charges cases. That award was not implemented.

3. The appellant thereafter has been receiving electricity bills by clubbing the three Service Connections Nos.1201 13515, 1201 23341 and 1201 23342 and another single bill for S.C.No.1201 13551 without notice to the appellant. The respondents have charged Rs.26,592/- on S.C.No. 1201 13551 and Rs. 48,752/- on S.C.No. 1201 23341 towards Development

Charges illegally. Therefore it was prayed to direct the respondents to de-club the above said three Service Connections and to withdraw the Development Charges cases.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

4. In the written reply filed by respondent No.2, before the learned Forum, it is, inter-alia, submitted that basing on the inspection by respondent No.6 and as per Clause 3.5.3 of the General Terms and Conditions of Supply (in short 'GTCS') the three Service Connections were clubbed. One months' notice was given to the appellant for removal of additional connected load. The appellant paid the amount on 08.09.2023 for regularisation of the additional load detected.

5. In the written reply filed by respondent No.3, before the learned Forum, it is, inter-alia, submitted that back billing case amount of Rs.1,13,723/- was withdrawn and an amount of Rs.9,093/- was also withdrawn for de-clubbing Service Connection No. 120113551.

6. In the written reply filed by respondent No.6, before the learned Forum, it is, inter-alia, submitted that he inspected the subject premises on 28.06.2023. The connected load particulars of each Service are mentioned as under:-

Sl.No	S.C.No	Category	Sanctioned load	Purpose of usage	Physical connected load	Case No.
1.	1201 13515	II	1 KW	Godown and Bore Motor	4.248 KW	DPE/RRE/786/23
2.	1201 23342	II	10 KW	Show Room Air Coolers	15.400 KW	DPE/RRE/787/23
3.	1201 13551	II	5 KW	Work Shop	16.038 KW	DPE/RRE/788/23
4.	1201 23341	II	5 KW	Showroom Lights and other office Appliances	26.204 KW	DPE/RRE/789/23

Thereafter Development Charges notices were issued to the appellant to regularise the additional connected load.

AWARD OF THE FORUM

7. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint.

8. Aggrieved by the said Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the following points:-

- i) The connected load of S.C. No.1201 13515 is 1 KW only.
- ii) The connected load of S.C. No.1201 23341 is 5 KW only.
- iii) The connected load of S.C. No.1201 23342 is 10 KW only.
- iv) The connected load of S.C. No.1201 13551 is 5 KW only.
- v) The Hon'ble CGRF-II did not consider that the ADE/Habsiguda in his letter informed that the appellant may opt to remove additional connected load or part of additional connected load. Accordingly, the appellant may opt to remove the additional load, if found. But the Hon'ble CGRF-II did not give an opportunity.

It is accordingly prayed to set aside the impugned Award and to direct the respondents to withdraw the Development Charges notices ADE/HDB/D/No.786 dt.30.06.2023, ADE/HDB/D/No.788 dt.30.06.2023, ADE/HDB/D/No.789 dt.30.06.2023 and ADE/HDB/D/No.815 dt.05.07.2023.

WRITTEN SUBMISSION OF RESPONDENTS

9. In the written reply filed by respondent No.1, it is, inter-alia, submitted that, basing on the inspection of the subject Service Connections, notices were issued to the appellant as per Clause 12.3.3 of GTCS for regularisation of additional load detected and the appellant has paid the charges and the load was updated.

10. In the written reply filed by respondent No.3, he has reiterated the contents of the written reply filed by him before the learned Forum.

11. In the written reply filed by respondent No.6, he has reiterated the contents of the written reply filed by him before the learned Forum.

ARGUMENTS

12. It is submitted on behalf of the appellant that the learned Forum has not given him any opportunity for reducing the contracted load and no notice was issued to it enabling the appellant for deration of the load and therefore it is prayed to direct the respondents to withdraw the Development Charges notices by setting aside the impugned Award.

13. On the other hand, it is contended by the respondents that eight Development Charges cases were registered against the appellant and that the appellant paid the Development Charges as its connected load exceeded the contracted load and the entire Development Charges case amounts were paid. Therefore it is prayed to reject the appeal.

POINTS

14. The points that arise for consideration are:-

- i) Whether the appellant is entitled for de-clubbing the subject Service Connections and for withdrawal of Development Charges notices and also refund of the amount as prayed for?
- ii) Whether the impugned Award passed by the learned Forum is liable to be set aside ? and
- iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

15. It is an admitted fact that the respondents have released the following four Service Connections to the appellant:-

- i) 1201 13551
- ii) 12012 13515
- iii) 1201 23341 and
- iv) 1201 23342

There is no dispute that the appellant paid the entire Development Charges amount.

SETTLEMENT BY MUTUAL AGREEMENT

16. Both the parties have appeared before this Authority virtually and physically. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

REASONS FOR DELAY IN DISPOSING OF THE APPEAL

17. The present appeal was filed on 14.06.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

18. The prayer of the appellant is to direct the respondents to de-club the subject Service Connection and withdraw Development Charges notices bearing Nos. ADE/HDB/D/No.786 dt.30.06.2023, ADE/HDB/D/.No.788 dt.30.06.2023, ADE/HDB/D.No.789 dt.30.06.2023 and ADE/HDB/D/.No.815 dt.05.07.2023 and to set aside the Award passed by the learned Forum. It appears that three nos.services Development Charges cases were booked by the respondents in June 2023 and on one service Development Charges case was booked by the respondents in July 2023 and these notices were served to the appellant by the respondents and also appellant paid these case amounts in the month of October 2023. The details are as follows:-

Sl. No.	S.C.No	Cat.	Sanctioned load (contracted load)	Purpose of usage	Physical connected load	Case No.	Additional load in KW (Load from to load to)	Load regularised date
1.	1201 13515	II	1 KW	Godown and Bore Motor	4.248 KW	DPE/RRE/786/23	22 KW (5 KW to 27 KW)	02.10.2023
2.	1201 23342	II	10 KW	Show Room Air Coolers	15.400 KW	DPE/RRE/787/23	6 KW (10 KW to 16KW)	02.10.2023
3.	1201 13551	II	5 KW	Work Shop	16.038 KW	DPE/RRE/788/23	12 KW (5KW to 17KW)	02.10.2023
4.	1201 23341	II	5 KW	Showroom Lights and other office Appliances	26.204 KW	DPE/RRE/789/23	4 KW (1 KW TO 5 KW)	02.10.2023

19. The respondents claimed that the connected load of the consumer is more than the contracted load, hence Development Charges notices were issued to the consumer to regularise the additional connected load as per the Clause 12.3.3 of GTCS. According to them on payment of the case amounts connected load of the appellant Service Connections were regularised. It appears that the consumer has mentioned sanctioned load as connected load on each Service Connection, which is misleading and deceptive and not correct.

20. The appellant claimed that the learned Forum has not considered the following points:-

- i) The connected load of S.C. No.1201 135151 is 1 KW only.
- ii) The connected load of S.C. No.1201 23341 is 5 KW only.
- iii) The connected load of S.C. No.1201 23342 is 10 KW only.
- iv) The connected load of S.C. No.1201 13551 is 5 KW only.

v) The Hon'ble CGRF-II did not consider the ADE/Habsiguda notice in the letter informed that the appellant may opt to remove additional connected load or part of additional connected load. Accordingly, the appellant may opt to remove the additional load, if found. But the Hon'ble CGRF-II did not give an opportunity.

In this connection it is necessary to refer to the contents of the notices referred to above, wherein it is mentioned as follows:-

"If you opt to remove the additional connected load or part of additional connected load, may make a representation to the Divisional Engineer/OP/Habsiguda within (15) days from the date of service of this notice. In case there is no representation, your service will be disconnected and your service will remain under disconnection until the payments are received and additional connected load is regularised."

From the above factors it can be concluded that the respondents have given the opportunity to remove the additional connected load or part of additional connected load to the appellant by representing to the DE/OP/Habsiguda within (15) days. But there is no proof showing the interest of appellant towards removal of the additional connected load before regularisation of the connected load by the respondents. It appears that the appellant has not acted on the said notices accordingly and paid the amounts. After receiving the payments only the respondents have regularised the additional load.

21. Here it is necessary to refer Clause 5.3.3 of GTCS which is as follows:-

5.3.3 Development Charges

5.3.3.1 The amounts payable by the consumer towards development charges of new connection/ additional load under LT and HT categories shall be at the rates notified by the Company with the

approval of the Commission from time to time. The consumer shall pay these charges in advance, failing which the works for extension of supply shall not be taken up. These charges are non-refundable.

Provided that where any applicant withdraws his requisition before the Company takes up the works of the sanctioned scheme, the Company may refund the development charges paid by him without any interest. However where the service line charges are not sufficient to cover the 10% of the cost of the sanctioned scheme, mentioned in clause 5.3.2.1 above, the balance amount of 10% of the cost of the sanctioned scheme shall be deducted from the development charges paid by him.

From the above Clause it is clear that the appellant has to withdraw his requisition before respondents regularise the connected load. As loads were already got regularised in the month of 10/2023, basing on the above Clause, the request of the appellant cannot be considered.

22. The authorised representative of the appellant has also filed written submissions today contending among other things that the learned Forum has not complied with the Award passed by the learned Forum in C.G.No.133 of 2022-23 and without preferring any appeal the respondents cannot disobey the Award passed by the learned Forum. It appears that the appellant has also filed C.M.P. for implementation of the earlier Award. It is significant to note that the challenge in the present appeal is the Award of the learned Forum in C.G.No.239 of 2023-24. Therefore this appeal is confined to this Award only. In view of these factors, I hold that the appellant is not entitled for de-clubbing the subject Service Connections and for withdrawal of Development Charges notices and also refund of the amount paid and the Award of the learned

Forum is not liable to be set aside. These points are accordingly decided against the appellant and in favour of the respondents.

POINT No. (iii)

23. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

RESULT

24. In the result, the appeal is rejected confirming the Award passed by the learned Forum.

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 19th day of July 2024.

**Sd/-
Vidyut Ombudsman**

1. M/s. Ashok Rerolling Mills, Plot No.9/1, Road No.6, IDA Nacharam, Secunderabad - 500 076, represented by Sri Sham Kumar Agarwal, s/o. Gheesaram Agarwal, Cell: 9866992000.
2. The Assistant Engineer/Operation/Nacharam/TGSPDCL/Habsiguda Circle.
3. The Assistant Divisional Engineer /Operation / Habsiguda / TGSPDCL / Habsiguda Circle.
4. The Assistant Accounts Officer/ERO/Habsiguda/TGSPDCL/Habsiguda Circle.

5. The Divisional Engineer/Operation/Habsiguda/TGSPDCL/Habsiguda Circle.
6. The Superintending Engineer/Operation/Habsiguda/TGSPDCL/Habsiguda Circle.
7. The Divisional Engineer/DPE/Habsiguda/TGSPDCL/Habsiguda Circle.

Copy to

8. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.

