



VIDUYUT 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

Wednesday the 3rd Day of February 2021

Appeal No. 15 of 2020-21

Preferred against order dated 26.08.2020 of CGRF in CG No. 08 / 2020-21 of
Peddapalli Circle

Between

Sri. M. Sridhar Reddy,
[H.No.1-2-146](#), Hanuman Nagar,
Peddapalli - Dist.
Cell: 9704233653.

... Appellant

AND

1. The AE/OP/Town-II/Peddapalli - 8333923890.
2. The ADE/OP/Peddapalli - 9440811428.
3. The AAO/ERO/Peddapalli - 9440811291.
4. The DE/OP/Peddapalli - 9440811400

... Respondents

The above appeal filed on 26.09.2020 coming up for final hearing before the Viduyut Ombudsman, Telangana State on 18.11.2020 at Hyderabad, in the presence of Sri. Ch. Ramesh, AAE / OP / Peddapalli Town - 2 who was present for the respondents and the appellant having requested that the appeal be considered and disposed off on material available on record as he is not supposed to travel due to covid restrictions, having considered the record and submissions of the licensee, the Viduyut Ombudsman passed the following;

AWARD

This is an Appeal against the orders of the CGRF, Peddapalli Circle in CG No. 08 / 2020-21 dated 26.08.2020.

2. The appellant filed written submissions in the appeal and stated thus as below.
 - a) I would like to appeal against the order given by CGRF, TSNPDCL as my grievance is still not addressed.
 - b) I received a bill of Rs 7568/- in the month of February 2020 against the SC No. 55401-03014. How will a customer come to know that this charge was towards enhancing existing load, if the department doesn't give any prior notice or provide a breakup of charges. I ran from pillar to post to know how and why

I got a high bill, but did not get any response from the department. I was orally told that I have more electrical appliances in my home, but still no body bothered to explain what are these charges and how are they calculated. Only after filing complaint with the consumer grievance forum, I was orally told by the officer heading the forum that these are not ACD charges but towards enhancing existing load.

c) Nobody from the department visited our home and inspected the appliances before levying these charges and did so based on some wild imagination. After coming to know that these charges are based on appliances, I was requested to reduce the load of 2 KW which is said to be because of geyser which I never had. In order to cover up the earlier mistake now I'm told as per the forum order that I have a rice cooker which use 1 KW. Its true that we have a rice cooker of Panasonic model SR-WA-10 which uses 550W as per label on rice cooker. Now I see that your reinspection report increased my AC load from 1500 W to 1800W which again contradicts your own earlier inspection detail and added a cooler for 200 W which I don't have at all. The difference between the details in the inspection and re-inspection reports show that there was no inspection done at all initially. Instead of rectifying the error by reducing the load of geyser, the department chose to cover up the mistake by adding some other devices and increase the load of AC. The other connection SC No. 55401-04280 which has bore motor of 0.5 HP and got increased to 2 KW was reduced to 1 KW and I thank your department for that, but it was done after the first reinspection itself, even before I raised complaint with CGRF and this wasn't something which was done after I filed complaint and in fact there was no re-inspection done after I filed complaint with CGRF. So I am of the opinion that I did not get any relief from the forum which delivered the order only on the basis of the respondents' reply without considering my grievance.

d) I wonder if we are the only household in Peddapalli town which has AC and rice cooker at home as no other residential connection in our surroundings has a load of 4 KW. I know that I can get the details of how many residential connections have a load of 4 KW in our area with the help of and RTI query.

e) When banks are offering moratorium to postpone loan installments in these turbulent pandemic times, the department chose to burden customers with additional load enhancement charges apart from regular consumption charges.

f) I am a senior citizen aged 65 and we are only two people living in the house. When I filed a complaint which was still pending with the consumer grievance forum but my power connection was disconnected by the department on 24.08.2020 and I was forced to make the entire payment for restoring the power connectivity. Having made the entire payment, the company have left me with no option but to file a complaint with the consumer court for the service deficiency and inconvenience caused to me by the department. Before that I wanted to use this opportunity to appeal against the order given, though I have very little faith that this authority will take a sympathetic view of my appeal after experiencing the high handedness of the electricity department.

3. The respondent licensee filed a reply to the representation and stated thus vide Lr. No. 739 dt.13.10.2020 stating as follows:-

a) That the regular inspections have been carried out for detecting the additional loads connected by the consumers other than sanctioned load. The service connection No. 55401-03014, Cat-LT 1 and SC No. 55401-04280, Cat - LT 1, Peddapalli was inspected by Sri. Srinivas, Ex-ADE / TSNPDCL / Warangal on 16.11.2019 and it was noted the following loads in the consumer premises:-

Service No. 55401-03014				
Sl. No.	Particulars of load	Rating of the item in watts	Quantity	Total load in watts
1	AC	1500	1	1500
2	Geyser	2000	1	2000
3	Fan	60	1	60
4	Fridge	180	1	180
5	Television	100	1	100
6	Led Bulb	10	5	50
Total				3890

Service No. 55401-04280					
Sl.No.	Particulars of load	Rating of the item in watts	Quantity	Total load in watts	MD Recorded
1.	Motor	1500	1	1500	1.3 KW

b) Hence, the development charges was raised for regularisation of the excess load of 4 KW against existing contracted 0.28 KW of SC No. 55401-03014 and another SC No. 55401-04280 for excess load of 1.25 KW against existing contracted load of 0.25 KW and PA notices were issued to the consumer on 03.12.2019 and the amount was affected in the CC bills in the month of Feb'2020.

c) The consumer service 55401-03014 having additional load of nearly 4 KW development charges Rs. 6582 included against connected load 4 KW in the month of February 2020 bill. The consumer registered a complaint through TSNPDCL toll free number on 28.03.2020 and the same was informed to the concerned officer from customer care center and on same day the concerned officer contacted the appellant on phone due to Covid-19 lockdown and explained as to how the amount was raised on his services.

d) In presence of the appellant the loads of the service connections 55401-03014, 55401-04280 were re-inspected on 15.04.2020 by the AAE / OP / Peddapalli Town 2 and found the following loads:-

Service No. 55401-03014				
Sl. No.	Particulars of load	Rating of the item in watts	Quantity	Total load in watts
1	Fans	60	5	300
2	LED Bulbs	9	6	54
3	Fridge	200	1	200
4	TV	200	1	200
5	Rice Cooker	1000	1	1000
6	AC (1.5T)	1800	1	1800
7	Cooler	200	1	200
Total connected load in watts				3754
Service No. 55401-03014				
Sl. No.	Particulars of load	Rating of the item in watts	Quantity	Total load in watts
1	Bore Well motor	750	1	750
Total connected load in watts				750

e) On the day of re-Inspection of services, it is found that service connection No. 55401-03014 having nearly the same load as per previous inspection report, the other service connection No. 55401-04280 have reduced connected load than previous inspection mentioned load, so that additional demand of development charges raised for 1 KW to be withdrawn. Accordingly, the proposal for withdrawal is sent to AAO / ERO / Peddapalli. The withdrawal was effected in August 2020.

f) At the time of re-inspection, it is found that the geyser was removed and AC 1.5 ton load is 1800 Watts is correctly taken for calculating load as mentioned in the re-inspection report. The cooler was seen in the consumer premises and reported in calculation of load.

g) It is stated that the services inspected in November 2019 and raised demand in consumer bill of February 2020. Since, this is not in the period of Corona Pandemic. The service connections were disconnected on 24.08.2020 due to non payment of CC charges amount of Rs 1725/- from June 2020 to August 2020. The licensee has not insisted the consumer for payment of development charges as the dispute of the case is pending at CGRF Warangal.

h) It is requested kindly to settle the matter based on submissions to the appeal on behalf of TSNPDCL.

4. The appellant has filed a rejoinder to the response of the licensee and stated thus.

a) It was mentioned that the reason for disconnection of my service was because of the outstanding regular charges and payment of development charges was not insisted. It stated that it is not possible to make an online payment for part of payment of electricity consumption charges. He stated that the department itself has advertised to pay dues online during the period of pandemic. Even then he visited the office and made a physical payment of Rs. 920/- against the total bill of Rs 7568/- on 13.05.2020. If the receipt is noticed the consumption charges on that bill was Rs. 461/-, whereas I made an advance payment of Rs. 920/-. There was no regular reading taken or bills issued during the period of pandemic and when he visited the office again in the later months, he was told that he will have to make the full payment and he was not allowed to make part payment and he had no option to make online

part payment. Needless to repeat that the bill for Rs 7568/- which I received has no breakup of charges and there is no mention of development charges anywhere. The connection was disconnected on showing the receipt power restored. When electricity department minister had announced that there will be option given to customers to pay the electricity dues on installment due to financial stress people are going through, the department chose to disconnect his service when there was an open complaint and he is glad your department accepted that.

b) Only after he filed a complaint with the consumer forum I was orally told that these are development charges and until then I was under impression that these are ACD charges. There is complete lack of transparency of breakup of charges in the bill he received or the way the department is operating. The total amount on the bill is Rs 461/- and the net amount displayed is Rs 7568/- how will a customer know that those charges are for. He get the same reply that he has more appliances at his home but if there was a notice ever addressed to him about the connected load or the regularisation of connected load before he had filed complaint with consumer forum, he would like to see that.

c) He stated that he still maintain that there was no so called inspection conducted by Mr. Srinivas on 16.11.2019 in our premises as mentioned in the letter and without visiting our premises the load was calculated based on some assumption. If there is an evidence that will prove that inspection was carried out at my premises on 16.11.2019 and that he came to know about development charges he request the department to furnish that. A mere report of their backend application cannot be an evidence of inspection.

d) It was mentioned that the development charges were levied on the connection before the covid pandemic. He knew that most of his neighborhood houses received inflated bills with development charges in the month of June after pandemic just because he pointed out in the complaint that he is only one who was levied with these charges in my locality. He will file an RTI query and get the details of development charges levied during the months of pandemic.

e) he is tired of repeating the details of electrical appliances, he has at his home again and again. If the appliances at his home change after every inspection, there must be something wrong in the inspection itself. If not, why did the load enhancement levied on the bore connection was reduced after he has filed the

complaint, he does not have either a geyser or a cooler and there is no way connected load to the premises can be more than 3 KW.

5. This authority has heard officer of the licensee and perused the record. The short issue that arises for consideration is that, whether appellant is entitled to the relief as sought by him.

6. The appellant stated that he is a resident of 1-2-146/2, Hanuman Nagar, Peddapalli and is a senior citizen aged about 65 years. There are only two people living in the house. He has alleged that without any prior notice the respondents directly added the amount towards excess connected load over contracted load against the service connection No. 55401 03014 and 55401 04280 in the month of February 2020. That he came to know of the amount levied in the bill during the CGRF hearing. It is alleged that no one visited and inspected the appliances before levying the said charges.

7. The respondent No.1, AAE / OP / Peddapalli Town-II vide his written submission dated 13.10.2020, stated that during the regular inspection on 16.11.2019, the following loads were found to be connected in the premises:-

Service No. 55401-03014				
Sl. No.	Particulars of load	Rating of the item in watts	Quantity	Total load in Watts
1.	AC	1500	1	1500
2.	Geyser	2000	1	2000
3.	Fan	60	1	60
4.	Fridge	180	1	180
5.	Television	100	1	100
6.	Led Bulb	10	5	50
Total				3890

Service No. 55401-04280				
Sl. No.	Particulars of the load	Rating of the item in Watts	Quantity	Total Load
1	Bore Well motor	750	1	750
Total connected load in watts				750

8. In view of the above it is stated that the development charges and security deposit have been included for regularisation of excess connected load of 4 KW over contracted load of 0.28 KW against SC No. 55401-03014, similarly for excess connected load of 1.25 KW over contracted load of 0.25 KW. Provisional Assessment notices were issued to the appellant vide case No. PDPL / PDP / PDPL / 3132 / 19 dated 03.12.2019 and PDPL / PDP / PDPL / 3133 / 19 dated 03.12.2019, respectively. The said PA notices were stated to have been issued to the appellant on 13.12.2019, but the appellant has denied such claim. Subsequently the demanded amount was affected in the CC bills in the month of Feb' 2020.

9. Aggrieved by the above levy of demand charges over excess connected load the appellant registered a complaint vide consumer complaint reg No. (1) 2003284865 and (2) 2003284866 on 28.03.2020. Subsequently in the presence of appellant the connected loads of subject service connections were reinspected on 15.04.2020 by AAE / OP / Peddapalli Town-II and he found the following loads connected in the premises:-

Service No. 55401-03014				
Sl. No.	Particulars of load	Rating of the item in watts	Quantity	Total load in watts
1.	Fans	60	5	300
2.	LED Bulbs	9	6	54
3.	Fridge	200	1	200
4.	TV	200	1	200
5.	Rice Cooker	1000	1	1000
6.	AC(1.5T)	1800	1	1800
7.	Cooler	200	1	200
Total connected load in watts				3754

Service No. 55401-04280				
Sl. No.	Particulars of the load	Rating of the item in Watts	Quantity	Total Load
1	Bore Well motor	750	1	750
Total connected load in watts				750

10. The reinspection resulted in revised loads of 3754 Watts instead of 3890 Watts against service connection No. 55401 03014 and 750 watts instead of 1500 watts against service connection No. 55401 04280. The appellant contradicted the revised inspection connected load of both the services stating that the rice cooker load was taken as 1 KW whereas as per the label of the rice cooker of Panasonic Model No. SR-WA-10 as 550 watts. The AC load was increased from 1500 watts to 1800 watts in the reinspection which contradicts the initial inspection, further a cooler of 200 watts was added which does not exist. It was alleged that in view of the above given contradiction that there was no inspection done at all initially. The other connection SC No. 55401-04280 which has bore motor of 0.5 HP was initially reported as 2 KW and later reduced to 1 KW. But the said reduction of load from 2 KW to 1 KW was done prior to the complaint raised with CGRF and such the CGRF has not given any relief and delivered the order only based on the respondents reply without considering his grievance. That the service connections were disconnected by the respondents on 24.08.2020 and he was forced to pay the entire amount for restoring the power supply. Having paid the entire amount he had no option left other than to file a complaint with the Forum. Hence requested to take the sympathetic view of the appeal after experiencing the highhanded ness of the licensee.

11. The respondent No. 1, AE / OP / Town-II Peddapalli stated that there is not a much of difference between the intial inspection and reinspection for the service connection No. 55401 03014, the connected load was found to be nearly same as per the previous inspection, to support the action of the officers very strenuously. For the service connection 55401 04280 the 1 KW load was withdrawn and effected in August 2020. That during reinspection the geyser was removed, the cooler was actually seen in the consumer premises and the AC 1.5 ton load is 1800 watts is correct. The service connection was disconnected on 24.08.2020 due to non payment of current consumption charges for Rs. 1725/- from June 2020 to August 2020 and not towards

the pending payment of development charges as the dispute of the case was still pending in CGRF - Warangal

12. From a bear perusal of the pleadings and submissions, it is clear that the action seems to be couched with complete doubt and shrouded in confusion. Though, the provisional notice has been issued nothing is on record to show that the same is provisional not even served on the appellant, on the other hand the amount involved in the notice is included in the bill for the month of February 2020, without even putting the consumer on notice and deciding his objections, if any. Thus, there is complete violation of the principles of natural justice.

13. It is also noticed that the inspection purported to have been done has not been shown through proper evidence of inspection report. That is to say that both the times the inspection has taken place, but there is no corroboration that the inspection report is shown to the consumer and his signature is obtained as required under the general terms and conditions of supply. This shows the callous attitude with which the issue of the consumer has been dealt with by the officers of the licensee. To top it, the CGRF has lost sight of the need to examine the basic material on which the demand has been arrived or raised.

14. It is also noticed from the material available on record that demand is raised in the month of February 2020 and reinspection is done on 15.04.2020 upon complaint by the consumer. In that event the amount should have been dropped from the bill for the months of February, March and April of 2020 and only after issuing a notice the same could have been shown in the bill if the consumer's explanation is rejected after issuance of notice. Nothing this sort has happened in the matter. In fact the inspection was done in the peak of Covid – 19 situation and reading was taken, where as the relevant time the Hon'ble TSERC has issued directions for collection of average billing upon request of the licensee itself. Thus action of the officers of the licensee would not meet the natural actions and appears to be of malafide intention in the absence any material on record to the contrary.

15. Lastly, it is noticed that the loads vary from the two purported inspections. The loads mentioned in the 1st inspection are at variance with the later inspection conducted at the instance of the appellant. It is also worth mentioning that the items

of use and their quantities also changed. This aspect squarely casts a doubt as to veracity of the inspections as also the claim of additional loads over and above the contracted capacity. This authority basing on the above status as to the appliances and capacity tried to figure out if the appellant was at fault, but to the dismay nothing is placed on record by the licensee so as to come such an adverse inference. Accordingly there is no other option, but to give benefit of doubt to the appellant and against the licensee.

16. Having regard to the facts and circumstances of the case, this authority is of the view that the claim made by the licensee is not sustainable and therefore the same is set aside. Thus, the representation made by the appellant succeeds, the order of the CGRF as also claim made by the licensee stand struck off exercising powers under regulation No. 3 of 2015 as amended from time to time.

17. Suffice it state that payments, if any, made towards the said alleged claim of the licensee are to be adjusted in the future bills, by not merely showing a journal entry but practically showing in the bill about adjustment. However, this does not absolve the appellant from paying the regular monthly consumption charges, if any, due to the licensee, subject to licensee effecting adjustment as stated above, if any. With these observation, the representation is allowed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 3rd day of February, 2021.

Sd/-

Vidyut Ombudsman (FAC)

To,

1. Sri. M. Sridhar Reddy,
[H.No.1-2-146](#), Hanuman Nagar,
Peddapalli - Dist.
Cell: 9704233653.
2. The AE / OP / Town-II / Peddapalli - 8333923890.
3. The ADE / OP / Peddapalli - 9440811428.
4. The AAO / ERO / Peddapalli - 9440811291.
5. The DE / OP / Peddapalli - 9440811400

Copy to :

6. The Chairperson, CGRF-II, TSNPDCL, Nakkalagutta, Hanamkonda, Warangal.
For information .