



**VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA**  
First Floor, 33/11 KV Sub Station, Hyderabad Boat Club Lane,  
Lumbini Park, Hyderabad - 500 063

**::Present:: Sri. NAGARAJ NARAM**

Saturday the Seventh Day of August 2021

**Appeal No. 19 of 2020-21**

Preferred against the order dated 10.09.2020 of CGRF  
in C G No. 602/ 2019-20 of Saroor Nagar Circle

Between

Mr. Shaik Shabbir, Arfath Press,  
#16-2-875/1, Jeevan Yarjung Colony,  
Saidabad, Hyderabad - 59.  
Cell: 9849200706.

**... Appellant**

**AND**

1. The AE / OP / Champapet / TSSPDCL / RR Dist.
2. The ADE / OP / Champapet / TSSPDCL / RR Dist.
3. The AAO / ERO / Champapet / TSSPDCL / RR Dist.
4. The DE / OP / Champapet / TSSPDCL / RR Dist.
5. The SE / OP / Saroor Nagar Circle / TSSPDCL / RR Dist.

**.... Respondents**

The above appeal filed on 04.11.2020 coming up for final hearing before the Viduyut Ombudsman for the state of Telangana on 19.12.2020 at Hyderabad in the presence of Sri. Shaik Shabbir - Appellant and Sri. R. Krishnaiah – ADE / OP / Champapet for the respondents and having considered the record and submissions of both parties, the Viduyut Ombudsman passed the following;

**AWARD**

This is an appeal against the orders of the CGRF, Saroor Nagar Circle in C G No. 602 / 2019-20 dated 04.11.2020.

2. The appellant has stated and raised the following grounds in the appeal.
  - a) The appellant stated that they have SC No. 4518 00271 in the name of M/s. Rama Krishna Mills, R/o. Champapet are running Small Scale Industry (SMSE) in the name of Arfath Press. The nature of business is printing and binding. The meter is in LT services with HT side billing. They have got a lease agreement on the date of 04.12.2017.

- b) They started work on 20.12.2017 means exactly 15 days period. We got 3149 units. In the next month they got Rs 38,993/-. The next month of March reading 83796/- immediately they have given complaint to the ADE / OP / Champapet and AE / OP / Champapet to verify it. Somewhere mistake was going on they were requesting ADE and AE to rectify it. Frequently they visited and complained about this HT bill issue, but the ADE / AE did not responded, they used vulgar language on us and they given advice that capacitors were not working change them, they told utilisation is there so this bill was correct. It is not HT bill. They have advised them to close the industry of you are not able to pay the electricity bill. Already they have changed the capacitors later on they appointed a person and paid salary Rs. 6000/- per month for him, to go every day to current office on this problem to follow up AE / ADE and DE. But the problem was not solved. The AE / ADE and DE was not ready to listen the problem. They also don't have sufficient knowledge about this and told this is LT bill only.
- c) They showed the bill to senior engineers in electricity department they told your billing was wrong. In the month of March 1<sup>st</sup> week vigilance officer came to our unit. We showed our bill to vigilance officers. They advised us to meet immediately AE / ADE / DE in Champapet. They told billing was in HT service, but utilisation is not more than 56 KW. They asked them to decrease the load. The billing was wrong and it is suggested that upto 100 HP (or) 75 KW it comes under LT tariff only. If used in excess demand over and above the sanctioned load in a month, The particular month, it was penalised / fined for the excess use. They also suggested there is no HT flag upto 100 HP / 75 KVA for MSME / industrial units.
- d) They have the connection 75 HP, so visited the office of AE / ADE Champapet and repeated the same problem to them, but the officers did not show interest. After that they approached at AE office billing section and it was informed that HT flag was established for March 2018, means from past 24 months there. The bill was coming like that for the last 2 years. They visited and complained number of times but AE / ADE / DE have not informed about HT flag, totally neglected from 2018 January. They received ledger copy and we asked the ADE / AE about removing of HT flag but they have not shown any

interest on this work. They visited number of times, but there were no use our problem was not solved.

- e) Then we approached and complained at the CGRF vide case No. 602 / 19-20 dated 13.03.2020 in the March month about this problem.
- f) The case was under CGRF, so from March 2020 to till date AE / ADE have not shown any interest to solve the problem. They told the case was under process we can't do any further work about the HT flag and some lockdown period adjustment of the bill.
- g) In CGRF the case was 602 / 19-20 was rejected due to the reason AE said our premises connected load was 67.201 KW, whereas the contracted load was 56 KW.
- h) In the premises the unused and second hand equipment was kept aside. If they kept outside it will be damaged in rain. They cannot keep the costly equipment outside of the premises. It will be difficult to move them from one place to another place and they have to invest the money move the equipments. In the premises even if equipment is there, that does not mean it was meant for utilisation. It was kept for spare purpose. At the same time all equipment will not be put to use also. If equipment is old it will take more RMD, in the beginning some minutes it will be taken more HP later on it will be decreased upto 15HP, means if 40HP equipment in the beginning it shows 40 HP, in running after 10 minutes it will decreases to 15 HP mean it should be 25 HP. At the same time they have capacitors also. In the last 2 years RMD values, some of the months they used 2.92, 7.23, 13.50, 15.10, 16.20, 19,70, 32.40 RMD values.
- i) In the last 31 months they utilised below 56 KW only. Industries got the works in a particular season only on every year maximum 45-90 days. If any equipment was broken suddenly then also it shows more RMD value. The following are the RMD values from the last 2 years.

|               |           |                            |
|---------------|-----------|----------------------------|
| January 2018  | RMD-35.70 |                            |
| February 2018 | RMD-32.40 |                            |
| March 2018    | RMD-73.60 | Units - 3145 Amount-8,796  |
| April 2018    | RMD-55.50 | Units - 5519 Amount-77,503 |
| May 2018      | RMD-39.60 | Units - 2671 Amount-42,256 |
| June 2018     | RMD-13.60 | Units - 1990 Amount-35,944 |

|                |           |              |                |
|----------------|-----------|--------------|----------------|
| July 2018      | RMD-16.20 | Units - 2900 | Amount-54,068  |
| August 2018    | RMD-15.10 | Units - 1842 | Amount-37,616  |
| September2018  | RMD-      |              |                |
| October 2018   | RMD-12.10 | Units-2741   | Amount- 42,223 |
| November,2018  | RMD-12.10 | Units-1055   | Amount-28,635  |
| December,2018  | RMD-12.70 | Units-1459   | Amount-31,513  |
| January,2019   | RMD-12.10 | Units-1397   | Amount-30,987  |
| February,2019  | RMD-19.70 | Units-1310   | Amount-30,451  |
| March,2019     | RMD-19.70 | Units-859    | Amount-28,525  |
| April,2019     | RMD-52.50 | Units-3430   | Amount-58,334  |
| May'2019       | RMD-55.50 | Units-4030   | Amount-61,594  |
| June 2019      | RMD-55.50 | Units-1069   | Amount-34,491  |
| July 2019      | RMD-55.50 | Units-1000   | Amount-35,037  |
| August 2019    | RMD-59.00 | Units-1310   | Amount-38,441  |
| September 2019 | RMD-55.50 | Units-990    | Amount-34,896  |
| October 2019   | RMD-55.50 | Units-880    | Amount-34,656  |
| November2019   | RMD-55.50 | Units-846    | Amount-34,781  |

But bill generated minimum units 1388

Energy charges 11,250 (7.80 for 964 and 8.80 for 424)

Fixed charges Rs 390/- for 55.50 fixed charges 21,645/-

|               |           |            |               |
|---------------|-----------|------------|---------------|
| December 2019 | RMD-55.50 | Units-1104 | Amount-34,755 |
| January 2020  | RMD-55.50 | Units-853  | Amount-34,785 |
| February 2020 | RMD-55.50 | Units-2695 | Amount-52,716 |

Fixed charges 390/- For 55.50 - 21,645/-

|            |           |            |               |
|------------|-----------|------------|---------------|
| March 2020 | RMD-55.50 | Units-1509 | Amount-24,712 |
|------------|-----------|------------|---------------|

Fixed charges 390/- For 55.50 - 21,645/-

April 2020 (Lock down totally shut down) Amount - 24,712

May 2020 (Lock down totally shut down) Amount - 31,962

|           |           |            |               |
|-----------|-----------|------------|---------------|
| June 2020 | RMD-55.50 | Units-4181 | Amount-58,311 |
|-----------|-----------|------------|---------------|

(Not adjust in April & May .....units)

|           |           |           |               |
|-----------|-----------|-----------|---------------|
| July 2020 | RMD-27.70 | Units-400 | Amount-29,533 |
|-----------|-----------|-----------|---------------|

|             |          |             |  |
|-------------|----------|-------------|--|
| August 2020 | RMD-2.92 | Units - 699 |  |
|-------------|----------|-------------|--|

Bill generated 1120 units

Fixed charges 17,472/-

Fixed charges - 390/- For 44.70 - 17,472/-

- j) This means that last 29 months they are in touch with AE / ADE / DE. They are asking our meter is HT side. Convert it from HT to LT. But they have given the answer that this bill was LT. HT bill was coming in big size in A4 paper. But they were not informed about HT flag being fastned.
- k) They got the RMD values more in March 2018 means last 2 years back. From that month to till today 29 months we are getting HT bill. But in March 2018 the concerned ADE / AE / DE have not informed them orally or writing. They are continuously visiting to AE office Champapet about this problem. The officers informed about this HT flag in March 2020 before lockdown in billing office, means they informed after 20 months.
- l) Bill calculated as per HT bill. They didn't inform us orally or writing form but pressuring continuously to pay the current bill, minimum current bill 34,532/-. A number of times disconnected. They paid amount again and got connection number of times. They requested but the officers were not listening to the problem. If electrical department treats industrial like this, we have to close the industries. This type of behavior of treating industries by electricity department is not good. They as unemployed are starting industries by taking loans from banks etc. and purchasing equipment paying advances and rents. To pay every month minimum current bill Rs 21,000/- without operation and extra charges, it is very difficult to them. They are providing employment to 15-20 members by paying salaries per month. In the lockdown period also they have given the free shelter food for 27 migrant workers form Orissa, Bengal in humanitarian grounds, but without operation work also they are getting Rs 21,000/- bill. This type of behavior by the electricity department and of AE / ADE / DE of Champapet is unfair. They were not showing interest to solve the problem.
- m) They are getting HT bill minimum charges nearly Rs. 21,645/- (Rs. 390 x 55.50 KW) instead of Rs. 3,300 (Rs 60 x 55.50 KW) which means Rs 18,345/- more amount (Rs 21,645 - Rs 3,300 = Rs 18,345/-). If we use 699 units also we get Rs 30,000/- bill approximately.
- n) They calculated 1388 or 2100 minimum units per month (exactly they do not have idea bill was not at all clear). If they used less units also they are

calculating minimum bills, if they used 699, 891, 1104, 854 units in a month. They are reading the bill for 2100 units which is unfair. For 699 units also we got 34,000/- bill. Still today AE / ADE / DE were unable to explain about the HT bill. In lockdown period also we got Rs 34,000/- bill per month.

o) The power supply may not be disconnected to the industry this issue is decided.

3. The submission against the appeal have been made by the officers of the licensee as below:-

a) The complainant Sri. SK. Shabbir, Arfath Press, H.No.16-2-875/1, Jeevan Yarjung Colony, Saidabad, Hyderabad-59 of Champapet Section, previously filed a complaint at CGRF-II for redressal of complaints on SC No. 4518 00271

i) Removal of HT Flag,

ii) Revision of bill and

iii) change the meter for the same load 56 KW.

After careful examination the forum rejected the case as the existing premises had more connected load (67.201kw) than contracted load (56 KW), the consumer also exceeded the contracted load twice that is one in August 2018 by 17.60 KW and March 2020 by 3.19 KW and the forum suggested to reduce the connected load.

b) That the service bearing SC No. 4518 00271 has been released in the year 1985 on the name of Sri. Ramakrishna binni rice mill represented by its Proprietor Sri. Vanam Yadaiah under industrial category III with a CMD of 100 KVA with connected load of 120 HP maintained rice mill upto the year 2012.

c) Due to the closing of the rice mill, the load was derated from 120 HP to 56 KW from industrial category-III B to commercial category-II B vide Lr. No. SE / OP / RRS / Comml / F. No.\_\_\_\_/ 12-13 D. No. 1208 / 12 dated 02.06.2012 with effect from 25.06.2012 on request of Vanam Yadaiah, the original consumer the LT service with HT side metering. (for storage of rice like rice godown).

d) Later the same premises is given to the present complainant on lease agreement basis to run the book binding and printing purpose on the name of Arfath Press since 04.12.2017, this lease agreement is concluded in between the tenant and the original owner and the service is on the name of Sri.

Ramakrishna Binni Rice mill represented by its proprietor Sri. Vanam Yadaiah bills also being issued on this name under commercial (category II).

- e) The complainant has given a complaint on 01.03.2020 that he is getting more bill. Based on the complaint the premises has been inspected physically in the presence of the complaint and noted the existing connected loads and are furnished as follows.

|   |                |
|---|----------------|
| Printing Machine big size - 1 No. of 40 HP Load, 40 x 74 W    | =29.84 KW      |
| Printing Machine medium size - 2 of capacity 15 KW            | = 15.00KW      |
| Binding machine 1 of 10 HP, 10 X 746 W                        | = 07.46 KW     |
| Cutter machine of 3 HP Load, 3 X 746 W                        | = 2.238 KW     |
| Auxiliary motors to printing machine                          |                |
| 9 Nos. each 1 HP = 9 X 746 W                                  | = 6.714.984 KW |
| Auxiliary motors to machine - 2 for water supplying 4 x 746 W | = 2.984 KW     |
| Air compressors 2.5HP X 746W                                  | = 1.865 KW     |
| Tube lights 15 x 40w  | =0.6KW         |
| Fans 5 x 60W  | = 0.3KW        |
| Led lights 5 x 40   | =0.4KW         |
| Total load in the premises                                    | = 67.201 KW.   |

- f) The contracted load of the service is 56 KW under category II and the connected load is 67.201 and the consumer also exceeded the contracted load in March 2018 by 17.60 KW and March 2019 by 3.19 KW. Hence bills are generating under HT flag on auto generated mode since March 2018 and be cleared the bills regularly up to Feb'2020 without pending.
- g) That the consumer started the printing and book binding work on 20.12.2017 and received the bills within the limits as per consumption up to Feb'2018, but in the month of March 2018 the consumer exceeded the contracted load by 17.60 KW, hence then onwards the bills were generating on HT flag mode on auto generated method.
- h) It is a commercial service running under category-II then load measurement on basis of HP cannot done. The consumer exceeded the contracted load the bills were issued under HT flag method as per GTCS page No. 48, Clause 12.3.3.3 is the relevant clause in cases where the total connected load is above 75 HP / 56 KW or cases where the total connected load is above 150 HP under LT category III (B). These services will be billed at the HT category

I tariff rates from the consumption month in which the unauthorized additional load is detected till such additional load is removed and got inspected by the designated officer of the company.

- i) It is repeatedly explained to the consumer to reduce connected loads and maintain the loads below the contracted load of 56 KW, but he has not followed the departmental procedure / instructions to reduce / maintain the load below contracted load. The consumer kept pending the bills from March'2020 onwards, thus arrears are accumulated to Rs 1,13,095/-
- j) Recently on 05.10.2020 the original consumer Sri Vanam Yadaiah gave a letter to reduce the load from 56 KW to 54 KW, the same proposal was submitted to higher authorities vide Lr. No. ADE / OP / Champapet / SRN Circle / D. No. 828 / 20, dated 05.10.2020 for proper load deration approval, meanwhile the consumer was requested to clear all the dues for approval of load deration, still arrears are pending on this service number.
- k) Hence it is requested to issue suitable orders for further proceedings.

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

- a) The micro and small industrial units whose power requirement is less than 100 HP / 75 KVA are billed as per LT tariff. They have already enclosed Arfath Press MSME certificate. What is the use of MSME certificate.
- b) In MSME some of the equipments are kept at a side for standby for use in case of breakdown of existing equipment. Refer last 24-30 months previous bills, those are very less RMD value is recorded. Sometimes less than 20 KW. If the equipments are regularly using it should be recorded every month more than 56 KW.
- c) I am giving following RMD values from last 2 years:-

|               |           |                            |
|---------------|-----------|----------------------------|
| January 2018  | RMD-35.70 |                            |
| February 2018 | RMD-32.40 |                            |
| March 2018    | RMD-73.60 | Units - 3145 Amount-8,796  |
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|            |                               |  |                |
|------------|-------------------------------|--|----------------|
| April 2020 | (Lock down totally shut down) |  | Amount- 24,712 |
|------------|-------------------------------|--|----------------|

|          |                               |  |                |
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|-----------|-----------|------------|---------------|

(Not adjust in April & May .....units)

|           |           |           |               |
|-----------|-----------|-----------|---------------|
| July 2020 | RMD-27.70 | Units-400 | Amount-29,533 |
|-----------|-----------|-----------|---------------|

|             |          |             |  |
|-------------|----------|-------------|--|
| August 2020 | RMD-2.92 | Units - 699 |  |
|-------------|----------|-------------|--|

Bill generated 1120 units Fixed charges 17,472/-

|                |          |              |  |
|----------------|----------|--------------|--|
| September 2020 | RMD-7.23 | Units - 1736 |  |
|----------------|----------|--------------|--|

Fixed charges - 390/- For 44.70 - 17,472/-

|               |          |            |                |
|---------------|----------|------------|----------------|
| October 2020  | RMD- 672 | Units 1550 | Amount- 33,504 |
| November 2020 | RMD-783  | Units 1984 | Amount- 37,150 |

- d) From the last 10-01-2018 onwards means more than 33 months we are continuously regularly putting the letters to the following officers about the HT category bills.
- The Asst. Engineer / Operation / Champapet / TSSPDCL / RR Dist.
  - The Asst. Divisional Engineer / Operation / Champapet / TSSPDCL / RR Dist.
  - The Assistant Accounts Officer / ERO / Champapet / TSSPDCL / RR Dist.
  - The Divisional Engineer / Operation / Champapet / TSSPDCL / RR Dist.
  - The Superintending Engineer / Operation / Saroor Nagar Circle / TSSPDCL / RR Dist.
- e) But no one informed them about HT flag in writing and the licensee continuously pressured about the bill payment and harassed and suggested to close MSME and told this bill was under LT category only and not HT category means the higher officials of the department also does not know the difference between HT bill and LT bill.
- f) If the licensee informed them about this in writing they will switch off my industry at that time only, otherwise they will take precautions, but not one has informed in writing. So it is totally mistake by the electricity department not from our side.
- g) The bill from the electricity department is injustice, improper for the customer. If a consumer has to get the minimum bill Rs. 21,645/- (Rs. 390 x 55.50 KW) instead of Rs 3,300/- (Rs 60 x 55.50 KW) means 18,435/- more amount (Rs. 21,645/- - Rs. 3,300 = Rs. 18,345/-)
- h) If they use 699 units per month, the electricity department is collecting 1150 minimum units bill per month. This is totally unfair bill to the customer. For 990 units in September, 2019 they got Rs. 34,896/- so per unit they are collecting indirectly Rs. 35/- from the pocket of the customer, means electricity department is looting the amount from the SMSE's. The SMSE will use this amount for 3 workers salary. By collecting the amount like this electricity department making the SMSE as sick SMSE later those are shutting down.
- i) In October'2020 total units 1550 Units - Bill Rs. 33,504/- per unit charges is Rs. 21.61/-.

- j) In November'2020 Total units 1984 units- Bill Rs. 37,150/- per unit charges is Rs. 18.72/-
- k) Thus Rs. 20, is being collected from customers and they are purchasing from PPA Rs. 4.50/- per unit.
- l) Please consider the above points and give directions to make appropriate bills, as also adjust the amount from the last 33 months.

5. The short issue having heard the appellant and the officers of the licensee is that the consumer entitled any relief and if so to what extent the bill should be revised.

6. The appellant Mr. Shaik Shabbir on behalf of Arfath Press bearing electricity service connection 4518 00271 in the name of M/s. Ramakrishna Mills is seeking withdrawal of HT billing against the said service connection, which has premises has been leased by him. The HT billing was consequence of the consumption of energy from the month of March'2018 and consequent to exceeding contracted load by 17.60 KW and also in the month of March 2019, exceeded by 3.19 KW, thereby bills have been issued under HT category after tagging the HT flag which is an auto generation and conversion of the service HT category March 2018 without any notice.

7. The appellant stated that they got the March month bill for an amount of Rs. 83,796/- abnormally high compared to their normal bills of around Rs. 35,000/-. Immediately he has given complaint to the field officers of the Champapet to verify and rectify the mistake. According, to the appellant there was no response from the officials. In Spite of replacement of the capacitors as advised by the officials there was no relief. That he was kept in dark over billing of the service connection under HT category instead of LT category. This change in billing from LT to HT has come to his knowledge for the first time when the vigilance officer inspected his unit and found that the billing was continuing under HT. Later on enquiry of the same, it was confirmed that since March 2018 they being billed under HT category from the last 2 years. In spite of several requests to the field officers to remove the service from HT category which has been flagged, the complaint was not resolved.

8. Then he approached the CGRF-I and filed a complaint in C G No. 602 / 2019-20. The CGRF rejected the complaint citing reasons that the premises is having connected load of 67.201 KW, whereas the contracted load was 56 KW. That in the

premises the un used and second hand equipment was kept aside and the same if kept outside the same will be damaged due to rain. The said equipment was not in utilisation and also kept for spare purpose. Moreover, at any given time all the equipment will not be in use. He claimed that the old equipment will record more RMD in the initial stage of starting it, thus the load creeps upto 40 HP rated and after 10 minutes decreases to 15 HP to 25 HP on average.. In support of his claim the appellant has given the details of the RMD recorded last two years, units consumed and amount claimed by the licensee.

9. That for the last 29 months the bills were issued under HT category treating it as flagged under HT category without informing appellant and without any prior notice in writing. It is the appellant's case that number of times the supply was disconnected and he got connection after paying the amount though he is not liable to pay. That he was unemployed and as such started the unit by taking loans from the banks purchased equipment paying advances and rents. It is his grievance that to pay every month minimum current bill Rs 21,000/- without operation and extra charges is very difficult. In spite of the given situation they are giving employment 15 to 20 members. During the lockdown period also they have given free shelter, food to about 27 migrant workers of Orissa, Bengal state on humanitarian grounds.

10. The appellant gave details of the payment being made due to wrong billing. The appellant further reiterated that the Mirco and small industries units require power less than 100 HP / 75 KVA are to be billed as per LT tariff (MSME Certificate enclosed). That during the last 24 - 30 months the RMD values were very less, sometimes less than 20 KW. If the equipment was utilised regularly then the RMD of every month should have been more than 56 KW. That it was neither informed about the HT flag nor given any suggestions to withdraw the load.

11. The respondent reiterated the written submissions. Based on the complaint given the premises was inspected physically in the presence of appellant and found the equipment that is connected, the details of which are mentioned in the response to the appeal. In view of exceeding connected load to an extent of 67.201 KW and recording maximum demand during the month of March 2018, exceeding to an extent of 17.60 KW in March 2019 by 3.19 KW, HT category billing has been imposed by automatically levy HT category charges by way of auto generation of bills since March

2018, the appellant has paid the bills regularly upto February'2020 without any arrears. That the service connection is commercial service running under the LT category II, the load measurement on the basis of HP is not admissible. The HT flag was raised based on the clause 12.3.3.3 of the GTCS where the total connected load is above 75 HP / 56 KW or cases where the total connected load is above 150 HP under LT category IIIB. The Clause 12.3.3.3 is extracted below:-

“Cases where the total connected load is above 75HP/56Kw or cases where the total connected load is above 150 HP under LT category III (B). These services will be billed at the HT category IN tariff rates from the consumption month in which the unauthorized additional load is detected till such additional load is removed and got inspected by the designated officer of the company”

These services will be billed at HT category I tariffs from the consumption month in which the unauthorized additional load is detected till such additional load is removed or regularized.

12. The respondents case is that the appellant was repeatedly informed to reduce the connected load and maintain the load below the contracted load of 56 KW, but he has not followed the instructions to maintain the load below contracted load. That the arrears of charges were accumulated to an amount of Rs 1,13,095/- as the total bills were not paid from March'2020. On 05.10.2020 the original consumer Sri. Vanam Yadaiah reduction of the load from 56 KW to 54 KW, since the premises is in lease with the appellant he was requested to clear all the dues for approval of the requested load deration.

13. In the instant case the irony appears to be laxity of the officers of the licensee in undertaking proper action thereby seeking to earn revenue like a grabber, without attending to the grievance of the consumer. Before adverting to the case further, it may be appropriate to notice two important clauses in the terms and conditions of supply. The clauses are extracted below.

“12.3.3.2 Cases where the total Connected Load is above 75 HP/56kW or  
i These services shall be billed at the respective HT tariff rates from the consumption month in which the un-authorized additional load is detected. For

this purpose, 80% of Connected Load shall be taken as billing demand. The quantity of electricity consumed in any Month shall be computed by adding 3% extra on account of transformation losses to the energy recorded in LT Meter.

ii The Company may at its discretion, for the reasons to be recorded and in cases where no loss of revenue is involved, continue LT supply. If the consumer, however, makes arrangements for switchover to HT supply, the Company shall release HT supply as per the rules.

iii One-month notice will be given for payment of service line charges, development charges and consumption deposit required for conversion of LT service into HT service.

iv Service of such consumers who do not pay HT tariff rates or who do not pay the required service line charges, development charges and consumption deposit shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection unless the required service line charges, development charges and consumption deposit are paid for regularizing such services by conversion from LT to HT category.

v. If the consumer where required, does not get the LT services converted to HT supply and regularized as per procedure indicated above within three months from the date of issue of the notice, the Company is entitled to terminate the Agreement by giving required notice as per clause 5.9.4 of the GTCS, notwithstanding that the consumer is paying bills at HT tariff rates prescribed in clause 12.3.3.2 (i) above.

12.3.3.3 Cases where the total Connected Load is above 75 HP/56kW or Cases where the total connected load is above 150 HP under LT Category III (B). These services will be billed at the HT category I tariff rates from the consumption month in which the un-authorized additional load is detected till such additional load is removed and got inspected by the Designated officer of the Company.”

14. A combined reading of the above provisions in the terms and conditions of supply would entail licensee to issue notice at first instance to regularise or remove additional load either detected or noticed through inspection or due exceeding the recorded maximum demand (RMD). Instead, the licensee is resorting to directly billing such consumers under higher category by levying the appropriate charges

applicable to the higher category by providing automated system of billing. This type of action by the licensee is nothing but giving go by to transparency and violating principles of natural justice. It amounts to punishing the beleaguered consumer in many cases where such action of exceeding the load is not intentional or wantonly connecting additional equipment.

15. Unless a consumer is given proper opportunity and also not verifying the physical condition, directly changing the category even without an iota of information and pegging the billing in higher category would amount punishing the consumer twice. That the consumer is not given notice about changing the category and moreover charged in higher category.

16. Adverting to the facts it must be stated that a gruesome act of changing the category without inspection and notice and billing the consumer using automated category changing technology at higher rates is nothing short of hanging the innocent for the act which he has not done. It is all the more surprising that consumer gets to know the change of category and levy of higher charges only after two years when the inspection at his request takes place.

17. At the time of hearing, it has been informed that the licensee has devised a means in the billing software which changes in the category as soon as a consumer exceeds the contracted capacity and prepares a bill in the higher category without the knowledge or notice to the consumer. A gullible consumer who does not suspect the amount being claimed towards energy charges and paid would be punished even without being heard and knowing his version. This sort of billing should be deprecated and should not allowed to continue as it amounts to violation of the law of the land of upholding principles of natural justice and principle of audi-alterm-partem, that is punishing a person only after he is heard.

18. Having noticed from the record that despite repeated requests made by the consumer he was not informed of about changing the category from LT to HT, this authority is of the view the licensee cannot claim that the consumer should be moved from LT to HT billing for exceeding the contracted load in a particular month. This more so in the teeth of the fact that no notice was given not even orally informed of the same. Even otherwise, the data filed by the appellant towards RMD is not

disputed. That being the case the consumer cannot be put hard ship for a single instance where notice was not even given. Technically speaking, it is common parlance understood that the usage of machinery to extent of diversification factor of 80%. It appears there is no case on this ground to the licensee.

19. Therefore, the for the reasons explained and the action of licensee being contrary to law and principles of natural justice, this appeal is allowed. The licensee shall forthwith remove the flagging under HT category and bill the consumer under LT II commercial category as it was then in the year February 2018. Further the excess amount paid under HT category without any demur shall be adjusted in the future bills, for the said purpose the licensee shall recalculate all the bills under the tariff applicable for LT CATEGORY II COMMERCIAL under which the consumer was originally being billed from March 2018 till date.

20. The consumer shall be given benefit of payment as also dues if any as at present from the amount that is arrived at after recalculating the bills. This order shall be given effect to within 15 days of the receipt of the order and a report is submitted to this authority.

21. With these observations and finding the appeal is disposed of but in the circumstances without any cost.

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

Sd/-  
**VIDYUT OMBUDSMAN (FAC)**

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**Copy to :**

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