



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

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

Thursday the Twenty Fifth Day of March 2021

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

Preferred against order dt.06.11.2020 of CGRF in  
C G No. 57 / 2020-21 of Hyderabad Central Circle

Between

Sri.Kewal Sahgal,  
S/o. Late Dist.& Sessions Judge,  
Shri. Rupender Pershad Sahgal,  
# 5-8-344/1/A, 1st floor, Abids, Chirag Ali Lane,  
Hyderabad - 500 001. Cell: 9963993123.

**... Appellant**

**AND**

1. The AE / OP / Abids / TSSPDCL/Hyderabad.
2. The ADE / OP / Hyderguda/TSSPDCL/Hyderabad.
3. The AAO / ERO / Mint Compound / TSSPDCL/Hyderabad.
4. The DE / OP / Saifabad / TSSPDCL / Hyderabad.
5. The SE / OP / Hyd. Central Circle / TSSPDCL/Hyderabad.

**.... Respondents**

The above appeal filed on 28.11.2020 coming up for final hearing before the Viduyut Ombudsman, Telangana State on 19.12.2020 at Hyderabad in the presence of Sri. K. Ankit Raj - Advocate on behalf of the Appellant along with Sri. Ashish. S - son of the appellant and Sri. M. Chary – ADE / OP / Abids, Sri. Krupa Rathnam – AAO / ERO / Mint Compound and Sri. M. Ramsingh – ADE / OP / Hyderguda 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, Hyderabad Central Circle in CG No. 57 / 2020-21 dated 06.11.2020.

### **Appeal of the appellant**

2. The appellant has stated and raised the following grounds in the appeal.

A) That the order of the consumer grievances forum - II, TSSPDCL, GTS Colony, GHMC (CGRF) area dated 6<sup>th</sup> November, 2020 in CG No. 57 / 2020 is erroneous to law, against the evidence presented on record and absolutely devoid of merits.

b) That the CGRF has passed the impugned on mere assumptions and presumptions and did not apply its mind to the facts of the case.

c) That the appellant / complaint / consumer filed an application before the CGRF seeking a prayer to refund the exorbitant amount of Rs 18,358/- paid by the appellant / complainant / consumer herein for the incorrect massive billing towards electricity from 08.04.2020 to dt 16.06.2020 without the actual readings being furnished by the respondents herein.

d) That the CGRF has failed to see that how respondents have assessed that only for H. No 5--8-344 / 2 / A, 1<sup>st</sup> floor, there was a huge difference in the consumption of units that is from 2779 units wherein it abruptly jumps to 5355 units that is from April 8, 2020 - June 16, 2020, whereas for the ground floors, the billing was no more than an aggregate of ₹ 3000 - ₹ 4000 in the same residence and the billing at second floor was in negative and showed no dues accordingly for the month of April, 2020 or May 2020. Even more so, the material evidence provided by the appellant /complainant / consumer borne on the record of CGRF clearly shows "READING NOT FURNISHED" and this itself shows that the billing is presumptuous and the appellant / complainant / consumer was charged as per the highest slab as shown in the table in the order dated 6<sup>th</sup> November 2020, but no whisper of information regarding which slab category the consumer is to be charged per unit vide consumer service No E1003944 in the order has been mentioned.

e) That the CGRF ought to have considered the material evidence as filed by the appellant / complainant / consumer herein but not a whisper of the documents filed by the appellant / complaint herein C. G. No. 57 / 2020 filed before CGRF have been mentioned nor the orders states anything about the material evidence borne on the record of CGRF and the same is arbitrary, illegal and goes against the principles of natural justice.

f) That it would not be out of place to mention that the CGRF failed to even highlight in the order that the inspection officer ought to have produced a copy of the reply / report to the appellant / complainant / consumer as per the rules

framed in sub-section (5) of section 42 read with clause (r) of sub-section (2) of section 181 of the Electricity Act, 2003 but the same has not been done so and not a whisper of its even exist in the order in spite of bringing forth all the facts and material evidence before the CGRF.

g) That the CGRF has failed to see that appellant / complainant / consumer has paid and amount of Rs 804/- and 1486/- provisionally during the lockdown where people are effected with COVID for the months of April and May, 2020 respectively as such this appellant / complainant / consumer had regularly paid the bills as per the usage and never in the history of the consumption towards electricity the appellant / complainant / consumer herein ever received such huge and ridiculous exorbitant billing. That it would not be out of place mentioned that the appellant / complainant / consumer up-to-date has neither erred nor defaulted in payments towards electricity, let alone the arrears.

h) That the CGRF had considered that unsubstantial and ridiculous slab and calculated the average consumption bill as provide by the respondent to the CGRF which is contrary to the material evidence provided by the appellant / complainant / consumer is supposed to pray the electricity bills based on the tariffs and on what basis is the respondent herein calculated the usage of electricity by the appellant / complainant / consumer.

i) That CGRF has failed to see that the bills issued by the respondents was on average consumption basis not as per "METER READING" which ought to determine exactly how much the appellant / complainant / consumer the units during the month of May, 2020 and June, 2020.

j) That the CGRF has falsely relied upon the documents / calculation sheets filed by the respondents herein as factual and correct for which no copies were even served to the appellant / complainant / consumer herein and the same neither holds any water nor any merit and the order was erroneously passed against the appellant / complainant / consumer.

k) That the CGRF has failed to appreciate or even whisper about the actual material evidence filed by the appellant / complainant / consumer and only stated in the order that the billing is deemed correct as CGRF has only relied upon the billing software as development by TSERC.

l) That the CGRF has failed to provide the report as filed by the respondents herein ever after several submissions and representations made by the appellant / complainant / consumer herein.

**WRITTEN SUBMISSION OF AAO/ERO/MINT COMPOUND:**

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

a) It is stated that bill for the for LT service No. E1003944 was issued in the month of June 2020 for 3 months that is 96 days due to lockdown. Consumer paid an amount of ₹ 804/- and 1486/- provisionally for the months of April and May respectively in the month of June 2020 actual reading were taken on 16.06.2020 by the concerned AE / OP / Abids as 5355. Previous reading as in the month of March 2020 that is on 12.03.2020 was 2779, so consumption was recorded during 3 months as 2576 units, bills are correct according to tariff orders as the energy recorded has to be apportioned on monthly average basis as also have adjusted the payments received during the April / May.

b) CGRF has held here is no excess bill issued and the consumer is liable to pay the same as the bill was issued as per billing software development by the TSERC.

4. The short issue having heard the appellants counsel and the officers of the licensee is that the consumer entitled any relief and if so to what extent the bill could be revised.

5. Admittedly, the issue is in respect of billing and is pertaining to the period between March 2020 and June 2020 which period coincided with the decision of the Government of India to impose lock down across the country to contain the spread of COVID – 19 popularly known as Corona.

6. At the relevant time, as the central government and the state government have imposed lock down, the distribution companies were unable to undertaking the meter readings and had approached the Telangana Electricity Regulatory Commission seeking permission not to follow the terms and conditions of supply and the supply code regulation on billing the consumers. It is seen from the orders of the Commission that the Commission has permitted to bill them on the basis of the previous years

consumption on provisional basis and take meter readings whenever the government has permitted them to do so. In this regard it may be gainful notice the orders passed by the Commission on 06.04.2020.

The proposal.

“Due to absence of meter reading, the billing for the month of April 2020 for LT consumers shall be estimated and levied as per the following procedure.

- i) For LT-I Domestic, LT-VI (A) Street Lighting and LT-VI (B) Protected Water Supply (PWS) Schemes category consumers: The demand shall be raised equivalent to the CC Bill amount for the month of April-2019 for the consumers who are existing in the month of March-2019.”

The order.

“8. While the electricity has been allowed as an essential service, since the orders and guidelines also require social distancing, therefore the personnel of the petitioners cannot perform certain tasks as set out in the petition and mentioned herein above without they being present physically at the consumer location or field places. Since the government orders are to be in force till 14.04.2020, the said tasks cannot be performed by the petitioners, further, thereafter, depending on the orders of the government only the same shall have to be undertaken by the petitioners.

.....

10. Accordingly, we deem it appropriate to allow the request of the petitioners with regards to Supply Code Regulation No. 5 of 2004 as prayed in the petition, as an interim measure on provisional basis during the lockdown period to ensure the compliance of the government orders and to minimise the loss on account of delay of revenue realisation .....

11. The Commission directs the licences to take meter reading in next billing cycle immediately after lifting of the lockdown orders by the GoTS for arriving at actual consumption and to regularise the CC bills raised on provisional basis, as per tariff conditions.”

This measure was extended upto May 31<sup>st</sup> 2020 by order dated

“9. The DISCOMs are directed as follows:

- i) to ensure continuity of supply.
- ii) to undertake the activities duly adhering to the orders and guidelines issued by the Government from time to time.

iii) in absence of meter reading, the consumer shall be intimated through digital channel (email, sms, mobile application) about their computed bill amount for the month of May 2020.

iv) to communicate the same to general public through social media, electronic media and print media for wider publicity.

v) to take meter readings of the LT-services in succeeding billing cycle immediately after lifting of the lockdown orders by the GoTS for arriving at actual consumption as per tariff conditions and regularise the CC bills raised on provisional basis.”

7. In the premise of the above orders of the Commission, it is appropriate to see the factual position in this matter. It is noticed from the pleadings that the consumer paid tentative amounts in the months of April and May 2020. The licensee through its officers has undertaken meter reading in the month of June 2020 which resulted knowing the actual consumption that has taken place at the hands of the consumer. Further, the licensee has given benefit of average billing for three months total consumption of units and charged it according to the applicable tariff as determined by Commission.

8. It is also relevant to notice that the consumer had a consumption of 137 and 257 units in the corresponding months of April and May 2019. However, it must be recollected that due to imposition of lockdown the consumption has gone up phenomenally, as everybody was staying at home and also working from home. This gave rise to higher consumption in many a household. While the tariff applicable remained static, due to higher consumption higher bill had been occasioned. In the instant case the average consumption of 823 units has been recorded in April and May 2020 compared to the units noted above for 2019. A comparison of the charges payable would amply make it clear as shown in the table below.

April 2019

Slab	Applicable tariff ₹	Units consumed in 2019	Applicable charges ₹
0-100	3.30	100	330
101-200	4.50	37	166.50

May 2019

Slab	Applicable tariff ₹	Units consumed in 2019	Applicable charges ₹
0-200	5.00	200	1000
201-300	7.20	57	410.4

Additionally there will be customer charges and electricity duty as applicable March April and May 2020 (each month average of 823 units only of the total of 2576 units by restricting the number of days from 96 to 92 only which is the 3 month period)

Slab	Applicable tariff ₹	Units consumed in 2020	Units grossed upto 92 days	Applicable charges ₹
0-200	5.00	200	626	3130.00
201-300	7.20	100	313	2253.60
301-400	8.50	100	313	2660.50
401-800	9.00	400	1252	11,268.00
Above 800 units	9.50	>800 *(23)	72	684.00

The billing is done after 96 days and but calculation realigned to 92 days only and additionally there will be customer charges and electricity duty as applicable. \*23 units is taken here as calculation shown by CGRF the number of days for billing has to be limited to 92 days only that is March 31 days, April 30 days and May 31 days. Where as in this case the meter reading was taken on 12.03.2020 further reading was taken on 16.06.2020, thus leaving a period of 19 days in March 2020, 30 days April 2020, 31 days in May 2020 and 16 days in June 2020.

9. Thus, as seen from the tables and the orders of the Commission the demand raised by the licensee appears to be appropriate. Against this back drop the consumer sought to contest the claim stating that the other connection in the same premises had negative billing and that the air-conditioner had not been in working condition, therefore, the units charged to the service are erroneous. This authority is unable to accept the contentions raised by the appellant in the representation.

10. In as much as the licensee has acted in accordance with the proposal made by it before the Commission and also complied with the order, it had obtained. This is clear from the action taken in raising bill consumer in terms of the observation made by Commission while allowing such action when they are read in conjunction with each other as borne out on record.

11. Averments are raised about non application of mind and reliance on material placed by the licensee without furnishing the same. In the same breath after perusal of the record of the CGRF, this aspect stands unsubstantiated and without any basis. Therefore, this aspect fails.

12. Consequently, for all the reasons stated, the appeal fails, thus issue is answered against the appellant. Inasmuch as the appellant is liable to pay the amount

which is due immediately if not already paid. The licensee shall not disconnect the supply for about 15 days and await payment the amount due from the consumer, if not already paid. Thereafter, it may take action for recovering the amount in accordance with law.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 25th day of March 2021.

Sd/-

**Vidyut Ombudsman (FAC)**

To.

1. Sri.Kewal Sahgal,  
S/o. Late Dist.& Sessions Judge,  
Shri. Rupender Pershad Sahgal,  
# 5-8-344 / 1 / A, 1<sup>st</sup> floor, Abids,  
Chirag Ali Lane, Hyderabad - 500 001.  
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6. The SE / OP / Hyd. Central Circle / TSSPDCL/Hyderabad.

**Copy to :**

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