



**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. 28 of 2020-21**

Preferred against the order dated 22.12.2020 of CGRF  
in C G No. 410 / 2019-20 of Rajendra Nagar Circle

**Between**

Mr. Shaik Mastan Ali  
[Sy.No.8-1-123](#), Mailardevpally,  
Near Kattedan, Hyderabad - 500 077  
Cell: 9949404942, 9700128379.

.... Appellant

**AND**

1. The AE / OP / MD Pally / TSSPDCL / RR Dist.
2. The ADE / OP / Gagan Pahad / TSSPDCL / RR Dist.
3. The AAO / ERO / Gaganpahad / TSSPDCL / RR Dist.
4. The DE / OP / Rajendra Nagar / TSSPDCL / RR Dist.
5. The SE / OP / Rajendra Nagar Circle / TSSPDCL / RR Dist. ... Respondents

The above appeal filed on 22.12.2020 coming up for final hearing before the Viduyut Ombudsman for the state of Telangana on 20.03.2021 at Hyderabad in the presence of Sri. Shaik Mastan Ali - appellant and Sri. A. Lakshminaraya – DE/OP/Rajendra Nagar, Sri. U. Chandra Shekar Rao – AAO/ERO/Gaganpahad I/c, Sri. G. Venu Gopal – JAO/ERO/Gaganpahad 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, Rajendra Nagar Circle in C G No. 410 / 2019-20 dated 22.12.2020 as per clause 3.19 (a) of Regulation No. 3 of 2015.

2. The appellant stated in the appeal as below.
  - a) I am Shaik Mastan Ali and I am getting a very excess bill that is of (Rupees:- Five Lakh Eighty Thousand Eight Hundred and Eighty Nine) Rs 5,80,889.00/-. The bill appears to be inflated as I know for certain that our

consumption of electricity is not so high as to warrant such a high bill. Our all pervious bills were in between Rs. 13000/- to Rs. 15000/-.

- b) I had given this complaint to CGRF TSSPDCL. After one week I went to the AO office at Rethibowli, to check the statement. After meeting with AO. he handed the account statement to me and he said that your case amount is credited from CGRF of Rs, 5,57,850/- on dated 21.08.2019. But still I am getting the same amount on my electricity bill so today I went to CGRF to find out about my case on dated 21.12.2020. So they have given an order copy to me by saying that your file is rejected so I have come for justice towards the Vidyut Ombudsman.
- c) I request you to please look into this matter seriously and check where the mistake has occurred and kindly solve my billing problem because I am not eligible to pay this excess amount so kindly resolve my problem.

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

- a) That the appellant has filed an appeal on 22.12.2020 against order dated 08.12.2020 of CGRF in C G No. 410 / 2019-20, Rajendra nagar Circle regarding excess bill issued in the month of August 2019 against his service. No. 3103 06163, cat-II, load 22KW, of Sri.Shaik Mastan Ali MD Pally Section, Rajendra Nagar Circle.
- b) That a development charges case was booked for Rs.26,000/- on 02.05.2014 vide case No. DPE / RRS / SD02 / 8881 / 14 for regularization of additional load from 5 KW to 18 KW and the same amount added in the bill vide JE. No. 115187, dated 31.07.2014. The appellant paid Rs. 26,000/- on 31.08.2014 vide PR.No.40008310341. As per the instructions of the Superintending Engineer / Op / Rajendranagar, additional connected load regularized from 5 KW to 18 KW in the month of August-2019 to the SC. No. 3103 and also the KWH final reading of 90872 for the month of July -2019 was kept final reading of KVAH for the month of July-2019. In the month of August -2019 the KVAH final reading of the SC. No. 3103 06163 is 148552 hence billed 57680 units and generated the bill of Rs. 5,80,889=00 that is Rs. 5,76,132=93 (energy charges) + Rs. 150=00 customer charges + Rs. 1080=00 (fixed charges) + Rs. 3460=80 ED). It is stated that in the month of August-2019 a credit JE for Rs. 5,57,850/- was adjusted to the SC.No.3103 06163 as a part of bill revision.

- c) That a back billing case was booked for Rs. 5,57,928/-(Five Lakhs Fifty Seven Thousand Nine Hundred and twenty Eight only) vide case No. DPE / RJNR / 1049 / 19 on 22.08.2019 for the period from 12.08.2014 and we are not authorized to withdraw the billing case amount.
4. The AAO / ERO / Gaganpahad submitted additional submissions reiterating the earlier submissions:-
- a) The appellant has filed an appeal on 22.12.2020 against order dated 08.12.2020 of CGRF in C G No. 410 / 2019-20, Rajendra Nagar Circle regarding excess bill issued in the month of August-2019 against his service. No.3103 6163, cat-II, load 22KW of Sri. Shaik Mastan Ali, MD Pally Section, Rajendra Nagar Circle.
- b) That a development charges case was booked for Rs. 26,000/- on 02.05.2014 vide case No. DPE / RRS / SD02 / 8881 / 14 for regularization of additional load from 5 KW to 18 KW and the same amount added in the bill vide JE.No.115187, dated 31.07.2014 and additional load regularized from 5 KW to 18 KW in the month of August 2019 to the SC.No.3103 06163 and also the KWH final reading of 90872 for the month of July 2019 was kept final reading of KVAH for the month of July 2019. In the month of August 2019 the KVAH final reading of the SC. No 3103 06163 is 148552 hence billed 57680 units and generated the bill of Rs. 5,80,889/- (that is Rs. 5,76,132.93 (energy charges) +Rs. 150/- customer charges + Rs. 1080/- (fixed Charges) + Rs. 3460. 80 ED. It is stated that in the month of August-2019 a credit JE for Rs.5,57,850/- was adjusted to the SC.No.3103 06163 as a part of bill revision.
- c) That, in the final orders pertains to the SC. No 3405 00480 of Sri. Anil Agarwal, cat-III that, the assessment is in concurrence with the tariff orders 2012-14, approved by the Hon'ble commission which mandates the billing of units in terms of KVAH units for the service 20 HP and above, under clause 3 category wise specific conditions of L.T. tariff read sub-clause (3) (3) (iii). In the event of such provisions of tariff orders, the pe of the appellant for withdrawal of back billing amount is not tenable. Hence, the same order is applicable to the SC. No 3103 06163 of Sri. Shaik Mastan Ali also.

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. Sri. Shaik Mastan Ali is having service connection bearing SC No. 3103 06163 under category - II at MD Pally, Uddamguda, Gaganpahad, Hyderabad. He has filed the present appeal against the bill issued during the month of August 2019 for an amount of Rs 5,80,889/-. Prior to the above bill it is alleged that they used to get bills around Rs 13,000/- to Rs 15,000/-, however, a bill is received for an amount of Rs 5,80,899/- which is abnormal and there is some mistake in issuing such bill. Therefore, the consumer requested the CGRF to resolve the unfair excess billing.

7. The appellant 's grievance is that when he visited the ERO office he was handed over an account statement stating that an amount of Rs 5,57,850/- was credited in their account but still he was getting the electricity bills with the same amount and hence stated that his grievance was not resolved requested to resolve the issue at the earliest.

8. On behalf of the respondents the respondent No.3, AAO / ERO / Gaganpahad has submitted the written submissions. Further in support of their claim the respondent No. 3 has stated about the orders given by this authority which is a similar appeal by Sri. Anil Kumar Agarwal being Appeal No. 35 of 2019-20, wherein the appeal was rejected upholding the back billing case towards difference of units in KVAH and KWH.

8. A perusal of the written submissions of the appellant and the respondents shows that a wrong bill was initially issued in the month of August 2019 billed for 57680 units as a one month consumption. The mistake appears to have occurred in view of taking 90872 as initial reading for the month of August 2019 bill with final reading of 148552. The reading 90872 is actually KWH units whereas the reading 148552 is KVAH units. From the record placed it is noticed that the mistake was rectified by taking the initial reading as 146332 KVAH units. Consequently, revised the bill crediting an amount of Rs 5,57,850/- has been arranged. But during the same month again the service was inspected on 22.08.2019 by the DPE / DE and it was observed that the power factor of the service connection is very low and there was no capacitor installed in the premises. Such inspection also noticed additional load of 4 KW. Accordingly, from the notices it is seen that the back billing case was initiated to

recover the shortfall units of KVAH units, since the billing was carried out under KWH units, whereas the tariff order mandates the services above 10 KW under category II shall be invariably billed under KVAH units. The loss of revenue for such discrepancy of not billing the service connection under KVAH units was assessed at Rs 5,57,928/- for the period from 12.08.2014 to 12.07.2019. There was also demand for the developments charges towards additional 4 KW.

9. From the record placed by the licensee, in the year 2014 an inspection of the service connection was conducted and it was found that there exists an excess connected load of 13 KW over the contracted load of 5 KW in the premises. Subsequently, vide Lr. No. ADE / OP / Gaganpahad file No. 3995 / K / D. No. 141 / 14 dated 02.05.2014, the ADE / OP / Gaganpahad had issued the notice for regularisation of additional load detected demanding an amount of Rs 26,000/- which includes development charges of Rs 15,600/-, security deposit of Rs 10,400/- while allowing an option to the appellant to remove the additional connected load or part of the additional connected load by making representation to the DE / OP / Rajendra Nagar. The appellant paid the said amount vide PR No. 40008310341 on dt.31.08.2014 without any demur. After payment of the amount the respondents failed to regularise the total load of 18 KW until August 2019 and nothing placed on record for the lapse committed by the licensee. At the same time payment of amount towards excess load by the appellant envisages that the licensee starts billing the energy as per tariff order in KVAH units as the connected load as gone above 10 KW. The non regularisation of the total load of 18 KW resulted in continuation of billing of the service connection under KWH units whereas those services having contracted load of more than 10 KW under category II shall invariably be billed under KVAH units as per the tariff order 2013-14. This discrepancy was observed by the DE / DPE wing during the inspection of the premises on 22.08.2019, therefore, it was suggested to initiate back billing case for the recovery of short billing to an extent of difference of units between KVAH and KWH units and an amount of Rs 5,57,928/- was assessed for the period from August 2014 from the date of payment of excess connected load by the appellant upto July 2019.

10. Though the request of excess billing for an amount of Rs 5,80,889/- was addressed by the respondents by revising the bill duly withdrawing an amount of Rs 5,57,850/- in the month of August 2019. But back billing amount of Rs 5,57,928/-

shown as the amount due in the electricity bill as claimed by the respondents and ought to have been paid by the appellant as per the tariff order 2013-14 is the bone contention as it is shown the bill.

11. Though the claim made by the licensee may be correct as the billing had to be done in KVAH, having ailed to comply with the orders of the Commission, they cannot now punish the consumer for their lapses. No doubt it's a loss of revenue to the licensee due to improper billing having succeeded in getting billing pattern changed at the hands of the Commission, but failing to give effect the benefit bestowed on the licensee in due diligence and at an appropriate time cannot be pushed on the consumer.

12. Having noticed the action of the licensee and that being a violation of the provisions of the sec 56 of Electricity Act, 2003. Moreover, reference made to this authority's order in an earlier appeal in Appeal No 35 of 2019, is neither relevant nor appropriate. The said appeal has facts quite different from the present case and the detection wrong billing was noticed as practically at the earliest point of time. As such no comparison can be drawn to the said case. The said finding was rendered in the said facts and circumstances, though levy aspect may be similar to this case.

13. Thus, the appellant is entitled to the relief of withdrawing the claim of arrears towards KVAH billing for the period 2014 to 2019. However, the billing should be in KVAH from August 2019 when it was actually noticed. Any claims of amount arising out of or in the context of KVAH billing after August 1, 2019 shall subsist and has to be paid by appellant.

14. Subject to the observation made above the appeal is disposed off. Power supply shall be restored if already disconnected. There shall be no costs.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 07<sup>th</sup> day of August, 2021.

Sd/-

VIDYUT OMBUDSMAN FAC

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[Sy.No.8-1-123](#), Mailardevpally,  
Near Kattedan,  
Hyderabad - 500 077  
Cell: 9949404942, 9700128379.
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6. The SE / OP / Rajendra Nagar Circle / TSSPDCL/RR Dist.
7. The CGRF-GHA/TSSPDCL/ Vengal Rao Nagar/Erragadda/Hyd.