



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

:: Present:: Smt. UDAYA GOURI

Monday the Tenth Day of February 2020

Appeal No. 31 of 2019-20

Preferred against Order dt.30.11.2019 of CGRF
in CG No.467/2019-20 of Rajendra Nagar Circle

Between

Smt. Samyuktha Reddy, Flat No.509, Sri Shailaja Harmony, RK Puram,
Road No.3, Kothapet, Hyderabad - 500 035. Cell: 9652903718.

... Appellant

AND

1. The AE/OP/Shamshabad/TSSPDCL/RR Dist.
2. The ADE/OP/Shamshabad/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 18.12.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 09.01.2020 at Hyderabad in the presence of Smt. M. Samyuktha Reddy - Appellant and Sri. A. Laxminarayana - DE/OP/Rajendranagar, Sri. U.C.V. Annaiah - ADE/OP/Shamshabad, Sri. U. Chandrashekar Rao -I/c. AAO/ERO//Gaganpahad and Sri. S. Srinivas Reddy - AE/OP/Shamshabad for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal filed against the orders of the CGRF, Rajendra Nagar Circle in CG No. 467/2019-20 dt.30.11.2019.

2. The Appellant stated that she has filed a complaint before the CGRF, Rajendra Nagar Circle vide CG No. 467/2019-20 seeking for withdrawal of fixed

charges of Rs 28,875/- against SC No. 4237 08156 and Rs 33,000/- against SC No. 4237 07615 demanded in the month of Sep'2019 in the arrears bill and the learned CGRF failed to appreciate her grievance and allowed the said complaint partly directing her to pay the fixed charges on her both service connections for the additional load of 7KW on SC No. 4237 08156 and 8KW on SC No. 4237 07615 for 3 years prior to 23.08.2019 after adjusting Rs 20,000/- already paid by her, within reasonable time. As such aggrieved by the same the present appeal is filed.

3. The Appellant contended in the present Appeal that she is a Resident of the premises bearing No. Flat No. 509, Sri Sailaja Harmony, R.K.Puram, Road No.3, Kothapet, Hyderabad and that she has been allotted two service connections bearing No. SC No.s 4237 08156 and 4237 07615. She further contended that the bills pertaining to Sep'2019 demanded her to pay Rs 28,875/- towards SC No. 4237 08156 and Rs 33,000/- towards SC No. 4237 07615 towards fixed charges. She also stated that there are no tenants residing since 5 years in the said premises, as such she was paying minimum charges regularly on the said service connections, but suddenly when she received the bills demanding her to pay the huge amounts on the above service connections belonging to her she was shocked as she was not aware of such service charges pending as demanded by the Respondents. Hence she approached the CGRF and sought for waiver of the said amounts, but the CGRF failed to address her grievance and hence filed the present Appeal.

4. The Appellant in support of her contentions stated that it is evident from the power bills that we are not using any electricity in 2 service connections since 5 years but in September bill we got a total of Rs 66,000/- in 2 bills. We have approached CGRF for the same and we were told the case is in our favour but when I finally received the order letter it is something different which I did not understand.

We have paid Rs 10,000/- for each service connection i.e. Rs 20,000/- total at 2 months ago. Already there is an advance amount paid i.e. Rs 12,000/- in our power bill.

As we aren't using any power since long and there is '0' units usage in one service and a minimum usage in another. I do not want to pay for the fixed charges which I am being asked for 5 years, when the complaint was booked in May'2013. We have paid Rs 19,600/- and 22,400/- why did not the officer who booked the case told us about the fixed charges in 2013. After 6 long years they are asking us to pay the

amount. Now there is no tenant in the property we are no way responsible to pay after such a long duration where we paid when the case was booked in 2013.

It is a pure negligence of the electricity department who are charging us after 6 years. When the consumer is unaware of load or fixed charges they need to tell us within a few days and we would have reduced the load or anything suitable to our needs.

If they wake up after a long time and wish to generate revenues from innocent consumers like us who pay the bills regular it's a fault.

I would like to request Vidyut Ombudsman to look into the issue and do us a favour seeking all the evidence which I am submitting along this request letter.

I request you to give order not to disconnect the power until the case is done.

5. Reply of the Respondents

That the consumer has given complaint for withdrawal of fixed charges to SC No. 4237 08156 of Category II for Rs 28,875/- and SC No. 4237 07615 of Cat II for Rs 33,000/- of M. Samyktha Reddy, Shamshabad section.

That the service No. 4237 08156 was booked a development charge case vide case No. DPE/RRS/SD02/7955/13 on 21/05/2013 for regularisation of additional load 7KW and existing load 1 KW making total load of 8KW and assessed amount Rs 19,600/- the same was paid vide PR Nos. 759825, 759826 for Rs 14,000/- and Rs 5,600/- on 18.10.2013. The load was regularised from 1KW to 8KW for the month of Aug'2019. As per the tariff orders at the time of load regularisation fixed charges demand raised for additional load 7KW for Rs 28,875/- for the period from the date of booking of case i.1. 21/05/2013 to date of regularisation of load i.e. 23.08.2019.

Another service No.42337 07615 is also booked a development charge case vide case No. DPE/RRS/D02/7954/13 on 21/05/2013 for regularisation of additional load 8KW and existing load 1KW making total load 9KW and assessed amount Rs 22,400/- the same was paid vide PR Nos. 759833 and 759844 for Rs 16,000/- and Rs 6,400/- on 18.10.2013. The load was regularised from 1KW to 9KW for the month of Aug'2019 at the time of load regularisation fixed charges demand raised for

additional load 8KW for Rs 33,000/- for the period from the date of booking of case i.e 21/05/2013 to date of regularisation of load i.e.23/08/2019.

Hence the same was submitted to the CGRF. The CGRF is directed to collect the fixed charge on both service connections of the consumer i.e 4237 08156 for additional load of 7KW and SC No. 4237 07615 for additional load of 8KW only for three years prior to 23.08.2019.As per the directions of CGRF the fixed charges revised three years and the same was sent to circle office for approval obtaining approval from the Accounts officer/Revenue/RRC(S) it will be affected.

6. Rejoinder of the Appellant

As said earlier we got a bill of Rs 61,000/- in Sep'2019 after the power was disconnected we contacted the department and was told about the charges which are unaware. We paid all the bills regularly on time.

We have paid Rs 30,000/- + Rs 12,000/- as security deposit in 2013 when the premises was inspected after 75 months not in Sep'2019 we have got a bill of Rs 61,000/- which I request you to withdraw as we are paying every bill on time and its negligence of the department who did not regularise the load till 75 months. As per the Electricity Ac'2003, Section 56(2) No sum due from any consumer, under this section shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously in the bills Hence, such sum cannot be recovered as it is barred by limitation.

We were forced to pay Rs 20,000/- on two service numbers 4237 08156 and 4237 07615 in the month of Sep'2019. We would like to ask your highness to refund the amount paid as it's a case of negligence of the department.

Heard both sides.

Issues

7. In the face of the averments by both sides, the following issues are framed:-

1. Whether the Appellant is entitled for withdrawal of the alleged excess bills issued in the month of Sep'2019 on her service connections ? and
2. To what relief?

Issue No.1

8. The evidence on record shows that the Appellant i.e. Smt. M. Samyuktha Reddy, is a Resident of Flat No. 509, Sri Sailaja Harmony, R.K.Puram, Road No.3, Kothapet, Hyderabad is having two service connections i.e. SC No. 4237 08156 at premises No. 222, NH-7, Madhura Nagar, Siddanthi Nagar, Shamshabad, R.R.Dist and SC No. 4237 07615 of Category II at Plot No. 233 and 234, Madhura Nagar, Shamshabad, R.R.Dist. and that the said premises are kept vacant since 5 years and as such she has been paying minimum charges for the said two service connections, but suddenly in the month of Sep'2019 she received a bill of Rs 28,875/- towards SC No. 4237 08156 and Rs 33,000/- towards SC No. 4237 07615 of Category II and as such she was shocked at the said bills as she has been paying minimum charges regularly and that she was not informed about such arrears as claimed by the Respondents.

9. The Appellant who admitted that she has two service connections claimed that she paid an amount of Rs 10,000/- each i.e. Rs 20,000/- towards the demand made by the Respondents and also pointed out that there is a deposit of Rs 12,000/- with the Respondents. She further stated that they are not using any power supply from the above said service connections since 5 years and that the said amounts are being demanded consequent to the Respondents booking two additional load cases against service connections in the year 2013 and that she has paid an amount of Rs 19,600/- and Rs 22,500/- on 18.10.2013, as such the Respondents cannot claim the fixed charges for the said period i.e. after 6 long years, particularly when there are no tenants in the said premises and hence asserted that they are not liable or responsible for the said demanded amount as obviously the negligence is on the part of the Respondents officials as such demanded for withdrawal of the said amount.

10. The Respondents on the other hand contended that the Service Connection No. 4237 08156 was drawing extra load of 7 KW over and above the existing load of 1KW making the total to 8KW and as such the said service connection was booked vide case No. DPE/RRS/SD02/7955/13 on 21.05.2013 for Development Charge and for regularisation of additional load of 7KW and assessed an amount of Rs 19,600/- towards the said additional load and as such the Appellant paid an amount of Rs 14,000/- vide PR No. 759825 and Rs 5,600/- vide PR No. 759826 on 18.10.2013 and as such the load was regularised from 1KW to 8 KW and hence the demand for

regularisation of fixed charges for additional load was raised from the date of booking the case i.e. on 21.05.2013 to the date of regularisation of load i.e. 23.08.2019.

11. The Respondents also contended that the service connection No. 4237 07615 was drawing extra load of 8 KW over and above the existing load of 1 KW making the total 9 KW and as such the said service connection was booked vide case No. DPE/RRS/SD02/7954/13 on 21.05.2013 for Development charge and for regularisation of additional load of 8 KW and hence assessed an amount of Rs 22,400/- towards the said additional load and hence the Appellant paid an amount of Rs 16,000/- vide PR No. 759833 and Rs 6,400/- vide PR No. 759844 on 18.10.2013, hence the load was regularised from 1 KW to 9 KW, as such the demand for regularisation of fixed charges for additional load was raised from the date of booking the case i.e. 21.05.2013 to the date of regularisation of load i.e. 23.08.2019. As such contended that their bills pertaining to the above two service connections for the month of September seeking for regularisation of the additional load was in accordance with the Tariff Orders as prevalent at the time of booking the case and hence the Appellant is not entitled for any withdrawal of the said bills demanded by them in the month of September'2019 as it was done according to the Tariff Orders prescribed and filed the table for the period in question as shown below:-

TABLE - 1

SC No. 4237 08156					SC No. 4237 07615				
Case No.	Assessed amount	Amount paid	Excess Load	Date of Regularisation	Case No.	Assessed amount	Amount paid	Excess Load	Date of Regularisation
DPE/RRS/SD02/7955/13 dt.21.05.13	19,600	14,000 & 5,600	1 KW + 7 KW = 8 KW	23.08.19	DPE/RRS/SD02/7954/13 Dt.21.05.13	22,400	16,000 & 6,400	1 KW + 8KW = 9KW	23.08.19

12. The said contentions of both sides go to show that admittedly the Appellant failed to either remove the additional connections or part of the additional connected load by giving representations to the concerned Divisional Engineer after receiving the notice from the Respondents and on the contrary choose to regularise the load by paying the demanded amount while the Respondents instead of regularising the service connections of the Appellant on the date of payment, the cases have regularised the same on 23.08.2019, which goes to show that there is a negligence on both the parties. Since the above evidence clearly shows that the

Appellant having received the notice from the Respondents choose to regularise the additional load instead of giving a representation for either cutting down the additional load or reducing the said load, the Tariff Order 2012-13 for levying of fixed charges to the LT-II consumers which is introduced by the Hon'ble Commission is perused and found that Clause 178 and found that the same prescribes that in an effort to introduce two part Tariff as general policy for better revenue recovery and also load monitoring by the Licensees, the Commission has decided to levy fixed charges during the Financial Year 2012-13 at Rs 15/ KW subject to a minimum of Rs 15/- per month on LT-II(B), Non Domestic/Commercial with contracted load above 500 watts.

13. Hence from the Tariff Year 2012-13 every Non Domestic/Commercial consumer having loads above 500 Watts were liable to pay the fixed charges and this was structured in the billing of the LT Category Consumers. In the present case though the consumer connected load was 8KW and 9KW, the fixed charges were levied for 1KW only until 23.08.2019 date of load regularisation, thereafter Fixed charges were levied for total loads as per the rates in vogue and the Appellant is paying regularly without any protest. Hence the plea taken by the Appellant that the fixed charges levied is to be paid by their tenants is not correct as both the said service connections are registered in the name of the Appellant Smt. Samyuktha Reddy and there is neither an agreement or a contract between the Appellant's tenants and the Respondent/Licensee, apart from there being no request to reduce the contracted load and the Appellant is availing the supply of 8KW and 9 KW on her service connections. Hence the Appellant is liable to pay the total load charges as there is no provision to relax more than the relief given by the CGRF in CG No. 467/2019-20 dt.30.11.2019.

14. A perusal of the order of the CGRF clearly shows that it has applied the general law of limitation under the Limitation Act 1963 and restricted the period to 3 years for the purpose of assessing the fixed charges and as such there is no scope for the Ombudsman to interfere with the orders of the learned CGRF. As such concludes the Appellant is liable to pay the balance amount of the fixed charges on the difference of load for 3 years prior to 23.08.2019 duly adjusting the amounts already paid i.e. Rs 20,000/-. The contention of the Appellant stating that the demand of the Respondents is barred by the Electricity Act'2003 under Section 56(2) is rejected as the period of limitation under Section 56 of the Electricity Act'2003 comes into

operation only if disconnection of power due to non payment of dues is restored and not otherwise and the delay in charging the said amount is also only due to inadvertence and not with any malafide intentions and even otherwise the limitation would commence from the date of noticing the default i.e. in the year 2019. Hence the limitation of 2 years as claimed by the Appellant is not applicable. Hence rejected. Hence decides this issue against the Appellant.

Issue No.2

15. In the result, the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this, the 10th day of February'2020.

Sd/-

Vidyut Ombudsman

1. Smt. Samyuktha Reddy, Flat No.509, Sri Shailaja Harmony, RK Puram, Road No.3, Kothapet, Hyderabad - 500 035. Cell: 9652903718
2. The AE/OP/Shamshabad/TSSPDCL/RR Dist.
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5. The DE/OP/Rajendra Nagar/TSSPDCL/RR Dist.
6. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.

Copy to :

7. The Chairperson, CGRF - I, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda.
8. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.