



**BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA**

First Floor 33/11 kV Substation, Beside Hyderabad Boat Club  
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN  
VIDYUT OMBUDSMAN**

TUESDAY THE TWELFTH DAY OF MARCH  
TWO THOUSAND AND TWENTY FOUR

**Appeal No. 59 of 2023-24**

Between

Sri Challa Venkanna, Mucharla Village, Singareni Mandal, Khammam District-  
507 182. Cell: 9652308241. **.....Appellant**

**AND**

1. The Assistant Engineer/Operation/Kothalingala - 9440814148.
2. The Assistant Divisional Engineer/Operation/Kothalingala - 9440811518.
3. The Assistant Accounts Officer/ERO/Kothalingala - 9703358317.
4. The Divisional Engineer/Operation/Khammam-9440811506.

**..... Respondents**

This appeal is coming on before me for the final hearing on this day in the presence of the appellant, virtually and Sri N.Srinivasulu - AE/OP/Kothalingala, Sri P. Abhinay Karthik - AE/DPE/Khammam, Sri Y.V. Anand Kumar - ADE/OP/Kothalingala and Sri G.Rajasimha - AAO/ERO/Kothalingala for the respondents, virtually and having stood over for consideration, this Vidyut Ombudsman passed the following:-

**AWARD**

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Warangal (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G.No. 384/2023-24/Khammam Circle dt.03.02.2024, allowing

the complaint in part.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant before the Forum is that the respondents have released Service Connection No.551001095 (in short “the subject Service Connection”) in favour of the appellant under Category-VI(B) under Sujalam Scheme on 30.08.2012 utilising for Reverse Osmosis water plant at Mucharla Village. After inspection of the subject premises on 12.07.2023 by AE/DPE/Khamam the Category was proposed to Category-II on the ground that the appellant was utilising the power supply to water plant for commercial purpose. Back billing for Rs.2,21,555/- was also proposed. It is accordingly prayed to withdraw the said amount on the ground that the proposed change of Category and back billing were not correct.

### **WRITTEN SUBMISSIONS OF THE RESPONDENTS**

3. In the written reply filed by respondent No. 2 before the learned Forum, it is, inter-alia, submitted that the appellant made a representation to the final assessing officer for revision.

### **AWARD OF THE FORUM**

4. After considering the material on record, the learned Forum has directed the respondents to revise the back billing under Category-III and to continue the billing under the said Category in respect of the subject Service Connection within a specific period.

5. Aggrieved by the said Award of the learned Forum, the present appeal is preferred, contending among other things, that the appellant is a poor person and unable to pay the amount in question and, therefore, it is prayed to withdraw the amount.

### **WRITTEN SUBMISSION OF THE RESPONDENTS**

6. In the written reply filed by respondent No.3 it is submitted that basing on the Award of the learned Forum an amount of Rs.1,08,677/- was withdrawn from the back billing amount.

### **ARGUMENTS**

7. The appellant has submitted that without proper notice the respondents have changed the Category of the subject Service Connection basing on the inspection dated 12.07.2023 demanding back billing amount and hence it is prayed to withdraw the entire back billing amount.

8. On the other hand, the respondents have submitted that basing on the impugned Award, the back billing amount is revised and an amount of Rs.1,08,677/- is withdrawn and hence it is prayed to reject the appeal.

### **POINTS**

9. The points that arise for consideration are :-

- i) Whether the short billing notice dt.22.07.2023 is liable to be set aside and the appellant is entitled for withdrawal of the entire back billing amount as prayed for?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- iii) To what relief?

**POINT No. (i) and (ii)**

**ADMITTED FACTS**

10. It is an admitted fact that the respondents have released the subject Service Connection on 30.08.2012. The learned Forum has determined the Category of the subject Service Connection as Category-III. The appellant is not seriously contesting about the Category of the subject Service Connection. Therefore now the appeal is in respect of withdrawal of back billing amount only.

**SETTLEMENT BY MUTUAL AGREEMENT**

11. Both the parties have appeared before this Authority virtually. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

**REASONS FOR DELAY IN DISPOSING OF THE APPEAL**

12. The present appeal was filed on 27.02.2024. This appeal is being disposed of within the period of (60) days as required.

**CRUX OF THE MATTER**

13. As already stated, the subject Service Connection was released on 30.08.2012. The learned Forum has concluded to revise the back billing of the subject Service Connection under Category III from 23.06.2016 to 12.07.2023.

## **WITHDRAWAL OF BACK BILLING AMOUNT**

14. The record shows that the Assistant Engineer/DPE/Khammam has inspected the premises of the appellant on 12.07.2023 and found that the subject Service Connection was wrongly categorised. Respondent No.2 thereafter has issued notice on 22.07.2023 to the appellant mentioning about the inspection of the premises of the appellant and demanding Rs.2,23,229/- which was provisionally assessed towards back billing for the relevant period till the date of inspection on the ground that the subject Service Connection is covered under Category-II but not Category-VI(B).

15. As already stated, basing on the inspection of the premises of the appellant respondent No.2 has issued the back billing notice as stated above. At this stage it is necessary to refer to Clause 3.4.1 of the General Terms and Conditions of Supply(in short "GTCS")

“ 3.4.1: Where a consumer has been classified under a particular category and is billed accordingly and it is subsequently found that the classification is not correct (subject to the condition that the consumer does not alter the category/ purpose of usage of the premises without prior intimation to the Designated Officer of the Company), the consumer will be informed through a notice, of the proposed reclassification, duly giving him an opportunity to file any objection within a period of 15 days. The Company after due consideration of the consumer's reply if any, may alter the classification and suitably revise the bills if necessary even with retrospective effect, the assessment shall be made for the entire period during which such reclassification is needed, however, the period during which such reclassification is needed cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.”

This Clause of GTCS makes it quite clear that if the respondents want to change a particular Category of any consumer on the ground that the earlier Category was not correct, the respondents have to issue initial notice to that effect calling for the objections of the consumer within a period of (15) days. The respondents after due consideration of consumer's reply, if any, have to change the Category after their satisfaction and back-bill the Service Connection if necessary with retrospective effect also. In the present case, admittedly the respondents have not issued the initial notice as such there was no opportunity to the appellant to explain his stand. Respondent No.2 thus has straight-away issued the back billing notice on 22.07.2023 even by mentioning the back billing amount for the period from 23.06.2016 to 12.07.2023. Clause 3.4.1 of GTCS makes it quite clear about issuing the first notice explaining about the intention of the respondents-licensee for the proposed change of Category and giving an opportunity to the consumer to file objections. Thereafter the respondents have to consider the reply, if any, of the consumer and then if necessary they have to alter the classification, even with retrospective effect and revise the bill. This procedure was not followed by the respondents in the present case.

16. At this stage it is necessary to refer to the judgement of our own Hon'ble High Court in M/s. Santosh Electricals and Mechanical v. State Power Southern Power Distribution Corporation Ltd. in W.P.No.25326 of 2022 dt.07.12.2022 . In a similarly situated case, while referring to Clause

3.4.1 of the GTCS at para No.11 of the judgement, the Hon'ble High Court has held as under:-

“As per the above said clause, the consumer will be informed through notice of the proposed tariff reclassification duly giving him opportunity of file objections, if any, within fifteen days. The respondents after due consideration of the consumer's reply, if any, may alter the classification and suitably revise the bills, if necessary, even with retrospective effect, the assessment shall be made for the their period during which such reclassification is needed cannot be ascertained, such period shall be limited to a period of twelve months immediately after proceeding the date of inspection.”

Since the procedure mentioned in Clause 3.4.1 of GTCS was not followed in the said judgement, the Hon'ble High Court has set aside the impugned notice therein. The facts in the said case before the Hon'ble High Court and the facts in the present appeal are similar. Therefore this judgement is applicable in the instant case. In view of these factors, I hold that the short billing notice dt.22.07.2023 demanding the appellant to pay Rs.2.23,229/- is not valid and is liable to be set aside, consequently the appellant is entitled for withdrawal of the entire back billing amount. The impugned Award of the learned Forum is liable to be set aside to the extent of back billing amount. These points are accordingly decided in favour of the appellant and against the respondents.

**Point No.(iii)**

17. In view of the findings on point No.(i) and (ii), the appeal is liable to be allowed.



## RESULT

18. In the result, the appeal is allowed setting aside the impugned Award of the learned Forum to the extent of back billing notice demanding back billing amount. The amount mentioned in notice dt.22.07.2023 is withdrawn accordingly. The appellant shall continue to pay the electricity bills under Category-III.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 12th day of March 2024.

**Sd/-**

**Vidyut Ombudsman**

1. Sri Challa Venkanna, Mucharla Village, Singareni Mandal, Khammam District - 507 182. Cell: 9652308241.
2. The Assistant Engineer/Operation/Kothalingala - 9440814148.
3. The Assistant Divisional Engineer/Operation/Kothalingala - 9440811518.
4. The Assistant Accounts Officer/ERO/Kothalingala - 9703358317.
5. The Divisional Engineer/Operation/Khammam-9440811506.

### **Copy to**

6. The Chairperson, CGRF, TSNPDCL, Nakkalagutta, Hanamkonda, Warangal-506001.