



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: R. DAMODAR

Friday, the Eleventh Day of July 2015

Appeal No. 65 of 2015

Preferred against Order Dt. 11-08-2015 of CGRF In

CG.No: 37/2015 of Mahaboobnagar Circle

Between

M/s Scan Energy and Power Limited, 8-2-418, Meenakshi House, 5th Floor, Road
No. 7, Banjara Hills, Hyderabad - 500 034, Cell 8885027772.

... Appellant

AND

1. The ADE/OP/Shadnagar/TSSPDCL/Mahaboobanagar Dist.
2. The SAO/OP/Mahaboobanagar/TSSPDCL/Mahaboobnagar Dist.
3. The DE/OP/Jedcherla/TSSPDCL/Mahaboobanagar Dist.
4. The SE/OP/MBNR Circle/TSSDCL/Mahaboobnagar Dist.

... Respondents

The above appeal filed on 09.09.2015 coming up for hearing before the Vidut Ombudsman, Telangana State on 10.12.2015 at Hyderabad and having considered the record and submissions of both the parties, the Vidut Ombudsman passed the following;

AWARD

The Appellant has a HT Service Connection No. MBN 890 with CMD of 9990 KVA with voltage level prescribed at 33 Kv dedicated feeder. The complainant claims that the Respondents issued a wrong bill with voltage surcharge in May, 2015 amounting to Rs 32,23,258.80/- which is contrary to the Tariff Orders 2013-14. The Appellant made representation to SAO and CGM(Finance) and when there was no response from them, preferred the Appeal.

2. The Respondents claimed that the Appellant availed open access MD 30 KVA at total CMD with the licensee another sources becoming $9990+30 = 10020$ KVA which exceeded the CMD and therefore, the Appellant was levied voltage surcharge.

3. The Respondents further claimed that the Appellant filed Writ Petition in the Hon'ble High Court of Judicature at Hyderabad in WP No. 19397 of 2015 in which the Hon'ble High Court issued interim order dt. 30.06.2015 in WP MP No. 25076 of 2015 to the effect that "There shall be interim stay of disconnection of power supply for non payment of the amount towards purported voltage surcharge for the month of May, 2015 until further orders."

4. The CGRF, in view of the pendency in the writ petition in the matter, opined that the matter is subjudice and it is not appropriate on the part of the forum to issue directions and disposed of the complaint through the impugned orders.

5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal.

6. During the hearing, the Appellant was informed about the pendency of Writ Petition and their attempt to chose the forums. The Appellant then submitted a reply dt. 9.12.2015 stating that the management of the Appellant has decided not to withdraw the cases pending in the Hon'ble High Court in respect of the voltage surcharge.

7. Under Section 42 of the Electricity Act, 2003 the right of the Appellant under Subsection 5(Forum for redressal of grievance) Subsection (6) Appeal to Ombudsman, shall be without prejudice to right which the consumer may have, apart from the rights conferred by him by those Subsections under subsection 7.

8. As per regulation 3 of 2015 dt. 16.9.2015 of TSERC there are special provisions for entertaining Appeals by the Ombudsman. Clause 3.19.C reads as follows:

"The representation by the complainant, in respect of the same grievance, is not pending in any proceedings in any court, tribunal or arbitrator or any other authority; a decree or

award or a final order has not been passed by any such court, tribunal, arbitrator or authority, a representation may be entertained by the Ombudsman.”

9. In the present case a Writ Petition No. 19397/2015 on the file of the Hon'ble High Court of Judicature at Hyderabad filed by the Appellant is pending disposal regarding voltage surcharge imposed in the CC bill of May, 2015 which is also the subject matter of the present Appeal. Thus as per clause 3.19.(C) of Regulation No.3 of 2015 of TSERC, the Appeal is not maintainable. The Appellant submitted that its management has decided not to withdraw the cases pending on the file of the Honble High Court of Judicature at hyderabad.

10. Under the circumstances the Appeal is found not maintainable and is dismissed as such.

Corrected, Signed and Pronounced on this 11th day of December, 2015.

Sd/-

VIDYUT OMBUDSMAN

TYPED BY CCO

1. M/s Scan Energy and Power Limited, 8-2-418, Meenakshi House,5th Floor, Road No. 7, Banjara Hills, Hyderabad - 500 034, Cell 8885027772.
2. The ADE/OP/Shadnagar/TSSPDCL/Mahaboobanagar Dist.
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5. The SE/OP/MBNR Circle/TSSDCL/Mahaboobnagar Dist.

Copy to:

6. The Chairman, CGRF, Rural, TSSPDCL, Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.