

VIDYUT OMBUDSMAN TELANGANA STATE

O/o TSERC 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500004

Present: R. Damodar
Date: 30-04-2015
Appeal No. 11 of 2015

Between

M/s Sharada Minerals and Chemicals,
4-2-164, RG Road,
Vikarabad,
Rangareddy Dist- 501101

.....Appellant/Complainant

AND

1. The AE/Operation/Vikarabad(T), TSSPDCL,Rangareddy Dist.
2. The ADE/Operation/Vikarabad,TSSPDCL,Rangareddy Dist.
3. The DE/Operation/Vikarabad,TSSPDCL,Rangareddy Dist.
4. The SAO/Operation/RR South Circle,TSSPDCL, Hyderabad.
5. The SE/Operation/Hyderabad Central, TSSPDCL, Hyderabad.

.....Respondents

The appeal Originally filed as our Appeal No.72 of 2014 on 29-10-2014,has been transmitted to this office on 10-04-2015 came up for hearing on 22-04-2015 in the presence of Sri K. Anil Kumar,(Advocate) for the appellant company, Sri K.Raju ADE/OP/Vikarabad Sri M.Sambasiva Rao, DE/OP/Vikarabad and Sri K.Prabhakar,(on behalf of the 4th Respondent)JAO/HT/RRS/and having stood over for consideration till this day, the Vidyut Ombudsman passed the following:

AWARD

The Appellant has been running a factory with SC No134,L.T.,Catagory III (A) at Burgupally of Vikarabad which was later enhanced to catagory III (B) with a contracted load of 149 HP.From 1-4-2013 the Service has been converted to HT I with contracted load of 100 HP with a new consumer No RRS 1612. The chief general Manager,APCPDCL,on an application dt 14-03-2014 has approved the deration of load from 12th June 2014 with 3 Months notice. The complainant

claimed that they are entitled to conversion from 1-4-2013 because they have never utilized load of 100 HP at any time from 1-4-2013. Therefore the complainant seeks conversion of HT to LT Service w.e.f. 1-4-2013.

2. The Respondents claimed that the Appellant has originally been a consumer under LT III (A) with SC No 134 and later converted to LT III B for contracted load of 149 HP and 120 KVA. They claimed that the consumer service was converted from LT to HT w.e.f. 1-4-2013 duly informing the Appellant. Since the contracted load is more than 100 HP, a new service NO RRS1612 was assigned. The Appellant applied to CGM,APCPDCL for deration of contracted load from 120 KVA (HT I) to 100 HP (LT III) which was accorded as per clause 5.9.4.2 of GTCS w.e.f. 16-6-2014.

3. The appellant is aggrieved for not applying deration w.e.f. 1-4-2013 and preferred consumer grievance before CGRF of TSSPDCL (Greater Hyderabad Area) Numbered as C.G. No. 251/2014/Ranga Reddy Circle. After hearing both sides, CGRF passed the impugned order dt 8-10-2014 refusing any relief. Aggrieved, the appellant preferred the present appeal.

4. An effort at mediation is made, which was not successful.

5. Appellant filed written arguments and the Respondents a Reply.

6. Both sides were heard.

7. The point for determination is whether the Appellant is entitled to the benefit of deration w.e.f. 1-4-2013 instead of from 16-06-2014?

8. Point: It is clear from the claim of the Appellant that the company had applied for deration of contracted Maximum Demand from 120 KVA (HT I) to 100 HP (LT-III) on 14-03-2014 to the corporate office, TSSPDCL and the corporate office had accorded permission for deration of CMD as per clause 5.9.4.2 of General Terms and Conditions of Supply w.e.f. 16-06-2014.

9. The Respondents claim that they are permitted to consider applications for deration with 3 months notice as per Clause 5.9.4.2, The relevant portion of the

clause is as follows:-

“The Consumer may seek reduction of contracted maximum Demand or termination of the HT Agreement after the expiry of the minimum period of the Agreement by giving not less than 3 months notice in writing expressing his intention to do so-----”

10. The above extract clearly permits, the Distribution company to avail 3 months minimum notice to carry out the deration of CMD. The contention of the Appellant that though they had applied for deration of CMD on 14-03-2014, the appellant is entitled to deration with effect from 01-04-2013 and not wef 16-06-2014 as there was no notice to the appellant when LT to HT was converted as required under clause 19.1 of GTCS.

11. The other contention of the appellant is that originally notice of conversion of LT-III B to HT I was not given as required by condition No 19.1 regarding notice and therefore the consumer is not liable to pay fixed charges, Minimum charges etc., in terms of HT Supply. To this contention, the learned Advocate for the Appellant pointed out the statement of the Respondent No 3 in the impugned order admitting that no separate notice was issued for conversion of LT-III B to HT I during the year 2013-14 i.e , on 1.4.2013,

12. The Respondents contended that the special bill for consumption of energy under HT I itself is a notice details of nature of supply, which contention is tenable and reasonable. On the aspects of notice, The contention of the Appellant is untenable. The point is answered against the appellant and in favour of the Respondents.

13. There are no merits in the appeal and it is accordingly dismissed.

This Order is corrected and Signed on this 30th day of April, 2015

Sd/-

VIDYUT OMBUDSMAN

To

1. The AE/Operation/Vikarabad(T), TSSPDCL,Rangareddy Dist.
2. The ADE/Operation/Vikarabad, TSSPDCL,Rangareddy Dist.
3. The DE/Operation/Vikarabad, TSSPDCL,Rangareddy Dist.
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5. The SE/Operation/Hyderabad Central, TSSPDCL,Hyderabad.

Copy To

1. The Chairperson,Consumer Grievance Redressal Forum (Greater Hyderabad Area) TSSPDCL HYD.
2. The Secretary,TSERC,Hyderabad