

VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004

Present: R. Damodar

Date: 08-05-2015

Appeal No.12 of 2015

Between

Sri.K. Zabiullah, Advocate
(Authorised person of registered consumer Sri K.Abdulla)
3-5-782/27/4/A, Idea school Lane,King kothi,
Pardagate, Hyderabad -29

..... Appellant / Complainant

AND

- (1) The Assistant Engineer/Operation/S.S Nagar/TSNPDCL/Kamareddy.
- (2) The Assistant Divisional Engineer/Operation/R/ TSNPDCL/ Kamareddy.
- (3) The Assistant Account Officer/ERO/TSNPDCL/Kamareddy.
- (4) The Divisional Engineer/Operation/TSNPDCL/Kamareddy.

..... Respondents

The above appeal filed on 15-04-2015 coming up for hearing before the Vidyut Ombudsman, Telangana State on 30-04-2015 at Hyderabad in the presence of Sri.K. Zabiullah, Advocate for the Appellant/Complainant and Sri.Shankar, Assistant Account Officer,ERO,TSNPDCL,Kamareddy (R3), Sri. S. Venkatesh, Aditonal Assistant Engineer,Operation,SS Nagar,TSNPDCL,Kamareddy and Sri. I.S.N. Murthy, Junior Assistant,ERO,TSNPDCL,Kamareddy for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following:

AWARD

The matter in dispute is short. The facts are eloborate. The Vidyut Ombudsman for the States of Andhra Pradesh and Telangana by Order dated 27-09-2014 in Appeal No. 30 of 2014 at the instance of the present Appellant observed at para 7 therein as follows:

“The service remained under disconnection till today. The Appellant did not pay the arrears and delayed payment charges kept on accumulating on the outstanding arrears amount. As the service was under disconnection from November, 2002 onwards, the question of raising any minimum charges on the service does not arise on and from April, 2003 in accordance with the first proviso under clause 5.9.4.3 of the GTCS. Keeping all these issues in mind, both the appellant and the respondent agreed to the common figure of Rs.8,698/- payable by the appellant.”

2. With the above narration, the Vidyut Ombudsman of Andhra Pradesh & Telangana gave the following recommendation:

“The appellant shall pay an amount of Rs. 8,698/- in three equal monthly installments starting with the first installment to be paid before the end of October, 2014.

- a. The respondents shall accept the payment in 3 equal installments.*
- b. The appellant shall make a fresh application for service connection for release of supply.*
- c. On such an application being made, the respondents shall release the supply duly considering the payment to be made in remaining two installments.*
- d. The appellant shall pay the current dues for the newly released connection in addition to the installments amount.*
- e. If the appellant fails to pay the installment already granted, the respondents shall be free to disconnect the newly released service connection, as if the outstanding arrears were an arrears accrued on that service connection.*

The appellants as well as respondents shall communicate their willingness to abide by this recommendation within 15 days from the date of receipt of

this order, failing which the matter will be taken up for adjudication on merits.”

3. The Vidyut Ombudsman in the same Appeal No. 30 of 2014 by award Dated 22-11-2014 observed that the Appeal arose out of the complainant about non restoration of power supply and the complaint was filed assailing the demand of Rs.17,128/- raised by the Respondents consequent to the order of the CGRF. In the same Award it was observed that the Appellant was the different person than the registered consumer without proper authorisation and therefore, on this technical ground dismissed the Appeal.

4. Thus the matter rested without solution and in a limbo.

5. The Appellant lodged a complaint on 11-11-2014 with CGRF numbered as CG No.431/2014 of Nizamabad Circle claiming to be the son of the consumer. The Appellant gave details of the meter readings with remarks as follows: -

Month & Year	Opening & Closing reading	Remarks
04/2001	5994 / 5994	Same as previous reading
05/2001	7961 / 8031	Wrong Reading
06/2001	5994 / 5994	Same reading recorded in 04/2001
07/2001	8031 / 8225	Wrong reading
08/2001 to 06/2002	5994 / 5994	Same reading recorded in 04/2001
07/2002	5994 / 6112	118 units which is not correct
08/2002	6112 / 6412	300 units which is not correct
09 /2002 to 11/2002	6112 / 6412	Same reading recorded in 08/2002
12/2002	6412 / 6424	15 units normal consumed units
02/2003	6426 / 6480	54 units (wrong reading). The present reading is 6426.

6. The Respondents submitted reply before CGRF generally not disputing the above table and stating among other thing that “an amount of Rs.1291/- was withdrawn towards abnormal bills, based on the Assistant Engineer/Operation/SS Nagar letter”.

7. “Though the meter reader has issued wrong reading, the monthly minimum bills were issued properly as per Tarif along the L.P from 04/2001 to 06/2001”

8. “The excess billed amont for the month of 07/2002 to 08/2002 billed for 418 units were withdrawn by taking reading from 04/2001 to 01/2004 based on the letter of Assistant Engineer/Operation/SS Nagar”.

9. Before the CGRF, the Respondents claimed that “as per the recommendation of the Vidyut Ombudsman, the Appellant was intimated vide this office letter No.AAO/ERO/KMR/JAO(Billing)/BS(Slab)/D.No. 504/14 dated 24-10-2014 for payment of 1st instalment against Rs.8,698/- through DD, but the Appellant failed to pay. The Appeal was eventually dismissed as not entertainable on technical grounds”.

10. There are other contentions raised by the Respondents which are now not necessary for disposal of the present matter.

The CGRF after hearing, directed the Respondents

(a) to withdraw wrongly billed amount with late payment of 08/2002 and 02/2003.

(b) to withdraw the minimum charges raised beyond 4 months from the date of disconnection and collect cc charges pending at the time of disconnection along with 4 months monthly minimum charges as the LT agreement deemed to have been terminated as per clause No.5.9.4.3 of GTCS.

11. The Appellant through a letter dated 14-10-2014 addressed to the Respondent No.1 stated to have submitted a fresh application for release of supply

and he was ready to pay the 1st instalment of about Rs.3000/- and balance in due instalments alongwith monthly dues. (A copy of this letter was sent to the O/o the Vidyut Ombudsman on 15-10-2014). What happened after this letter is predictable. No action. Instead of paying the amount on the basis of orders of Vidyut Ombudsman, the Appellant put up a condition to pay the amount and expected a written response from the Respondents.

12. The Appellant thereafter filed the present Appeal alleging that the Respondents have denied him the principles of natural justice, neglected to implement the Award of the Vidyut Ombudsman, ignored court orders. The Respondents have taken wrong reading at least 5 times in the past and instead of monthly minimum charge of Rs.25/-, they have charged him enormously. The Appellant thereafter sought restoration of power supply.

13. The Respondents filed a reply dated 28-02-2015 stating that they have been following Standards of Performance. To meet costs of maintenance, smooth functioning, monthly minimum charges under GTCS clause 2.2.38 is provided. The allegation of harrasment of Appellant is denied. In the order dated 27-09-2014 in Para 6, it is stated that the Appellant agreed with the arrears arrived at and not to raise any issue for the period prior to 11/2002, in Para 7, both parties herein have agreed to a common figure of Rs.8,698/- payable by the Appellant. Again the Appellant has been raising the same issues.

14. In the order dated 27-09-2014 of the Vidyut Ombudsman under Para 9(b) “the Appellant shall make a fresh application for service connection for release of supply”. There is no word treating this as a fresh connection.

15. In Para 9 (d), the Appellant was directed to pay current dues to the newly released connection, in addition to the instalments amount.

16. These are the facts in the case with Appellant interpreting the order of Vidyut Ombudsman dated 27-09-2014 as reconnection with Respondents claiming it as release of new connection. It is further clear that ultimately Appeal No. 30 of 2014 was dismissed by orders dated 22-11-2014 on the ground that the Appellant

did not produce any proper authorisation from the registered consumer to pursue his case, a technical reason.

17. The Respondents by relying on clause 5.9.4.3 of GTCS claimed that in view of non-compliance of the direction in the Award in Appeal No. 30 of 2014 by the Appellant, the LT connection would be deemed to have terminated and therefore the Appellant is not entitled to restoration of service connection. In spite of dismissal of Appeal No. 30 of 2014 on technical grounds, the parties are relying on the direction in the Award in Appeal No. 30 of 2014 dated 27-09-2014, which gives scope for solution in the matter. Moreover, the authorised representative is stated to be the son of the Registered consumer. In all these circumstances and facts, the Complainant remained not compensated for the wrong bills and no bills suffered by him. The Respondents have no comment on the wrongs suffered by the Appellant. They are insisting on the Appellant paying Rs.700/- and odd for giving new connection. The Award dated 27-09-2014 in clause (b) speaks about fresh application for release of service connection which is claimed by the Appellant as restoration of supply and whereas, the Respondents refer to clause (d) which contemplates a newly released connection. Between these diverse views, and keeping in view the facts and circumstances, it would be in fitness of things to see that the consumer is not put to further difficulty and is therefore, not burdened with payment of money for issue of a new service connection. Thus, it would be proper to hold that on payment of the amount determined, the Appellant is entitled to restoration of supply.

18. In spite of dismissal of the O.P.No. 30 of 2014, there was mediation in this matter between both the parties. The Complainant had through his authorised agent, agreed to pay the amount due to get power restored.

19. **Directions:**

The Appellant should pay Rs.8,903/- towards arrears (including Rs.25/- for restoration of service) of all nature to the Respondents till March, 2015 (due per AAO/ERO/TSNPDCCL dated 02-04-2015). On such payment within one month. The Respondents shall restore the service connection. In case of non-payment within the prescribed period, the Respondents are free to take

appropriate action as per the procedure. The Appeal is disposed-off accordingly.

This Award is corrected, signed and pronounced on this the 08th day of May 2015.

VIDYUT OMBUDSMAN

1. Sri.K. Zabiullah, Advocate
(Authorised person of registered consumer Sri K.Abdulla)
3-5-782/27/4/A, Idea school Lane,King kothi,
Pardagate, Hyderabad -29
2. The Assistant Engineer/Operation/S.S Nagar/TSNPDCL/Kamareddy.
3. The Assistant Divisional Engineer/Operation/R/ TSNPDCL/ Kamareddy.
4. The Assistant Account Officer/ERO/TSNPDCL/Kamareddy.
5. The Divisional Engineer/Operation/TSNPDCL/Kamareddy.

Copy to

The Chairperson, Consumer Grievance Redressal Forum
H.No.2-5-31/2, Corporate Office, Vidyuth Bhavan, TSNPDCL, Nakkalagutta,
Hanamkonda, Warangal - 506 001.

The Secretary, TSERC, Hyderabad