



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**

Monday, the Thirteenth Day of June 2016

Appeal No. 28 of 2016

Preferred against Order Dt. 28-03-2016 of CGRF In

CG.No: 125/2016 of Mahaboobnagar Circle

Between

Sri. Polisetty Balakrishna, H.No. 37-50, Vallab Nagar, Wanaparthy,
Mahaboobnagar Dist. Cell No. 9440496738.

... Appellant

AND

1. The SE/OP/MBNR Circle/TSSPDCL/Mahaboobnagar Dist.
2. The DE/OP/Wanaparthy/TSSPDCL/Mahaboobnagar Dist.
3. The AAO/ERO/Wanaparthy/TSSPDCL/Mahaboobanagar Dist.
4. The ADE/OP/Wanaparthy/TSSPDCL/Mahaboobnagar Dist.
5. The AE/OP/Wanaparthy/Town/TSSPDCL/Mahaboobnagar Dist.

... Respondents

The above appeal filed on 06.05.2016 coming up for hearing before the Vidyut Ombudsman, Telangana State on 08.06.2016 at Hyderabad, in the absence of Appellant and presence Sri. P. Nagaraju - AE/OP/Wanaparthy Town, Sri. G. Ravinder - ADE/OP/Wanaparthy, Sri. S. Srinivasulu - AAO/ERO/Wanaparthy for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant lodged a complaint with the CGRF seeking withdrawal of the development charges against his SC No. 1543. He claimed that the development charges were included in the regular bill without any demand notice, for additional load. He sought issue of a correct bill after removing the development charges from the regular bill.

2. The 3rd Respondent AAO/ERO/Wanaparthi submitted a reply through a letter dt. 10.3.2016 alleging that a case of additional load was detected over the existing load and a provisional assessment order was issued by the 2nd Respondent ADE/OP/Wanaparthi dt.10.11.2014 for Rs 1400/- for regularisation of the load and since the amount was not paid, it was included in the CC bill for Feb,2016.

3. Before the CGRF, the Appellant was absent. The 1st Respondent was present and stated that the contracted load of the Appellant was 0.32kw and when the service connection was inspected on 10.3.2016, the connected load was found as 1.040 KW. The 3rd Respondent stated similarly and claimed that as the Appellant failed to pay the development charges, the same amount was included in the bill of Feb,2016.

4. After considering the material on record and hearing the Respondents, the CGRF through the impugned orders, directed collection of the Development Charges and regularisation of the additional load, according to the procedure.

5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal claiming that the AE(R1) after noticing additional load, has not given any notice to him and demanded Rs 200/- towards security deposit and Rs 1200/- towards development charges. The Appellant submitted an appeal seeking withdrawal of these amounts claiming that the CGRF has not given details of the procedure, Tariff Order, GTCS etc for charging the development charges and security deposit and that the impugned orders lacked reasons and that the orders issued were one sided and liable to be set aside.

6. The 2nd Respondent filed written submission in the Appeal stating that the SC No. 0101 1543 of the Appellant was released with load of 0.32 KW and during inspection, the total connected load found was 1.040 KW and therefore, a case No. MBR/WNPT/KTK/2467/14 and a provisional assessment order of the 2nd Respondent dt.12.11.214 for Rs 1200/- towards development charges + 200 towards Security Deposit totalling Rs 1400/- was issued for regularisation of the load and when the Appellant failed to pay the amount, it was included in the bill of Feb,2016. The Appellant accepted to pay the Security Deposit Charges of Rs 200/- after accepting that he has been utilising the load of 1.040 KW. The 2nd Respondent claimed that as per Clause 12.3.3.1 of GTCS, if the Appellant desires to continue with the additional load, he shall pay the required service line charges, Development charges and consumption deposit.

7. The 3rd Respondent AAO/ERO/Wanaparthi through his letter dt.31.5.2016 reiterated what the 2nd Respondent has stated.

8. The Appellant even though has been issued notice and informed by phone, failed to appear for hearing. The arguments of the Respondents heard.

9. On the basis of the record, the following issues arise for determination:

i. Whether the appellant is not liable to pay the development charges of Rs 1200/- and Security Deposit of Rs 200, in view of the fact that no notice was given to him as required under the procedure?

ii. Whether the impugned orders are liable to be set aside?

Issues 1&2

10. The Appellant has SC No. 1543 with a load of 0.32 KW. The Respondents claimed that during the inspection, the connected load of 1.040 KW was discovered and a provisional assessment order dt.12.11.2014 has been passed by the 2nd Respondent for Rs 1400/- in all for regularisation of the load. The Respondents claimed that the Appellant failed to pay the amount and therefore, the amounts were included in the CC bill of Feb,2016. The Appellant claimed that no notice before imposing development charges was issued to him and no procedure was followed by the Respondents in this matter and that the impugned orders are devoid of reasons and sought withdrawal of the Development Charges of Rs 1200/-.

11. The Appellant is not denying the discovery of load of 1.040 KW and the original contracted load as 0.32 KW to his Service connection. The Appellant has no grievance about payment of Security Deposit of Rs 200/- for this additional load. The Appellant has objection about imposition of Development Charges amounting to Rs 1200/- without a notice and without following the procedure.

12. A perusal of notice for regularisation of additional load dt.12.11.2014 Demanding Development Charges and Security Deposit for the additional load discovered gives details of the procedure. The Appellant claimed that no notice was given to him before imposition of the Development Charges. As per clause 12.3.3.1(i) **One month notice shall be given to regularise the additional connected load for payment of required service line charges, development charges and consumption deposit, in accordance with the format prescribed in Appendix IX.**

13. The notice for regularisation of additional load dt.12.11.2014 is in the proforma prescribed in Appendix IX as required under the clause.

14. Regarding one month notice to regularise the additional connected load, this notice for regularisation of additional load clearly mentions regularisation by paying the required charges within 30 days from the date of service. It also mentions about the fact that in case there is no representation, the service will be disconnected on expiry of notice period from the date of service of this notice, which is as per clause 12.3.3.1(ii) of GTCS. When the Appellant is served with this notice as prescribed in the Appendix IX of GTCS, there should be no grievance to the Appellant about the demand for payment of Development Charges of Rs 1200/- The grievance of the Appellant appears to be against the impugned orders not disclosing under what provision and under what procedure the Respondents imposed the charges.

15. The record clearly and unambiguously proves that the Respondents have followed the prescribed procedure and after expiry of 30 days notice for regularisation of the additional load detected, included the development charges and Security Deposit in the bill of Feb,2016 when the Appellant failed to pay the amount for regularising this load. The issue No.1 is answered accordingly.

16. The impugned orders, as rightly contended by the Appellant, are devoid of the provisions of the GTCS under which the orders are passed and the reasons for the conclusion. The issue is answered accordingly.

17. In the result, the Appeal is disposed of confirming the impugned orders, directing the Appellant to pay the Development charges for regularising his additional load.

18. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in clauses 3.38, 3.39, and 3.42 of the Regulation No. 3/2015 of TSERC.

TYPED BY CCO, Corrected, Signed and Pronounced by me on this the 13th day of June, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri. Polisetty Balakrishna, H.No. 37-50, Vallab Nagar, Wanaparthy, Mahaboobnagar Dist. Cell No. 9440496738..
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6. The AE/OP/Wanaparthy/Town/TSSPDCL/Mahaboobnagar Dist.

Copy to:

7. The Chairperson, CGRF -1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.
8. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.