



**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 Seventh day of August 2015

Appeal No. 38 of 2015

(Old Appeal No. 78 of 2014)

Preferred against Order Dt. 25.09.2014 of CGRF In

CG.No: 19/2014 of Medak Circle

Between

Esennar Transformers Pvt Ltd  
Plot No.2, Phase No.1  
IDA Pashamailaram, Medak Dist  
Cell 9440080716

**Appellant**

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**AND**

1. The ADE/OP/Sangareddy/TSSPDCL/Medak Dist.
2. The SAO/OP/Medak/TSSPDCL/Medak Dist.
3. The DE/OP/Sangareddy/TSSPDCL/Medak Dist.
4. The SE/OP/Medak Circle/TSSPDCL/Medak Dist.

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**Respondents**

The above appeal filed on 17.11.2014 came up for final hearing before the Vidyut Ombudsman, Telangana State on 09.07.2015 at Hyderabad in the presence of Sri. V. Srinivas Rao (Manager Finance) for the Appellant and Smt. P Manjula - SAO/OP/Medak Circle and Sri. D Srinivas - ADE/OP/Sangareddy for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

**AWARD**

\_\_\_\_\_The Appellant is a consumer with the Respondents with SC No. MDK-1288 at IDA Pashamailaram. The Appellant claimed that it has received R&C notification dt.1.11.2012 from APCPDCL regarding enforcement of power holidays to be observed. The Appellant claimed that it has, by a letter dt. 5.11.2012, addressed the SE/OP/(R4) with copies to office of CMD and ADE stating that as per the point

No. 15 of R&C measures dt. 1.11.2012, it has opted to draw power supply as per option number 3 and had requested the 4th Respondent to provide 4 days power on Tuesday, Wednesday, Thursday and Friday and power holidays on Saturday, Sunday and Monday. The Appellant claimed to have further addressed a letter dt 8.5.2013 to SE/OP in response to a memo dt. 1.5.2013 stating that under the revised R&C measures dt.17.4.2013 it was opting to draw power from Sunday, Monday, tuesday, Wednesday and Thursday and power holidays on Friday and Saturday. These letters mentioned supra were served on the addressees as well as his subordinates. It appears that there was no response at all to these letters from the Appellant.

2. The Appellant claims that it drew power as per the R&C measures dt. 1.11.2012 and 17.4.2013 without any breach and that it received energy bills during this relevant period without any penalties and therefore, it was under the impression that it was drawing power by following the power holidays schedule. The Appellant claims that only after receipt of power bills in the month of March, 2013 for consumption of power in February with penalties, it came to know about the present issue. The Appellant claims that by its letter dt. 27.2.2013 addressed to the 4th Respondent, it has asserted that it has been following power holidays on Saturday, Sunday and Monday and power-on days From Tuesday, Wednesday, Thursday and Friday. The Appellant through its letter dt. 1.7.2013 addressed to the 4th Respondent SE/OP claimed that it has received R&C supplementary bill for the month of February, March and May 2013 on 5.6.2013 for Rs 45,462/-, bill dt. 9.6.2013 for Rs 42,459/- and bill dt. 5.7.2013 for Rs 70,401/- which shows that there is difference in the clear communication regarding power-on and off days.

3. Before the CGRF, the 2nd Respondent SAO/OP/Medak submitted that R&C supplementary bills in respect of the service connection of the Appellant under option No.1 were issued under, non continuous 60% from Feb 2013 to May 2013 as per clause 15 of R&C measures dt.1.11.2012. He (R2) claimed that ADE/OP/Sangareddy(R1) sent revised proposals for considering power-on days on Tuesday, Wednesday, Thursday and Friday (these days were taken by the Appellant as power on days) for the months of Feb 2013 to May 2013, but the licensee fixed the power schedule for power-on days for Sangareddy subdivision as Sunday, Monday, Tuesday and Wednesday. The 1st Respondent stated to have recommended issue of revised bills as per the power schedule fixed by the licensee. The 4th Respondent claimed that instructions were issued to 1st Respondent to serve option forms along with power schedule to be followed in Medak circle and obtain dated acknowledgements prior to implementing the revised R&C orders with effect from 7.11.2011. R4 claimed that the Respondents have not given any approval or

consent to the Appellant to avail power supply on days other than the power schedule fixed for medak circle by the licensee. This statement is made by way of reply to the representation of the Appellant. R&C supplementary bills were issued to all the HT consumers including the Appellant without any discrimination. The 4th respondent claimed that the bills were wrongly issued due to oversight under option 1 (60% of CMD) instead of option No. 3 (i.e 4/3 DAYS). Therefore, the 4th Respondent claimed that the bills cannot be revised on the basis of the Appellant's own power schedule.

4. After hearing and on considering the material on record, the CGRF opined that the Appellant cannot alter power-on and power off day's schedule on his own, the bills were revised by the Respondents from Feb 2013 to May 2013 as per option No. 3, the licensee has not approved the request/option of the Appellant to avail supply from Monday to Thursday, the earlier R&C bills were originally issued under option 1(60% CMD) by oversight and they were revised under option 3(4/3 days) and that they were in order and therefore, R&C bills levied by the Respondents are in order and disposed of the Appeal through the impugned orders.

5. The Appellant while questioning the impugned orders, claimed that it was not given any power-on and power off schedule and when requested, it had by way of a letter dt 5.11.2012 addressed to R4, opted to draw power-on Tuesday, Wednesday, Thursday and Friday with power off on Saturday, Sunday and Monday as per the R&C measures dt.1.11.2012, which is marked as Annexure 1, with copies served on corporate office with acknowledgement as well as the first Respondent, for which it got no reply and it drew power as per the option given by it. The Appellant further claimed that as per the revised R&C measures dt. 17.4.2013, it had opted for option no. 3 with power on days as Sunday to Thursday and power off days on Friday and Saturday and it drew power accordingly, and it has not received any communication regarding these options.

6. Aggrieved by the impugned orders, the Appellant preferred the present appeal.

7. Arguments heard. The Efforts made to bring out a settlement could not succeed, and therefore, the matter is being disposed off on merits.

8. The points for determination are:

1. Whether the impugned orders are liable to be set aside?
2. Whether the schedule fixed by the licensee for drawing power was

intimated to the Appellant to enable it to draw power as per the schedule?

3. Whether the Appellant is liable for penalty, when it drew power as specified in

their communication to the Respondent No.4 with copies served on Respondent No.1, which was not contradicted by the Respondents?

**POINTS 1 to 3**

9. The facts in this case are very clear. The Appellant chose power off/power-on days as per option No.3 in paragraph 15 in R&C measures dt.1.11.2012. Option No.3 says as follows:-

“ Staggered power supply for 18 days, like 4 days power supply in a week with 100% contracted demand during off peak hours and 10% contracted demand during peak hours. During power holiday period of 12 days, 10% contracted demand is permitted for maintenance”

10. R&C measures left the days of power on and power off to the discom to specify. The Respondents filed a copy of memo dt. --/04/13 of CMD(CPDCL) showing district wise 20 day power supply per month. Medak district in which the Appellant is located is at Serial No. 5 showing 5 day power schedule for every week from Sunday/Monday/Tuesday/Wednesday/Thursday. This is with reference to revised R&C measures dt.17.4.2013 at serial No. 14 option No.3. The Respondents have not filed similar memo regarding staggered supply schedule with reference to R&C measures dt.1.11.2012. The Appellant claims that it has not been served or informed about these power-on/ power-off days with reference to R&C measures. Its further claim is that it has not got any response contradicting its letter dt.5.11.2011 addressed to the Respondents 1 & 4 choosing 4 days power-on days as Tuesday/Wednesday/Thursday and Friday and power-off days as Saturday/Sunday/Monday and further the Respondents have issued bills based on this consumption pattern. Only when it received R&C supplementary bill for the months of February, March and May, it came to know about the difference in the schedule for power-on/off days.

11. CGRF noted that the 4th Respondent claimed that the bills were wrongly issued under option no 1 (60% of CMD) instead of option No.3 (4/3 days) and therefore, they have revised under option 3 and issued bills.

12. On behalf of the Respondents, the 2nd Respondent filed a report on the same lines additionally claiming that information regarding power holidays was communicated to all the HT consumers through field officers i.e DE/OP and

ADE/OP, and bills were issued as per the licensee's power-on/power-off schedule and that bills from February 2013 to May 2013 were issued with wrong option (option No.1 i.e 60% throughout the month). The 2nd Respondent submitted a report stating that the R&C penalties of the Appellant amounted to Rs 5,89,302/-, out of which, the Appellant paid Rs 1,00,000/- on 6.5.2013 and Rs 1,23,600/- on 14.3.2014 and that an amount of Rs 3,90,833 was waived towards 50% of R&C penalties.

13. The Respondents have received copy of letter (Annexure No.1) dt. 5.11.2012 from the Appellant regarding option 3 as per R&C measures dt.1.11.2012 and letter dt. 8.5.2013 from the Appellant (Annexure No.2) both addressed to R4 with copies to R1 and R2 exercising option of power-on and power off days, which were also served on R1 and R4 duly acknowledged, clearly invited no response. This option is regarding revised R&C measures 17.4.2013. There was absolutely no response from the Respondents to these letters dt. 5.11.2012 and 8.5.2012 marked as annexures 1 & 2 either rejecting the request or pointing out the power off/on schedule fixed by the discom for Medak.

14. Adding to the woes of the Appellant, the 2nd Respondent through his report vide letter dt.8.7.2015 claimed as follows:-

“ Further it is to submit that in the letter dt. 5.11.2013 the consumer not asked for the power on days from Tuesday to Friday, but they asked for Monday to Thursday”.

15. The 2nd Respondent on the behalf of the other Respondents has cleverly stated that the Appellant has not asked for the power on days from Tuesday to Friday but they have asked for Monday to Thursday. This is not the case of the Appellant at all. The Respondents have not discharged their duties fairly, equitably and justifiably. In the first instance, they have not informed the Appellant about the power schedule informing as to how and on what days in a week the power should be drawn during R&C measures dt.1.11.2011 and revised R&C dt.17.4.2013. Apart from this, the Respondents have not replied to the Appellant's letters dt. 5.11.2011 and 8.5.2012 marked as Annexure 1&2 correcting the power drawing schedule drawn by the Discom and thus the Respondents kept the Appellant in the dark about the power drawing schedule prepared by them, which remained a secret as far as the Appellant is concerned.

16. There is no material on the record to suggest that the power drawing schedules according to R&C measures dt.1.11.2012 and 17.4.2013 were ever served

on the Appellant. The Appellant was kept in dark till the Respondents prepared revised supplementary bills, which according to the Appellant, was a surprise. Thus, the Appellant was justified in sticking to the option exercised by it to draw power as per the R&C measures dt.1.11.2011 and 17.4.2012 as per option No. 3 of paragraph 15 & 14 respectively. The entire responsibility for this mis-management lies at the doorstep of the Respondents, because they have not responded to the letters annexures 1 & 2 addressed by the Appellant to the Respondents 1, 2 and 4 at any point of time. Apart from this, there is no record to show that the Appellant was at any time alerted about deviation in the power drawing schedule drawn by the discom. There is another circumstance pleaded by the Appellant that they remained within the limits prescribed under the R&C measures and drew power as per the option intimated to the respondent 1, 2 and 4. If this is the fact situation, the Appellant cannot be held responsible for not sticking to the power drawing schedule not communicated to it and also when it was not contradicted on the option taken by it, but which is within the four corners of R&C measures. This is a peculiar case where the Appellant is being penalised for not following the schedule of drawing power, without being intimated about the power drawing schedule fixed by the discom for medak.

17. CGRF, in view of the aforementioned discussion, has totally ignored the special features of the present case, has not examined the position clearly and passed a mechanical order, which cannot be sustained. The points 1 to 3 are answered accordingly.

18. In the result the Appeal is allowed:

- a. The impugned orders are set aside.
- b. The penalties imposed by way of supplementary bills on the Appellant shall stand set aside. The amount of penalty already paid shall be adjusted in the future CC bills.
- c. It is hoped that the Respondents would take appropriate measures in communicating the power drawing schedule to the consumers under acknowledgement, before imposing penalties for breach .

Corrected, Signed and Pronounced on this 7th day of August 2015.

**OMBUDSMAN**

1. Esennar Transformers Pvt Ltd  
Plot No.2, Phase No.1  
IDA Pashamailaram, Medak Dist  
Cell 9440080716\_
2. The ADE/OP/Sangareddy/TSSPDCL/Medak Dist.
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4. The DE/OP/Sangareddy/TSSPDCL/Medak Dist.
5. The SE/OP/Medak Circle/TSSPDCL/Medak Dist.

**Copy to**

6. The Chairman, CGRF - 1, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.