

**BEFORE THE VIDYUT OMBUDSMAN**

**::Present::**

**C.Ramakrishna**

**Date: 07-01-2014**

**Appeal No.90 of 2013**

**Between**

Sri. Feroz Khan  
H.No.17-8-571,  
Chanchalguda,  
Opp: Hayath Towers,  
Hyderabad -24.

**...Appellant**

**And**

1. The Assistant Engineer, Operation, Pahadshariff, APCPDCL, Hyderabad.
2. The Assistant Divisional Engineer, Operation, Mamidipally, APCPDCL, Hyderabad.
3. The Divisional Engineer, Operation, Champapet, APCPDCL, Hyderabad.
4. Senior Accounts Officer, Operation, R.R. South, APCPDCL, Hyderabad.

**...Respondents**

The above appeal filed on 06-08-2013 has come up for final hearing before the Vidyut Ombudsman on 04-01-2014 at Hyderabad. Sri. Feroz Khan the appellant was present. Respondents 2 and 4 above were present. Having considered the submissions of the appellant, the respondents and the material available on record the Vidyut Ombudsman passed / issued the following:

### **AWARD**

The appeal arose out of the fact that the respondent officers have levied penal charges under R&C measures imposed by the Andhra Pradesh Electricity Regulatory Commission (hereafter “the Commission” or “APERC” for short). The appellant’s main grievance is that despite his having made an application for additional load and paying the required charges as demanded by the DISCOM, not only was additional load not released but that he was also served with penalties under R&C measures for having exceeded the contracted load.

2. Heard the matter on 06.12.2013 when only the appellant was present and none of the respondents were present. As the appellant could not explain his issue properly, the time sought for by him was granted. Heard the appeal again on 04.01.2014. The appellant and respondents 2 & 4 were present. The respondents also submitted their written submissions at the time of hearing. Heard the appellant and the respondents. Perused the written submissions and the material available on record.

3. The crux of the matter is that the appellant while staying as a consumer under LTIII(B) category with a contracted load of 150 HP was found drawing more load than the contracted load during the month of April 2011. The respondents have initiated action by issuing provisional notice for payment of development charges and security deposit for regularization of the additional load. By the time the appellant submitted the application in proper shape with all the required CEIG approvals in place, the Commission imposed R&C measures came into force. Hence while the respondents could not release either the additional load or convert the consumer category from LTIII(B) to HT, levying penalties for exceeding the

contracted load became inevitable for them in view of the R&C measures brought into effect by the Commission. The appellant and the respondents submit that the service is now converted into HT category in June 2013 and that the only issue remaining unresolved is the issue of penal charges levied and remaining unpaid by the appellant. The CGRF (Greater Hyderabad Area) disposed of the complaint before it on 22.07.2013. By that time the Commission had not come out with its Proceedings No. APERC/Secy/154/2013 dtd: 08.08.2013 wherein 50% relief to all the consumers who have been subjected to penal charges during the entire period when R&C measures were in force, was granted. The appellant submitted during the hearing that he would be happy to pay 50% of the penal charges imposed under R&C measures; but that he wants some time to pay the charges in installments. The respondents 2&4 who were present at the time of hearing did not oppose giving any installments for payment by the consumer.

4. In view of this, it is hereby ordered that the appellant will pay 50% of the entire outstanding amount towards penal charges imposed under R&C measures in two installments during the months of February and March 2014, and the respondents shall waive the remaining penal charges in accordance with the Proceedings of the Commission referred hereinbefore. The appellant shall communicate his acceptance of this award within 30 days from the date of receipt of this order to the respondents. Within 15 days from the date of receipt of such acceptance from the appellant, the respondents shall issue a revised demand of the penal charges under R&C measures. The respondents shall intimate whether or not the appellant had complied with this award, before the expiry of 60 days from the date of receipt of this award. In case the appellant does not communicate his acceptance of this award in the above manner, the respondents are free to proceed ahead with collection of the outstanding amounts as per the existing rules in vogue.

This order is corrected and signed on this **7<sup>th</sup> day of January, 2014.**

**VIDYUT OMBUDSMAN**

To

1. Sri. Feroz Khan, H.No.17-8-571, Chanchalguda, Opp:Hayath Towers, Hyderabad -24.
2. The Assistant Engineer, Operation, Pahadshariff, APCPDCL, Hyderabad.
3. The Assistant Divisional Engineer, Operation, Mamidipally, APCPDCL, Hyderabad.
4. The Divisional Engineer, Operation, Champapet, APCPDCL, Hyderabad.
5. Senior Accounts Officer, Operation, R.R. South, APCPDCL, Hyderabad.

Copy To:

1. The CGRF, Greater Hyderabad Area, D.No.8-3-167/E/1, (CPTI) Premises, GTS Colony,  
Vengal Rao Nagar, Erragadda, Hyderabad-45.
2. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad-04