



**BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh & Telangana**

:: Present ::

C. Ramakrishna

Date: 26-08-2014

Appeal No.80 of 2013

Between

M/s. Anand Shopping Mall, Korutla represented by Sri. Ch. Hari Kumar, S/o
Raja Gangaram, Korutla, Karimnagar Dt.

... Appellant

And

1. The AE/Operation/Town/TSNPDCL, Korutla, Karimnagar Dt.
2. The ADE/Operation/Town/TSNPDCL, Korutla, Karimnagar Dt.
3. The AAO/ERO/TSNPDCL, Korutla, Karimnagar Dt.
4. The Divisional Engineer/Operation/Jagtial, Karimnagar Dt.

... Respondents

The above appeal filed on 18-07-2013 has come up for final hearing before the Vidyut Ombudsman on 23-08-2014 at Karimnagar. The appellants, as well as respondents 1 to 4 above were present. Having considered the appeal, the written and oral submissions made by the appellants and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the plea of the appellants for waiver of R&C penalties.

3. The appellants stated in their appeal that they had taken a 150 kV DTr to supply power for the shopping mall; that for quite a few months they had been getting exorbitant charges; that they have been forced to pay huge fines in the name of R&C penalties; and that hence some relief may be shown to them by waiving the R&C penalties. They enclosed copies of the bills for the months of June 2013 and May 2013. They also submitted that as the CGRF had not considered their plea favourably, they are approaching this authority for relief.

4. The respondents were issued a notice for hearing the appeal. The SAO, Karimnagar circle filed a written submission during the course of the hearings stating that PDL/PCL charges for the period 5/2013 to 6/2013 were levied on the appellants in accordance with the extant rules and regulations in force. He also submitted copies of the report submitted by the AAO/ERO, Korutla along with the detailed calculations showing the R&C penalties levied during the above months to prove that the calculations are done in accordance with the extant guidelines of the Hon'ble Commission.

5. During the course of the hearing, the appellants pleaded for a lenient view and sought reduction of R&C penalties and further refund of the R&C penalties already collected. A perusal of the bills produced by the appellants showed that they are an HT II consumer taking 150 kVA of supply at 11 kV. A perusal of the detailed calculations made by the respondents to arrive at the

R&C penalties showed that the consumer appellants had exceeded the off-peak and peak PDL for the month of May, 2013 by 75.564 kVA and 44.718 kVA respectively; and that for the month of June, 2013 they had exceeded the off-peak PDL by 49.438 kVA. These calculations were not questioned by the appellants on any ground. The respondents also have implemented the Hon'ble Commission's orders on 50% waiver of R&C penalties ordered vide Proceedings No. APERC/Secy/154/2013 dated 08-08-2013 and have accordingly credited the amounts by adjustment in the bill for the month of June, 2014. In view of this, there is no merit whatsoever in the plea of the appellants for a lenient view in regard to levy of R&C penalties. The appellants cannot violate the R&C norms and expect any lenient view.

6. The CGRF also had rightly held that the action of the respondents cannot be interfered with as they were implementing the orders of the Commission in so far as collection of R&C penalties is concerned along with the regular tariff.

7. Therefore, the appeal is dismissed as not having any merits.

8. This order is corrected and signed on this 26th day of August, 2014.

VIDYUT OMBUDSMAN

To

1. M/s. Anand Shopping Mall, Kallur Road, Korutla represented by Sri. Ch. Hari Kumar, S/o Raja Gangaram, Korutla, Karimnagar Dt.

2. The AE/Operation/Town/TSNPDCL, Subdivision Office, 33/11 kV Substation, Kallur Road, Korutla, Karimnagar Dt.
3. The ADE/Operation/Town/TSNPDCL, Subdivision Office, 33/11 kV Substation, Kallur Road, Korutla, Karimnagar Dt.
4. The AAO/ERO/TSNPDCL, Subdivision Office, 33/11 kV Substation, Kallur Road, Korutla, Karimnagar Dt.
5. The Divisional Engineer/Operation/TSNPDCL, 132/33 kV Substation, Jagtial, Karimnagar Dt.

Copy to:

6. The Chairman, C.G.R.F., TSNPDCL, 'Vidyut Bhavan', Nakkalagutta, Hanamkonda, Warangal - 506 001.
7. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.