



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

:: Present ::

C. Ramakrishna

Date: 03-11-2014

Appeal No. 13 of 2014

Between

M/s. Manvitha's Brinda Welfare Association, Door No. 3-20, Mallampet Village,
D.P. Pally, Quthbullapur Mandal, RR District 500 090

... Appellant

And

1. AE/Operation/D.P Pally/ TSSPDCL/Hyderabad
2. AAO/ERO/Jeedimetla/ TSSPDCL/Hyderabad
3. ADE/Operation/Jeedimetla/TSSPDCL/Hyderabad

... Respondents

The above appeal filed on 26-04-2014 has come up for final hearing before the Vidyut Ombudsman on 01-11-2014 at Hyderabad. The appellants, as well as the respondent AE and AAO were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the complaint of the consumer about the charging and collection of arrears forcibly for a meter which was disconnected

by the DISOM long back.

3. The appellants stated in their appeal that they complained to the CGRF for changing the category from Category II to Category I; that the CGRF had passed an order directing the category change that was sought for and for consequential revision of bills; that the respondents have affected the category change but have not furnished the appellants with details of revised bills and refund the amount ordered for.

4. The respondents were issued a notice for hearing the appeal. The respondents submitted that the appellants had approached the CGRF seeking category change from Category II to Category I and for revision of bills from October, 2013; that the category change was done in March, 2014 duly revising the CC bills and an amount of Rs. 7,909/- was credited to the consumer's account and that the current bills are being issued under Category I only.

5. To the written submission made by the respondents, the appellants filed a rejoinder stating that the respondents are misrepresenting the facts and stated that the CGRF had given a categorical finding that when the service is disconnected in January, 2012 with no arrears outstanding, the consumer ought not to have been billed further; that there was no proper response from the respondents as to why their service continued to be billed under Category II without dismantling till it is restored in September, 2013 after forcible collection of all the outstanding incorrectly raised arrears; that the respondents had forcibly collected an amount of Rs. 15,900/- from them by issuing a notice of recovery under RR Act; that the respondents have only

adjusted / refunded an amount of Rs. 7,909/- being the difference between the Category I and Category II billing after October 2013; and that the unrefunded amount representing billing under Category II before October, 2013 also needs to be refunded in view of the clear finding of the CGRF.

6. Final hearing was conducted on 01-11-2014. The written submissions and the record produced is perused. The service bearing number 0426-753 was released in the name of Sri. V. Prakash Rao on 25-04-2007 under Category II for construction purpose. It was disconnected in December, 2011 after duly collecting all the then arrears. From January, 2012 onwards, the minimum charges on the service started accumulating. The original person in whose name the service was released was not in the scene, nor did the appellant association know of the existence of the meter. From January, 2012 to August, 2013 arrears of minimum charges were kept on being added against the service. In the month of August, 2013 the appellants were forced to pay an amount of Rs. 13,494/- + Rs. 75/- towards reconnection charges + Rs. 2240/- towards the meter cost. The appellants say that the collection was made under threat of disconnection of their existing service and that they were not actually aware that the service connection in appeal is existing, as they were not made aware of the same by the builder who left the scene.

7. That the builder had paid all the dues as on December, 2011 is not in dispute. When the minimum charges on the service were getting accumulated and nobody was paying those amounts, the respondents ought to have noticed the same and disconnected the service. They did not do so. Instead, they slept all the while and on one fine day they woke up to slap a notice purportedly under RR Act, and threatened disconnection of the existing

service of the appellant association and forced it to pay the illegally raised arrears. When no payment against the service was coming forth, they ought to have disconnected the service within three months. As they have failed to do so, by virtue of the operation of the proviso to clause 5.9.4.3 of the GTCS, the liability on account of the service gets restricted to a maximum of four months from January, 2012. Therefore, the respondents could not have charged anything more than Rs. 1,298/- on account of this service connection as at the end of April, 2012, from the person in whose name the service connection is existing. But, they kept on adding minimum amounts to it beyond April, 2012 and forced the appellants, as interested parties, to pay all the outstanding arrears in August, 2013. This is not correct. The respondents are clearly at fault for not following the GTCS and for forcing the appellants to part with the arrears that were shown incorrectly. It is a clear case of wrong billing attracting clause 4.7.3 of the Electricity Supply Code.

8. When the respondents wanted to realize arrears against the service connection in question from the appellants, they did not find anything wrong in demanding arrears from an association which is not even existing in their records against the service connection. When the respondents noticed that the arrears against the service connection in question are not being paid, they ought to have disconnected the service promptly by following the due process laid down in the GTCS. Instead of doing it, as they have already forced the appellants to pay for the arrears, as interested parties, the service connection should have been transferred in the name of the appellants by collecting the required documents. And the request of the appellants for converting it to domestic from Category II to Category I ought to have been considered. Having reconnected the service by issuing a meter and having collected some

reconnection charges also, the respondents did not change the category of the service connection in question till the CGRF intervened in the matter. Even after the CGRF had given a clear order, the respondent AE kept on entering into some correspondence with this higher authorities seeking unnecessary clarifications. Once the CGRF had given an order, the respondents have no business in resorting to correspondence with their higher authorities seeking clarifications on whether or not to implement the CGRF's order. This is nothing but showing contempt to the CGRF's orders. The respondents are warned not to repeat such things in future.

9. The CGRF had not given a clear finding about this wrong billing. Instead, it confined itself to change of category from Category II to Category I on and from 01-10-2013 and consequential revision of bills. The Forum ought to have gone deeper into the issue.

10. Therefore, it is hereby ordered that:

- The respondents shall charge minimum charges for only four months i.e., for the months of January, 2012 to April, 2012 amounting to Rs. 1,298/- from the appellants.
- The appellants are liable to pay FSA charges that accrue on the service for any period before December, 2011. The respondents shall collect the FSA charges on the service relating to supply before December, 2011. FSA charges on the service connection cannot accrue after the December, 2011 as the charges are, till October, 2013, only minimum charges and not actual consumption charges. From October, 2013 when the service connection resumed to be used, the FSA charges will accrue in accordance with the orders of the Hon'ble Commission.

- The appellants are liable to pay reconnection charges of Rs. 75/- and the meter charges of Rs. 2,240/- in view of their requesting for continuation of the service under Category I. Consequently, the service shall be transferred in the name of the appellant association by duly collecting the required documentation without any additional fees.
- The respondents shall, after accounting for and adjusting the above amounts, refund the balance amount that was forcibly collected from the appellants in the month of August, 2013. On this amount, the respondents shall pay interest at the rate of 24% to the appellants from August, 2013 to till the date the refund is made to the appellants.
- The respondents shall carry out the directions given above within 15 days from the date of receipt of this order and shall report compliance within 15 days from thereafter.

11. This order is corrected and signed on this 3rd day of November, 2014.

12. A digitally signed copy of this order is made available online in pdf format at www.vidyutombudsman.ap.gov.in.

VIDYUT OMBUDSMAN

To

1. M/s. Manvitha's Brinda Welfare Association, Door No. 3-20, Mallampet Village, D.P. Pally, Quthbullapur Mandal, RR District 500 090
2. The Assistant Engineer, Operation, D.P Pally, 33/11 kV ALEAP Sub-station, TSSPDCL, Near Pragathi Nagar, Hyderabad - 500 090

3. Assistant Accounts Officer, ERO, Jeedimetla, TSSPDCL, Hyderabad - 500 015
4. Assistant Divisional Engineer, Operation, Jeedimetla, TSSPDCL, Hyderabad - 500 015

Copy to:

5. The Chairman, C.G.R.F -2 (Greater Hyderabad Area), TSSPDCL, H. No. -3-167/E/1, CPTI Premises, GTS Colony, Vengalaraonagar Colony, Erragadda, Hyderabad - 500 045.
6. The Secretary, TSERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.