



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

:: Present ::

**C. Ramakrishna**

Date: 27-09-2014

Appeal No. 30 of 2014

Between

Sri. K. Zabiullah, Advocate, H.No. 3-5-782/27/4/A, Ideal School, King Koti,  
Pardagate, Hyderabad - 500 029

**... Appellant**

**And**

1. The Asst. Engineer, Operation, S.S Nagar, TSNPDCL, Nizamabad District.
2. The Asst. Divisional Engineer, Operation, Rural, TSNPDCL, Kamareddy, Nizamabad District.
3. The Asst. Accounts Officer, ERO, Kamareddy, TSNPDCL, Nizamabad District.
4. The Divisional Engineer, Operation, Kamareddy, TSNPDCL, Nizamabad District.

**... Respondents**

The above appeal filed on 03-07-2014 has come up for hearing before the Viduyut Ombudsman on 15-09-2014 at Hyderabad. The appellant, as well as respondents were present.

2. The appeal arose out of the grievance of the appellant that when he is

seeking reconnection of his disconnected service, the respondents are demanding arrears that included wrongly calculated bills.

3. The appellant stated in his appeal that the compliance report of the respondent officers, consequent to the order passed by the CGRF, raising a demand of Rs. 17,128/- is illegal, arbitrary and unconstitutional apart from being contrary to the provisions of the Electricity Supply Act and the Terms and Conditions of Supply; that the respondent AAO had misled the CGRF by suppressing facts; that the respondent AAO had withdrawn an amount of Rs. 1,291/- on his own accord without following due procedure; that wrong reading for his service connection took place on five different occasions; that the respondent AAO withdrawing only Rs. 1,291/- without revising the abnormal monthly bills is wrong; that the CGRF had not gone into the details properly; that the demand raised against him is contrary to the provisions of clauses 5.9.3.1 and 5.9.4.3 of the GTCS; and that hence his bills should be revised and the connection restored duly revising the charges payable by him and waiving the charges being levied for the disconnection period. He enclosed details of wrong reading as below:

Month & Year	Op. & Closing Reading	Remark
4/2001	5994/5994	Old reading statement is denied
5/2001	7961/8031	Wrong reading
6/2001	5994/5994	same reading recorded in 4/2001
7/2001	8031/8225	Wrong reading
8/01 to 6/02	5994/5994	same reading recorded in 4/2001
7/2002	5994/6112	118 units which is not correct
8/2002	6112/6412	300 units which is not correct
9/02 to	6112/6412	same reading recorded in 8/2002

11/02		
12/2002	6412/6426	15 units looks normal consumed units
2/2003	6426/6480* *wrong reading	54 units (wrong reading) the present reading is 6426 (reference enclosed)

4. The respondents were issued a notice for hearing the appeal. The respondent AAO filed written submissions stating that he did not suppress any facts; that they have acted in accordance with the GTCS; that the CGRF had accordingly passed orders; and that the withdrawal of Rs. 1,291/- is based on the letter dated 14-05-2014 of the Addl. Asst. Engineer, Operation, SS Nagar Section.

5. The facts, as noticed by this authority are that the service of the appellant was disconnected in the month of November, 2012. At the time of disconnection, his service connection had logged an arrear of Rs. 4,027/-. The appellant disputes this figure of Rs. 4,027/- and says that it includes amounts relating to incorrect meter readings. Now, after more than 12 years, the appellant wants to revive his service connection. The respondents communicated that the service connection can be reconnected, provided he pays for outstanding arrears along with the delayed payment charges and the minimum charges for the entire period of disconnection. The appellant found that this amount so calculated is too high for him and came in appeal before this authority. When it was pointed out to him as to why he has taken so long to represent the dispute about wrong meter readings, there was no proper response from him. Such claims are barred by limitation, as the appellant cannot keep raking up contests about such old matters which are more than 12 years old. Having realized this, the appellant had expressed his willingness

to come forward for mediated settlement by this authority. The respondents also, on their part, have realized that they made a mistake of calculating minimum charges for the disconnection period. They also expressed willingness to agree for a mediated settlement as decided by this authority.

6. Having seen that there were errors on both the sides, this authority felt that the case is fit for mediated settlement. During the hearing that was conducted on 15-09-2014, the respondents were asked to come out with the correct calculation of delayed payment surcharges. Accordingly, the respondents have come up for final hearing on 19-09-2014 along with detailed calculation of delayed payment charges. Based on the CGRF's orders, the respondents have arrived at the arrear amount as Rs. 2,736/- as on the date of disconnection. As this amount is favourable to the appellant, he also agreed with the arrear amount and preferred not to keep raising any issue about the perceived infirmities in the bills / readings for the period before November, 2002. To this were added the delayed payment charges of Rs. 5,937/- and reconnection charges of Rs. 25/- to arrive at the total outstanding as Rs. 8,698/-.

7. The service remained under disconnection till today. The appellant did not pay the arrears and delayed payment charges kept on accumulating on the outstanding arrear amount. As the service was under disconnection from November, 2002 onwards, the question of raising any minimum charges on the service does not arise on and from April, 2003 in accordance with the first proviso under clause 5.9.4.3 of the GTCS. Keeping all these issues in mind, both the appellant and the respondent agreed to the common figure of Rs. 8,698/- payable by the appellant.

8. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman issues the following:

### RECOMMENDATION

9. The appellant shall pay an amount of Rs. 8,698/- in three equal monthly installments starting with the first installment to be paid before the end of October, 2014.

- a. The respondents shall accept the payment in 3 equal installments.
- b. The appellant shall make a fresh application for service connection for release of supply.
- c. On such an application being made, the respondents shall release the supply duly considering the payment to be made in remaining two installments.
- d. The appellant shall pay the current dues for the newly released connection in addition to the installments amount.
- e. If the appellant fails to pay the installment already granted, the respondents shall be free to disconnect the newly released service connection, as if the outstanding arrears were an arrear accrued on that service connection.

10. The appellants as well as respondents shall communicate their willingness to abide by this recommendation within 15 days from the date of receipt of this order, failing which the matter will be taken up for

adjudication on merits.

11. This order is corrected and signed on this 27<sup>th</sup> day of September, 2014.

## VIDYUT OMBUDSMAN

**To**

1. Sri. K. Zabiullah, Advocate, H.No. 3-5-782/27/4/A, Ideal School, King Koti, Pardagate, Hyderabad - 500 029
2. The Asst. Engineer, Operation, S.S Nagar, TSNPDCL, Nizamabad District.
3. The Asst. Divisional Engineer, Operation, Rural, TSNPDCL, Kamareddy, Nizamabad District.
4. The Asst. Accounts Officer, ERO, Kamareddy, TSNPDCL, Nizamabad District.
5. The Divisional Engineer, Operation, Kamareddy, TSNPDCL, Nizamabad District.

**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.