



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

FRIDAY THE FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

Appeal No. 01 of 2025-26

Between

Sri T. P. Surya Chandra Rao, Flat No.405, Sreeman Rama Towers, Near Metro
Pillar No.A1557, Chaitanyapuri, Hyderabad - 500 060. Cell: 8985245611.

..... **Appellant**

AND

1. The Assistant Engineer/Operation/Cherlapally IDA - I/ TGSPDCL/Habsiguda.
2. The Assistant Divisional Engineer/Operation/Cherlapally/TGSPDCL
/Habsiguda.
3. The Assistant Accounts Officer/ERO/Sainikpuri/TGSPDCL/Habsiguda.
4. The Divisional Engineer/Operation/Sainikpuri/TGSPDCL/Habsiguda.
5. The Superintending Engineer/Operation/Habsiguda Circle/TGSPDCL
/Habsiguda Circle

.....**Respondents**

This appeal is coming on before me for final hearing on this day in the presence of the appellant in person and having stood over for consideration, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Order passed by the Consumer Grievances Redressal Forum - II (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL')

in Lr. No.Chairperson/CGRF-II/Complaint Return - 24-25/D.No.667/24 dt.30.01.2025, returning the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No. 3409 15052 (in short 'the subject Service Connection') of the respondents at Plot No.222, EC Nagar, Cherlapally, Kesara under domestic category to the appellant. The respondents have issued a notice dt.21.05.2024 to the appellant under Sec.126 of Electricity Act 2003 (in short 'the Act') on the ground that he has mis-used the subject Service Connection for commercial purposes and asking him to pay Rs.6,810/- (Rupees six thousand eight hundred and ten only) in addition to the incidental charges etc., and changed the subject Service Connection from Category - I Domestic to Category -II Commercial. The respondents have also disconnected the power supply. Therefore he prayed to do justice for reconversion of category from II to I and also requested to restore power supply to the subject Service Connection.

AWARD OF THE FORUM

3. After perusing the material on record, the learned Forum has returned the complaint holding that the Forum has no jurisdiction to finalise the grievances which falls under Sec.126 of the Act.

4. Aggrieved by the Order passed by the learned Forum, the present appeal is preferred, contending among other things, that he has not committed any wrong. It is accordingly prayed to direct the respondents to withdraw the notice and reconnect the power supply.

5. Having regard to the facts and circumstances of this case it is not necessary to issue notice to the respondents.

ARGUMENTS

6. The appellant has submitted that the respondents have released the subject Service Connection to his Plot No.222, EC Nagar, Cherlapally, Kesara under domestic category; that though he has not mis-utilised the power supply; respondent No.2 has issued a notice on 21.05.2024 demanding him to pay the assessed amount etc., and hence it is prayed to direct respondent No.2 to withdraw the said notice and restore power supply to the subject Service Connection.

POINTS

7. The points that arise for consideration are:-
- i) Whether the complaint is maintainable in view of Clause 2.37(b) of the Regulation 3 of 2015 of Hon'ble Telangana Electricity Regulatory Commission (in short 'the Regulation')?
 - ii) Whether the impugned Order passed by the learned Forum is liable to be set aside? and
 - iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

8. It is an admitted fact that the respondents have released the subject Service Connection No. 3409 15052 to the appellant under Category-I. There is also no dispute that the appellant is not getting the electricity to the subject Service Connection at present.

CRUX OF THE MATTER

9. It appears that respondent No.2 has issued the subject notice dt.21.05.2024 making allegations against the appellant that he committed unauthorised usage of electricity and hence requiring the appellant to pay the assessed amount in respect of the subject Service Connection and power supply is also disconnected.

10. In the present case, it is necessary to refer to Clause 2.37(b) of the Regulation, which reads as under:-

“The Forum may reject the grievance at any stage under the following circumstances:-

- a. Where proceedings in respect of the same matter or issue between the same Complainant and the Licensee are pending before any Court, Tribunal, Arbitrator or any other Authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority as the case may be;

- b. Where cases fall under Sections 126,127,135 to 139,152 and 161 of the Act;
- c. Where the grievance has been submitted two years after the date on which the cause of action arose or ceases to continue, whichever is later.
- d. In the cases, where grievances are:
 - Frivolous, vexatious, malafide;
 - without any sufficient cause; or
 - Where there is no prima facie loss or damage or inconvenience caused or to be caused to the Complainant or the consumers who are represented by an association or group of consumers.

Provided that no grievance shall be rejected in writing unless the Complainant or Association of persons has been given an opportunity of being heard.”

11. The appellant filed a copy of the Provisional Assessment Notice for unauthorised usage of electricity dt.21.05.2024. According to this document one Sri B. Ravinder - AAE, inspected the service on 30.04.2024 and observed that the subject Service Connection is used by Mamatha Snacks and Tiffins under Category-II but the bills are issued under Category-I. Thus the utilisation of supply for other than sanctioned purposes constitutes unauthorised usage of electricity. Accordingly respondent No.2 has issued a notice to the appellant alleging unauthorised usage of power under Sec.126 of the Act. In the circumstances explained in the said notice the respondents have alleged unauthorised usage of electricity by the appellant. However, the appellant has denied the said allegation. The material on record, prima-facie, establishes that the present case falls under Section 126 of the Act. Under Clause 2.37(b) of the Regulation, the Forum has no jurisdiction to entertain a complaint like

the present one. But the proviso to Clause 2.37 (d) of the Regulation it is necessary to give an opportunity to the consumer before rejecting the complaint. It was not done in this case. The learned Forum ought to have followed the proviso referred to above.

12. Having regard to the facts and circumstances of the case, I hold that the complaint is not maintainable in view of Clause 2.37 (d) of the Regulation and the Order of the learned Forum is not liable to be set aside. But at the cost of repetition under the proviso to Clause 2.37 (d) of the Regulation it is necessary to give an opportunity to the consumer before rejecting the complaint. It was not done in this case. The learned Forum ought to have followed the proviso referred to above. These points are decided accordingly against the appellant and in favour of the respondents.

13. That apart whenever this Authority directs the learned Forum, the learned Forum must follow what it directs as mentioned in the judgement of the Hon'ble High Court of Himachal Pradesh in M/s. Vardhaman Ispat Udyog v. Hpseb Ltd., in CMP.No.449 of 2023 dt.27.03.2024. Earlier also similar directions were given to the learned Forum.

POINT No. (iii)

14. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

RESULT

15. In the result, the appeal is rejected, confirming the Order passed by the learned Forum.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive cum Computer Operator, corrected and pronounced by me on the 4th day of April 2025.

**Sd/-
Vidyut Ombudsman**

1. Sri T. P. Surya Chandra Rao, Flat No.405, Sreeman Rama Towers, Near Metro Pillar No.A1557, Chaitanyapuri, Hyderabad - 500 060. Cell: 8985245611.
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Copy to

7. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45..