



**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**

TUESDAY THE NINETEENTH DAY OF MAY  
TWO THOUSAND AND TWENTY SIX

**Appeal No. 05 of 2026-27**

Between

Smt. Vanaja Beerelli, [H.No.1-101/11-101/1](#), Ratnapur Kandly Village, Nirmal Mandal,  
Nirmal District - 504 106. Cell: 9440848073.

**..... Appellant**

**AND**

1. The Assistant Engineer/Operation/Rural/Nirmal - 8712482645
2. The Assistant Divisional Engineer/Operation/Rural/Nirmal - 8712492634
3. The Assistant Accounts Officer/ERO/Town/Nirmal-8712482668
4. The Divisional Engineer/Operation/Nirmal-8712482503

**..... Respondents**

This appeal is coming on before me for final hearing today in the presence of Sri Rama Rao, authorised representative of the appellant, virtually and Sri D.Venkatapathi Raju - ADE/OP/Rural/Nirmal and Sri W.Suresh - AAO/ERO/Town/Nirmal for the respondents, virtually and having stood over for consideration till this day, this Vidyut Ombudsman passed the following Award:-

**AWARD**

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - II(Nizamabad), (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short 'TGNPDCL') in C.G.No. NZB/542/2025-26 dt.17.04.2026, rejecting the complaint.

**CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant is that the respondents have released the Service Connection No. 6163301262 (in short 'the subject Service Connection') to the appellant under LT Category-I(B). Respondent No.2 has issued a notice to the appellant provisionally assessing Rs.27,410/- (Rupees twenty seven thousand four hundred and ten only) on the ground that the appellant has committed theft of electricity. The appellant is innocent. Therefore it is prayed to set aside the said notice dt.10.11.2025.

**WRITTEN SUBMISSIONS OF THE RESPONDENTS BEFORE THE FORUM**

3. In the written reply filed by respondent No.3, before the learned Forum, it is, inter-alia, submitted that after inspection it is noticed that the appellant has committed theft, as such a notice was issued by respondent No.2 demanding to pay Rs.27,585/-.

4. In the written reply filed by respondent No.4, before the learned Forum, he too narrated the facts similar to respondent No.3.

**AWARD OF THE FORUM**

5. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint under Clause 2.37(a) of Regulation 3 of 2015 of Hon'ble Telangana Electricity Regulatory Commission (in short 'the Regulation').

6. Aggrieved by the said Award of the learned Forum, the present appeal is preferred reiterating the contents of her complaint filed before the learned Forum. It is

accordingly prayed to set aside the demand of Rs.27,410/- etc.,.

#### **WRITTEN SUBMISSION OF RESPONDENTS**

7. No written reply was filed by the respondents before this Authority.

#### **ARGUMENTS**

8. It is submitted by the authorised representative of the appellant that no theft of electricity was committed by the appellant and hence it is prayed to set aside the notice in Lr.No.ADE/OP/Nirmal Rural/D.No.869/2025 dt.10.11.2025 (in short 'the impugned notice').

9. On the other hand, the respondents have supported the impugned Award and prayed to reject the appeal.

#### **POINTS**

10. The points that arise for consideration are:-

- i) Whether the appellant is entitled for setting aside the impugned notice demanding Rs.27,410/- as prayed for?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside?  
and
- iii) To what relief?

#### **POINT Nos. (i) and (ii)**

#### **ADMITTED FACTS**

11. The admitted facts are as under:-

- i) It is an admitted fact that the respondents have issued Lr.No.ADE/OP/Nirmal Rural/D.No.802/2025 dt.10.11.2025 demanding the back billing amount for change of Category.
- ii) It is also an admitted fact that the appellant has paid the said back billing amount stated above as required.

iii) It is also an admitted fact that the appellant has paid the compounding fee of Rs.3000/- (Rupees three thousand only) as first offence as per Sec.154 of the Electricity Act.

**SETTLEMENT BY MUTUAL AGREEMENT**

12. Both the parties have appeared before this Authority virtually. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

**REASONS FOR DELAY IN DISPOSING OF THE APPEAL**

13. The present appeal was filed on 12.05.2026. This appeal is being disposed of within the period of (60) days as required.

**CRUX OF THE MATTER**

14. It appears that respondent No.2 has issued the impugned notice alleging that the appellant has committed theft of electricity and hence requiring the appellant to pay the assessed amount in respect of the subject Service Connection and also requiring her to pay the amount of Rs.3,000/- towards compounding fee for closure of criminal case. Now the appellant has submitted that she paid the said compounding fee of Rs.3000/- and the criminal case was compounded.

15. In the present case, it is necessary to refer to Clause 2.37 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.”

16. The learned Forum has rejected the complaint under Clause 2.37(a) of the Regulation. Clause 2.37(a) of the Regulation can be applied if the proceedings in respect of the same matter or the issue between the same complainant and the Licensee are pending before any Court/Tribunal/Arbitrator or any other Authority or decree or award or a final order is already passed. It appears that the learned Forum opined that the matter is pending before the electricity department as such the above said Clause applies. But this Clause can be applied where any grievance is pending between the same parties before the Court or Tribunal etc., but not before the electricity Authority. The correct Clause applicable in this case is 2.37(b) of the Regulation as mentioned supra.

17. The appellant filed a copy of the Provisional Assessment Notice for theft of electricity dt.10.11.2025. According to this document one Sri G. Rambabu - AAE/SD/ DPE/Nirmal inspected the subject Service Connection on 04.09.2025 at 10.00 AM

and observed that the appellant was directly tapping the electricity from nearby LT overhead lines. Accordingly respondent No.2 has issued the impugned notice to the appellant alleging theft of energy under Sec.135 of the Act. In the circumstances explained in the said notice the respondents have alleged theft 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 135 of the Act. As already stated under Clause 2.37(b) of the Regulation, the Forum has no jurisdiction to entertain a complaint like the present one.

18. More or less in a similarly situated case very recently our own Hon'ble High Court in the judgement in Shaik Azam v. The State of Telangana dt.13.06.2024 (W.P.No.30721 of 2021), while referring to Sec.154(5) of the Act held that the offences under Sec.135 to 139 of the Act ought to be dealt with by the Special Court to assess the liability and hence that case was referred to the Special Court so as to assess the civil liability. The Hon'ble High Court has also held that the consumer is at liberty to take all pleas which he wants to agitate before the Special Court. Keeping all these factors into consideration it is desirable for the respondents to follow Sec.154(5) of the Act and also this judgment of the Hon'ble High Court for assessing the civil liability by the Special Court (normally, 1st Additional Sessions Judge in case of districts). Therefore I hold that the complaint is not maintainable in view of Clause 2.37 (b) of the Regulation. Accordingly I hold that the appellant is not entitled for setting aside the impugned notice demanding Rs.27410/- and the impugned Award of the learned Forum is also not liable to be set aside, but for different reasons. These points are decided accordingly against the appellant and in favour of the respondents.

**POINT No. (iii)**

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

**RESULT**

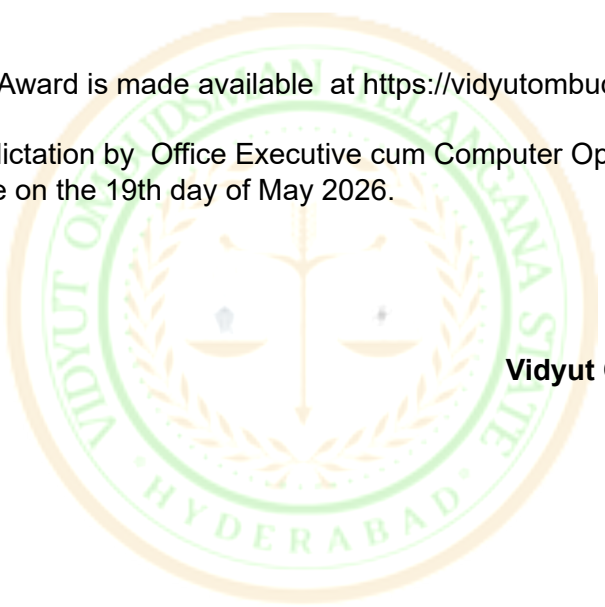
20. In the result, the appeal is rejected, confirming the Order passed by the learned Forum, but for different reasons.

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 19th day of May 2026.

**Sd/-**

**Vidyut Ombudsman**

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1. Smt. Vanaja Beerelli, [H.No.](#) 1-101/11-101/1, Ratnapur Kandly Village, Nirmal Mandal, Nirmal District - 504 106. Cell: 9440848073
  2. The Assistant Engineer/Operation/Rural/Nirmal - 8712482645
  3. The Assistant Divisional Engineer/Operation/Rural/Nirmal - 8712492634
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  5. The Divisional Engineer/Operation/Nirmal-8712482503

**Copy to**

6. The Chairperson, Consumer Grievances Redressal Forum of TGNPDCL, Nizamabad.