



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**

SATURDAY THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

Appeal No. 13 of 2025-26

Between

Sri MD. Mustafa, s/o. Amanulla Khan, c/o.G. Prasad, Eadgaon Chowk,
Nirmal Mandal, Nirmal District - 504 106.

..... Appellant

AND

1. The Assistant Engineer/Operation/Nirmal Town-2 - 9491058643
2. The Assistant Divisional Engineer/Operation/T/Nirmal - 9440811687
3. The Assistant Accounts Officer/ERO/Nirmal - 9440811730
4. The Divisional Engineer/Operation/Nirmal - 9440811674

.....Respondents

This appeal is coming on before me for final hearing on this day in the presence of the appellant in person and Sri Sanjeev Kumar - AE/OP/Nirmal Town-2, Sri M. Ramakrishna - ADE/OP/T/Nirmal and Sri W. Suresh - AAO/ERO/Nirmal for the respondents and having stood over for consideration, this Vidyut Ombudsman passed the following:-

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 C.G.No.307/2024-25/Nizamabad Circle. dt.05.03.2025, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No.110112635 (in short 'the subject Service Connection') where he has been running car washing service centre in Nirmal Town-2 section. He has been paying the electricity bills regularly to the respondents. While so, in September 2024, he received a bill for Rs.1,59,301/- (Rs.1,51,391/- + Rs.7,910/-). He immediately contacted the respondents who informed him that the subject Service Connection was released under industrial Category initially but the car washing service centre comes under commercial Category. He was not informed about the Category by the respondents at any time. Therefore, it is prayed to exempt him from paying the back billing amount of Rs.1,51,197 /-.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written replies filed by respondent No.3 and 4 before the learned Forum, on 22.11.2024 and 26.11.2024, it is, inter-alia, submitted that the appellant himself admitted that he has been running the car washing service center since a long time under Category-III, even though the activity of appellant falls under Category-II. During the random inspection of DPE wing

on 26.06.2024, it was found that the appellant has been utilising the subject Service for car washing service centre, whereas the subject service was released under Category-III (Industry). Therefore a malpractice case was booked for changing the service to Category-II for a period of one year and accordingly Provisional Assessment notice (in short ' PAO notice') was issued on 16.07.2024.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint.

5. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, reiterating the contents of his complaint filed before the learned Forum. It is accordingly prayed to set aside the impugned Award and to exempt him from paying the assessed amount.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. No written reply was filed by the respondents.

ARGUMENTS

7. It is submitted by the appellant that he has been running the car washing service centre by using the subject Service Connection and he has been paying the electricity bills regularly and that he doesn't know that the subject Service Connection is covered under Category-II. Therefore it is

prayed to exempt him from paying the assessed amount and to set aside the impugned Award.

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

POINTS

9. The points that arise for consideration are:-

- i) Whether the appellant is entitled for setting aside the Provisional Assessment Notice dt.16.07.2024 demanding Rs.1,51,197/- as prayed for?
- ii) Whether the impugned Award passed by the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

10. It is an admitted fact that the appellant has been running a car washing service centre by using the subject Service Connection. It is also an admitted fact that the subject Service Connection was released in the name of one Gangula Prasad.

SETTLEMENT BY MUTUAL AGREEMENT

11. Both the parties have appeared before this Authority on different dates virtually and physically. 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

12. The present appeal was filed on 09.06.2025. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

13. The grievance of the appellant is that he is a sincere consumer of the respondents by paying the electricity bills regularly to the respondents. But suddenly the respondents have issued PAO notice demanding to pay the assessed amount on the ground that the subject Service Connection comes under Commercial Category. On the other hand the contention of the respondents is that initially the subject Service Connection was released under Industrial Category for Industrial purpose for running a welding shop/engineering works, but without informing the respondents, the appellant has been utilising the subject Service Connection for commercial activity for car washing service centre, therefore he is liable to pay the assessed amount mentioned in the PAO notice.

14. As already stated the subject Service Connection was released in the name of one Gangula Prasad. According to the respondents, initially the subject Service Connection was released under Category-III for engineering

works/welding shop etc., These factors, prima-facie, indicate that initially the subject Service Connection was released under Category-III and at present the appellant is using it for car was service center which comes under Category-II. Thus the respondents have issued PAO notice limiting the period for one year, which is correct. Therefore, considering all these factors, the learned Forum has properly advised the appellant to pay the assessed amount. Accordingly, I hold that the appellant is not entitled for setting aside the Provisional Assessment Notice dt.16.07.2024 demanding Rs.1,51,197/- as prayed for and the Award of the learned Forum is not liable to be set aside. These points are accordingly decided against the appellant and in favour of the respondents.

Point No.(iii)

15. In view of the findings of point Nos. (i) and (ii), the appeal is liable to be rejected. However, having regard to the facts and circumstances of the case, the appellant is entitled to pay the due amount in (12) monthly equal instalments. This Authority is not inclined to interfere with the finding of the learned Forum in respect of disciplinary action against the concerned.

RESULT

16. In the result, the appeal is rejected, confirming the impugned Award. The appellant is granted (12) monthly equal instalments to pay the due amount pending as on today without any further surcharge from today, as under:-

- I. 1st instalment on or before 25.07.2025.
- ii. 2nd instalment on or before 25.08.2025.
- iii. 3rd instalment on or before 25.09.2025.
- iv. 4th instalment on or before 25.10.2025.
- v. 5th instalment on or before 25.11.2025.
- vi. 6th instalment on or before 25.12.2025.
- vii. 7th instalment on or before 25.01.2026.
- viii. 8th instalment on or before 25.02.2026.
- ix. 9th instalment on or before 25.03.2026.
- x. 10th instalment on or before 25.04.2026.
- xi. 11th instalment on or before 25.05.2026.
- xii. 12th instalment on or before 25.06.2026.

In default of payment of any instalment, the respondents are entitled to recover the entire due amount in lump sum. This Authority is not interfering with the finding of the learned Forum in respect of taking disciplinary action against the concerned.

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 21st day of June 2025.

Sd/-
Vidyut Ombudsman

1. Sri MD. Mustafa, s/o. Amanulla Khan, c/o.G. Prasad, Eadgaon Chowk, Nirmal Mandal, Nirmal District - 504 106.
2. The Assistant Engineer/Operation/Nirmal Town-2 - 9491058643
3. The Assistant Divisional Engineer/Operation/T/Nirmal - 9440811687
4. The Assistant Accounts Officer/ERO/Nirmal - 9440811730
5. The Divisional Engineer/Operation/Nirmal - 9440811674

Copy to

6. The Chairperson, CGRF-2, TGNPDCL, Power House Compound, Heritage Building, Varni Road, Nizamabad - 503 201.

