



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**

THURSDAY THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

Appeal No. 15 of 2025-26

Between

M/s. Sucharita Ice Factory, c/o. Korede Hanmandlu, White Wash House
Laundry, Kanteshwar, Nizamabad - 503 002. Cell: 8185999929.

..... Appellant

AND

1. The Assistant Engineer/Operation/Subhash Nagar - 8712485785
2. The Assistant Divisional Engineer/Operation/T2/Nizamabad- 8712485791
3. The Assistant Accounts Officer/ERO/T2/Nizamabad- 7396423254
4. The Divisional Engineer/Operation/Nizamabad-8712487062

.....Respondents

This appeal is coming on before me for final hearing on this day in the presence of the appellant, virtually and Sri Narsa Reddy - AE/OP/subhashnagar, Sri R.Prasad Reddy- ADE/OP/T2/Nizamabad, Sri A. Manmohan- AAO/ERO/T2/Nizamabad and Sri M. Srinivas - DE/OP/Nizamabad for the respondents, virtually 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.453/2024-25/Nizamabad Circle. dt.13.05.2025, 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.51279-25781 (in short 'the subject Service Connection') in favour of M/s. Sucharitha Ice Factory where he has been running a White Wash House Laundry. While so, in December 2024, he received a bill for Rs.1,89,511/- under Provisional Assessment Order {in short 'the PAO'} without any prior notice. Therefore, it is prayed to exempt him from paying the back billing amount of Rs.1,89,511 /-.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written replies filed by respondent No.3 and 4 before the learned Forum, on 14.02.2025 and 24.02.2025, respectively it is, inter-alia, submitted that PAO was issued for Rs.1,89,511/- against the subject Service Connection under Category-III. During the random inspection of DPE wing on 19.12.2024, it was found that the appellant has been utilising the subject Service for White Wash House Laundry, 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 three months and accordingly PAO was issued on 30.12.2024.

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. In the written reply filed by respondent No.4, before this Authority, it is inter-alia submitted that the subject Service Connection initially released under Category-III was inspected by AAE concerned on 19.12.20024 and booked a malpractice case by assessing an amount of Rs.1,89,511/- for usage of electricity for the purpose other than the sanctioned purpose. The appellant paid an amount of Rs.95,000/- on 05.05.2025. He has confirmed the PAO.

ARGUMENTS

7. It is submitted by the appellant that he has been running the Laundry 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 PAO dt.30.12.2024 demanding Rs.1,89,511/- 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 White Wash House Laundry by using the subject Service Connection. It is also an admitted fact that the subject Service Connection was released under Category-III.

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 17.06.2025. 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 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 but without informing them, the appellant has been utilising the subject Service Connection for commercial activity for White Wash House Laundry, therefore he is liable to pay the assessed amount mentioned in the PAO.

14. As already stated the subject Service Connection was released under Category-III. The factors indicated above, prima-facie, show that initially the subject Service Connection was released under Category-III and at present the appellant is using it for White Wash House Laundry which comes under Category-II. Thus the respondents have issued PAO limiting the period for three months.

15. 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.”

16. The unauthorised usage of power supply falls under Sec.126(6)(b)(iv) of the Act. In the circumstances explained in the PAO the respondents have alleged unauthorised usage of electricity by the appellant. However, the appellant has submitted that he doesn't know about the change of Category. 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. Since the respondents have applied Sec.126 of the Act, the learned Forum has no jurisdiction to entertain the complaint itself. Therefore, the learned Forum erred in entertaining the present complaint.

17. Having regard to the facts and circumstances of the case, I hold that the complaint is not maintainable in view of Clause 2.37 (b) of the Regulation and the Award of the learned Forum is not liable to be set aside though on different ground.

Point No.(iii)

18. 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 instalments and as per the FAO dt.19.06.2025, the appellant can approach for appeal on the FAO before SE/Assessments/Warangal.

RESULT

19. In the result, the appeal is rejected, confirming the impugned Award but on different ground. The appellant is granted (10) monthly equal instalments to pay the due amount pending as on today without any further surcharge from today, apart from regular CC bill, 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.

In default of payment of any instalment, the respondents are entitled to recover the entire due amount in lump sum.

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 26th day of June 2025.

Sd/-
Vidyut Ombudsman

1. M/s. Sucharita Ice Factory, c/o. Korede Hanmandlu, White Wash House Laundry, Kanteshwar, Nizamabad - 503 002. Cell: 8185999929.
2. The Assistant Engineer/Operation/Subhash Nagar - 8712485785
3. The Assistant Divisional Engineer/Operation/T2/Nizamabad- 8712485791

4. The Assistant Accounts Officer/ERO/T2/Nizamabad- 7396423254

5. The Divisional Engineer/Operation/Nizamabad-8712487062

Copy to

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

