



**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**

WEDNESDAY THE TWELFTH DAY OF MARCH  
TWO THOUSAND AND TWENTY FIVE

**Appeal No. 47 of 2024-25**

Between

Smt. M. Chandrakala, H.No.4-12-556, Plot No.22 WP, Street No.10, Dwaraka Mai  
Nagar, Vanasthalipuram, Hyderabad - 500 070. Cell: 9059505500.

..... **Appellant**

**AND**

1. The Assistant Engineer/Operation/Shanthinagar/TGSPDCL/Saroor Nagar.
2. The Assistant Divisional Engineer/Operation/Hayathnagar/TGSPDCL/Saroor Nagar.
3. The Assistant Accounts Officer/ERO/Hayathnagar/TGSPDCL/Saroor Nagar.
4. The Divisional Engineer/Operation/Saroor Nagar/TGSPDCL/Saroor Nagar.
5. The Superintending Engineer/Operation/Saroor Nagar/TGSPDCL/Saroor Nagar.

.....**Respondents**

This appeal is coming on before me for final hearing on this day in the presence of Sri M. Mattapalli Rao - authorised representative of the appellant and Sri K. Nagaraju - AE/OP/Hayath Nagar, Sri G. Vijaya Bhaskar - ADE/OP/Hayath Nagar and Sri K. Nagaraju - AAO/ERO/Hayath Nagar for the respondents and having stood over for consideration, this Vidyut Ombudsman passed the following:-

**AWARD**

This appeal is preferred aggrieved by the Award in C.G.No  
141/2024-25/Saroor Nagar Circle dt. 14.02.2025 passed by Consumer

Grievances Redressal Forum - Greater Hyderabad Area (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL'), allowing the complaint in part.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant before the learned Forum is that the appellant obtained permission from Greater Hyderabad Municipal Corporation for H.No.4-12-556, Plot No.22 WP, Street No.10, Dwarakamai Nagar, Vanasthalipuram, Hyderabad (in short 'the subject premises') for constructing stilt + 2 upper floors in 2022. She constructed stilt + 4 floors. The Service Connections were not released by the respondents as she was unable to produce Occupancy Certificate as required by the respondents. The respondents have released the Service Connections for the subject premises after getting order from the Hon'ble High Court under Category-VIII. The said Service Connections are as under:-

1. 6621 02706
  2. 6621 02707
  3. 6621 02708
  4. 6621 02709
  5. 6621 02710 and
  6. 6621 02711
- (in short 'the subject Service Connections')

Now the appellant is getting huge electricity bill in that particular Category.

Therefore it was prayed to direct the respondents to change the Category VIII to

Category-I of the subject Service Connections.

### **WRITTEN SUBMISSIONS OF THE RESPONDENTS**

3. In the written reply filed by respondent No.1 before the learned Forum, it is, inter-alia, submitted that on inspection of the subject premises it was found that the subject premises is stilt + 4 floors, whereas building permission is only for stilt + 2 upper floors. Basing on the order from the Chief Engineer/Commercial dt.27.07.2024, the subject Service Connections were released under Category-VIII (temporary supply). In the ground floor Service Connection No. 6204 01943 (Domestic) was released. Service Connection No. 6621 02710 was released for flat No.101 (Domestic purpose), Service Connection No. 6621 02711 for flat No. 102 (Domestic purpose), Second floor - Service Connection No.6621 02708 for flat No.201 (Domestic purpose), Service Connection No. 6621 02709 for flat No.202 (Domestic purpose), third floor - Service Connection No. 6621 02706 for flat No.301 (Domestic purpose), Service Connection No. 6621 02707 for flat No. 302 (Domestic purpose) and for fourth floor and lift Service Connection No. 6621 02712 (Common) was released. As per the Tariff Order, for building above 10 metres height regular supply shall be provided upon submission of Occupancy Certificate/Completion Certificate as per para 21 of Hyderabad Revised Building Rules 2006 issued vide G.O.Ms.No.86 dt.03.03.2006.

## **AWARD OF THE FORUM**

4. After considering the material on record and after hearing both sides, the learned Forum has allowed the complaint in part by holding that the subject Service Connections bills from September 2024 to November 2024 shall be revised under Category-I instead of Category-VIII.

5. Aggrieved by the Award passed by the learned Forum, present appeal is preferred reiterating the contents of the complaint filed before the learned Forum. It is accordingly prayed to direct the respondents to change the Category of the subject Service Connections from Category-VIII to Category-I or in the alternative to change the Category for ground plus two floors.

## **WRITTEN SUBMISSION OF THE RESPONDENTS**

6. In the written reply filed by respondent No. 2 before this Authority, he has reiterated the contents of the written reply filed by respondent No.1 before the learned Forum.

## **ARGUMENTS**

7. It is submitted on behalf of the authorised representative of the appellant that for the extent of the land involved in this case the occupancy certificate is not required accordingly he prayed to direct the respondents to change the category of the subject Service Connections from Category-VIII to

Category-I or in the alternative he prayed to direct to release the Service Connections in Category-I in respect of the subject premises covering Ground + 2 floors where permission was obtained.

8. On the other hand, the respondents have submitted that the subject premises is more than 10 meters height and the appellant has obtained permission from the proper Authority only for ground + 2 floors but constructed ground + 4 floors. Therefore the Occupancy Certificate is essential for releasing the Service Connections under Category-I.

#### **POINTS**

9. The points that arise for consideration are:-

- i) Whether the appellant is entitled for change of Category of subject Service Connections from Category-VIII to Category-I for the balance period than September 2024 to November 2024?
- 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 obtained permission for construction of Ground + 2 floors from the proper Authority. It is also an admitted fact that the appellant has constructed third floor and fourth floor also.

### **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 22.02.2025. This appeal is being disposed of within the period of (60) days as required.

### **CRUX OF THE MATTER**

13. It appears that initially the respondents have released Service Connection No. 62040 1943. The respondents have also released the six subject Service Connections and also Service Connection No. 6621 02712. Thus there are eight Service Connections existing in the subject premises.

They are as under:-

1. 6621 02706
2. 6621 02707
3. 6621 02708
4. 6621 02709
5. 6621 02710
6. 6621 02711
7. 6621 02712
8. 6204 01943

14. In the present case admittedly the height of the subject premises is more than 10 meters. Therefore it is necessary to refer Clause LT-VIII: Temporary Supply of Tariff Order FY 2023-24 of the Hon'ble Telangana Electricity Regulatory Commission which is as under:-

**LT-VIII: Temporary Supply**

**Applicability**

1.28 Construction activities like construction of all types of structures/infrastructure such as residential /commercial buildings construction by Real Estate Developers meant for sale purpose, bridges, (height of 10 meters and above), Row houses, Gated communities fly-overs, dams, power stations, roads, aerodromes, tunnels for laying of pipelines, etc. The relevant tariff for temporary supply shall be applicable during the phase of construction. Construction activities of structures of height less than 10 meters will fall under LT-II and HT-II, as relevant.

1.29 Exhibitions, Circuses, Outdoor film shootings, Touring talkies, Make- shift pandals for festivals, Makeshift pandals for public gatherings and such other similar activities that are set up in open areas with no permanent structure.

1.30 For buildings above 10 meters height regular supply shall be provided with a regular supply upon submission of occupancy certificate /completion certificate as per Para 21 of Hyderabad Revised Building Rules, 2006 issued vide erstwhile Andhra Pradesh G.O.Ms.No.86 dated 03.03.2006 or by any other municipal authority in the Telangana State and on payment of the required charges.

15. At this stage it is also necessary to refer Para No.21 of Hyderabad Revised Building Rules,2006 vide G.O.Ms.No.86 dt.03.03.2006 which is as under:-

**21. OCCUPANCY CERTIFICATE:**

(i) Occupancy Certificate shall be mandatory for all buildings. No person shall occupy or allow any other person to occupy any building or part of a building for any purpose unless such building has been granted an Occupancy Certificate by the Sanctioning Authority.

(ii) The owner shall submit a notice of completion through the registered architect and licenced builder/developer along with prescribed documents and plans to the Sanctioning Authority. The Sanctioning Authority on receipt of such notice of completion shall undertake inspection with regard to the following aspects:

- (a) Number of floors
- (b) External setbacks
- (c) Parking space provision
- (d) Abutting road width

and shall communicate the approval or refusal of the Occupancy Certificate within 15 days or may issue the same after levying and collecting compounding fee, if any, as follows:

(iii) The sanctioning authority is empowered to compound the offence in relation to setbacks violations (other than the front setback) upto 10%, duly recording thereon the violations in writing. The rate of Compounding fee shall be a minimum rate of Rs.1000 per sq m of built up area on each floor in Municipal Corporation areas and at the rate of Rs.500 per sq m in case of other Municipal areas and UDA areas, and the Government may revise this rate from time to time. Compounding of such violation shall not be considered for buildings constructed without obtaining any sanctioned plan. This shall be maintained in a separate escrow account and utilised towards improvement of the roads and public open spaces development in the area.

(iv) For all high rise buildings, the work shall be subject to inspection by the Fire service Department and the Occupancy Certificate shall be issued only after clearance from the Fire Services Department with regard to Fire Safety and Protection requirements.



(v) The functional/line agencies dealing with electric power, water supply, drainage and sewerage shall not give regular connections to the building unless such Occupancy Certificate is produced, or alternatively may charge 3 times the rate in the absence of Occupation Certificate for such buildings. In addition to the above, the local body shall collect every year two times the property tax as penalty from the owner/occupier.

(vi) The Registration Authority shall register only the permitted built up area as per the sanctioned building plan and only upon producing and filing a copy of such sanctioned building plan. On the Registration Document it should be clearly mentioned that the registration is in accordance with the sanctioned building plan in respect of setbacks and number of floors.

(vii) The financial agencies/institutions shall extend loan facilities only to the permitted built up area as per the sanctioned building plan.

16. Since the height of the subject premises is more than 10 meters para 21 of G.O. referred to above and Clause VIII of Tariff Order FY 2023-24 are relevant in the present case. Admittedly the appellant has not produced Occupancy Certificate from the proper Authority. There is no Clause in the Tariff Order to at least release Service Connection under Category-I to the premises where there is proper permission from the authority and though there is construction of additional (2) floors illegally as happened in the present case.

17. The Clause LT-VIII: Temporary Supply of Tariff Order FY 2023-24 of the Hon'ble Telangana Electricity Regulatory Commission is very clear that if the height of the building is above 10 meters, production of Occupancy Certificate is essential. Therefore, unless the appellant produces Occupancy

Certificate from the proper Authority, there is no scope for release of electricity supply under Category-I.

18. The learned Forum has directed to revise the bill of the subject Service Connection Nos. 6621 02706, 6621 02707, 6621 02708, 6621 02709 6621 02710 and 6621 02711 under Category- I from Category - VIII from September 2024 to November 2024. This Authority is not supposed to disturb such relief already granted to the consumer. Therefore the relief sought for in the present appeal is confined in respect of the other period than these three months from September 2024 to November 2024. In view of the above factors, I hold that appellant is not entitled for change of Category of subject Service Connections from Category-VIII to category-I for the balance period other than September 2024 to November 2024. Therefore the impugned Award is liable to be confirmed. These points are accordingly decided 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 rejected.

## RESULT

20. In the result, the appeal is rejected confirming the Award passed by the learned Forum for the period other than September 2024 to November 2024.

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 12th day of March 2025.

**Sd/-  
Vidyut Ombudsman**

1. Smt. M. Chandrakala, H.No.4-12-556, Plot No.22 WP, Street No.10, Dwaraka Mai Nagar, Vanasthalipuram, Hyderabad - 500 070. Cell: 9059505500.
2. The Assistant Engineer/Operation/Shanthi Nagar/TGSPDCL/Saroor Nagar.
3. The Assistant Divisional Engineer/Operation/Hayath Nagar/TGSPDCL/ Saroor Nagar.
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5. The Divisional Engineer/Operation/Saroor Nagar/TGSPDCL/Saroor Nagar.
6. The Superintending Engineer/Operation/Saroor Nagar/TGSPDCL/Saroor Nagar.

### 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.