



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 THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

C.M.P. No. 15 of 2022-23

in

C.M.P. No. 11 of 2022-23

in

Appeal No. 23 of 2020-21

Between

M/s. L&T Metro Rail (Hyderabad) Limited, Hyderabad Metro Rail Administrative Building, Uppal Main Road, Nagole, Hyderabad - 500 039, represented by Sri Sudhir Chiplunkar, Cell: 8008355335, 040-22080728.

.....Petitioner / Appellant

AND

1. The Assistant Divisional Engineer / Operation / Uppal / TSSPDCL / Hyderabad.
2. The Divisional Engineer / Operation / Habsiguda / TSSPDCL / Hyderabad.
3. The Divisional Engineer / DPE / Hyd. South Circle / TSSPDCL / Hyderabad.
4. The Senior Accounts Officer / Operation / Habsiguda Circle / TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL / Hyderabad.
6. The Chief General Manager (Commercial) /TSSPDCL/Hyderabad.

..... Respondents / Respondents

This petition is coming on before me for final hearing on 28.03.2023 in the presence of Mr. Sudhir Chiplunkar - representative of the petitioner and having stood over for consideration till this day, this Vidyut Ombudsman passed the following:

ORDER

This petition is filed aggrieved by the order in C.M.P. No. 11 of 2022-23 in Appeal No. 23 of 2020-21 dt.22.02.2023 rejecting the petition.

2. In the petition, it is prayed to waive the interest in C.M.P. No. 11 of 2022-23 (HBG-2851) in Appeal No. 23 of 2020-21.

3. In the petition, it is, inter-alia, submitted that this Authority waived the Delayed Payment Surcharge (in short 'DPS') in C.M.P. No. 12 of 2022-23 (MCL-2718) in Appeal No. 24 of 2020-21 dt.22.02.2023. The facts and circumstances in C.M.P. No. 12 of 2022-23(MCL-2718) and in C.M.P. No. 11 of 2022-23(HBG-2851) are one and the same. Accordingly it is prayed to give the same relief granted in C.M.P. No. 12 of 2022-23(MCL-2718) in C.M.P. No. 11 of 2022-23(HBG-2851) also.

4. Heard the authorised representative of the petitioner as regards the maintainability of the present petition.

5. The point for consideration is:-

i) Whether the petition is maintainable? and

ii) Whether the principle applied in C.M.P. No. 12 of 2022-23 (MCL-2718) is also applicable in C.M.P. No. 11 of 2022-23 (HBG-2851) as prayed for?

POINT No. (i)

CRUX OF THE CASE

6. The present petition filed by the Petitioner/Appellant to withdraw DPS in CMP No. 11 of 2022-23 (HBG-2851) as withdrawn in the C.M.P. No.12 of 2022-23 (MCL-2718). It is admitted that the initial assessment notice was opposed by way of submitting representation by the Appellant in both the cases. But mere opposition to the short billing notice does not qualify to drop the short billing amount. In CMP No. 12 of 2022-23 (MCL-2718), the procedure laid down in the General Terms and Conditions of Supply (in short 'GTCS') towards short billing cases was followed but not in the case of CMP No. 11 of 2022-23 (HBG-2851). In both the cases, the assessment methodology was rectified and the levy of short billing was allowed. In other terms, the quantum of revenue lost consequent to the usage of power other than sanctioned was revised. The GTCS approved by the Hon'ble Telangana State Electricity Regulatory Commission laid down certain procedures to be enacted before levying the amount in the regular C.C. bills. The due date of that month's CC bill shall reckon the DPS. This is explained in the Clauses 9.4.4 and 9.4.5 of GTCS which are extracted below:-

9.4.4 :- In the Final Assessment Order, the Final* Assessing Officer would set out his conclusions and the reasons thereof, communicate a copy of the same to the consumer and the Provisional* Assessing Officer intimate the amount, if any, due from the consumer on the basis of such order after giving due credit to the amounts already paid by him.

9.4.5 The consumer shall pay to the Company within a period of 30

days from the date of service of the Final Assessment Order, the charges indicated therein. The Company shall include the charges due to the Company based on the Final Assessment Order in the 'Others' category in the subsequent CC bill due from the consumer.

The concept as given in the above Clauses is followed for the short billing cases.

7. The basic difference between the CMPs is that of procedural lapse. Indeed in both the cases the petitioner has represented against initial assessment notice, but in case of Service Connection No.HBG-2851, the petition was not closed by issuing FAO by the respondents, but added the assessed amount in the month of December 2018, which is not in line with the GTCS Clauses as stated above and hence the levy of DPS was disallowed. Whereas in the Service Connection No. HBG-2851 the petition was closed by issuing the FAO no 1819 dt: 10.01.2019 and hence the DPS was allowed. Hence both the cases are different.

8. Further it is not correct to see the order dt.07.12.2022 in Appeal No. 24 of 2020-21 (MCL-2718) as a fresh order. The short billing case was allowed and assessment methodology was revised. The liability of payment of short billing assessment shall commence from the due date as discussed in the aforementioned paras. Accordingly, I hold that the petition is not maintainable and the principle applied in C.M.P. No. 12 of 2022-23 is not applicable in C.M.P. No. 11 of 2022-23.

RESULT

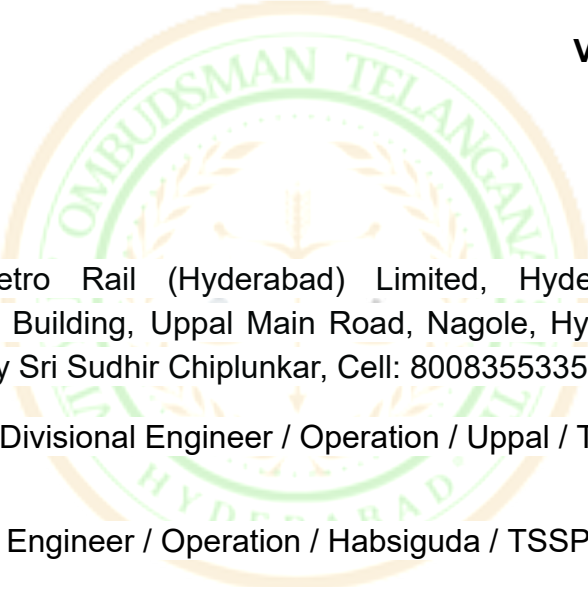
8. In the result, the petition is not maintainable. Hence the petition is rejected.

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 this the 31st day of March 2023.

Sd/-

Vidyut Ombudsman

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1. M/s L&T Metro Rail (Hyderabad) Limited, Hyderabad Metro Rail Administrative Building, Uppal Main Road, Nagole, Hyderabad - 500 039, represented by Sri Sudhir Chiplunkar, Cell: 8008355335, 040-22080728
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