



**VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA**

First Floor 33/11 kV substation, Hyderabad Boats Club Lane  
Lumbini Park, Hyderabad - 500 063

**:: Present:: R. DAMODAR**

Thursday, the fifth day of November 2015

Appeal No. 22 of 2015

(Old Appeal No. 153 of 2013-14)

Preferred against Order Dt. 15.2.2014 of CGRF In

CG.No: 1244/2013-14 of Hyderabad North Circle

Between

Smt. A. Sohini, H.No.1-81450/1/B/75, Plot No B-75, Indian Airlines Employees  
Colony, Begumpet, Hyderabad - 500 016

..... Appellant

**AND**

1. The ADE/OP/TSSPDCL/Greenlands/Hyderabad.
2. The DE/OP/TSSPDCL/Greenlands/Hyderabad.
3. The SE/OP/TSSPDCL/Hyderabad North Circle/Hyderabad.
4. The SAO/OP/TSSPDCL/Hyderabad North circle/Hyderabad.
5. The CGM(Comml & RAC) /TSSPDCL/Corporate Office/Hyderabad.

..... Respondents

The above appeal filed on **14.3.2014** came up for final hearing before the Viduyut Ombudsman, Telangana State on **10.09.2015** at Hyderabad in the presence of Sri. Vinesh Raj - on the be-half of Appellant and Sri. B. Dharma Reddy - JAO/HT North/Hyderabad, for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

**AWARD**

The Appellant has a HT SC.No. HYN 1395 with CMD of 70 KVA. The Appellant claimed that during the R&C period , she is entitled to power and demand of 60% CMD for the entire month or 100 CMD for 18 days or 100% CMD for 4 day a week. The Appellant claimed that the respondents have to claim CC charges during R&C measures in proportion to the supply of power and demand as per clause 19 of proceeding No. APERC/Secy/16/2012 -2013 Dt 1.11.2012. The respondents issued

bills for September, 2012 to August, 2013 which are not as per the tariff rates of R&C measures issued by the ERC. The Appellant further claimed as follows:-

- The respondents issued HT supplementary bills from September, 2012 to August, 2013 charging excess amount of Rs 40,400/- without calculating 18/30 pro rata basis at the prescribed rate.
- During June and July, 2013 billing months, the CC charges were raised without furnishing the details of meter reading but showing the closing meter reading as on 21.05.2013 for the month of May, 2013 with the billing recorded as 93975. As per the letter No. 26/13 dt. 26.8.2013 of ADE/DPE/HT. II /Hyderabad, the defective meter was removed and a new meter was installed on 3.7.2013 and the cause for the replacement was not known. The consumption recorded from 3.7.2013 to 22.7.2013 was 6025 (with M.F. of 0.5), and the actual consumption was 3013. By taking the consumption on prorata basis, the consumption could be arrived at 9673 KVAH for June and July, 2013 billing months. The Respondents claimed the consumption of 6025 KVAH for June, 2013 and 3648 KVAH was left over and whereas, the Respondents claimed charges for 10,626 KVAH which is not correct and the amount of Rs 48,148/- (Rs 55,327/- mentioned in the explanation of the Appellant dt 9.01.2015), which is collected in excess, has to be refunded.
- In view of the difference in energy consumption in the month of June, 2013 there was an excess claim of Rs 419/- towards Electricity Duty which should be withdrawn.
- ERC vide proceedings dt. 8.8.2013 waived 50% of the penalties where R&C measures were made applicable. It is found that the Respondents have claimed an excess amount of Rs 89,830/- for the period from September, 2012 to August, 2013 billing months.
- The Respondents claimed Rs 2,37,900/- in excess for the period from September, 2012 to August, 2013 and collected the amount from the Appellant who paid the amount due to oversight.

The Appellant further claimed that the Respondents have disconnected the power supply on 30.11.2013 without any notice, in violation of the Electricity Act, 2003. She claimed to have paid an amount of Rs 35,770/- in excess as on 30.11.2013. She is requesting the Respondents to adjust the excess amount paid in the future bills. She claimed that she was also forced to pay Rs 1,000/- towards reconnection charges on 2.12.2013. She further claimed that due to the

disconnection of the service, she suffered 3 days without power and sustained loss amounting to Rs 75,000/-.

2. The Appellant sought direction from CGRF to:
  - a) Issue revised correct HT R&C supplementary bills for the period from September, 2012 to August, 2013 billing months.
  - b) Implement 50% waiver on the penalties levied during R&C measures from September, 2012 to August, 2013 billing months.
  - c) Withdraw excess claim of Rs 89,830/-.
  - d) Refund the excess amount of Rs 2,37,900/- collected as on 2.12.2013 and
  - e) Pay compensation of Rs 75,000/- towards loss suffered on account of disconnection of power.

3. The 3rd Respondent claimed before the CGRF that as per the ERC Proceedings No. 16/2012-13, the R&C bills raised from for the months from 09/2012 to 07/2013 are as follows:

**Table No. 1**

S.No	Month	R&C Amount(+/-)
1	September, 12	-1597.00
2	October, 12	-5230.00
3	November, 12	-6867.00
4	December, 12	-70.00
5	January, 13	-222.00
6	February, 13	0.00
7	March, 13	0.00
8	April, 13	0.00
9	May, 13	0.00
10	June, 13	0.00
11	July, 13	0.00
	<b>Total</b>	<b>-13886.00</b>

**(a). DEMAND CHARGES NORMAL RATE**

The CGRF observed that the Appellant had calculated demand charges normal rate for September, 2012 at  $250 \times 21 / 31 = 169.35$  only for 21 days on 44.80 KVA which is an imaginary figure, instead of calculating Demand charges for September, 2012 in the following manner:

(i) 56 KVA X 250 per KVA X 21/30 days	= Rs 9800.00
(ii) 33.48KVA X 250 per KVA X 9/30 X 20/24	= Rs 2092.50
(iii) 21 KVA X 250 per KVA X 9/30 X 4/24	= <u>Rs 262.50</u>
	<u>Total = Rs 12,165.00</u>

The CGRF found that on the basis of the above calculations, the Respondents have levied the demand charges correctly as per the pro rata basis. The CGRF further observed that the Appellant had calculated demand charges against MD recorded during off peak 20 hours only, leaving MD recorded during peak 4 hours and therefore, there is variation in R&C supplementary bills.

**(b). EXCESS BILLED DURING METER DEFECTIVE PERIOD**

The CGRF observed that the Respondents billed the consumption during meter defective period from 11.4.2013 to 3.7.2013 and that the Respondents have already billed 1.5 times of the consumption of 06/2013 bill at  $3542 \times 2 = 7084 \times 1.5 = 10,626$  units and peak period consumption of 1312 units with 1.5 times = 1968 units. CGRF observed that again for the same period, DPE wing had calculated the back billing consumption for the period from 11.4.2013 to 3.7.2013 with R Phase error of 28.89%. CGRF found favour with the claim of the Appellant that the Respondents cannot charge twice for the loss of units during the meter defective period and they have to withdraw the excess levied charges on 3542 units at Rs 6.90 per unit and against 656 units at Rs 1.00 per unit against June, 2013 bill. CGRF further observed that the Respondents have billed 6025 units for July 2013 and whereas, the consumption in the old meter upto meter change on 3.7.2013 was  $1028.9 \times 2MF = 2057.80$  units + new meter consumption up to meter change on 22.7.2013 =  $6025 \times 0.5 MF = 3012.50$  Units and thus, the total consumption for the month would be 5070.30 Units and whereas, the Respondents have billed for 6025 units, which is not correct and the excess billed units  $6025-5070 = 955$  units @ Rs 6.90 per unit has to be withdrawn. The CGRF upheld the back billing raised by the Respondents as per the DPE inspection report for an amount of Rs 55,327/- during the meter defective period from 11.4.2013 to 3.7.2013.

**(c). WAIVER OF 50% OF R&C PENALTIES:**

The ERC has issued proceedings No. 154 of 2013 dt. 8.8.2013 and in para 50 gave instructions waiving 50% of penal charges for all customers for whom R&C measures are made applicable vide orders dt. 7.9.2012 and issued orders from time to time including the last order dt. 17.11.2013. CGRF observed that the Respondents have filed a recall petition before ERC regarding waiver and it is

pending and therefore, CGRF gave a peculiar direction to the Respondents to implement the orders of ERC only after the disposal of the appeal pending, regarding waiver of 50% R&C penalties.

**(d). DISCONNECTION OF COMPLAINANTS SERVICE**

The Appellant claimed that even though there were no dues, the service was disconnected on 30.11.2013 without notice. The Respondents claimed that they did so due to non payment of October, 2013 bill and there were dues of Rs 33,385/- by 30.11.2013 and on payment of these amounts, the service was reconnected on 2.12.2013. Regarding prior notice, the CGRF observed that as per para 10 of Regulation 7 of ERC 2013, in case where date of disconnection of service for non payment of electricity charges is mentioned in the bill, a separate notice is not required, which stand is correct and accepted. Having found as above, the CGRF negated the claim of the Appellant on excess demand charges normal rate in R&C supplementary bills from September, 2012 to August, 2013.

The CGRF directed the Respondents to withdraw CC Charges on 3542 units billed in June, 2013 and withdraw additional charges against 656 units billed for peak hours in excess during the month.

The CGRF Directed withdrawal of CC charges levied against 955 units billed in July, 2013 in excess consumption of metered old and new meters, and advised the parties to wait till final orders of ERC against recall petition regarding waiver of 50% R&C penalties through the impugned orders.

4. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal alleging that:

- The Respondents billed R&C bills from September, 2012 to August,2013 not in the true spirit of the R&C rates applicable based on R&C orders.
- As per clause 19 of R&C orders vide proceedings dt. 1.11.2012, the actual demand consumption shall be billed on pro rata basis at the rate of 18/30 with the prescribed rate. The Respondents, in violation of this clause, have charged Rs 40,400 in excess, which is liable to be refunded.
- The Appellant is admitting the calculation for Rs 9,800 on 56 KVA arrived at by the Respondents, but denying the demand charges normal rate for Rs 2092.50/- and Rs 252.50/- and requesting for refund of these amounts.

5. The Appellant is claiming that During the month of June and July, 2013 CC charges were raised without furnishing meter reading. She is demanding why the old meter was removed and new meter was installed on 3.7.2013 without giving any reasons. The Appellant claims that the meter reading for July 2013 billing was recorded on 22.7.2013. The consumption for 19 days from 3.7.2013 to 22.7.2013 was recorded as 6025 and the consumption was 3013 units with MF of 0.5. Since the meter reading for the period from 22.5.2013 to 2.7.2013 i.e for 42 days is not available, the proportionate energy can be considered ie. 3013 for 19 days x 42 = 6660 KVAH and the consumption can be arrived at 9613 KVAH for June and July billing months. Thus the Respondents claimed Rs 48,148/- in excess which is liable to be refunded. The Appellant sought refund of electricity duty amounting to Rs 419/- collected on the excess billing. The Appellant claimed that due to oversight, an amount of Rs 2,37,900 was paid in excess from September, 2012 to August, 2013 as shown below:

**Table No.2**

BILLING MONTH	APCPDCL CLAIM (Ax 1 to 12) Rs.	As per R&C order Payable after 50% waiver (Ax 1 to 12) Rs.	Difference Excess/short (Ax 1 to 12) Rs	C.C. Charges Paid (Ax 1 to 12) Rs	Balance To Be Refunded (Ax 1 to 12) Rs
(1)	(2)	(3)	(4)	(5)	(6)(5-3)
Sep, 12	53187	46773	6414	53186	6413
Oct, 12	46337	44877	1460	51467	6590
Nov, 12	60172	59705	467	67040	7335
Dec, 12	63409	62249	1160	63479	1230
Jan,13	61461	60173	1288	61461	1288
Feb,13	56621	55375	1246	56622	1247
Mar,13	60351	58339	2012	60350	2011
Apr,13	61338	53988	7350	61340	7352
May,13	61220	59626	1594	61221	1595
Jun,12	95892	44900	50992	95892	50992
Jul,13,	60055	58317	1738	60055	1738
Aug,13	83326	69216	14110	219326	150110
<b>Total</b>	<b>763369</b>	<b>673539</b>	<b>89830</b>	<b>911439</b>	<b>237900</b>

6. The Appellant claimed that due to pressure, even though there were no dues, she had to pay an amount of Rs 33,385/- towards CC charges and Rs 1000/- towards reconnection charges on 2.12.2013, which has to be refunded. The Appellant further demanded compensation of Rs 75,000 for illegal disconnection of power supply by violating the provisions of the Electricity Act, 2003.

7. The 4th Respondent SAO/OP/North Circle submitted a reply stating that the demand of the Appellant to withdraw excess claim of Rs 40,400/- which was collected for the period from September, 2012 to August, 2013 cannot be considered, because only normal rate was collected. The Respondents have withdrawn Rs 31,685 - 30 ps representing the amount of Rs 31029-30, (whether this amount includes ED), against 4497 units for the months of June and July, 2013 and Rs 656/- towards peak (TOD) units 656 totalling Rs 31,685.30/-. He further claimed that there was no question of refund of Rs 2,37,900/- because only demand charges were collected and there was no excess payment received.

8. The 4th Respondent claimed that the Appellant is not entitled to compensation of Rs 75,000/- because the amount due Rs 33,385/- was not paid in the month of November, 2013 and that the date of disconnection was noted in the bill and therefore, there is a prior notice.

9. The Appellant submitted a counter dt. 18.10.2014 to the reply submitted by the 4th respondent SAO Lr Dt. 22.9.2014 stating that instead of dues of Rs 36,527/- after adjustment of Rs 16,531/- of R&C credit, there was a credit balance of Rs 47,646/- by July, 2014 billing month. The details are given as follows:

**Table No.3**

SL.N O	BILLING MONTH	BILLED AMOUNT Rs.	AMOUNT PAID Rs.	DATE OF PAYMENT	RECEIPT NO.	BALANCE Rs.	Add R&C Credit AND CGRF ORD Rs.	Net Balance Crediti Rs.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9) (9-7-8)
1	Sept 12	53186	53186	12.10.12	34643	0	-1598	1598
2	Oct 12	51467	51467	16.11.12	35918	0	-5130	6728
3	Nov 12	67040	67040	12.12.12	37026	0	-6867	13595
4	Dec 12	63479	63479	11.01.13	38618	0	-70	13665
5	Jan 13	61461	75056	12.02.13	Ack/Stat	-13595	-223	27483
6	Feb 13	56622	56622	08.03.13	41253	0		27483
7	Mar 13	60350	60350	10.04.13	Ack	0		27483
8	Apr 13	61340	61340	14.05.13	Ack	0		27483

9	May' 3	61221	61221	26.06.13	45900	0		27483
10	Jun 13	95891	95891	-	Stat	0	-31685	59168(As per CGRF Order)
11	Jul13	60054	60054	31.08.13	50311/50312	-1	-2645	61814
12	Aug13	83327	83327	01.10.13	52081-83	-29614		91428
13	Sep13	73215	73215	29.10.13	Ack	215		91213
14	Oct 13	76953	76953	02.12.13	20298	43568		47645(DOD 30.11.13 )
15	Nov 13	<b>78082</b>	<b>78082</b>	<b>09.12.13</b>	<b>20513</b>	<b>0</b>		<b>47645</b>
16	Dec 13	71816	71816	08.01.14	RTGS	0		47645
17	Jan 14	74838	74838	14.02.14	RTGS	0		47645
18	Feb 14	78166	78166	20.03.14	RTGS	0		47645
19	Mar 14	72816	72816	-	Stat	0		47645
20	Apr14	80748	80748	14.05.14	RTGS	-1		47646
21	May' 14	101575	101575	12.06.14	RTGS	0		47646
22	Jun 14	108499	108499	25.07.14	RTGS	0		47646
23	Jul14	89956	89956	-	Stat	0		47646
	TOTAL	1682102	1681530			572	-48218	

10. The Appellant claimed that taking credit of Rs 16,531/- of R&C period, and credit of Rs 31,685/- as directed in the impugned orders, the total amount of Rs 31,685 + Rs 16,531 = Rs 47,646/- has to be credited to the account of the Appellant. There were no dues as on 30.11.2013 and therefore, disconnection without notice was illegal and arbitrary.

11. The Appellant submitted further explanation on 9.1.2015 regarding demand charges normal rate to be charged against those who opted power supply @ 60% of CMD for the entire month. The Appellant filed a copy of R&C supplementary bill of M/s Haryana Steel Ltd wherein no demand charges normal rate were levied on peak hour consumption, where the consumer availed option and sought similar option to the Appellant also revising the CC bills of R&C period from September, 2012 to July, 2013 billing months by applying the demand charges normal rate @ Rs 208.33 per KVA that is pro rata for 600 OFF peak hours only, who availed 60% option. The back billing of Rs 55,327/- is not supported by any law either the



Electricity Act, 2003 or the Tariff Order especially where the Appellant is not in default.

12. Over a long period of time, efforts at mediation could not succeed as the issues are contentious and the parties struck to their ground.

13. After hearing arguments and on consideration of the material on record, the following issues arise for determination:-

- I. Whether there was excess demand from the Respondents amounting to Rs 40,400/- representing demand charges normal rate in violation of clause 19 of R&C order dt. 1.11.2012 and in violation of billing on pro-rata basis @ 18/30 at the prescribed rate?
- II. Whether the back billing energy charges claimed amounting to Rs 48,148 /Rs 55,327 representing power consumption during June and July, 2013 billing months is liable to be refunded?
- III. Whether electricity duty collected over excess amount is liable to be withdrawn?
- IV. Whether the Appellant is entitled to refund Rs 2,37,900/- claimed to have paid in excess during the period from September, 2012 to August, 2013?
- V. Whether the Respondents have disconnected the power supply to the Appellant on 30.11.2011 by violating Sec 56 of the Electricity act, 2003?
- VI. Whether the Appellant is entitled to compensation of Rs 75,000/- for the illegal disconnection of power supply in violation of Sec 56 of the Electricity act, 2003.

#### **ISSUE NO I**

**Whether there was excess demand from the Respondents amounting to Rs 40,400/- representing demand charges normal rate in violation of clause 19 of R&C order dt. 1.11.2012 and in violation of billing on prorata basis @ 18/30at the prescribed rate?**

(a). The R&C order Dt. 01.11.2012 given by ERC under clause 19 for billing demand charges in the pro rata basis @ 18/30 at the prescribed rate is specifically for the consumers who opt for 18 days power supply. The Appellant falls under HT-II category, where no options were allowed to such consumers. Restrictions for such consumers (i.e. HT-II) over usage were relaxed from time to time in a series of R&C orders of ERC.

(b). DISCOM billing procedure taking separate RMD'S for peak & Off peak during the month is not in line with ERC order in the present case. It shall be billed for total 24 Hrs irrespective of peak or Off peak period during the month. This was further incorporated in the DISCOMS subsequent R&C bills from Feb' 2013

(c). Basically the option 18 days of 100% power supply during OFF Peak hours and 30% contracted demand during Peak hours & power holidays period of 12 days, 10% of CMD is denominated as Power On days (18 days) & power holidays (12 days). Hence the pro rata basis 18/30 days demand charges are to be levied for such consumer for only "power on" days. Whereas in the case of HT-II consumers, there are no such power holidays. Hence pro rata basis billing for such consumer is not contemplated and clause 19(a) of R&C measures is not applicable to the Appellant's service connection.

The following table would show various types of restrictions imposed through R&C measures from time to time:-

**R&C orders showing restrictions imposed under various categories from time to time:**

S No.	R&C Proceedings Date	HT-II (No options)	HT-I(B)	HT-I (CONTINUOUS PROCESS)	HT-I (Others)
		No Power holidays	Option 1- 60%-30% for 30 days Option-2- 18/12 Days (With 12 days power holidays)	Option 1- 60%-30% for 30 days Option-2- 18/12 Days Option-3- 18/12 days (4 days in a week) (With 12 days power holidays)	
		OFF PEAK - PEAK	OFF PEAK - PEAK	OFF PEAK - PEAK	OFF PEAK - PEAK
1	14.09.2012	60% - 30%	-	60%-30%	60%-10%
2	01.11.2012 (W.e.f 7.11.2012)	50% - 40%	100%-30%	100%-20%	100%-10%
3	22.01.2013	80% - 80%	-	-	-
4	11.03.2013	80% - 80%	100%-30%	100%-30%	100%-10%
5	17.04.2013 (W.e.f from April 2013)	80% - 80%			

The Appellant relied on a copy of R&C supplementary bill stated to be of M/s Haryana steels exercising option. It is stated that no demand charges normal rate were levied on peak hour consumption rate where the consumer had availed option. The Appellant claims that he too availed option similarly and hence peak hour charges should not be levied. It should be noted that M/s Haryana Steel had availed option I i.e. 60% throughout the month and 10% for peak hour and there are no power holidays under this option and no question of pro rata basis billing. The Appellant is a HT-II consumer and as per the R&C measures, there are no options to HT-II consumers to be exercised and hence, reliance on R&C supplementary bill of M/s Haryana steels is not applicable to the case on hand.

The Appellant's procedure of evaluating prescribed demand rate i.e. Rs 250 into pro rata basis is not in line with the ERC order. For example for the month of Oct' 12 the demand rate as prescribed in Tariff Order is Rs 250, which was evaluated to Rs 208.33 taking pro rata basis, which is not correct. There are no such instructions in R&C order issued by ERC specially regarding HT-II category consumers to reduce the rate of demand charges as per the pro rata basis. The issue is answered against the Appellant.

#### **ISSUE NO II**

**Whether the back billing energy charges claimed amounting to Rs 48,148 / Rs 55,327 representing power consumption during June and July, 2013 billing months is liable to be refunded?**

The analysis of the Appellant is based on proportioning 19 days consumption into 42 days meter defective period, this is only an assumption and cannot be established accurately, since the average units co-relating to the new meter consumption will not be exactly the same to be adopted for the defective meter period. As per annexure XII (VII) C of GTCS, the guidelines for short billing cases arising out of defective meter are set out **as follows:**

“Meter is to be tested with accu chek/electronic reference standard (ERC) meter at sight and percentage error is to be arrived at and billed further period when the meter was defective. In the period of the defect can be established with the aid of production figures of consumers and on MRI dumps (Meter Reading Instrument), the assessment is to be undertaken for the period when the meter was defective as per the formula”.

The ERS testing kit with high precision accuracy to range of 0.2 class is more reliable for arriving the lost units. Here it was evaluated to 28.89% of the total consumption recorded during defective meter period. As per the MRI dumps VI(voltage current) profile for the meter ID 0004933875 on 11.04.2013 R phase current read 0.00, Y phase read 0.07, C phase current 0.06. From the above profile, it is clear that the meter was not recording consumption in R phase, which the Appellant is wrongly denying.

It is Clearly established that there is no current element in the R phase in spite of the 3 healthy phases availed by the Appellant. Hence, the back billing amount of Rs 55,327/- is liable to be paid by the Appellant. Hence the claim of the Appellant that there is no provision in the Electricity Act 2013, or in the Tariff order, is not tenable, because GTCS at annexure XII (VII) C supported by the amended clause 7.5.1.4.4 Dt 31.05.2014 for assessment of meter defective period, clearly supports the stand of the Respondents.

### **ISSUE NO III**

**Whether electricity duty collected over excess amount is liable to be withdrawn?**

(a). Since in the month of June' 2013, & July' 2013 excess was levied over the recorded consumption of peak & OFF peak period by 3542 & 656 for June, 955 units for July, 2013 respectively, owing to units lost due to meter defective period, which again was shown in the calculation of units levied in the assessment notice of ADE/DPE, the ED charges corresponding to the units representing  $5153 \times 0.6 \text{ Ps} = \text{Rs } 309/-$  shall be withdrawn as rightly directed by the CGRF.

### **ISSUE NO IV**

**Whether the Appellant is entitled to refund Rs 2,37,900/- claimed to be have paid in excess during the period from September, 2012 to August, 2013?**

The amount of Rs 2,37,900/- which the Appellant has claimed to have paid due to oversight, is shown in the table No.2 supra in page No. 6 as per the analysis, the amount so arrived is based mainly on the following three points:-

- a. Difference in demand charges levied during R&C Measures.
- b. Assessed units to be adopted for Back Billing/Short Billing case during defective meter period.

c. Total amounts paid as on 30.11.2013(Date of Disconnection) against the monthly demand of the service connection.

(a). The Appellant has adopted the procedure of evaluating prescribed demand rate in to pro rata basis. For example for the month of Oct' 12 the demand rate as prescribed in T.O is Rs 250, which was evaluated to Rs 208.33 taking pro rata basis which is not correct. There is no such instructions in ERC R&C order in HT category II to reduce the rate of demand charges as per pro rata basis. This was briefly answered in Issue No 1.

(b). The method of approximation taking 19 days (from 3.7.2013 to 22.7.2013) for 6025 units healthy consumption of the meter (replaced due to defective meter) in to 42 days consumption (22.5.2013 to 2.7.2013) of 967 units, cannot be taken into consideration, since back billing amount levied was based on the percentage error arrived in the high accuracy ERS kit. This was briefly answered in Issue No 2.

(c). The Appellant has formulated a table showing demand collection and dues in which, for the month of August,2013 she has shown in the table as refundable an amount of Rs 1,50,110/- based on payments made in the month of October,2013 an amount of Rs 1,85,941/- and Rs 33,385/- in the month of December,2013. The total of Rs 1,50,110 was shown by the Appellant as refundable as on 02.12.2013.

When compared with the analysis of the Appellant and ledger data of DISCOM, Rs 83,327/- was not paid in September, 2013, Rs 87,384/- was paid along with old arrears 2,00,110/-, and Rs 76,953/- was not paid in November, 2013 and Rs 78,082/- was paid in December, 2013 along with arrears of Rs 1,12,467/- leaving Rs 34,385/- as due at the end of November, 2013. The calculation made by the Appellant showing the amount paid in excess amounting of Rs 1,50,116/- in the calculation sheet of the Appellant for August, 2013 in document No. 41 by 2.12.2013 is actually shown by the Appellant in August 2013, saying that he paid excess amount, not taking the demand of September to December, 2013 which is untenable. Thus the Appellant is not entitled to refund of Rs 2,37,900/- from the Respondents.

#### **ISSUE NO V**

**Whether the Respondents have disconnected the power supply to the Appellant on 30.11.2011 by violating the Sec 56 of Electricity act, 2003?**

(a). As on Date of disconnection 31.11.2013 there were dues pending Rs 33,385/-. In the context of his own analysis, as stated above, the Appellant has claimed Rs 47,645/- to her credit and claimed that her service was not liable for Disconnection. This is not correct as per the reconciliation done above at Issue No IV part (c), based on the statement the Appellant and the ledger details of service connection submitted by the DISCOM. The issue is answered against the Appellant.

#### **ISSUE NO VI**

**Whether the Appellant is entitled to compensation of Rs 75,000/- for the illegal disconnection of power supply in violation of Sec 56 of the Electricity act, 2003.**

In view of the findings on issues I to VI, there appears to be no illegal disconnection involved in the present case. For non payment of arrears, recourse to disconnection was taken up. Therefore, the Appellant is not entitled to any compensation as demanded.

The issue is answered against the Appellant.

In the result, the Appeal is disposed off directing as follows:-

- a. There was no violation of clause 19 (a) of R&C measures Dt 1.11.2012 and no excess demand amounting to Rs 40,400/- representing the demand charges normal rate.
- b. The back billing energy charges amounting to Rs 48,148/-/ Rs 55,327/- is not liable to be refunded by the Respondents.
- c. An amount of Rs 309/- collected towards electricity duty shall be withdrawn by the Respondents.
- d. The Appellant is not entitled to refund of Rs 2,37,900/- from the Respondents.
- e. There was no violation of S.56 of the Electricity Act, 2003 in disconnecting power supply to the Appellant.
- f. The Appellant is not entitled to any compensation of Rs 75,000/- for disconnection of power supply.
- g. The Impugned orders are confirmed to the extent indicated.

Corrected, Signed & Pronounced on this the 5th November , 2015.

Sd/-

**VIDYUT OMBUDSMAN**

1. Smt. A. Sohini, H.no 1-81450/1/B/75, Plot No B-75, Indian Employees Colony, Begumpet, Hyderabad - 500 016.
2. The ADE/OP/TSSPDCL/Greenlands/Hyderabad
3. The DE/OP/TSSPDCL/Greenlands/Hyderabad.
4. The SE/OP/TSSPDCL/Hyderabad North Circle/Hyderabad.
5. The SAO/OP/TSSPDCL/Hyderabad North circle/Hyderabad.
6. The CGM(Comml & RAC) /TSSPDCL/Corporate Office/Hyderabad.

**Copy to:**

7. The Chairperson, CGRF, Greater Hyderabad Area, TSSPDCL, Vengal Rao Nagar Colony, Erragadda, Hyderabad.
8. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.