



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION HYDERABAD

From:  
Secretary, A / C  
TSERC, #11-4-660,  
5<sup>th</sup> Floor, Singareni Bhavan  
Red Hills, Hyderabad – 500 004.

To:  
1) The Chairperson,  
Consumer Grievance Redressal Forum - 2  
Greater Hyderabad Area, CPTI Premises,  
Vengal Rao Nagar, Near GTS Colony  
Hyderabad – 500045.

2) The Chairman and Managing Director,  
Telangana State Southern Power Distribution  
Company, Corporate Office 6 – 1 – 50, 2<sup>nd</sup> Floor,  
Mint Compound, Hyderabad

Lr.No. L – 05 / RO / 1

Dated. 20.12.2014.

Sir,

Sub:- Letters received from Consumer Grievance Redressal Forum – 2 and CMD TSSPDCL - collection of three times tariff from domestic consumers who do not possess occupancy certificate – compliance of G. O. Ms. No. 86 dated 03.03.2006 – seeking clarifications - reg

Ref;- (1) CGRF's letters addressed to consumers dated 31.10.2014 and 06.11.2014  
(2) CMD's letter to erstwhile APERC vide letter bearing No CMD / CGM (Comm) / SE (C) / DE (C) / ADE – I / D No. 859/ 14 dated 22.08.2014

Adverting to the subject and the references cited above, I am directed to communicate the Hon'ble High court Telangana and Andhra Pradesh judgment dated 11.11.2014 in W. P. No. 33904 of 2014 on the issue of levy of tariff at the 3 times the normal tariff in case of domestic consumers having no occupancy certificate from the competent authority. The Hon'ble High Court observed as follows.

“In my opinion, so long as respondent No.1, who is a licensee under the provisions of the Electricity Act, 2003, does not amend its supply regulations / conditions in tune with the Government policy qua levy and collection of tariff higher than that prescribed under its Regulations, such levy cannot be legally sustained. Being a licensee, it cannot charge its consumers higher tariff than what is prescribed by the tariff regulations, approved by the Regulatory Commission.

In this view of the matter, demand and collection of electricity consumption charges at three times the normal charges from the petitioner cannot be

sustained and the same is declared as illegal. The respondents are directed to adjust the excess tariff, if any, collected so far, from the petitioner's future C.C. bills.

Before closing this case, this Court feels it imperative to observe that the petitioner cannot violate law and insist on the power distribution licensee to continue to supply power to it without obtaining Occupancy Certificate, which, admittedly, is a mandatory requirement under Section 455 of the Greater Hyderabad Municipal Corporation Act, 1955. The respondents are, therefore, left free to call upon the petitioner to produce the Occupancy Certificate in accordance with the said provision within a stipulated time. If the petitioner fails to produce such certificate, they shall be free to disconnect the power supply to him and terminate the power supply agreement. The respondents are also left free to refuse release of power supply to other similarly situated consumers if they fail to produce Occupancy Certificates within a stipulated time.”

2. In view of the above judgment of the Hon'ble High Court, it is clear that the DISCOM shall not levy three times the normal tariff to domestic consumers in the event of not producing the occupancy certificate as per the government orders issued by the erstwhile State of A P.

3. However, the Commission is also of the view that the said judgment be universally applied to all such consumers, who satisfy the condition stated in the above judgment. In order to not to drive every consumer to the court, standing instructions may be issued to the field officers by the DISCOM on the lines of the judgment passed by the Hon'ble high Court.

4. The issue stands clarified by virtue of the above judgment of the Hon'ble High Court. You are directed to take necessary action in the matter and acknowledge the receipt of this letter.

Yours sincerely,

COMMISSION SECRETARY A / C

Enclosed;- Copy of the judgment passed in W. P. No 33904 of 2014 filed by Sri. K Yadigiri which refers to the judgment in W. P. No. 32906 of 2014 filed by Sri. K Mahender.

Copy to  
The Vidyut Ombudsman for the states of Andhra Pradesh and Telangana