



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION
5th Floor, Singareni Bhavan, Red Hills, Lakdi-ka-pul, Hyderabad 500 004

O. P. (SR) No. 31 of 2021

Dated 08.03.2022

Present

Sri T. Sriranga Rao, Chairman
Sri M. D. Manohar Raju, Member (Technical)
Sri Bandaru Krishnaiah, Member (Finance)

Between:

M/s Sri Sai Ram Ice Factory,
Plot No.27 (P), Pasumamula, Hayatnagar,
RR District – 501 503.

... Petitioner

AND

1. Southern Power Distribution Company of Telangana Limited,
Corporate Office, # 6-1-50, Mint Compound,
Hyderabad – 500 063.
2. Superintending Engineer, Operation Saroornagar
TSSPDCL, Saroornagar, RR District.
3. Divisional Engineer, Operation,
TSSPDCL, Saroornagar, RR District.
4. Assistant Divisional Engineer, Operation,
Shantinagar, TSSPDCL, Hayathnagar,
RR District.
5. Assistant Engineer, Operation,
Pedda Amberpet, TSSPDCL, RR District.

... Respondents

The petition came up for hearing on 15.09.2021, 28.10.2021, 15.11.2021, 13.12.2021, 03.01.2022. Sri Yogeshwar Raj Saxsena, Advocate for petitioner has appeared on 28.10.2021, 15.11.2021 through video conference. Ms. Nishtha, advocate representing Sri Yogeshwar Raj Saxsena, Advocate for petitioner has appeared physically on 03.01.2022. There is no representation for petitioner on

15.09.2021 and 13.12.2021. The proceedings of the matter has been conducted on 15.09.2021, 28.10.2021, 15.11.2021 through video conference and on 13.12.2021, and 03.01.2022 physical mode. The matter having been heard and having stood over for consideration to this day, the Commission passed the following:

ORDER

M/s Sri Sai Ram Ice Factory (petitioner) has filed a petition under section 146 of the Electricity Act, 2003 (Act, 2003) seeking refund of amount of Rs. 2,00,000/- along with interest at the rate of 24% per annum from the date of payment till the date of refund and imposition of punishment to the respondents for non-compliance of the order of the Ombudsman.

2. The petitioner has sought the following relief in the petition.
 - a. To refund Rs. 2,00,000/- paid on 30.06.2021 vide receipt No.0387576 along with interest at the rate of 24% per annum from the date of payment to date of refund as prescribed under clause 4.7.3 of Regulation 5 of 2004 dated 17.03.2004.
 - b. To impose punishment and fine as prescribed under section 146 of the Electricity Act, 2003.
3. The Commission has heard the counsel for the petitioner and the counsel for the respondents at first instance and subsequently the representative of the respondents in the matter on the dates mentioned in the preamble to this order. It has perused the material available on record. The submissions made on the relevant days of hearing are briefly extracted below:

Record of proceedings dated 15.09.2021:

“There is no representation on behalf of the petitioner. The matter is adjourned for want of appearance.”

Record of proceedings dated 28.10.2021:

“... .. Sri Yogeshwar Raj, advocate for petitioner was present in video conference link. However, this link got disconnected and he has not submitted his case. The representative of the licensee, who is not on notice in this matter, was asked by the Commission as to the status of the writ petition filed by them before the Hon'ble High Court. The representative of the licensee

stated that he will ascertain the status of the writ petition pending before the Hon'ble High Court and submit the same on the next date of hearing."

Record of proceedings dated 15.11.2021:

"... .. Sri Y.R.Saxsena, advocate for petitioner sought to appear through video conference, however, while the Commission was proceeding with the matter, he could not establish his link to the Commission. The representative of the licensee, who is not on notice in this matter, stated that the matter is listed for hearing before the Hon'ble High Court today and further developments will be known after hearing of the matter. In view of the position obtaining regarding the appearance of the counsel for petitioner, the matter is adjourned on the basis of submission of the office."

Record of proceedings dated 13.12.2021:

"There is no representation for petitioner through advocate. The clerk representing the advocate for petitioner stated that the counsel is unable to attend the hearing due to preoccupation before the Hon'ble High Court. The Commission sought to know the status of the writ petition before the Hon'ble High Court. The clerk stated that the matter is listed today before the Hon'ble High Court. Therefore, the matter may be adjourned by a week."

Record of proceedings dated 03.01.2022:

"... .. The advocate representing the counsel for petitioner has stated that the petition is filed for violating the order of the Vidyuth Ombudsman as well as this Commission and disconnecting the power supply to the petitioner's unit. The Commission pointed out that the licensee had approached the Hon'ble High Court against the order of the Ombudsman and obtained orders. The advocate has stated that there is no nexus between the writ petition filed by the licensee and this petition. However, the writ petition is scheduled to be listed this week. The Commission, having heard the submissions of the advocate, reserved the matter for orders."

4. The issue that arises for consideration in this petition is that -
'Whether the petitioner is entitled to the reliefs as claimed by it?'
5. The Commission is of the view that the present petition is required to be entertained by the Commission as there appears clear violation of the orders of the Vidyut Ombudsman. Unless the view point respondent is heard the matter cannot be

decided as to whether there is violation of the orders of the Vidyut Ombudsman. Also, it is relevant to point out that the licensee had approached the Hon'ble High Court in W. P. No. 9257 of 2021 questioning the order passed by the Vidyut Ombudsman and obtained orders of suspension of the order in the matter. In those circumstances, unless the order is modified by the Hon'ble High Court, the main issue cannot be decided. Hence the Commission, accordingly, admits the petition for consideration on merits. However, the same subject to the orders of the Hon'ble High Court in the pending writ petition.

6. In view of the above, the petition is admitted. The office is directed to number the petition as O. P. for the reasons explained in the foregoing paragraph. Issue notice to the respondent on the petition fixing appropriate date of hearing.

This order is corrected and signed on this the 08th day of March, 2022.

Sd/- (BANDARU KRISHNAIAH) MEMBER	Sd/- (M.D.MANO HAR RAJU) MEMBER	Sd/- (T.SRIRANGA RAO) CHAIRMAN
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