* Before advertising replies to the various allegations made by the petitioner, the repondent humbly submits the following few facts for kind perusal and consideration
* The pettioner has been running hostel in the name of ARADHYA HOSTEL at premeises 1-78, Laxma Reddy Colony, Uppal which is a four floor building having……… number of flats and having……..kVA Distribution Transformer exclusively feeding supply to the hostel.
* The consumer is having four number of 3-ph meters bearing Sc No.1402-010125, 1402-12464, 1402-01474 and 1402-26904. The sanctioned load of the all the four meters is 166kW as shown below:

|  |  |  |
| --- | --- | --- |
| **Sl No** | **Sc No** | **Sanction Load(kW)** |
| 1 | 1402-10125 | 5 |
| 2 | 1402-12464 | 5 |
| 3 | 1402-01474 | 1 |
| 4 | 1402-26904 | 5 |
| **Total** | | **16** |

* As per the clause 3.5.2 of the GTCS Each separate establishment will be given a separate point of supply and separate Establishment is defined under clause 3.5.1 of the GTCS and the same is extracted below:

*“3.5.1 For the purpose of the GTCS, separate establishments shall include the following types of establishments:*

*i. Having distinct set-up and staff;*

*ii.Owned or leased by different persons;*

*iii. Covered by different licenses or registrations under any law where such procedures are applicable; and*

*iv For domestic category, the households having a separate kitchen. “*

* The said premises of the consumer/petitioner was inspected by Sri P.Kalyani, Assistant Engineer/DPE on 06th August’ 2015 in the presence of ……. Consumer representative and registered a case as the consumer is utilizing the power supply to hostel in one premeises (one building) with one establishment/activity but the four meters are sanctioned treating four different establishments. Hence all the four services sanctioned load put together treated as one service, the total sanctioned load come to 16kW
* As per clause 3.5.2 of GTCS the company reserves the right to merge the multiple connections situated in a single premeises and the said clause is extracted hereunder: *“3.5.3 Notwithstanding the above provisions, the Company reserves the right, where it is reasonably established, that the consumers of the same group or family or firm or company who are availing supply under different service connections situated within a single premises by splitting the units, the Company may treat such multiple connections existing in the single premises as a single service connection and charge the total consumption of all the consumers at the appropriate tariffs applicable for a single service connection. Any officer authorised by the Company shall issue notices to the concerned consumers asking them to furnish a single application for all such services and to pay required charges for merging the services into a single service.”*
* Inview of the above, the inspecting officer has registered the following cases on the Sc No.1402-10125
* The sanctioned load on the above service connection Number is 5kW whereas the connected load is 17 kW hence a notice was issued for regularization of the additional connected load as per cluase 12.3.3 of GTCS.
* As per the Tariff Order issued by the Hon TSERC all the LT Category-II services having connected load more than 10kW must be billed under kVAh and as the Four number of service connections was merged and treated as one service the short billing under kVAh was proposed for the period from 07th Aug’ 2014 to 06th Aug’ 2015.
* Provisional assesment notices were issued by the respondent to the petitioner on 14th Aug’2015 requesting him to pay the said assesed amount. Further it was clearly mentioned in the notice that in the event if the consumer/petitioner  opts to remove the additional connected load or part of additional connected load, he can make a representation to the Divisional Engineer/Operation/HABSIGUDA within 15 days from the date of service of the notice. In case there is no representation, the service will be disconnected immediately on expiry of the notice period of 30 days from the date of service of the notice and the service will remain under disconnection until the payments are received and additional Connected load is regularized.
* Though there is a provision for appeal, the consumer without having excercising the option has approched this Hon Court.
* In reply to para 1 and 2 of the affidavit that the respondent no.2 has given a short notice of 3days for making paymnet of the said amount, it is to submit that as stated supra the provisional assesment notice was issued to the petitioner on 14th Aug’2015 itself. Thereafter the consumer was requested many a times to pay the said amount. As the consumer/petitioner failed to make the payment, the respondent herein are constrained to issue a notice for realization of the amount. However after completion of 3days time, the consumer has requested time upto the end of the Novemebr month for making payment. The respondent herein has granted time taking into the consideration the promise made by the petitioner for maing payment.
* In reply to the para 3 of the affidavit that the petitioner is paying huge amounts towards bills, it is to submit that the tariff will be levied to the consumer as per the Tariff Order and the consumers will get the bills as per their consumption only.
* Since the consumer has taken four meters initially treating four seoarate establishments and thereafter the consumer is utilizing supply for only one premises as one establishment, short billing notice was issued to the petitioner.
* Further to the above the consumer/petitioner is having liberty to file an appeal before the appeallate authority i.e. Divisional Engineer/operation/Habsiguda/TSSPDCL in the event if the consumer disagrees with the assesment made by the inspection officer. Without excercising the avaialable option the petitioner has approcahed this Hon Court is incorrect.