

BEFORE THE VIDYUT OMBUDSMAN

:: Present ::

C. Ramakrishna

Date: 04-07-2014

Appeal No. 113 of 2013

Between

Sri. K. Nagabhushan, House No. MIG-3/2, Industrial Estate Staff Quarters, Back side of V Town Police Station, Kancharapalem, Visakhapatnam

... Appellant

And

1. The Asst. Engineer, Operation, Marripalem, APEPCDCL, Visakhapatnam
2. The Asst. Accounts Officer, ERO, Gopalapatnam, APEPDCL, Visakhapatnam
3. The Asst. Divisional Engineer, Operation, Kacharapalem, APEPDCL, Visakhapatnam
4. The Divisional Engineer, Operation, Zone 2, APEPDCL, Visakhapatnam

... Respondents

The above appeal filed on 08-11-2013 has come up for final hearing before the Vidyut Ombudsman on 26-06-2014 at Visakhapatnam. The appellant, as well as respondents 1 to 3 above were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the grievance of the appellant that he was unnecessarily made to pay service line charges to the tune of Rs. 14,703/-. The CGRF dismissed his appeal as having no merits.

3. In his appeal filed on 08-11-2013, the appellant stated that he was made to pay excessive charges for laying a new pole on a small 1'x1'x1' drain, for release of additional load of 4 kW over and above the existing load of 1 kW and for converting the single phase service to 3 phase service; that the CGRF had not considered his main contention about the existence of a three phase 5 wire line to his premises; that the service bearing number 27442 in his premises is an old one having all the required infrastructure to supply three phase 5 wire supply and additional load; that the requirement of any additional pole for safety purpose should have been borne by the DISCOM only instead of levying it on him. He ultimately wanted a refund of the amount collected and also sought shifting of the pole to obviate shifting at a later date.

4. A notice for hearing was issued directing the respondents to file their written submissions in the matter. On 26-06-2014, the advocate for the respondents filed the written submission of the respondent AE stating that the material allegations levelled in the appeal are not true and that the appeal is not maintainable at all. The other respondents too adopted the same written submissions. Their contention is that while the appeal was filed by Sri. K. Nagabhushan, the material papers bear the signature of Sri. S. Vijaya Pratap and that therefore the person who appeared in the appeal is different from the person who signed the appeal papers and hence is not maintainable at all; that Sri. Nagabhushan had not produced any power of attorney or authorization

from the owner of the premises and hence cannot appear in the appeal and seek relief; and that the service connection bearing number 311521 stands in the name of Sri. S. Vijaya Pratap and that it is not that said Vijaya Pratap who had filed the complaint before the CGRF. They further stated that on receipt of the request for conversion of single phase 2 wire line for SC No. 311521 to three phase 5 wire line, it was done by collecting the required charges of Rs. 14,703/-; that the SC No. 27442 now being referred to in the appeal as already existing since long is actually not existing; that enquiries revealed that SC No. 27442 belongs to a different section (Muralinagar) and bears no name; that the new 9.1 mts pole was erected by carrying out a 5 feet depth pole pit excavation; that the service line charges once paid are not refundable as per clause 5.3.2.1; and that the owner of the service connection Sri S. Vijaya Pratap being a Divisional Engineer, working in West Godavari Circle is aware of all these details and yet with a view to harass the line officials he engineered the complaint and the appeal. The respondents prayed for dismissal of the appeal.

5. The consumer is an LT II Category consumer with 1 kW connected load. He made an application for additional load of 4 kW and also conversion of single phase 2 wire line to three phase 5 wire line. After making an estimate, communicating and collecting the same, the work was completed by the respondent officers. After the work is completed, Sri Nagabhushan approached the CGRF and the CGRF had rejected the complaint.

6. At the outset, the appeal is not maintainable as the person who appeared before this authority and signed the documents relating to the appeal is not the consumer. Neither did he produce any proper authorization from the

actual consumer to represent on his behalf. To this extent, the objection taken by the respondent officers is sustained. Though this in itself is a sufficient ground to dismiss the appeal, even a cursory perusal of the facts also reveals that there is no merit in the contention raised in the appeal. The existence of three phase 5 wire line infrastructure to the same premises is not clearly established by the appellant. When the respondent officials made estimates and demanded that the conversion and additional load sought would be done / released only after payment of the service line charges, the consumer paid the same without murmur. Having paid the service line charges, raising the bogey of existing infrastructure at this late juncture is only an afterthought. Clause 5.3.2.1 of the GTCS clearly lays down that the service line charges once paid are not refundable. Hence there is no merit in the appeal on merits also.

7. Therefore, the appeal filed by the appellant herein is dismissed.

8. This order is corrected and signed on this 4th day of July, 2014.

VIDYUT OMBUDSMAN

To

1. Sri. K. Nagabhushan, House No. MIG-3/2, Industrial Estate Staff Quarters,
Back side of V Town Police Station, Kancharapalem, Visakhapatnam
2. The Asst. Engineer, Operation, Marripalem, APEPCDCL, Visakhapatnam
3. The Asst. Accounts Officer, ERO, Gopalapatnam, APEPDCL, Visakhapatnam
4. The Asst. Divisional Engineer, Operation, Kacharapalem, APEPDCL,

Visakhapatnam

5. The Divisional Engineer, Operation, Zone 2, APEPDCL, Visakhapatnam

Copy to:

6. The Chairperson, CGRF, APEPDCL, P & T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam - 530 013.
7. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.