

BEFORE THE VIDYUT OMBUDSMAN

:: Present ::

C. Ramakrishna

Date: 16-07-2014

Appeal No. 17 of 2014

Between

Sri Somarouthu Veera Venkata Rama Sanyasi Rao, S/o Sriramamurthy,
Thondangi Village and Mandal, East Godavari Dt.

... Appellant

And

1. The Assistant Engineer, Operation, APEPDCL, Annavaram, East Godavari Dt.
2. The Assistant Divisional Engineer, Operation, APEPDCL, Tuni, East Godavari Dt.
3. The Divisional, Operation, APEPDCL, Jaggampeta, East Godavari Dt.

... Respondents

The above appeal filed on 06-05-2014 has come up for final hearing before the Vidyut Ombudsman on 14-07-2014 at Rajahmundry. 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 consumer that the respondents have not implemented the orders of the CGRF in so far as payment of compensation is concerned.

3. The appellant filed the appeal stating that he had applied for an agricultural service connection on 18-06-2010 by taking a DD duly for Rs. 37,630/-; that the connection was released with an inordinate delay; that the CGRF also had vide its order dtd: 30-08-2012 ordered for payment of compensation for the delay of 742 days; and that the respondent officers had not yet paid him the compensation of Rs. 37,100/- that was ordered for.

4. The respondents were issued a notice for hearing the appeal. They filed a written submission stating that the estimate for the release of the agricultural service to the appellant was prepared keeping in view the expected completion of the HVDS works on the mother DTr at Krishnapuram village and work order was released on 09-07-2010; that the work could not be taken up immediately as the HVDS work not completed; that after nearly two years when the GVDS works on the mother DTr were completed, material for the connection was drawn; that as the DTr was about to be erected, there was an objection from the owner (not the appellant) of the land; that soon after intimating the appellant about this objection, he expressed his willingness vide his letter dtd: 29-08-2012 to foot the cost of the additional conductor that would be required; that based on the appellant's consent letter, the estimates were revised and got sanctioned on 04-09-2012; that the

consumer was intimated to pay the balance amount of Rs. 39,760/-; that as the consumer refused to pay the revised estimate charges, the same were again revised and ultimately the connection was released on 25-11-2012; that the root cause for the delay in the release of the agricultural service was the assumption on their part at the time of preparing the original estimate that the HVDS works on the mother DTr at Krishnapuram Village would be completed in time; that as this happened only in July, 2012, the delay of more than two years in the release occurred.

5. At the time of hearing, the appellant reiterated the request for payment of compensation as ordered for by the CGRF and he did not agree with the reasoning given by the respondents for the delay. He stated that in spite of the respondents drawing the material for the release of the service, they did not release the service in time and produced the following photograph to prove his point that the material were drawn.



6. The person marked in the red box in the photograph is the appellant. The respondents did not contest the photograph but said that the primary delay in the release of the service connection occurred due to the non-completion of the HVDS works on the mother DTr at Krishnapuram. Thereafter, it was the objection from the neighbouring land owner who objected to the erection of DTr in his land that contributed to the further delay and escalation in cost.

7. The respondents' contention that the delay occurred due to their assumptions about completion of the HVDS works going wrong is not tenable. When month after month is passing by, how could they have kept quiet? The delay of a couple of months should have spurred them into action. But that was not to be. Ultimately, only when the appellant herein approached the CGRF, did the respondents come out of their slumber and release the service. This is not acceptable at all. There is a clear case of deficiency of service. The opacity of the respondents' stand in the written submissions also is not taken well by this authority. Just because the appellant herein refused to pay the revised estimates for the conductor, they went ahead and made further revisions to the estimates and released the service? The written submissions of the respondents are not clear as to what exactly happened after the original estimates were revised. For this opacity also they need to bear the consequences.

8. A perusal of the CGRF's order confirms that the respondents had not been prompt in the release of the service. The CGRF gave a reasoned finding as to the deficiency in service. The CGRF while passing its order dtd:

30-08-2012, had calculated the delay as 742 days. The delay was as on 30-08-2012. But the actual delay is 861 days, as the service was ultimately released by the respondents only on 25-11-2012. Therefore, the respondents are liable to pay an amount of Rs. 43,050/- to the appellant for the delay in release of the service connection as per Schedule II of the Standards of Performance Regulation -- Regulation 7 of 2004.

9. Therefore, it is hereby ordered that:

- the respondent DISCOM shall pay an amount of Rs. 43,050/- to the appellant herein within 30 days from the date of receipt of this order and shall report compliance accordingly;
- to avoid further delays in the payment of compensation, a copy of this order is being marked to the CMD of the DISCOM;
- it is open for the DISCOM to initiate necessary action for recovery of the compensation amount from the individual officers responsible for the delay. However, such recovery shall not be a prerequisite for payment of compensation to the appellant. The appellant shall be paid the compensation immediately.

10. This order is corrected and signed on this 16th day of July, 2014.

VIDYUT OMBUDSMAN

To

1. Sri Somarouthu Veera Venkata Rama Sanyasi Rao, S/o Sriramamurthy,

Thondangi Village and Mandal, East Godavari Dt.

2. The Assistant Engineer, Operation, APEPDCL, Annavaram, East Godavari Dt.
3. The Assistant Divisional Engineer, Operation, APEPDCL, Tuni, East Godavari Dt.
4. The Divisional Engineer, Operation, APEPDCL, Jaggampeta, East Godavari Dt.
5. The Chairman & Managing Director, APEPDCL, P & T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam - 530 013.

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.