

BEFORE THE VIDYUT OMBUDSMAN

::Present::

C.Ramakrishna

Date: 11-03-2014

Appeal No. 73 of 2013

Between

Smt. Ch. Swarnasri & Smt. Nerella Naga Gayatri

Opp. Motheyvari Choultry, Powerpet

Eluru - 2

... Appellants

And

1. The Asst. Engineer, Operation, APEPDCL, Denduluru, West Godavari Dt.
2. The Asst. Divisional Engineer, Operation, Rural, APEPDCL, Near Jute Mill, Ramakrishnapuram, Eluru, West Godavari Dt.
3. The Asst. Accounts Officer, ERO, APEPDCL, Town, Eluru, Near Powerpet Main Gate, West Godavari Dt.
4. The Divisional Engineer, Operation, APEPDCL, Vidyut Bhavan, R.R. Peta, Beside M R C Apartments, Eluru, West Govadari Dt.

... Respondents

The above appeal filed on 06-06-2013 has come up for final hearing before the Vidyut Ombudsman on 05-03-2014 at Eluru. The appellants as well as respondents 1 to 4 above were present. Having considered the appeal, the written and oral submissions made by the appellants and the respondents, the Vidyut Ombudsman passed the following:

AWARD

The appeal arose out of the grievance of the appellants that the respondents have served them with exorbitant bills without showing an explanation for the bills raised. The appellants purchased 3.74 acres each of agricultural land from one P.V.V. Sundara Rao and others in the month of December, 2008. This entire land was being serviced with a single 12.5 HP motor which was given power supply through SC No:37 that was existing in the name of Sri. P.V.V. Sundara Rao. The appellants did not get the service connection transferred in their names so far. While this was so, their complaint is that they received huge bills in the name of the previous owner for the months of 9/12 & 11/12 without there being an explanation for the huge amounts. The appellants in their appeal stated that in their letter dated 22-01-2013, they had requested the 3rd respondent to furnish full details of each and every item that figured in the CC bills for the months of 9/12 and 11/12; that a copy of the same letter was marked to the Chairman, CGRF requesting his intervention by treating it as a complaint; that the CGRF had passed an order which is not acceptable to them; that as per the terms of the agreement between them and the seller of the land, it was the seller who is required to observe name transfer procedures before all the authorities, including the electricity authorities, consequent to the transfer of land in their name; that the plea of the ADE to the CGRF that bills relating to the service could not be served as it was an agriculture service and neither the present nor the previous owners' addresses were available with him, does not stand to reason as the cultivation on the land is regular and the appellants' workers are always available on/near the land; that it being agricultural land, owners will

not reside on the fields; that effective and sincere efforts were not made by the respondent ADE to trace the address of the consumers as was done in the month of December, 2012 to serve the two bills in question; that the APEPDCL is supposed to have the full addresses of all of its consumer in their records; that since their taking possession of the land in December, 2008 not a single bill has been served on them by the respondents; that normal CC bills would cover only energy charges for the units consumed, fixed/demand charges, LPF/ Capacitor charges, Electricity Duty etc., but exhibiting huge amounts in the CC bills without there being any proper explanation/details for the same without giving opportunity to the consumer is not correct; that the bills are still received in the name of P.V.V. Sundara Rao who is no more connected with the lands as he had already sold the lands to them; that if at all there any amounts to be paid by the seller, they are not liable to pay the same as more than 4 years have already passed; and that the CGRF failed to discuss these fundamental issues in its order. They finally prayed to set aside the orders of the CGRF and also the two disputed bills showing huge demands. The appellants also enclosed a copy of their letter dated 22-01-2013 along with a copy of the disputed bills, addressed to the 3rd respondent that they have been referring to in their appeal.

Notice for hearing the case on 05-03-2014 was issued directing the respondents to submit their written submissions, if any, duly serving copies of the same on the appellants. The respondents have submitted their written submissions mentioning inter alia that the SC number in question has been released in the name of one P.V.V. Sundara Rao under LT Cat-V on 20.08.2004 with a contracted load of 10 HP; that the service is being billed under LT Cat-V with a sub-category of corporate farmers & IT assesseees without DSM; that the

appellants did not apply for name transfer till date; that bills were issued every month but due to non-availability of the consumer at the service premises, some of the bills were not received by the consumer; and that as per the CGRF's order, the procedure for name transfer was explained to the consumer.

The CGRF, having gone into the facts of the case, in its order dated 08-05-2013 advised the complainant appellants to apply for name change in the first instance, and directed the respondents to explain the procedure for the same and disposed of the complaint before it.

During the final hearing on 05-03-2014, the appellants reiterated the contents of their appeal. The respondents confirmed what they have stated in their written submissions. The appellants have failed to pursue the name change in the records of the DISCOM with all the diligence that is required. It is no wonder that bills were not served on them on time due to the fact that the addresses and other details remained without getting updated. Therefore, it is not surprising that not a single bill was served by the respondents on the appellants as the bills issued have remained unserved for want of updated records. No agreement between two private parties (the appellants and their seller in this case here) can decide / fix the responsibility on the part of the DISCOM to have its records updated with no information whatsoever forthcoming either from the previous owner or from the present owners. The DISCOM's officers on their part have failed to conduct a periodical survey to update their records. The fact that the respondents did not serve the bills periodically on the appellants since December 2008 and have served the bills only almost after 4 years of their taking possession of the land has not gone down well with this authority. It is quite surprising as to how the respondent

officers have allowed the service to continue without disconnection when the bills due were not being paid. The respondents ought to have acted in time to have the bills served on the proper persons and take necessary action when bills were not paid. The fact that the appellants' feigning of ignorance about name change procedures for their service connection also has not gone down well with this authority. The appellants cannot claim ignorance of such procedures when they are fully aware of the title transfer procedures relating to land purchase from their seller. The appellants' claim that the terms of the agreement between them provide for the seller to undertake all name transfer procedures, without buttressing it by producing their sale deed also is taken with a pinch of salt. It cannot be comprehended as to how the appellants while taking care of the due diligence that is required before purchasing such high value property, have not exercised the same due diligence for affecting name change of the service connection with the electricity authorities. Additionally it is interesting to note that, while the appellants have purchased the land in two pieces from their seller, there is only one service connection to cater to the energy needs of the two pieces of land. This sort of situation actually constitutes breach of agreement between the DISCOM and the consumer in so far as the consumer cannot make energy available to a third party without the express permission of the DISCOM. One more surprising fact that emerged during the hearing is regarding the appellants' claim that the connected motor is of 12.5 HP capacity while the respondents admit in their written submissions that the sanctioned load is 10 HP. As it has come to light during the hearing that there were lapses on both sides, got a statement of arrears outstanding against the service served on the appellants right at the time of hearing. The appellants on their part stated that they are willing to pay all the outstanding amounts if the amounts relate to a period which is after

December 2008. On verification of the statement filed by the respondents, which is taken on record during the hearing, it is noticed that the arrears started accumulating on and from April 2009.

Therefore while disposing of the appeal in the manner stated above, it is hereby ordered that:

- the appellants shall pay the amounts outstanding forthwith;
- the respondents shall ensure that the name transfer process is completed on or before 31-03-2014 by giving due assistance and help to the appellants;
- the respondents shall mention details of arrears henceforth, whenever bills mentioning huge arrears are being served on consumers;
- if the appellants have connected 12.5 HP load to the service, the respondents shall take necessary steps to regularize the same by following due process as per the terms and conditions of GTCS and other applicable rules and regulations; and
- the respondents shall also examine as to how two different successors in interest can avail of a common service connection for their agricultural lands and take appropriate steps to ensure that no violation of GTCS occurs either intentionally or otherwise on the part of the appellants.

This order is corrected and signed on this 11th day of **March, 2014**.

VIDYUT OMBUDSMAN

To

1. Smt. Ch. Swarnasri & Smt. Nerella Naga Gayatri, Opp. Motheyvari
Choultry, Powerpet, Eluru - 2
2. The Asst. Engineer, Operation, APEPDCL, Denduluru, West Godavari Dt.
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Ramakrishnapuram, Eluru, West Godavari Dt.
4. The Asst. Accounts Officer, ERO, APEPDCL, Town, Eluru, Near Powerpet
Main Gate, West Godavari Dt.
5. The Divisional Engineer, Operation, APEPDCL, Vidyut Bhavan, R.R. Peta,
Beside M R C Apartments, Eluru, West Govadari Dt.

Copy to:

1. The Chairperson, CGRF, APEPDCL, 3rd Floor, New Building, Corporate
Office, P & T Colony, Seethammadhara, Visakhapatnam - 530 013.
2. The Secretary, APERC, 11-4-660, 5th Floor, Singareni
Bhavan, Red Hills, Hyderabad-04.