

**BEFORE THE VIDYUT OMBUDSMAN**

**::Present::**

**C.Ramakrishna**

**Date: 26-05-2014**

**Appeal No. 89 of 2013**

**Between**

**Sri D. Prakash Reddy, Flat No. 304, Sai Sadhan Apartment, Satyam Road, Savitri Nagar, Hukumpeta, Rajahmundry, East Godavari Dt.**

**... Appellant**

**And**

- 1. The Asst. Engineer, Operation, APEPDCL, 33/11 kV Substation, Duppalapudi (V), Anaparthi (M), East Godavari Dt.**
- 2. The Asst. Accounts Officer, ERO, APEPDCL, Ramachandrapuram, East Godavari Dt.**
- 3. The Asst. Divisional Engineer, Operation, APEPDCL, Anaparthi, East Godavari Dt.**
- 4. The Divisional Engineer, Operation, APEPDCL, Near Rajgopal Theater Centre, Ramachandrapuram, East Godavari Dt.**

**... Respondents**

The above appeal filed on 31-07-2013 has come up for final hearing before the Vidyut Ombudsman on 19-05-2014 at Rajahmundry. The appellant as well as respondents 1 to 4 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**

The appeal arose out of the grievance of the appellant against the orders of the CGRF in C.G. No. 700/2012-13/East Godavari Dt. dtd: 08-07-2013. On 31-07-2013, the appellant filed an appeal stating that he has a service connection under Category V in Duppalapudi Village; that he has dry agricultural land measuring less than 2.5 acres; that he approached the CGRF on 06-02-2013 praying for withdrawal of the unnecessarily raised demand of Rs. 79,000/- considering his service as belonging to paying category for the period in two spells i.e., from 12-01-2005 to 08-05-2008 (Rs. 32,000/-) and from 20-12-2008 to 31-03-2013 (Rs. 47,000/-); and that the CGRF had considered only the second spell amount of Rs. 47,000/- for withdrawal. He went on to add that his service was declared as belonging to free category in 2004 by the Government of A.P in the year 2004; that it was changed from free category to paying category without any intimation to him and without there being any supporting documentation; that on knowing about the category change he submitted all the relevant documents to the respondent authorities; that on 20-12-2008, the SE, Operation, Rajahmundry changed his connection category from paying to free w.e.f 08/05/2008 without withdrawing the arrears for the first spell; that then on approaching the CGRF, the CGRF passed its orders withdrawing arrears only for the second spell amount of Rs. 47,000/-; that the orders of the SE, Rajahmundry in changing the category of the service connection from paying to free w.e.f 08-05-2008 without insisting on payment of arrears for the first spell means that the demand raised for the first spell

also is not collectible; that agricultural land does not change its character from dry to wet and vice versa; that all of his land is less than 2.5 acres in extent and that it is dry land; and that the respondent officers are not authorized to change the category of his connection from free to paying without there being any Tahsildar Certificate. He finally pleaded for withdrawal of the remaining demand of Rs. 32,000/- relating to the first spell.

The respondents were served with a notice for hearing the appeal on 03-03-2014, directing them to submit their written submissions, if any, duly serving copies of the same on the appellant. The respondents did not submit their written submissions on the date of first hearing on 03-03-2014 and instead wanted time to marshal evidence from their end in support of their contention. Hence the hearing was adjourned to 19-05-2014. Heard the appeal finally on 19-05-2014.

The CGRF noted in its order that the outstanding amount of Rs. 32,488/-, mostly arrears relating to the first spell, is payable by the appellant herein. In so deciding the issue, it has not gone into the issue of whether or not the service belongs to free category or paying category and if so, from what date would the category change is applicable.

On the date of final hearing also, the respondent officers have not submitted any written submissions and instead stated that if there is documentary evidence from the appellant's side proving that his land is less than 2.5 acres in extent and it is dry in nature, they have no problem in categorizing him as belonging to free category w.e.f May 2004. The appellant on his part has produced his original Pattadar Pass book showing that he

possesses agricultural dry land of 2.45 acres. The respondent officers have submitted copies of Government policy which show that the Government had decided to supply free power to farmers in all regions w.e.f May 14, 2004 and that the Government have also come out with an amendment to that policy w.e.f 01-04-2005. As seen from the documents produced, it is clear that there was provision for free power to all agricultural consumers in the State w.e.f 14-05-2014. From 01-04-2005, the Government announced certain amendments to its policy. Going by the policy statements of the Government, the appellant herein is eligible for free power on and from 14-05-2004. However, the appellant is liable for customer charges of Rs. 20/- per month during the period 12-01-2005 to 08-05-2008. The respondent officers are not correct in changing the appellant's service category from free to paying without giving any sort of intimation to him. Such changing of category without issuing a notice is against principles of natural justice and is illegal. Therefore, it is hereby ordered that:

- the category of the consumer appellant herein remains under free category for the period in question i.e., 12-01-2005 to 08-05-2008;
- however, the respondents shall collect customer charges of Rs. 20/- per month during the period in question; and
- the respondent officers shall give effect to these orders within 15 days from the date of receipt of this order and submit a compliance report about the same within 15 days from thereafter.

This order is corrected and signed on this 26<sup>th</sup> day of **May, 2014**.

**VIDYUT OMBUDSMAN**

To

1. Sri D. Prakash Reddy, Flat No. 304, Sai Sadhan Apartment, Satyam Road,  
Savitri Nagar, Hukumpeta, Rajahmundry, East Godavari Dt.
2. The Asst. Engineer, Operation, APEPDCL, 33/11 kV Substation, Duppalapudi  
(V), Anaparthi (M), East Godavari Dt.
3. The Asst. Accounts Officer, ERO, APEPDCL, Ramachandrapuram, East  
Godavari Dt.
4. The Asst. Divisional Engineer, Operation, APEPDCL, Anaparthi, East  
Godavari Dt.
5. The Divisional Engineer, Operation, APEPDCL, Near Rajgopal Theater  
Centre, Ramachandrapuram, East Godavari Dt.

**Copy to:**

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