



**BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh & Telangana**

:: Present ::

C. Ramakrishna

Date: 21-08-2014

Appeal No. 59 of 2013

Between

Sri. K. Venkatesh, S/o K. Veeranna, Timmanacherla, Guntakallu

... Appellant

And

1. The ADE/Operation/APSPDCL/Guntakallu, Anantapur Dt.
2. The DE/Operation/APSPDCL/Gooty, Anantapur Dt.
3. The SE/Operation/APSPDCL/Anantapur

... Respondents

The above appeal filed on 01-05-2013 has come up for final hearing before the Vidyut Ombudsman on 14-08-2014 at Anantapur. 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 his supply was disconnected illegally by the lineman of the section concerned and that

the DISCOM has failed to protect him from the depredations of the lineman and also failed to compensate him for the crop loss suffered by him.

3. The appellant stated in his appeal that he had complained about the crop loss suffered by him due to the intransigent behaviour of the lineman Sri. Devendrappa and the callous attitude of his higher authorities in disciplining him; that on his approaching the CGRF, the CGRF had ordered immediate release of supply and also initiation of action against the lineman within 10 days (from 04-02-2013); that in spite of the CGRF's orders, the respondent ADE and the DE did not act and this has resulted in a loss of Rs. 60,000/- on his agricultural operations; that though the respondent ADE and DE had to relent and release supply at the intervention of the Mandal Legal Services authority, he had suffered serious crop loss by that time; and that therefore he needs to be paid a compensation of Rs. 60,000/- for the crop loss suffered by him in addition to initiating strong action against the lineman Sri. Devendrappa. He enclosed copies of the complaints dtd: 05-12-2012 and 24-01-2013 made by him to the SE, Operations, Anantapur along with a few photographs. His contention was that the photographs buttressing his arguments that the said lineman had disconnected the power supply to his service connection; that the said disconnection resulted in his not being able to pump the water from the well, as the full water level of the well corroborates his argument; that therefore his farm had gone dry. In his complaints to the SE, Operations he had also detailed as to how the lineman Sri. Devendrappa has been giving unauthorized connections to various people and pocketing the money paid by the beneficiaries of such unauthorized connections and also as to how the said lineman had misappropriated the Rs. 2,000/- that was handed over by him towards payment of electricity service

charges relating to his service connection.

4. The respondents were issued a notice for hearing the appeal on 13-06-2014. None of the respondents filed any written submission by that time. During the course of the hearings, it became clear that the respondent DE had already initiated action against the lineman Sri. Devendrappa and also transferred him out to some other subdivision, pending enquiry into his misdeeds. He further reported that a punishment of stoppage of one annual increment has already been imposed on the lineman consequent to his conducting enquiry and seeking explanation from the individual. Subsequent to the hearing, the respondent DE filed a written statement reiterating what has already been stated by him during the course of the hearing on 13-06-2014.

5. During the hearing on 14-08-2014, the respondent ADE filed an incomprehensible report. On enquiry, it became clear that the respondent ADE has not been acting with the kind of alacrity that is required to resolve the grievances of the consumers and also to diligently present his version before forums like the CGRF and the Vidyut Ombudsman.

6. The final hearing was conducted on 14-08-2014. The key point that arises for consideration in this appeal is whether or not the appellant is entitled to compensation of Rs. 60,000/- as sought for by him.

7. On enquiry during the hearings, it is understood that the consumer appellant's power supply had been disconnected about a month prior to 05-12-2012. The running from pillar to post by the appellant ever since had

ultimately resulted in his getting power supply by 23-02-2013. There is no dispute that the consumer appellant had been denied power supply during this period. The appellant claims that because of the disconnection during the above period, he suffered crop loss and that he should be compensated to an extent of Rs. 60,000/-. The appellant admittedly has taken about 4 acres on lease. He was not able to produce any recorded evidence about the same. In spite of having a reasonable opportunity of mustering further evidence in support of his crop loss claim, the appellant could not produce any further evidence. While it is clear that the behaviour of the lineman in question has been certainly reprehensible, based on the material evidence that is placed before this authority, it cannot be conclusively proven that the said disconnection has resulted in loss of crop for the appellant and that the said loss is to an extent of Rs. 60,000/-. In view of this, ordering compensation as sought for by the appellant is not possible. However, as the disconnection of supply is not being disputed by the respondents, the appellant is eligible for compensation in accordance with the Standards of Performance regulation.

8. Taking the appellant's version as correct, it is deemed that the appellant had been denied power supply from 05-11-2012. From that day till 23-02-2013 when the power supply was ultimately restored to the appellant, the appellant is entitled for compensation @ Rs. 50 per day.

9. Therefore, it is hereby ordered that:

- the appellant shall be paid an amount of Rs. 5,500/- by the DISCOM towards compensation for disconnection of supply;
- as the service of the appellant is an agricultural connection which does not attract substantial CC charges, the compensation ordered for shall

be paid in cash to the appellant, duly adjusting arrears outstanding against his name, if any;

- as this disconnection resulted out of the misbehaviour of the lineman concerned, the DISCOM is directed to recover the same from the lineman concerned i.e., Sri. Devendrappa.

10. This order is corrected and signed on this 21st day of August, 2014.

VIDYUT OMBUDSMAN

To

1. Sri. K. Venkatesh, S/o K. Veeranna, H. No. 13/243, Rayappathota, Timmanacherla Village, Guntakallu Mandal, Guntakallu, Anantapur Dt.
2. The Assistant Divisional Engineer, Operation, APSPDCL, Guntakallu, Anantapur Dt.
3. The Divisional Engineer, Operation, APSPDCL, Railway Station Road, Gooty, Anantapur Dt.
4. The Superintending Engineer, Operation, APSPDCL, APTRANSCO Office, Engg. College Road, JNTU Road, Anantapur 515 002

Copy to:

5. The Chairman, C.G.R.F., APSPDCL, 19/13/65/A, Sreenivasapuram, Near 132 kV Substation, Tiruchanoor Road, Tirupati - 517 503
6. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.

