

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu, Director (Law) and
Vidyut Ombudsman**

Dated: 26-02-2010

Appeal No. 26 of 2008

Between

Palakurthi. Aruna
C/o. Vamsi Subbarayan
D. No. 4-48-1/3, P & T Colony,
Tadepalligudem,
W.G. Dist – 534 101.

... Appellant

And

1. The Assistant Engineer/Operation/APEPDCL/ Chebrolu / WG Dist
2. The Asst. Divisional Engineer / Operation / Rural / APEPDCL /
Tadepalligudem
3. The Asst. Accounts Officer / ERO / APEPDCL / Tadepalligudem
4. Divisional Electrical Engineer / Operation / APEPDCL / Tadepalligudem

... Respondents

The appeal / representation dated 17.11. 2008 received on 26.11.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 03.02.2010 in the presence of Smt.P.Aruna, her husband and Sri K.Prabhakar Rao for appellant and Sri. R.Bheemeswara Rao AAE/Op/Chebrolu present on behalf of respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

Aggrieved by the order passed by the Forum in C.G. No.281 / 2008 of W.G.Dist dated 12.11.2008, the appellant herein preferred this appeal dated 17.11. 2008 received on 26.11.2008.

2. The appellant has submitted an application before the Forum on 25.10.2008 praying for reimbursement of Development Charges.

3. The finding of the Forum is actually the charges collected from the consumer towards SLC and development charges for extension of supply to 15 HP agricultural load under "Metered Tariff Category" on out of turn priority. These charges are to be paid by the consumers as demanded by the respondents, since they are being collected from the consumers as per the practices in vogue. Hence, the question of refund of development may not arise.

4. Now the point for consideration is, whether the impugned order is liable to be set aside? If so, on what grounds?

5. The appellant is represented by Sri K.Prabhakar Rao. The appellant and her husband have submitted that all the consumers who paid development charges and who have approached the Forum received the amounts as per the orders of the Forum or from Appellate Authority. They have also filed the order copies of appeals 6/06, 22/07, orders in CG No. 176/06, 89/07, 90/07 in support of their contention.

6. The respondent represented by Sri R.Bheemeswara Rao, AAE/Op/Chebrolu stated that they have not paid bills on the ground that the same will be waived by the government to all the agriculture community and an amount of Rs.4000/-is liable to be paid and the said amount may be adjusted even if the development charges are ordered for refund.

7. As per the clarification on 28.10.2006, the amount is liable to be refunded. The orders of this authority as well as the Forum are sufficient to establish that the appellant is entitled for refund of the amount. While ordering refund of the amount the point raised by the department may be taken into account by ordering detention of the amount to the extent of liability.

8. In the result, the appeal is allowed and the respondents are directed to refund the balance amount within 15 days retaining the dues payable to the

department and the said amount may be refunded to the party soon after issue of G.O. by the government waiving the payment of bills on the ground of giving free power.

This order is corrected and signed on this day of 26th February, 2010

VIDYUT OMBUDSMAN