BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 17 -04-2010

Appeal 27 of 2008

Between

Surampalli. Satyanarayana Murthy,
Advocate Ex.President Bar Association,
6-3-17, Allaka Street,
Vizianagaram – 535001. ***… Appellant***

And

1. The Assistant Engineer/Operation/APEPDCL/ D 1 / Vizianagaram
2. The Asst. Divisional Engineer / Distribution / APEPDCL / Vizianagaram
3. The Asst. Accounts Officer / ERO / APEPDCL / Vizianagaram
4. Divisional Electrical Engineer / Operation / APEPDCL / Vizianagaram

… Respondents

The appeal / representation dated 27.11. 2008 received on 05.12.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 06.04.2010 at Visakhapatnam, the appellant died and no representative on behalf of the appellant and Sri K.Gopal Rao Naidu, ADE/Dist/Vizianagaram (Town) present for respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a petition before the Forum complaining that inspite of due arrears paid , the meter has not been removed from his premises which is in a dilapidated condition and finally prayed for no due certificate duly removing the meter.

2. The AE/Operation/D1/Vizianagaram submitted written submissions stating that he ordered for reconnection to the SC No.1836, Vizianagaram on the request of consumer. For the check reading as per the representation of the consumer a notice was served on the consumer for Rs.9813/-. The consumer has changed his representation and requested for removal of meter from his premises. The premises was inspected and bill reading was taken by the respondents and found it was bill stopped status.

3. After hearing both sides, the Forum ordered that the arrears are to be paid as instructed by the 3rd respondent, since the appellant himself requested for restoration of supply against the original request of removal of meter. Irrespective of request either it may be reconnection or termination of the agreement, the arrears pending against the account of service is to be cleared.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the relevant rule position for collection of anticipatory MM charges together with the surcharge on payment of arrears are neither detailed nor mentioned in the order. When the service lines were very well removed in the month of April 2002 without removing the defective meter hanging on the dilapidated wall thus terminating the contractual obligations of both the parties, the reasons are best known to the in the findings, 2nd of the findings of the Chairman of the Consumer Grievance Redressal Forum about the request of restoration of supply is false malafied and far from truth and natural justice and the appeal is to be allowed by setting aside the impugned order.

5. The letter dated 22.10.2008 demanding of Rs.9813/-for no due certificate is not communicated to him. When notice is ordered twice no representation has been made but ultimately the letter addressed by this authority is returned with an endorsement dt.27.03.2010 that the appellant is expired.

6. The respondents are represented by Sri K.Gopal Rao Naidu, ADE/Dist/VZM(T) and stated that the appellant is no more and there is nothing to say about the matter.

7. Now, the point for consideration is, “whether the impugned order dt.07.11.2008, is liable to be set aside? If so, on what grounds?”

8. No steps are being taken by the appellant or his legal representatives to represent his case. The appellant who approached the Forum has to be represented through his legal representatives and no duty is cast upon the respondents to ascertain the legal representatives of the appellant in the case of civil law. It is for the legal representatives to pursue the matter, if they are aggrieved by the orders of the Forum. As no representation is made, the appeal filed by the appellant is liable to be dismissed, as abated.

9. In the result, the appeal is dismissed as abated.

This order is corrected and signed on this day of 17th April 2010

VIDYUT OMBUDSMAN