

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 28-04-2010

Appeal No. 29 of 2009

Between

Sri. P. Kameswarachari,
House No. 19-2-1 / 416
Quarter No. G-8, H Block
Vambay, Journalist Colony Allotted by Government
Ademmadibba Area, Rajahmundry

... Appellant

And

Asst. Engineer / Operation / APEPDCL / D-4 / Rajahmundry
Asst. Divisional Engineer / Operation / APEPDCL / Town / Rajahmundry
Asst. Accounts Officer / ERO / APEPDCL / Town / Rajahmundry
Divisional Electrical Engineer / Operation / APEPDCL / Rajahmundry

....Respondents

The appeal / representation received on 10.06.2009 of the appellant has come up for final hearing before the Vidyut Ombudsman on 07.04.2010 at Kakinada. There is no representation on behalf of the appellant. Sri K.Ratnala Rao, ADE/Op/Town1/RJY, Sri Sd.Medharsla AE/D2/i/c/D4, Sri P.Satyanarayana, AAO/ERO/T/RJY and Ms.Y.Krianmayi JAO/ERO/T/RJY present for respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a complaint before the Forum claiming that he is a registered consumer and received a demand notice for the month of 10/08 for an

amount of Rs.2650/-. Though his consumption was ranging around 50 units for the last one year and the bill was around Rs.35/-only. Due to non-payment, the supply was disconnected and requested for justice.

2. The AAO submitted his counter, stating that the service was released with a load of 240W in B1 sub-group with security deposit of Rs.100/- under category-I on 08.06.2007. The petitioner paid CC bills till October. In the month of October the consumption was 706 units and a notice was served on him to pay Rs.2650/-. Later it was disconnected after 9 months for non-payment. The meter was also removed by placing the same in operated 'D' list. For the month of December, CC bill was issued for Rs.178/-.

3. The respondent No.4 also submitted his counter reiterating the same grounds. When the counter was served on the petitioner he filed a rejoinder narrating the same grounds mentioned in the complaint filed by him. He has also further mentioned in the rejoinder, that the AE removed the meter as it was fixed to the outer wall of the house. The complainant was in the city leaving premises by 9.00 AM and reaching the house at 11.00PM and that meter reading was not correct and the same has to be rectified by waiving the said amount.

4. After hearing both the sides and after considering the material placed before the Forum, the Forum ordered the complainant to pay the dues of the licensees without fail and he may be advised to apply afresh for a same connection duly observing the departmental formalities in vogue.

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the Chairperson of the Forum and other members did not visit the disputed supply connection and find out facts of the case and stated its verdict on the basis of written submissions without examining the ground realities of the case. The meter was also removed without his notice by making false signatures of the neighbours just to manipulate the case. The respondent

gave false evidence to the effect that no written complaint was given by appellant though a written complaint was submitted on 28.08.2008. Now, he is prepared to pay Rs.50/- towards challenging fee and meter may be checked to prove the guilt and the impugned order is liable to be set aside.

6. Now, the point for consideration is, “whether the impugned order, dated 07.05.2009, is liable to be set aside? If so, on what grounds?”

7. The appellant failed to attend before this authority while holding camp at Kakinada on 07.04.2010. Sri K.Ratnala Rao, ADE/O/T1/RJY, Sd.Medhaslal, AE/D2(i/c)/D4/RJY, Smt P.Satyanarayanamma, AAO/ERO/T/RJY and Ms.Y.Kiranmayi, JAO/ERO/T/RJY appeared on behalf of the respondents and submitted the same facts mentioned in the counter filed by the respondents.

8. A notice was also issued to the complainant to send his written arguments if any, but inspite of that, no representation is sent even after acknowledging the notice sent by this authority.

9. It is a ground reality that the complainant has been paying Rs.50/- every month or even less towards consumption charges but all of a sudden, it has reached to Rs.2650/- for the units of 706. At any rate, this authority is not in a position to assail the impugned order, as there is no material to reject the same. Though, it is 240watts, no material is placed to the effect that the meter cannot run for 706 units once in two months. The very ground in the appeal and the grounds mentioned in the counter, it is clearly mentioned that he is a very poor man and unable to pay the amount and he has suffered a lot due to disconnection made by the respondents. Though there are no grounds to interfere with the impugned order, but on sympathetic grounds, it is necessary to pass a direction to the respondents, that they may waive the amount and may restore the connection by collecting nominal charges from the complainant.

10. In the result, the appeal is dismissed and the respondents may consider his case sympathetically in waiving the amount and may restore the connection by collecting nominal charges. No order as to costs.

This order is corrected and signed on this day of 28th April 2010

VIDYUT OMBUDSMAN