

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 19 -04-2010

Appeal 36 of 2009

Between

Sri Velicheti Suryakantham
W/o.late Narayana Murthy,
D.No.12-7,
Achanta village & mandalam,
W.G.Dist

... Appellant

And

The APEPDCL
Rep. By its Managing Director, Visakhapatnam.
The Superintending Engineer / APEPDCL / Eluru
The Addl. Assistant Engineer / Opt / APEPDCL / Achanta
The Asst. Accounts Officer / Opt / APEPDCL / Palakol

....Respondents

The appeal / representation dt.28.09.2009 received on 03.10.2009 of the appellant has come up for final hearing before the Vidyut Ombudsman on 07.04.2010 at Kakinada, in the presence of Sri N.D.A.V.Prasad, Advocate for appellant present and Sri G.Tirumala Rao, ADE/O/Penugonda and Sri B.V.R.Murthy, AE/O/Achanta 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 her agricultural service has not been changed from paid category to free category

inspite of production of suitable documentary evidences to the respondent No.1 and requested the Forum for withdrawal of demand notice served on her for payment of Rs.7145.30ps towards CC charges against her service 2. Payment of Rs.10000/- towards loss and damage per month.3. Payment of Rs.10000/- towards mental agony and 4. To implement the orders of the Government for supply of power at free of cost to her SC No.195.

2. The respondent No.2 filed his counter to the effect that the appellant has an agricultural service connection no. 195, Cat-V (presently paying category) at Koderu of Achanta Section pertains to operation Sub-Division, Palakol. As per the Government policy, the SC no.195 was put into paying category duly following departmental procedures as she is having more than 2.5acres of wet land. When he submitted a representation in the programme "SPANDANA" she was asked to produce a certificate issued by MRO. She produced a certificate issued by MRO to the effect that she was having 3 acres of Lanka Land at Koderu. The Superintending Engineer after scrutiny of the documents declared that she was not eligible for conversion into free category as the extent of land is 3 acres at wet land area.

3. After hearing both sides and after considering the material placed before the Forum, the Forum directed the respondents to examine the case of the appellant soon after receipt of relevant certificates from the competent authority and do the needful to convert her agricultural service from paid category to free category.

4. When the respondents have not converted she filed this appeal questioning the same that she is having 3 acres of dry land and which is well within the scope of free supply and the department has not initiated any action on that aspect; and that she is entitled for a direction to declare her service connection as free service category and for withdrawal of the CC bills issued to her service connection and that she is also entitled for damages, etc.

5. Now, the point for consideration is, “whether the petitioner is entitled to the direction to declare her service connection as free service category as claimed?

6. Sri NDAV Prasad, Advocate for the appellant represented the matter at the time of hearing and Sri G.Tirumala Rao, ADE / Penugonda and Sri BVR Murthy, AE/Achanta represented on behalf of the respondents.

7. She has filed a certificate (true copy) from MRO in which it is clearly mentioned that she is having a Velapu Lanka Dry Land in RS No.122 measuring 3 acres situated at Koderu village. The Land belongs to Dry up land and there is no canal water facility to that land. It is clearly mentioned that it is dry land and there is no canal water facility to the said land. When the revenue record clearly disclosed that she is having 3 acres of dry land, the inaction of the respondents in converting the service connection as free service connection as requested, is nothing but deficiency of service and this authority has to necessarily pass an order directing the respondents to convert service connection of the appellant as free service connection as per the policy of the Government.

8. In the light of the above said discussion, the respondents are directed to convert the service connection of the appellant as free service connection No. 195 at Koderu village and they are also directed to withdraw the CC charges issued in her name as she is entitled for free service connection and she is not entitled for other amounts claimed in the complaint but she is entitled for a sum of Rs.1000/- towards cost of the complaint.

9. The appeal is disposed accordingly with the above said directions. The compliance of the order is to be intimated to this authority within one month from the date of receipt of this order.

This order is corrected and signed on this day of 19th April 2010

VIDYUT OMBUDSMAN