

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 22-01-2011

Appeal No. 57 of 2010

Between
Sri P.Koteswara Rao
D.No.53-18-6/1,
Bhogapouram Mandalam,
Polipalli Gramam, Vizianagaram Dist.

... Appellant

And

1. Asst.Engineer/Operation/ Bhogapuram
- 2 Asst.Divisional Engineer/Operation/ Lines/Vizianagaram
3. Divisional Engineer/Operation/ Vizianagaram

....Respondents

The appeal / representation dt. 18.12.2010 (received on 22.12.2010) of the appellant has come up for final hearing before the Vidyut Ombudsman on 10.01.2011 at Visakhapatnam in the presence of Sri P.Koteswara Rao, appellant present and Sri G.Chiranjeevi Rao, DE/O/Vizianagaram for respondents present 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 stating that the poles and conductor of the electrical line feeding to his agricultural pumpset bearing SC No.264 were dismantled 2 years back and he is incurring loss due to non supply to his pump set to pump water for his coconut and paddy crops and prayed the Forum for restoration of supply to avoid further loss as he is regularly paying CC charges.

2. The respondent No.2 filed his written submissions as hereunder:

“With reference to the above, it is to submit that a complaint made by Sri Pilli Koteswara Rao, Polipalli (V) in Bhogapuram Section regarding extension of supply to AGL Sc.No.264, Polipalli.

An estimate is prepared for extension of supply to AGL Sc.No.264, Polipalli as per your instructions and same was submitted to the higher authorities. After getting sanction of the estimate, work will be taken up and supply will be extended to the above service as early as possible.”

“1No. estimate was already prepared and submitted to higher authorities for E/S to bore well of Sri P.Koteswara Rao of Polipalli (v)in Bhogapuram section. The above estimate was returned with remarks.

After attending the remarks and consolation with provisions officers on 29.09.2010 who worked in line sub division the matter in use settled down.

This is submitted for favour of your kind consideration.”

3. On 23.08.2010, the Forum conducted monthly awareness programme at Vizianagaram circle as usual as per scheduled program, the same complainant / consumer approached again and given his complaint on the same issue. He fed up with AE/Bhogapuram as he visited number of times but no vain and he lost his crop in his 4 acres land.

4. The respondent No.1 has submitted written submission stating that the restoration of power to SC No.264, Polipalli(V) will be completed as per standards of performance and the same issue was also published in Enadu, local edition vizianagaram on 28.09.2010.

5. After hearing both sides and after considering the material placed before the Forum, the Forum directed all the respondents that the power supply should be restored presto against SC No.264 Cat-V in the name of Sri P.Koteswara Rao, Polipalli (V), Bhogapuram. A detailed enquiry should be conducted immediately in this regard by appointing an enquiry officer based on the cogent-evidence mentioned in the complaint / appellant. A compensation on natural justice or at Rs.50 /- per day from the date of removal of supply till restoration of supply

whichever is higher to meet the natural justice shall be liable the licensee subject to an enquiry to be conducted. Disciplinary actions against the then defaulting officers and present respondents should be initiated as well as the penalties @10/- per each day to be levied on the responsible officers from the date of non-supply to till reconnection of supply to SC No.264, Polipalli subject to an enquiry to be conducted.

5. When the order itself is not complied, the appellant has filed this appeal to the effect that the Forum ordered compensation of Rs.50/- from the date of removal of supply till the date of restoration i.e, (2004 to 03.12.2010) and that he has been regularly paying CC charges i.e, 1993 till date without any default. In spite of the direction given by the Forum to restore power supply to the old SC No. 264 due to illegal removal of poles, in the name of the appellant, but the respondents restored power connection with meter as if it is a release of new connection or release of additional load; and that they got fear of converting his service from free category to paid category. The installation of meter for the restored power supply of old SC No.264 is nothing but violation of the direction, as it is not a release of new service, it is nothing but restoration of supply to the old service due to illegal removal of poles. When the respondents insisted to sign on test report, they got fear to sign on the test report in token of restoring normal supply. The attitude of respondents is creating lot of mental agony and got doubt over them that they would create further litigation and he will suffer irreparable loss.

6. Now, the point for consideration is, “whether any direction is to given for execution of the order of the Forum? If so, what directions?”

7. At the time of appeal Sri G.Chiranjeevi Rao, DE/O/Vizianagaram appeared and filed a letter addressing to this authority that the supply was already extended to SC No.264, Cat-V, Polipalli of Sri Pilli Koteswara Rao by erecting DTR and other line infrastructure. The above service is kept under free category and same will be continued in future. The appellant appeared before this authority on the date of hearing and submitted that the attitude of respondents is highly condemnable as

they have not implemented the order inspite of the directions given by the Forum and he may apprehend any danger at the hands of the respondents. The very letter given by the respondent i.e, DE/O/Vizianagaram clearly shows that the old SC No.264 is restored and it is under free category and he said that the same will be continued in future.

8. So far as the restoration of Service connection is concerned, it is resolved. The other aspect placed before this authority is that apprehension of danger to the appellant is concerned, if the respondents act or entertain any illegal or unauthorized activities causing loss or hardship to the appellant it will be viewed seriously by this authority and the appellant is at liberty to approach this authority at any time if any activities are entertained by the respondents causing loss to the appellant.

9. So far as imposition of the fine is concerned no doubt, the Forum has ordered for natural compensation or Rs.50/- whichever is higher. But the appellant has claimed in his appeal grounds that the amount @50/- per day is not paid to him, so the question of awarding natural compensation does not arise and the same is to be restricted to Rs.50/- per day and when the same is calculated @Rs.50/- per day from 2004 to 2010 it comes to Rs.1,09,500/-. The respondents are directed to pay the same within a month from the date of this order failing which this authority will initiate **contempt proceedings** against the concerned officials for non-compliance of the order. The respondents are also directed to refund the electricity bill amounts paid by him, if any, from the date of disconnection till its restoration.

10. So far as departmental enquiry is concerned, it appears no steps are being entertained by the respondents in appointing an officer to fix up the person who is responsible for the disconnection and non-issuance of supply for a period of six years and the respondents are directed to take immediate steps for appointing an enquiry officer to conduct inquiry and to fix up the responsibility on the erring officials and imposition @Rs.10 per day towards penalty for all these years to be collected

from the salaries of the erring officials who are responsible for the sufferings of the appellant for a period of six years.

11. The respondents are directed to comply the above said directions within 30 days of receipt from the date of this order.

12. This appeal is disposed accordingly. No order as to costs.

This order is corrected and signed on this day of 22nd January 2011

VIDYUT OMBUDSMAN

VIDYUT OMBUDSMAN

4th Floor, Singareni Bhavan, Red Hills, Hyderabad-500 004

From

K.Sanjeevarao Naidu,
Vidyut Ombudsman,
'Singareni Bhavan' 4th Floor,
Red Hills, Lakdikapool, Hyderabad.

To

Sri P.Koteswara Rao
D.No.53-18-6/1,
Bhogapouram Mandalam,
Polipalli Gramam, Vizianagaram Dist.

Lr.No.VO/Appeal No.57/ 2010 dated 24.01.2011

Sir,

Sub: - Appeal No. 57 of 2010 – Appeal filed by Sri P.Koteswara Rao
D.No.53-18-6/1, Bhogapouram Mandalam, Polipalli Gramam,
Vizianagaram Dist.

A copy of the Order passed by Vidyut Ombudsman, on 22.01.2011, in
Appeal No.57 of 2010 is forwarded herewith.

Yours faithfully,

Vidyut Ombudsman

Encl: as above

Copy to:

1. Asst.Engineer/Operation/ Bhogapuram
2. Asst.Divisional Engineer/Operation/ Lines/Vizianagaram
3. Divisional Engineer/Operation/ Vizianagaram
4. The Chairperson, Forum for Redressal of Consumer Grievances of APEPDCL, Visakhapatnam
5. The Chairman & Managing Director, APEPDCL, Visakhapatnam.
- 6.The Secretary, APERC, Hyderabad.
- 7.The JD/IT, APERC – with a request to keep this order in the Commission's Website.