

## **BEFORE THE VIDYUT OMBUDSMAN**

Present

**K.Sanjeeva Rao Naidu**  
**Vidyut Ombudsman**

Dated: 03 -03-2012

**Appeal No. 15 of 2011**

Between

M/s. Bharat Sanchar Nigam Ltd  
(A Government of India Enterprise)  
O/o. General Manager, Telecom District  
Warangal Dist.

**... Appellant**

**And**

1. Assistant Engineer / operation / Rural/Mahabubabad
2. Assistant Engineer / operation / Parkal
3. Assistant Engineer / operation / Jangaon
4. Assistant Engineer / Distribution/ Rural/Warangal
5. Assistant Divisional Engineer / operation / Rural/ Mahabubabad
6. Assistant Divisional Engineer / operation / Parkal
7. Assistant Divisional Engineer / operation / Jangaon
8. Assistant Divisional Engineer / operation / Rural/ Warangal
9. Divisional Engineer / operation / Mahabubabad
10. Divisional Engineer / operation / Construction & Operation /Mulugu
11. Divisional Engineer / operation / Jangaon
12. Divisional Engineer / operation / Construction & Operation/Warangal
13. Senior Accounts Officer / Operation Circle / Warangal
14. Superintending Engineer/ Operation / Warangal.

**....Respondents**

The appeal / representation is filed by the appellant received on 01.04.2011 has come up for final hearing before the Vidyut Ombudsman on 01.03.2012 at Hyderabad. Sri P.Ravindra Reddy, DGM, Sri D.S.K.Singh, DGM(Finance) and Sri M.Venkataiah AGM for the appellant present and Sri E.Srinivasa chary DE/O/Jangaon, SriB.Ravi DE/O/Mahabubabad, Sri B.Samya, DE/C&O/Warangal and Sri B.Bikshapati DE/C&O/Mulugu for respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed the following :

## **AWARD**

The appellant filed a complaint before the consumer redressal grievance forum and he has narrated the grounds of the complaint as follows:

- i. According to our requirement, requested for provision of new service connections to provide our BTS Towers were made to the APNPDCL authorities in Warangal-Dist., at various occasions.
- ii. Demand notes were issued by the concerned APNPDCL Authorities which were paid by BSNL in the form of Demand Drafts for expeditious new service connections at various places.
- iii. Some places have been provided with new service connections by APNPDCL after payment of the demand notes issued 27 places are yet to receive new service connections for which BSNL has already paid demand notes.
- iv. Several times BSNL requested the APNPDCL officers concerned to furnish the details on how the demand note amount has been arrived. But they could not get the details about methodology and tariff they have followed in computing the demand note amount.
- v. In 45 new service connections details of which are furnished in the Annexures, they have compared paid amounts with the calculations made by them based on the tariff available on departmental website.
- vi. A copy of the tariff schedule taken from departmental website is enclosed.
- vii. The calculations are as furnished in Annexure I to IV. The total excess paid amount is worked out to be Rs. 17,04,666/- based on the tariff. Telecom division wise excess payments are as follows :-

Sl. No.	Division	No. of New Service Connections	Amount paid excluding security deposit	Payable by BSNL as per tariff	Difference refundable to BSNL
1	Mahabubabad	5	780687	366871	413816
2	Parkal	14	839420	490511	388909
3	Jangoan	20	1830296	1035786	794510
4	Warangal Rural	6	571121	423690	147431
<b>TOTAL</b>		<b>45</b>	<b>4021524</b>	<b>2316858</b>	<b>1704666</b>

- viii. The APNPDCL has collected amounts for new service connections without following the tariff prescribed for the purpose.
- ix. In this process they were made make payment of Rs. 17,04,666/- over and above the amount as per tariff, to the APNPDCL.

- x. Therefore they are requested to arrange refund of Rs. 17,04,666/- immediately and to take necessary action to issue demand notes based on the tariff applicable for the purpose whenever they are requested to replace for new service connection in future.
- xi. It is also observed that the security deposit collected for providing new service connections are not according to the tariff prescribed. This may also kindly be examined to enable them to avoid payment of unnecessary amounts towards security deposit.

2. As a sequel to the above complaint, the Assistant Divisional Engineer/ Operation/Town/Mahabubabad, Assistant Divisional Engineer/Operation/Parkal, Assistant Divisional Engineer/Operation/Jangoan, Assistant Divisional Engineer/ Operation/Rural/Warangal, Divisional Engineer/Operation/Mahabubabad, Divisional Engineer/Construction & Operation / Mulugu, Divisional Engineer / Operation / Jangoan, Divisional Engineer/Construction & Operation/ Warangal and Senior Accounts Officer/Operation Circle/Warangal, were directed to file their written submissions vide notice dated. 11.08.2010.

The Superintending Engineer/Operation/Warangal in his filings received on 08-09-2010, stated the grounds mentioned as hereunder:

- a. The following Four Number sanctioned estimate copies are as follows :-

Sl. No.	Name of the work	Sanction No.
1	E/s. to 01 Number NDS load of 8 KW to M/s. Bharat Sanchar Nigam Limited by erecting 3 X 15 LVA Single Phase DTR at Bollikunta-Village, Sangam –Mandal in Sangem –Section of Wardhannapet Sub-division.	SDR-66/09-10, Dt. 27.08.09
2.	E/s. to 01 Number NDS Load of 4.5 KW to Sub-divisional Engineer, BSNL, Wardhannapet at Muripirala-Village of Rayaparthi-Mandal in Mylaram Section to Wardhannapet Sub-division	SDR-74/09-10, Dt. 09.09.09
3.	E/s. 01 Number NDS load of 15 KW to M/s. Bharat Sanchar Mission Limited at Yelukurthy- Village, Geesugonda-Mandal, in Machapur-Section of Rural-Warangal Sub-division.	SDR-80/09-10, Dt. 19.09.09

4.	E/s. to 01 Number NDS Load of 4.5. KW to M/s. JTO BSNL at Dammannapet-Village, in Wardhannapet Section of Wardhannapet Sub-division.	SDR-84/09-10, Dt. 23.09.09.
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The Assistant Divisional Engineer/Operation/Jangoan, in his filings received on 08-09-2010, stated the following :-

1. it is to submit that based on the 'A' form and consent of BSNL authorities, the proposals for extension of supply to BSNL estimates were prepared and got sanctioned.
2. Presently, BSNL authorities were requested to the Chairman & Managing Director/NPDCL/Warangal stating that they have paid excess amounts for release of supply to their Cell Towers.
3. The cost of the work was arrived from the service line charge shown in the Website of APNPDCL as follows :-

SLC	As per Web Site	As Per Cost Data	Balance
LT-I-Phase 2 W/L	Rs. 80,900/KM	Rs. 1,00,900/KM	Rs. 20,000/KM
LT-3-Phase 4 W/L	Rs. 99,300/KM	Rs. 1,58,700/KM	Rs. 59,400/KM

4. the work wise details are as follows :-

**i. Peddapahad BSNL Tower :-**

The estimate was sanctioned vide SDR-42/2009-10. In this work it is erected 0.24 KM, 6.3 KV line with Four Poles. But BSNL Authorities considered only 0.18 KM (Three Poles only).

**ii. Lingala Ghanpur BSNL Tower :-**

The estimate was sanctioned vide SDR-125/09-10. It is proposed to erect 0.6 Km, 11 KV line and One Number Three Phase, 25 KVA DTR. All the material were drawn and handed over to contractor to erect the line. Mean while to meet the temporary needs, supply was extended through near by LT over head lines as per the request of BSNL authorities. However, work will be complicated duly erecting 11 KV line and 25 KVA DTR. Hence emergency basis supply was released from existing lines.

**iii. Kundaram BSNL Tower :-**

The estimate as sanction vide SDR-42/2009-10. The estimate was prepared with Three Number Single Phase DTR's as per the request of BSNL authorities. To maintain Three Phase and One Phase supplies on rural feeders as per the request of BSNL authorities to maintain Three Phase and One Phase supply on rural feeder as per schedule DTR's. "In this work it is erected 3 No. 15 KVA One Phase DTR but they considered only One number DTR".

**iv. Kanchanpally BSNL Tower :-**

The estimate was sanctioned vide SDR-103/2009-10. This work was completed with 0.065 Km 6.3 line & One Number, One Phase 15 KVA DTR.

**v. Chinnamadur BSNL Tower :-**

The estimate was sanctioned vide SDR-96/2009-10. The work was completed with 0.6 Km 11 KV line with 10 poles (PSCC) and 3x15 KVA One Phase DTRs. But they took only 0.06 Km LT line and One DTR only.

**vi. Madhapuram BSNL Tower :-**

The estimate was sanctioned vide SDR-102/09-10. The work was completed with 0.18 Km 11 KV line with 3x15 KVA One Phase DTRs. But BSNL authorities considered only 0.06 KM LT line and One DTR only.

**vii. Erragollapahad BSNL Tower :-**

The estimate was sanctioned vide SDR-72/09. The work is completed as per sanction and service is released.

**viii. Pembarthy BSNL Tower :-**

The estimate was sanctioned vide SDR 43/2009-10. The work is completed as per sanction and service is released.

**5. From the about it is observed following differences :-**

1. Development charges are not taken into consideration.
2. In most cases 11 KV or 6.3 KV lines were erected but contrary they took cost of the LT Lines.

3. They have considered only cost of DTR while arriving cost of work. Whereas the cost of connected material like AB switch, HG fuse set etc., are also to be taken into account.
4. Initially as per the 'A' form estimates were prepared with Three Phase DTR's. But the supply on rural feeders were exists Seven Hours only. Later BSNL authorities were requested to provide more number of hours supply from the existing system. Hence the estimates were prepared and got sanctioned with Three Numbers One Phase DTR's, atleast to assure Seven Hours Three Phase and Nine Hours One Phase supply.
6. Hence from the above it is understood that BSNL authorities were filed a petition/representation with misunderstanding and wrong interpretation without going into technical details and field conditions.

The Divisional Engineer/Operation/Jangoan, in his filings received on 08-09-2010, stated the following :-

1. that based on the 'A' form & consent of BSNL authorities the proposals for extension of supply to 18 Nos. BSNL towers (BTS) estimates were prepared and got sanctioned.
2. the demand noted were issued to concerned authorities as per sanctions.
3. presently, BSNL authorities were represented to the Chairman & Managing Director/NPDCL/Warangal stating that they have paid excess amounts for release supply to their cell towers.
4. the cost of the work was arrived from the services line charges shown in the website of APNPDCL as follows :-

SLC	As per Web Site	As Per Cost Data	Balance
LT-I-Phase 2 W/L	Rs. 80,900/KM	Rs. 1,00,900/KM	Rs. 20,000/KM
LT-3-Phase 4 W/L	Rs. 99,300/KM	Rs. 1,58,700/KM	Rs. 59,400/KM

5. the work wise details are as follows :-

**a. Pochannapeta BSNL Tower :-**

The estimate was sanctioned vide SDR-84/2009-10. The BSNL authorities were arrived the cost by considering of 0.13 KM (2 No. Poles) LT Single Phase Two Wire Line. Actually the work was completed with 0.52 KM of

HT/LT line and 0.13 KM of new 6.3 KV line as per the sanction. “ But the BSNL authorities were not at all considered the 0.52 KM of IIT/LT line while arriving the cost”.

**b. Peddapahad BSNL Tower :-**

The estimate was sanctioned vide SDR-42/2009-10 this work, it is erected 0.24 KM, 6.3 KV line with Four Poles. “But BSNL authorities considered only 0.18KM (3 Poles) only”.

**c. Veldana BSNL Tower :-**

The estimate was sanctioned vide SDR No. 22/2009-10. In this estimate it is proposed to erect the 0.66 KM, 6.3 KV line with Eight Number Poles as per the interest of BSNL authorities and the work was completed. “ But BSNL authorities consider only 0.13 KM (2 Poles) instead of 0.66 Km of 6.3 KV line”.

**d. 4.B.G. Nagaram BSNL Tower :-**

The estimate was sanctioned vide SDR-75/2009-10. The work was completed with 0.5. Km, 6.3 KV line with Five Poles. “But BSNL authorities considered only 0.3 KM line only”.

**e. Tharigoppula BSNL Tower :-**

The estimate was sanctioned vide SDR-76/2009-10. Actually the work will be complete with 0.065 span of 6.3. KV. But the G.P. abstract to erect the line in that way. Thus the estimate prepared and sanctioned with 0.3 KM, 6.3 KV line and another way as per the interest of BSNL representatives. While executing the work objections were raised by the Villagers. Finally Assistant Engineer/ Operation/ Narmetta convinced the G.P. people and executed the work with one span and extended the supply to BSNL Tower. “But BSNL authorities considered 0.065 Km LT line instead of total estimate line of 0.3 Km 6.3 KV line”.

**f. Lingala Ghanpur BSNL Tower :-**

The estimate was sanctioned vide SDR-125/09-10. It is proposed to erect 0.6 Km, 11 KV line and One Number Three Phase, 25 KVA DTR. All the material were drawn and handed over to contractor to erect the line. Mean while to meet the temporary needs, supply was extended through near by LT over head lines as per the request of BSNL authorities. However, work will be complicated duly erecting 11 KV line and 25 KVA DTR. Hence emergency basis supply was released from existing lines.

**g. Mylaram BSNL Tower :-**

The estimate as sanction vide SDR-42/2009-10. The date was prepared with Three Number Single Phase DTR's as per the request of BSNL authorities. To maintain Three Phase and One Phase supplies on rural feeders as per schedule DTR's. "In this work it is erected 3 No. 15 KVA One Phase DTR but they considered only One number DTR".

**h. Nagapuri BSNL Tower :-**

The estimate was sanctioned vide SDR-61/2009-10. In this work 0.18 Km 6.3 KV HT/LT line erected but they considered only LT line.

**i. Mustyal BSNL Tower :-**

The estimate was sanction vide SDR-106/2009-10. The work has completed with 0.06 Km 6.3 KV line and One Phase DTR. Contrary they took only LT line.

**j. Dhoolmitta BSNL Tower :-**

The estimate was sanctioned vide SDR-89/09-10. This work was completed with 0.065 Km 6.3. KV line One phase DTR.

**k. Gudur BSNL Tower :-**

The estimate was sanction vide SDR-34/2009-10.

**l. Kanchanpally BSNL Tower :-**

The estimate was sanctioned vide SDR-103/2009-10. This work was completed with 0.065 Km 6.3 line & One Number, One Phase 15 KVA DTR.

**m. Akunoor BSNL Tower :-**

The estimate was sanctioned vide SDR-105/2009-10. The work was completed with 0.13 KV 6.3. KV Line and One Number, One Phase 15 KVA DTR.

**n. Chinnamadur BSNL Tower :-**

The estimate was sanctioned vide SDR-96/2009-10. The work was completed with 0.6 Km 11 KV line with 10 poles and 3x15 KVA One Phase DTRs. But they took only 0.06 Km LT line and One DTR only.

**o. Madhapuram BSNL Tower :-**

The estimate was sanctioned vide SDR-102/09-10. The work was completed with 0.18 Km 11 KV line with 3x15 KVA One Phase DTRs. But BSNL authorities considered only



0.06 KM LT line and One DTR only.

**p. Yerragollapahad BSNL Tower :-**

The estimate was sanctioned vide SDR-72/09.

**q. Kadavegu BSNL Tower :-**

The estimate was sanctioned vide SDR 21/09-10.

**r. Pembarthy BSNL Tower :-**

The estimate was sanctioned vide SDR 43/2009-10.

**s. Mondari BSNL Tower :-**

Not pertain to Jangaon Division.

**t. Lakshmakkapali BSNL Tower :-**

Not pertain to Jangaon Division.

**6. From the about it is observed following differences :-**

- a.** In no case Single Phase, 2 W/L are erected but they took it for some cases for arriving cost of work.
- b.** Development charges are not taken into consideration.
- c.** In most cases 11 KV or 6.3 KV lines were erected but contrary they took cost of the LT Lines.
- d.** Initially as per the 'A' form estimates were prepared with Three Phase DTR's. But the supply on rural feeders were exists Seven Hours only. Later BSNL authorities were requested to provide more number of hours supply from the existing system. Hence the estimates were prepared and got sanctioned with Three Numbers One Phase DTR's, atleast to assure Seven Hours Three Phase and Nine Hours One Phase supply. But at present they converted the electrical wiring and equipment to One Phase system and demanding only Single Phase system for completed work also which con is not possible.
- e.** Exact cost of SLC depends on actual field conditions hence, the charges shown in the Website cannot be taken into.
- f.** They have considered only cost of DTR while arriving cost of work. Whereas the cost of connected material like AB switch, HG fuse set etc., are also to be taken into account.
- g.** Combination of works done in some cases. (i.e. linked lines for extending supply to two or more services). But they consider exclusive tapping line for their services.

h. They have not considered HT/LT lines.

i. The cost of estimate depends on length of line and material used, contrary they took number of poles in some cases and length of line in some cases which is not correct.

7. Hence from the above it is understood that BSNL authorities were filed a petition/representation with misunderstanding and wrong interpretation without going into technical details and field conditions.

The Divisional Engineer/Construction & Operation/Warangal in his filings received on 21-09-2010, stated the following :-

**i. Para Wise Remarks for Coloumns (K) & (L) :-**

a) The BSNL authorities taken SLC charges for erection of LT Single Phase and LT 3 Phase lines with a span of 65 meters at the rate of Rs. 80.90/m and Rs. 99.33/m respectively.

b) But actually they are prepared estimates for erection of 6.3 KV & 11 KV Lines with a span of 60 meters at the rate of Rs. 75.80/m & Rs. 163.90/m respectively as per the Cost Data of 2007-08 of APNPDCL.

**ii. Para Wise remarks for Columns (M) & (N) :-**

a) The BSNL authorities taken in the Columns (M) & (N) Distribution Transformers cost only. But actually the DTR erection involves the constructions of DTR plinth, erection of AB Switch, 11 KV fuse set & LT HG fuse set. Therefore the amounts in the Columns (M) & (N) are not correct.

b) Hence the difference cost claimed by the BSNL authorities does not arise.

The Divisional Engineer/Construction & Operation/Mulugu, in his filings received on 21-09-2010, stated the following :-

a. The SLC, Development charges and security deposit charges charged to various sites of BSNL in Construction & Operation/ Mulugu Division estimates are prepared and sanctioned based on the cost data 20-07-2008 of APNPDCLtd.

The respondents have furnished the following information during the hearing conducted based on which they have prepared the estimates for giving new service

connections (45) numbers to the BSNL authorities.

1. Whenever involvement of Single Phase and Three Phase DTR occurred, the line cost is to be taken 11 KV (or) 6.3. KV cost data.
2. The 3% storage and handling, 3% Contingencies on material and 10% establishment and general, the cost is to be taken in variably for all Single Phase and Three Phase LT/HT line portion.
3. For DTR cost, the accessories like AB switch, HG fuse set, LT Fuse set earthing etc cost is to be taken into account.
4. It is decided to supply the detailed estimation copies the BSNL authorities can take from respective division offices.
5. It is decided to explain and clarify to procedure involved in preparation of estimation against case to case if any doubt.
6. The material available at ground are to with the quantity of material shown in estimation.

After giving the above information the complainant has requested to explain the method of calculations for single phase and three phase as per cost data.

Accordingly, the Divisional Engineer/Construction & Operation/Mulugu has explained as follows :-

1. Cost of SLC, development charges of security deposit charged for Three Phase power supply extended to M/s. BSNL, Garlaveedu, Bhoopalpally Section is explained below.

a. SLC –	0.12 x 12540/-	=	15,049-00	Material
	0.12 x 18,811/-	=	<u>2,257-00</u>	Labour
			<b><u>17,306-00</u></b>	
	3% Storage & Handling charges		451-	
	00 on material			
	3% Contingencies on material		451-00	
	10% Estt. & General charges		<u>1505-</u>	
	<u>00</u> of material.			
			<b><u>19,713-00</u></b>	

**b. Development Charges :-**

Cost of 25 KVA DTR	=	53,000-00
DTR Plinth	=	2,500-00
11 KV HG Fuse Set	=	4,000-00

LT HG Fuse Set	=	2,500-00
Earthing	=	2,355-00
11 KV AB Switch	=	<u>8,000-00</u>
		<b><u>72,455-00</u></b>

**c. Security Deposit :-**

$$5 \text{ KW} \times 1200/- = 6000/-$$

The Divisional Engineer/Construction & Operation/Warangal and Additional Assistant Engineer/Commercial/C&O/Warangal have explained as follows :-

1. As per the request of BSNL authorities, he has explained the estimations for 6.3. KV Line and 11KV Line.

- a. BSNL Cell Tower at Dhammapet for 1 X 15 KVA DTR. b. BSNL Cell Tower at Elukuthy for 3 X 15 KVA DTR.

The Assistant Divisional Engineer/Operation/Town/Mahabubabad, have explained as follows :-

- a. The SLC, Development charges and security deposit charges charged to various sites of BSNL in Operation/Town/Mahabubabad Divisions are estimates are prepared and sanctioned based on the cost data 20-07-2008 of APNPDCLtd duly enclosing the same.

After explaining the methodology for calculation as desired by the complainant the complainant has made certain remarks stating that :-

1. From here onwards for issuing demand notes for providing power supply requesting kindly arrange to supply detailed estimate sanctioned copies please.
2. Regarding departmental sanctioned copies they will verify physically and submit the reports within 15 days.

The DGM (U & P) BSNL, O/o. GMTD, Warangal has addressed a letter to the Forum vide Letter dated. 30.09.2010 requesting for supply of detailed sanctioned estimate copies for provision of power supply to new cell sites and actually used material stating as following after conducting of hearing in this case :-

1. The meeting held on 27.09.10 with all the Divisional Engineers Operation, APNPDCLtd., in the Chamber of Chairman/CGRF/ NPDCL/Warangal, in the meeting some deviations are identified between BSNL and APNPDCL in the calculation of SLC charges, development charges and security deposit.
2. Accordingly, they had requested to supply the detailed estimation copies and material used in providing power supply to new cell sites each BSNL division wise for checking of calculations. In which only some of the copies supplied in the meeting.
3. Therefore it is requested to supply the sanctioned detailed estimate copies for remaining stations furnished below within three days for enabling BSNL to appear before the Chairman Consumer Grievances Redressal Forum.

<b>BSNL Division</b>	<b>D/N Disputed Sites</b>	<b>Estimate copies received</b>	<b>Estimate copies not received</b>
Warangal Rural	6	1	5
Jangoan	20	4	16
Parkal	15	7	8
Mahabubabad	5	0	5
<b>Total</b>	<b>46</b>	<b>12</b>	<b>34</b>

4. The detailed estimate copies to be received is mentioned below :-

<b>Sl. No.</b>	<b>Jangoan</b>	<b>Parkal</b>	<b>Warangal Rural</b>	<b>Mahabubabad</b>
1.	Veldana	Pathipally	Upparpally	Thanam Charla
2.	Mustyala	Gorlaveedu	Ashoknagar	
3.	Kadavergu	Katapur	Muripirala	Peddavangara
4.	Doolmitta	Gorlaveedu	Elukurthy	Peddammupparam
5.	B.G. Nagaram	Mallampally	Dhammannapet	Munugalaveedu
6.	Gudur	Narsapuram		Apparajupally
7.	Kanchanpally	Muppanapally		
8.	Akunoor	Narlapur		
9.	Chinnamaddur	Eturunagaram-II		
10.	Madhapuram			
11.	Nagapuri			
12.	Tarigoppula			
13.	Kundaram			
14.	Mondrai			
15.	Lakshamakkapally			
16.	Lingalaghanpur			

The Forum has handed over all the estimates prepared by the respondents to the complainant as desired by them for examination on 05.10.10. the same was acknowledged by the complainant.

3. After hearing both sides and after considering the material placed before the Forum, the Forum passed the following order:

*"The respondents are directed to adjust the amount already paid by the complainant towards development charges if any excess found to the future bills to be served to the complainant.*

*Further the respondents are directed to attend the remarks raised by the complainant vide his Lr. No. GMTD-WGL/OPN/NESC/2011/118/Dt. 01.11.10 in connection with not providing the required material as per the demand note issued and estimation prepared duly conducting physical verification of the new service connections provided. (Representations of the complainant is enclosed).*

*Security deposit collected by the respondents from the complainant is as per the departmental procedure.*

*The respondents are directed to release the new service connections if any pending with them for which demand notes already issued and required payments made by the complainant immediately.*

*The detailed compliance report implementing these orders shall be submitted to this Forum with in 15 days from the date of receipt of this order."*

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same on the following grounds:

The Forum passed an order on 20.11.2010 to adjust the excess paid amounts in future bills. SE/Op circle/Warangal issued a letter to DEs concerned to raise TCA for adjustment against HT bills. DE/Jangaon agreed for adjustment of Rs.2,64,252/- and it has been adjusted against their bills. The Director/operation NPDCL objected to the order given by the Forum and ordered joint inspection of sites disputed. They have conducted joint inspections and an amount of Rs.8,71,617/- has become refundable by NPDCL including the amount already adjusted. The said amounts do not include 6 cases i.e., Mondrai, Laxmakkpally, Peddamupparam, Narsapuram

(Keshavapur), Muppanapally and Chinnaboinapally where NPDCL authorities promised to provide material as per the estimates based on which demand notes were paid by BSNL within one week during joint inspection of NPDCL and BSNL. The department failed to keep their word even after two months. The NPDCL authorities may be directed to provide material in 6 cases as per the estimates immediately. The SE/Op circle/Warangal is reluctant despite their personal approach in adjusting the excess paid amounts and they have become refundable as a result of joint inspections conducted according to their wish and to adjust the excess paid amount of Rs.8,71,617/- with interest against their bills immediately.

5. Now, the point for consideration is, "Whether the impugned order is liable to be modified or set aside? If so, on what grounds?"

6. The matter was posted to 04.06.2011. On that day, the GM/BSNL and other staff members attended on behalf of the appellant and DE/O/Jangaon, DE/O/Mahabubabad and DE/O/Mulugu attended before this authority. Both the parties requested that they are going to make a joint inspection and make efforts for reconciliation and requested time. The matter was adjourned to 27.05.2011 on their request. It was also adjourned from time to time on their request and ultimately posted to 01.03.2012.

7. On 01.03.2012, Sri P.Ravindra Reddy, DGM, Sri D.S.K.Singh, DGM(Finance) and Sri M.Venkataiah AGM for BSNL (appellant) present and Sri E.Srinivasa chary DE/O/Jangaon, SriB.Ravi DE/O/Mahabubabad, Sri B.Samya, DE/C&O/Warangal and Sri B.Bikshapati DE/C&O/Mulugu for respondents attended before this authority.

8. The DGM represented that their claim for 81 locations and the amount claimed is Rs.18,93,885/-. Out of this amount, an amount of Rs.3,19,303/- was already adjusted. It was also informed by both the parties that they have made reconciliation by surveying each and every unit and arrived the figures of Rs.2,64,252/- and Rs.2,57,671/- of Jangaon for 26 units and Rs.7,76,594/- for 27

units of Mahabubabad and Rs.1,18,977/- for Mulugu and Rs.15,641/- for Warangal. Rs.20,000/- adjustment of Upparapadu transformer was not informed. Similarly, Rs. 10,000/- for Peddanagaram and also an amount of Rs.20,000/- for upparapadu were not accounted for. The respondents are hereby directed to adjust the same as expeditiously as possible. Similarly, with regard Mulugu, Rs.1,18,977/- is to be adjusted and there is no dispute with regard to amount and the same is not adjusted and also an amount of Rs.15,641/- for Warangal. The respondents are directed to adjust the same and inform the appellant immediately.

9. When the matter is discussed with GM/BSNL on phone by this authority he stated that some connections are given temporarily but they have not made permanent connections inspite of several requests. The following are the places, which are to be made permanent services:

Mahabubabad: Mondrai, Laxmakkapally. Peddamupparam

Mulugu: -Narsapuram(Keshavapur), Muppanapally and Chinnaboinapally

10. The respondents are directed to convert the above said temporary connections into permanent connections immediately. If there is any problem in making the same the same can be discussed with the authorities of the appellant and complete the work within a fortnight. When the same is suggested in the meeting, the respondents have also agreed to the same and they are going to do the same as expeditiously as possible.

11. It is an unfortunate occasion to deal with this type of litigation in between the parties, who are directly connected to the needs of the consumers. Instead of doing justice as expeditiously as possible they have delayed the matters by quarreling with each other. This type of attitude has to be discouraged by the higher authorities. When it is brought to the notice of the respondents whose services are very essential they have to be more careful to all the consumers and in particular with regard to the organization who are also dealing with more consumers than an individual consumer.



12. I hope and trust that this type of litigation will never be cropped up between the organizations and I also hope and believe that they will not repeat the same in future.

13. If there is any adjustment which is not borne out from this order, the same may also be reconciled by the parties and complete the work immediately by discussing with the authorities of the appellant by the respondents.

14. The appellant has submitted a representation claiming the amounts in the said representation dated 06.02.2012 but there is a variation in figures in the above said table and the figures arrived at the time of hearing of the appeal. I hope some of the amounts have already been paid or adjusted in between 06.02.2012 and 01.03.2012.

15. I hope and wish that both the departments will maintain cordial relationship in future.

16. With this observation the appeal is disposed with a direction to the respondents to complete the work within a month from the date of receipt of this order. If it is not completed it can inform to this authority by the appellant for appropriate action.

This order is corrected and signed on this day of 3<sup>rd</sup> March 2012

**VIDYUT OMBUDSMAN**