

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 16 -02-2012

Appeal No. 49 of 2011

Between

Sri M.Sreehari
#8-2-684/121, NBT Nagar, Road No.12,
Banjara Hills, Hyderabad.

... Appellant

And

1. Assistant Engineer / operation / Filmnagar/CPDCL/Hyderabad
2. Assistant Divisional Engineer / operation / Banjara Hills/CPDCL/Hyderabad
3. Asst. Accounts Officer / ERO/Banjara Hills/ CPDCL/Hyd.
4. Divisional Engineer/operation/Erragadda/CPDCL/Hyderabad
5. Superintending Engineer/operation circle/ North/ CPDCL/Hyd

....Respondents

The appeal is restored to file and it has come up for final hearing before the Vidyut Ombudsman on 07.02.2012 at Hyderabad. Sri M.Sreehari appellant present and Sri B.Benjamin, Asst. Accounts Officer / ERO-XI / Banjara Hills /APCPDCL for the 3rd respondent and P. Gopala Krishna, ADE/Operation/ Banjara Hills present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

This authority passed an order on 17.11.2011 and the appellant failed to attend before this authority and when he filed an application IA 02 of 2012 to set aside the order passed by this authority in Appeal No. 49/2011 the said petition was allowed and the matter was restored and posted for hearing to 31.01.2012.

2. The appellant present and Sri B.Gopala Krishna, ADE/O/Banjara Hills and Sri B.Benjamin, AAO/ERO/Banjara Hills present before this authority at the time of hearing of the petition on 31.01.2012.

3. The grievance of the appellant is that the school was run till 01.04.2009. The bill outstanding at the time was Rs.5029/- and without collecting the same the power was stopped. His service connection was disconnected and SC No.A3005426 was also disconnected and requested him to pay the arrears of SC No.A3005426 from January 2010 to February 2011 for which the period of electricity connection was disconnected and the same has to be exempted under BPMS No. 151. He paid Rs.2000/- on 11.02.2011 and obtained connection but from 01.01.2009 to 11.04.2011 the bill was sent on commercial and he approached the Forum and since then they are harassing the appellant without collecting the same from the tenant and action may be initiated against the Lineman and the bill was not paid and the appeal preferred by him is to be allowed by setting aside the impugned order.

4. The respondent has requested time. The ADE has also inspected the premises and stated that the amount outstanding was Rs.6916/- and the amount already paid by him was Rs.2384/- and it was in his credit and after deducting the same and without imposing any interest the outstanding amount was only Rs.4532/- and it is also represented by him that the appellant has not given the premises to the tenant and the mother of the appellant has given to the tenant and the appellant is noway connected with the said premises and when they have enquired it is informed that the tenant has already paid the amounts to the mother of the appellant and there is no need to pay by them and they have also informed that they have converted the same into domestic service connection and there are no merits in the appeal and the appeal preferred by the appellant is liable to be dismissed.

5. Now, the point for consideration is, "Whether the impugned order is to be modified? If so, in what manner?"

6. It is clear from the record that he is not the consumer of the SC A3005426 and they are in the name of Eswaraih Goud, the father of the appellant. The school was run in the premises upto December 2008. On 04.10.2009, he occupied the premises and utilized power supply. His contention is that the previous arrears relate to M/s. SVR Educational Society and should be collected from the school authorities. The appellant approached the respondents and submitted that the arrears outstanding are payable by M/s. SVR Educational Society and not by him. The Principal of SVR Educational Society was in occupation of the premises upto December 2008 duly clearing all the dues. Later, somebody occupied the premises for residential purpose and the tenant stayed upto August 2009. The premises was vacant from September 2009 to February 2011 and it was again let during March 2011. The category has not been changed as the consumer has not applied for the same. The consumer has approached the ICSC for change of category according to the deposition of Sri S.Mohan Rao, AE/O/Filmnagar.

7. The appellant has not filed any document to show that he is the owner of the property and he is a registered consumer. As per the version narrated by the respondents, the category was changed after clearing all the dues. When the tenant has not paid the amount for consumption, it is the duty of owner to pay the same. But in this case, when the respondent enquired in person, it is very clear that the tenant has paid all the arrears to the mother of the appellant. As per the representation made by the appellant, the service connection is also converted into domestic service connection and the bills were prepared on the same basis. According to the respondents, the outstanding is only Rs.4532/-. According to him, no penalty is made and no interest is also imposed, so there is no other option for the appellant except to pay the amount.

8. In the light of the above said discussion, it is very clear that the appellant has to pay the amount within 30 days from the date of receipt of this order. If he fails to pay the same, the department is at liberty to take appropriate steps in accordance with the Electricity Act, 2003 and Terms & conditions of Supply.

9. In the result, the appeal is disposed with the above said direction. No order as to costs.

This order is corrected and signed on this day of 16th February 2012

VIDYUT OMBUDSMAN