

**VIDYUT OMBUDSMAN**  
**O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**  
**4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004**

Present

**K.Sanjeeva Rao Naidu**  
Vidyut Ombudsman

**Dated: 06-06-2012**

**Appeal No. 26 of 2012**

Between

Sri. Duggiral Sesha Sai Satya Sekhar  
S/o. Late D. Ramachandra Rao  
# 24 A-20/8-B, Ashok Nagar,  
ELURU – 534 002.

**... Appellant**

**And**

1. Assistant Engineer / Operation / APEPDCL / Vijayarai
2. Asst. Divisional Engineer / Operation / APEPDCL / Pedavegi
3. Divisional Engineer / Operation / APEPDCL / Eluru

**....Respondents**

The appeal / representation dt. 25.04.2012 received by this authority on 30.04.2012 against the CGRF order of APEPDCL in C.G. No. 404 / 2011-12 of West Godavari District Dt.18.01.2012. The same has come up for final hearing before the Vidyut Ombudsman on 31.05.2012. Appellant absent. Sri. B. Yohan, AAE / O / Vijayarai on behalf of respondents present. Heard and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

**AWARD**

The petitioner filed complaint before the CGRF against the Respondents for Redressal of his Grievances. In the complaint he has mentioned about his grievances as hereunder:

*“He has filed a complaint stating that he has applied for new agricultural service, and the same has not been released so far. Hence he approached the Forum for resolving his problem”.*

2. The 2<sup>nd</sup> respondent has filed his written submissions as detailed below:

*“The contents of the complaint all are correct. From the departmental side, all efforts are made to convince the disputed land farmer to allow to complete the work. But he has not accepted to pass 11 KV line through his fields.*

*In the above circumstances the consumer is advised to convince the neighbor farmer or give his willing letter for revised estimate. But the consumer has accepted to do so and approached CGRF for Redressal.*

*If the consumer does not come forward to clear his dispute or for revised estimate, there is no other scope to cancel the work and refund the paid amounts as per departmental rules in vogue.”*

3. After hearing both sides and after considering the material on record, the Forum passed the following order.

- *As per the clause No.5.2.4 of General Terms and Conditions of Supply, the respondents shall not be bound to afford supply unit the way-leave or sanction is granted. Any extra expenses incurred in placing the supply line in accordance with the terms of the way of leave, Licensee or sanction shall be borne by the complainant.*
- *As per estimate sanctioned, the service line charges are not refundable as per clause No.5.3.2.1 of General Terms and Conditions of Supply provided that the complainant withdraws his requisition before the respondents take up the work for erection of the service line, the licensee may refund the refund the amount paid by the consumer after deducting 10% of the cost of estimate sanctioned.*
- *Hence, the complainant is liable to pay the revised estimate charges if necessary.*

*With the above directions the CG.No.404/11-12 is disposed off.*

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that in spite of the directions by the Forum and payment of Rs. 24,786 by him, the department people did not take any action and there is no tangible progress in the work and they are avoiding the responsibility in executing the work. It is also stated that the objection was raised only due to jealousy and there is continued delay in releasing in the service connection and they are liable to pay compensation of Rs. 1,15,000/-.

5. Now the point for consideration is, whether the petitioner is entitled for compensation as prayed for?

6. The appellant failed to attend before this authority at the time of hearing on 31.05.2012 by this authority. He sent a representation on 28.02.2011 stating that he has submitted necessary documents with acknowledgements right from the starting point of application. It is due to delay in releasing the agriculture service, he incurred heavy crop loss.

7. The respondents are represented by B. Yohan AAE, of Vijayarai, and he represented before this authority stating that the matter is settled and the party has issued a letter to that effect dated 18.05.2012.

8. It is clear from the record that the estimation was made and when the work was about to be commenced there was an objection from the neighbouring land lord. Again revised estimation was made in pursuance of the direction given by the Forum and the revised estimated amount was also paid by the appellant. So it is the duty of the respondents to erect the poles and provide the service connection. If there is any delay, then they have to be penalized. In this case, the letter produced by the respondent alleged to have been given by the appellant shows that he has not installed the motor and requested the department to provide the service connection soon after installation of the motor. This fact has been suppressed in his letter dated 28.05.2012, but simply stated that he is entitled for compensation. When laches are on his part, he cannot claim any compensation. Moreover, he has not disclosed the nature of crops raised by him and for want of water the crops were spoiled. There is no such material. Therefore, the appellant is not entitled for any compensation. The respondents are directed to give the service connection immediately after installation of the motor by the appellant. If they don't provide the service connection, the appellant is at liberty to move this authority by establishing his readiness.

9. In view of the above said discussion the appeal preferred by the appellant is not maintainable and the same is liable to be dismissed.

10. In the result, the appeal is dismissed. No order as to costs.

This order is corrected and signed on this day of 6<sup>th</sup> June, 2012

**Sd/-**

**VIDYUT OMBUDSMAN**