

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

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 06-06-2012

Appeal No. 28 of 2012

Between

Smt. Chintapalli. Rajeswari,
W/o. Surya Rao,
Flat No. 405, Rajani Enclave,
D. No. 58-14-97 / 22, Marripalem, Vuda Layout,
NAD Post Visakhapatnam.

... Appellant

And

1. Assistant Engineer / Operation / APEPDCL / NSTL
2. Asst. Divisional Engineer / Operation / APEPDCL / Kancharapalem
3. Divisional Engineer / Operation / Zone – II / APEPDCL / Visakhapatnam

....Respondents

The appeal / representation dt.16.03.2012 received by this authority on 22.03.2012 against the CGRF order of APEPDCL in C.G. No. 530 / 2011-12 of Visakhapatnam District Dt.29.02.2012. The same has come up for final hearing before the Vidyut Ombudsman on 31.05.2012. Sri. M.V. Girish Kumar for appellant present. Sri. Ch.V. Ramana Rao, AAE / O / NSTL / VSP, Sri. L. Mahendranadh DE / O / Zone – II and Sri. M. Srinivasa Rao, ADE / O / Kancharapalem on behalf of respondents present. Heard both the parties 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, she has mentioned about her grievances as hereunder:

“Smt. Chintapalli Rejeswari, Rajani Enclave, Marripalem, Vuda Layout, NAD Post, Visakhapatnam District has filed a complaint stating that electrical wire is passing through her vacant land. Hence requested for shifting of the existing wires”.

2. The first respondent has filed his written submissions as hereunder :

“The estimate was sanctioned for shifting of 11KV line at location No. 20A in favour of Smt. Chinatapalli Rajeswari at Panjab hotel junction vide sanction number ADR 68/2010-11 for an amount Rs. 11,678/- (Rupees eleven thousand and six hundred and seventy eight only). The consumer has paid the estimate charges and as per the estimate the work was executed and completed on 02.10.2010 by the then Addl. Assistant engineer. The work is executed as per the estimated quantity only.

Further the same consume has registered an application at Call centre, Visakhapatnam Vide CSC No. 288568, Dated 29.08.2011 for shifting of 11KV line at the location SS 21AB/3 of SS 234. The premises was inspected in the presence of Sri Surya Rao, H/o. Smt. Chintapalli Rajeswari. The estimate was prepared as per consumer request and the estimate is sanctioned vide sanction No. SDR 3233/2011-12 of an amount of Rs. 19,318-00 (Rupees Nineteen thousand and three hundred and eighteen only) and the same is intimated to the consumer through the call center, Visakhapatnam. The estimated amount is not paid by the consumer as on today.”

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

- The Complainant Consumer is hereby directed to pay the estimated cost as per the Clause No. 5.3.4 of General Terms and Conditions of Supply as approved by the APERC.*
- All the Respondents are hereby directed to collect the estimated charges and shall take necessary action immediately.*
- The 3rd Respondent shall send a compliance report within 15 days from the date of receipt of this order.*

The C.G. No. 530/11-12 is disposed off with no costs.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that she paid an amount of Rs. 11,678/- for shifting of 11 kV electrical lines passing through her vacant side near Punjabi hotel and she thought that the work was completed and she could understand that the work was incomplete and again she gave a compliant on 29.08.2011 and for that one more estimation of Rs. 19,389/- was issued and they were asked to pay additional / doubled estimation

charges and miscellaneous charges from the department and she requested this authority to delete the additional financial burden on her.

5. Now the point for consideration is, whether the impugned order is liable to be set aside? If so and what grounds?

6. Sri. M.V. Grish Kumar the sister son of the appellant present and categorically stated that they approached the department for removal of electric lines from the site of the appellant and the department asked them to pay the amount of Rs. 11,678/- and they paid the amount but the respondent did not complete and completed only half of the work and when she approached they directed the appellant to pay the estimation charges once again to a tune of Rs. 19,389 though there was no fault on the part of the appellant and the impugned order passed by the Forum is liable to be set aside.

7. The respondents are represented by Sri. N. Mahindra Nath DE, Sri. N. Srinivas Rao ADE Kancharapalam, Sri. CH. Raghunaram AE, NSTL and represented that the estimation was made for removal of one pole and the same was removed but the total work could not be completed and again on their request, fresh estimation was made since two more poles are to be removed to shift the electrical lines from the site of the appellant and the Forum has rightly considered the said aspects and the appeal preferred by the appellant is liable to be dismissed.

8. It is clear from the above said record that half of the work was completed on the first estimation. The remaining work could not be completed as it was not included in the 1st estimation. The party approached the department seeking redressal of grievance and it is the department that has to sort out the grievance into the grievance cannot be half the way. The total estimation ought to have been made by the respondents at the first instance itself. It is nothing but gross negligence on the part of the respondents in making the estimation in the process of shifting the electrical lines. It is shifting of one pole of two poles, it is the job of the respondents, but not the job of the consumer.

9. So far as deletion of estimation charges is concerned it cannot be done as it requires some material to be removed and shifted to some other place and some

new material has to be attached to it. Merely because the officials are negligent in making the estimate, it cannot be deleted as wiped out. However, the concerned officials have to be warned / punished not to repeat the same in future.

10. In the result, the appeal is dismissed. The appellant has to pay the estimation charges for completion of the remaining work. The respondents are hereby warned not to repeat the said lapses incase of other consumers in future.

This order is corrected and signed on this day of 6th June, 2012

Sd/-

VIDYUT OMBUDSMAN