

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: 18-06-2012

Appeal No. 36 of 2012

Between

Smt. Yendapalli. Adilakshmi,
W/o. (Late) Chittibabu,
Chodavaram Road,
Peda Boddepalli,
Narsipatnam – 531 116.
Visakhapatnam Dist.

... Appellant

And

1. Assistant Engineer / Operation / APEPDCL / Narsipatnam
2. Asst. Divisional Engineer / Operation / APEPDCL / Town / Narsipatnam
3. Asst. Accounts Officer / ERO / APEPDCL / Narsipatnam
4. Divisional Engineer / Operation / APEPDCL / Narsipatnam

....Respondents

The appeal / representation dt.12.05.2012 received by this authority on 17.05.2012 against the CGRF order of APEPDCL in C.G. No. 538 / 2011-12 of Visakhapatnam District Dt.29.03.2012. The same has come up for final hearing before the Vidyut Ombudsman on 13.06.2012. Sri. K. Bhaskar Rao relative of the appellant present. Sri. K. Nageswara Rao, DE / O / Narsipatnam, Sri. P. Ravi Kumar, AE / O / Narsipatnam and Sri. T. Suryanarayana, AAO / ERO / Narsipatnam 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:

“Even though the charges were paid by the complainant for new service connections, they did not release the same. Hence she approached the Forum for justice.”

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

“The consumer Smt Yendapalli Adilakshmi, W/o Late Chittibabu, Peda Boddepalli having already 7 Nos. service connections existing in the name of Y. Chittibabu. The details are as follows.

- | | | |
|---------|---|--------------|
| 1) 1916 | - | 1542, Cat-I |
| 2) 1916 | - | 1920, Cat-I |
| 3) 1916 | - | 3063, Cat-I |
| 4) 1916 | - | 749, Cat-II |
| 5) 1916 | - | 2694, Cat-II |
| 6) 1916 | - | 58, Cat-I |
| 7) 1916 | - | 2665, Cat-I- |

In addition to the above, the above consumer Yendapalli, Adilaxmi, W/o Late Chittibabu registered 2 Nos. new Cat-II services at Call Centre, Narsipatnam. As per the instructions of higher authorities for more than 5 Nos. services at the same premises, a separate adequate capacity of transformer has to be proposed.

However previously the above consumer has already got 7 Nos services in the name of Y. Chittibabu and now Yendapalli Adilaxmi, W/o Late Chittibabu applied for another 2 Nos. services at same premises.

*In view of the above as per the option available in EPIMRS module for **release /reject of new services module**, another 2 Nos. new services registered at Call Centre were rejected duly informing the same to above consumer.”*

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

- *The Complainant Consumer’s request for providing 2 Nos. new services is hereby rejected as per the norms at supra.*

The C.G. No. 538/11-12 is disposed off with no costs.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that there is no need for erection of another DTR at the same premises for

release of additional two commercial service connections applied by her, as the same can be given on the existing transformer. It is claimed that as per clause 5.3.2.2 of GTC, the company shall have the right to use the DTR already erected for supply of energy for other persons also and therefore the order passed by the forum is unilateral, biased and not based on the ground realities and in that way injustice is caused to her; and that the impugned order is liable to be set aside by ordering release of two service connections.

5. Now the point for consolidation is, whether the impugned order is liable to be set aside? If so on what ground?

6. K. Bhaskar Rao a relation of the appellant present and reiterated the same grounds mentioned in the grounds in appeal and it is difficult for her to obtain a separate DTR which involves huge financial investments and the GTC clause has envisaged the release of services and the impugned order passed by the Forum is liable to be set aside.

7. Sri. K. Nageshwar Rao, DE (Operation), Narsipatnam Sri. P Ravi Kumar, AEE (Operation), Narsipatnam Sri. T Suryanarayana, AAO (ERO), Narsipatnam present and stated that the CGM issued a circular to release upto five service connections domestic / non domestic without panel board and Distribution Transformer and in case of 6th service in future, they have to insist panel board and DTR and the service connection could not be given to the appellant unless a separate DTR is fixed.

8. The background history of the case is briefly narrated as here under

They have got a own house bearing Door.No. 4-78 at Pedaboddepalli Village, Chodavaram Road, of Narsipatnam Municipaliy / Mandal, with two floors (Ground Floor and First Floor) having 3 residential portions and 4 nos. shop rooms in ground floor and 2 nos. portions in the first floor for residential use. All the residential portions and two shops are provided with electrical connections as per the details given hereunder.

Ground Floor : SC No. 1542 --- Cat-I, SC No. 1920 --- Cat-I, SC No. 3063 --- Cat-I, SC No. 749 --- Cat-II, SC No. 2694 --- Cat-II, First Floor: SC No. 58 --- Cat-I, SC No. 2665 --- Cat-I

They have been paying the C.C. Charges regularly for all those services.

9. Subsequently, during the year 2007, they have entered in to a lease / licence agreement with M/s. BHARTI AIRTEL Ltd., New Delhi with it's A.P. Circle Office, Begumpeta, Hyderabad, a license on 25h April 2007 for utilization of roof top / terrace space about 1000 Sqft. to erect cellular 1RT Tower of 15 mts. Height with its associated equipment on the terrace of their own building bearing Door.No. 4-178, Pedaboddepalli (V), Narsipatnam Mandal/Municipality, Visakhapatnam DT., for a period of 10 (TEN) years, with a mutually agreed terms and conditions envisaged therein.

10. Based on this lease Agreement and application registered by M/s. Bharati Airtel Ltd., the authorities of APEPDCL Ltd., at Narsipatnam represented by the Asst. Engineer, Operation, Town, Narsipatnam has released a Non-domestic service connection to the 'CELL TOWER'. The company has also erected one distribution transformer at their premises for release of the said service connection and released the service duly assigning the service number as 2765 under Category -II.

11. M/s. Bharti Airtel Ltd., has been paying the C.C. Charges and enjoying the power supply for their activities.

12. It is an admitted fact that the Cell tower people obtained 25 KVA transformer for their service connection. They were using only 10 KVA. That itself is the root cause for the appellant to approach the authorities for release of two separate connections on the same DTR. It is not in accordance with the above said circular and that is the reason why the respondents refused and insisted for a separate DTR. The GTC Clause 5.3.2.2 is an enabling clause to have absolute rights over the service lines to give further connections. It does not mean that any number of service connections shall be given on one DTR.

13. The only request made by the appellant attracted my attention is lack of site for location of the transformer. So it is necessary under the above said compelled circumstances to raise the capacity of the KVA i.e. 40 KVA (reserving 25 KVA of Airtel and release the service connections as an exceptional case. This cannot be treated as a general rule for all the consumers and also for all the service lines exceeding more than 5. The CGM O and M is also requested to consider the same as a special case. The appellant has to incur the estimation charges for additional load of 15 KVA (i.e., 25 + 15 KVA) and soon after paying the same, the two service connections in the said premises may be released.

14. In the light of the above said finding, the appeal is disposed by modifying the order of the Forum as stated Supra. No order as to costs.

This order is corrected and signed on this day of 18th June, 2012

Sd/-
VIDYUT OMBUDSMAN