

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: 31-07-2012

Appeal No. 40 of 2012

Between

Smt. G. Venkata Lakshamma,
W/o. G. Venkata Ramaiah,
Pullalarevu Village,
Raphadu (M), Anantapur Dist

... Appellant

And

1. Addl. Asst. Engineer / Operation / APCPDCL/ Raphadu / Anantapur
2. Asst. Divisional Engineer / Operation / APCPDCL / Rural, West / Anantapur
3. Divisional Engineer / Operation / APCPDCL / Anantapur
4. Superintending Engineer / Operation / APCPDCL / Anantapur Circle / Anantapur

....Respondents

The appeal / representation received by this authority on 18.06.2012 against the CGRF order of APCPDCL in C.G. No. ATP-197 Dt. 03.04.2012 of Anantapur Circle dated 17.05.2012. The same has come up for final hearing before the Vidyut Ombudsman on 25.07.2012. Sri. G. Venkata Ramaiah husband of the appellant present. Sri. B. Lakshmi Narayana AE / O / Raphadu / Ananthapur on behalf of the 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:

ASC 45 of Pullalarevu was released to the well of Sri.G. Peddanna, my grand father. He died 35 years ago. The said well had dried long ago and is not in

use since then. I am the legal heir of my grandfather late Sri. G. Peddanna, for the above land where in the ASC 45 was released (Xerox copy of the Pattadar Pass book is enclosed).

Since the well had dried and was abandoned a long ago and the electricity supply was not being used, a letter was given to the then authorities to cancel the above service.

I am submitting herewith the copies of the documents viz;

(i) Proforma-1 and declaration form duly signed by the Panchayat Secretary, Pullalarevu Village, Rapthadu Mandal, Lineman and Sub-Engineer of Rapthadu Mandal, and declaration form duly signed by me in the proforma prescribed by the Electricity Department.

(ii) Copy of Pattadar Passbook in support of legal heir and land holding.

It is requested to direct the concerned authorities to waive the arrears and cancel the above service.

2. No respondent furnished written submissions to the above said notice
3. The complainant deposed that ASC No. 45 connected to his agricultural well was abandoned in the year 2004. Supply is not being used since then. But the service is still being billed and the arrears amounted to Rs. 94,000/-. As this amount pertains to unused consumption and requested for withdrawal of the same and the service may be cancelled.
4. At the time of enquiry the first respondent has deposed before the Forum as hereunder :

The consumer has to pay Rs.94,000/- in respect of ASC.No.45. After receipt of outstanding due, the service will be stopped.

5. The second respondent has deposed before the Forum as hereunder :
I endorse the deposition of the 1st Respondent.

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

The Complainant failed to produce any valid documentary evidence to suggest that an application was given earlier to the authorities requesting for termination of the agreement/dismantlement of service connection.

In view of the above, the Complainant is directed to clear the amount due to enable the Respondents to take action for termination/dismantlement of her service.

The complaint is disposed accordingly.

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

- i) The order of the Forum is against law, weight of evidence and probabilities of the case.
- ii) The Forum should have seen that there is no usage of electricity from 2004 as the well has dried-up.
- iii) The Forum should have seen that it is not the case of the corporation that the appellant is using electricity since 2004 and so the Forum should have cancelled the bill.
- iv) The Forum should have believed the version of appellant that the authorities of the corporation have been requested by the appellant, to dismantlement the service connection.
- v) The Forum should have seen that there is no necessity to keep the service connection when the well is dried-up and the Forum should have seen that the contentions of the appellant are nearer to the probabilities.
- vi) The Forum should have seen that a declaration is made in Forum-I duly signed by panchayat secretary, lineman, and sub-engineer which clearly establish that no billing can be done in respect of the

service connection of the appellant and she is entitled to free power supply, copy of which was already submitted before the Forum.

- vii) The Forum should have seen that when the well is dried-up and power is not consumed, the appellant is liable to pay only normal charges.
- viii) The forum should have seen that demand made by the corporation is abnormal and in fact when no power is consumed, how it has billed for 806 units etc.

8. Hence it is prayed that the impugned order may be set aside by allowing the appeal.

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

10. The appellant's husband Sri.G. Venkataramaiah present and stated that he is the legal heir of his grandfather Peddanna and the service connection was released during his life time to the well to which the connection was taken. The said well was abandoned long back but the bills were issued upto date right from 2004 till May 2012 showing the claim of Rs. 94,048/- though the reading was 'zero' all the time and therefore, the impugned order is liable to be set aside.

11. The respondents are represented by Sri. V. Lakshminarayana AE, operation Rapthadu, Ananatapur District stated that the impugned order is on sound lines and the appeal is liable to be dismissed.

12. It is clear that the service connection was taken long back. When the payment of monthly bill was not made the service connection had to be disconnected. This was not done by the respondents. At best they can collect 3 months minimum charges together with 1 month notice and in total, they have to collect minimum charges for 4 months from the date of default and there after they have to terminate the contract in between the parties. They are not expected to collect minimum charges throughout the period as shown in the above said case. Except for 4 months, they have no right to collect minimum charges. This aspect is lost sight of by the Forum and the appeal is to be allowed by setting aside the impugned order.

13. In the result the appeal is allowed and the impugned order is hereby set aside. The respondents are directed to collect 4 months minimum charges, if there is no amount in the account of the appellant. If there is any amount outstanding in the account of the appellant either in the form of security deposit or otherwise, the same can be adjusted in the said amount. No order as to costs.

14. This order shall be complied by the respondents within a fortnight from the date of receipt of this order.

This order is corrected and signed on this day of 31st July, 2012

Sd/-
VIDYUT OMBUDSMAN