

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: 03-10-2012

Appeal No. 50 of 2012

Between

Sri. Yalamarthy. Venkata Subrahmanyam,
S/o. Venkatanarayana,
Perugugudem, Challa Chintalapudi Post.
Denduluru (M), W.G. Dist

... Appellant

And

1. Assistant Engineer / Operation / APEPDCL/ Bhimadole / W. G. Dist
2. Asst. Divisional Engineer / Operation / APEPDCL / Bhimadole / W.G. Dist
3. Divisional Engineer / Operation / APEPDCL / Eluru / W.G. Dist

....Respondents

The appeal / representation dt. 11.07.2012 received by this authority on 16.07.2012 against the CGRF order of APEPDCL C.G. No. 625 / 2011-12 of West Godavari District Dt. 09.05.2012. The same has come up for final hearing before the Vidyut Ombudsman on 07.08.2012. Sri. Yalamarthy. Venkata Subrahmanyam, appellant present. Sri. B. Veerabhadra Rao, ADE / Bhimadole 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 a complaint before the CGRF against the Respondents for Redressal of the Grievances. In the complaint, the appellant has mentioned about the grievances as hereunder:

He is having agricultural service connection in Polasanipalli Village bearing S.C. No. 1071 and the same was kept under no billing. Hence requested the

Forum for restoration of the no billing agricultural service, regularising the same. .

2. The 1st and 2nd respondents filed their written submission as detailed below.

“The consumer of SC No. 1071/ Cat. V, Polasanipalli Village of Bhimadole Mandal was filed a complaint at Grievance redressal forum, Visakhapatnam regarding regularization of said service as the service is under No Billing status in ERO records.

The officials immediately, inspected the premises of the above service and noticed the following.

- *The service was not available at its original location. The service was shifted from its original location to another location without taking proper sanction from the competent authority and the same was confirmed in the statement given by the registered consumer of the above service. At new location all the infrastructure is available and consumer is being utilized power supply to his Agl. pump set.*
- *As per ERO records, the above said service is under No Billing status and field recommendations to that effect are not available at ERO/Rural/Eluru.*
- *On enquiry, it is learnt that the above service along with bore well was lost during the execution of Polavaram Canal works.”*

3. The Forum, duly taking into cognizance of the written submission of the respondents, passed the following order on 09.05.2012.

- *The complainant is herewith directed that the Sc.No.1071 Cat-V, Polasanipalli (V), Bhimadole (M), which was under bill stopped status can not be considered to restore power supply as a policy matter of Licensee*
- *Hence, a fresh service may be registered in Call Centre for regularizing the shifted location as stated above duly getting the clearance certificate against Sc.No.1071, Cat-V, Polasanipalli (V).*

With the above directions CG.No.625/11-12 is disposed off.

4. Aggrieved by the said order, the appellant filed the above said appeal questioning the impugned order on the following grounds.

- i) He is having service connection 1071 of 17.5 KV of Posanapalli Village in Bheemadole Mandal and he is availing free service in pursuance of the directions given by the Government of AP.
- ii) In the year 2008 it was recorded under no billing and he was having arrears of Rs. 3258 and he was having deposit of Rs. 6840.
- iii) Though he was having good amount towards deposit, without giving any notice, the officials, recorded his service connection under no billing.
- iv) Aggrieved by the said order of the officials, he preferred an application to the CGRF and the CGRF passed the impugned order and he is aggrieved by the said order and the present appeal is filed.
- v) The officials cannot treat his service under no billing without giving any notice.
- vi) He lost some portion of land in polavaram project and there by the Revenue official, orally ordered him to dig a bore well nearby and utilize the service connection and accordingly he has done the same.
- vii) Not only himself, six other ryots also done the same and without giving any notices to them, they have done the same to him with a vengeance and the service connection has to be regularized.
- viii) The Forum has failed to appreciate the said aspects and passed he impugned order and the appeal is to be allowed by setting aside the impugned order.

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

6. The matter was heard on 07.08.2012 at Visakhapatnam and the appellant appeared and submitted the same grounds mentioned in the grounds of appeal and also furnished the list of the persons whose services were regularized and his service was not regularized with vengeance.

7. On behalf the respondents Sri. B. Veerabhadra Rao, ADE, Bhimadole present and when he is questioned about the regularization of 6 others, he expressed his inability to furnish the information and requested time. The matter was heard and reserved the orders with a direction to furnish the information sought for, within a week or ten days.

8. The respondent i.e. A.D.E submitted his report on 29.08.2012 and the same was sent to the appellant for his information and remarks and the appellant submitted his remarks on 17.09.2012.

9. In the remarks of the appellant, he has pointed out that the information is not furnished for the 11 (eleven) persons and discussed about other 35 aspects. It is also pointed out that his service was also shifted along with the other 10 services and the information furnished by the department is far away from the truth. It is also pointed out by him that why the service connection was not disconnected and why they have not filed any criminal case against him and therefore the appeal filed by him is to be allowed.

10. The appellant has furnished the following names and the ADE recorded their statements. The following table shows the information furnished by the Department.

Sl.No	SC.Nos.	Name	Statement Recorded by the respondents
1	31	N. Gopala Raju	N. Gopala Raju
2	1032	Betha Srinivas Rao	Purchased by N. Gopala Raju.
3	926	Gurajala Venkateswar Rao	Srinivas Rao S/o. Venkateswar Rao
4	358	Pavuluri Ramkrishna Prasad	P.Ramakrishna Prasad
5	359	Ylamarthi Rambabu	Not recorded
6	395	Y. Seetharamaiah	Y. Seetharamaiah
7	398	T. Subba Rao	T. Subba Rao
8	1071	Y.Subramanyam (appellant)	Not recorded
9	314	Relangi Nageswara Rao	M. Nageswara Rao
10	28	Relangi Nageswara Rao	M. Nageswara Rao
11	116	Relangi Nageswara Rao	M. Nageswara Rao

All the services except serial No. 8 were transferred by the officials. The statements recorded by the respondent have also disclosed the same.

11. The above said table shows that except Sl.No. 5, the rest of the owners statements were recorded. All the services including Sl. No. 5 were regularized by the officials. In the said list S.C. 1071 of the appellant is not shown. The appellant has not filed any documents to show that he was authorized to shift the service connection. He says only revenue officials advised him orally to shift the same. It is the duty of the appellant to approach the officials of the respondent before shifting the same and get the service regularised. He has not done the same.

12. It is clearly mentioned by the respondents that the person who wants to shift the service connection to a different location, he has to obtain proper sanction from the competent authority. The appellant has not approached the officials to sanction the shifting of service connection. It is stated by the respondent that the service is not disconnected on the ground that he is an agriculturist and he is under free supply. If he further delays, there is every possibility for disconnection and also giving further scope to prosecute him for unauthorised use of his service connection. So merely because, the service connection is not disconnected is no ground for him to regularize the same, against to the instructions and guide lines from the head of the department that too when it is against to the policy matter of licensee.

13. In the light of the above said circumstances, it is the appellant, who ought to have taken steps while shifting the same to different locality by obtaining proper sanction or he would have asked the officials to incorporate his name in the list of other consumers. Having failed in discharging his duty, throwing the blame on the department officials is unwarranted. If he has approached for sanction and when the same is not considered, then the department officials can be blamed. But that is not the case herein and the appellant herein having failed in discharging his duty is not entitled for restoration of his service connection. There are no grounds to set aside the impugned order.

14. In the light of the above facts and circumstances, the appeal preferred by the appellant is devoid of merits and the appeal is liable to be dismissed.

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

This order is corrected and signed on this day of 3rd October, 2012

Sd/-

VIDYUT OMBUDSMAN