

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: 20-12-2012

Appeal No. 51 of 2012

Between

Sri. S. Chenna Reddy,
Kuppaguttapalli, Vemula Village
Kadapa Dist

... Appellant

And

1. Assistant Engineer / Operation / APSPDCL/ Vemula / Kadapa Dist
2. Asst. Accounts Officer / ERO / APSPDCL / Pulivendula / Kadapa Dist

.....Respondents

The appeal / representation dt.09.07.2012 received by this authority on 16.07.2012 against the CGRF order of APSPDCL C.G. No. 292 / 2010-11 Kadapa Circle dated 08.03.2011. The same has come up for final hearing before the Vidyut Ombudsman on 05.12.2012 at Hyderabad. Sri. S. Chenna Reddy, appellant present. Sri. B. Lakshmi Naik, AE / O / Vemula, Sri. V. Mallikarjuna, AAO / ERO / Pulivendula and Sri. L.V. Manohara Reddy, Sr. Asst / ERO / Pulivendula on behalf of the respondents present. Heard the arguments of 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 his Grievances. In the complaint, the appellant has mentioned about the grievances as hereunder:

"The complainant has mentioned in his complaint dated 24-1-2011 registered on 31-01-2011 under clause 5 (7) of APERC regulation 1/2004 read with

section 42 (5) of I.E.Act 2003 has stated that the complainant has already applied for Title transfer and change of category from paid to free category on 14-2-2005 but respondent did not do justice and change did not effect. From that day the matter had been pursuing with the respondents. But in the month of 5/2007, SE/O/Kadapa accorded approval for change of category with prospective date and without considering the original date of application. So far the title transfer had not been done. Finally the complainant requested to verify the records and allow free power from 3/05 and also effect the title transfer of the two service No:215 and 216 lingala”.

2. The respondents have replied as follows :

- i. AAO/ERO/Pulivendala has not replied to the complainants but referred the order already pronounced by the CGRF, in CGNo:262/10-11. It seems that the AAO/ERO/Pulivendala has suppressed the facts happened in the case of the complainant while furnishing the remarks to the CGNo:262/10-11.*
- ii. AAE/O/Lingala did not furnish any remarks to the complaint filed in CGNo:262/10-11 or 292/10-11.*

3. In view of the foregoing reasons, the Forum passed the following order :

- i. Respondents are directed to effect the title transfer to the Agl. Services 215 & 216 Lingala firstly.*
- ii. Change of category from paid to free category shall be ordered w.e.f 1-4-2005 to the service 215 & 216 and excess billing already done shall also be withdrawn together with surcharge.*
- iii. The compensation for the deficiency of service of Rs 17,675/- shall be payable to the complainant by way crediting to the complainants service and the excess credit so available shall be adjusted to the future C.C.bills of the complainant.*
- iv. Respondents are directed to implement the above order within 15 days from this day and compliance to the order may be reported.*
- v. Accordingly the complaint is allowed.*

4. When the order of the Forum is not implemented with effect from 14.02.2005, he filed this appeal by narrating the following grounds.

- i) The Department has treated 2 services under free category, but failed to consider the other two services S.C No. 248 and 330 under free category.*
- ii) He filed C.G. No. 325 / 2011-12 and the Forum ordered to release free service.*
- iii) The Department official treated the service under free power supply with effect from 25.04.2011 but not with effect from 14.02.2005 and he*

is entitled for free supply with effect from 14.02.2005 and requested this authority to pass the order by passing the order with effect from 14.02.2005.

5. Now the point for consideration is whether the appellant is entitled for free supply with effect from 14.02.2005 as prayed for?

6. The appellant is present on the date of hearing and narrated the same grounds mentioned in the grounds of appeal. Whereas the respondents are represented by Sri. D. Lakshma Naik, AE / O / Vemula, Sri. V. Mallikharjuna, AAO / ERO / Pulivendula and Sri. L.V. Manohara Reddy, Sr. Assistant / ERO / Pulivendula present and stated that they have treated the same as free service as per the orders of the Forum and the appeal is liable to be dismissed.

7. In this appeal a short question is placed to consider by this authority. The appellant wants to treat it as free service with effect from 14.02.2005 but not from 29.05.2011. It appears the appellant has submitted an application for free service on 25.4.2011. It is not mentioned in the order whether, he has made any request to treat the same as free service with effect from 14.02.2005 or not. If he has made such a request in his application before CGRF, no doubt he is entitled from that date onwards. If he has not mentioned in his application, he is certainly not entitled. The very release with effect from 25.04.2011 shows that he is qualified for free service. If he has not made any request in his application to the CGRF, claiming from 14.02.2005, he is not entitled to the same.

8. In the light of the above said circumstances, this authority is pleased to pass the following order.

“The respondents are directed to verify the application filed before the CGRF as to whether he has claimed the free service with effect from 14.02.2005 or not. If he has claimed, treat the same as free service with effect from 14.02.2005. If he has not claimed with back date, he is not entitled with effect from 14.02.2005”.

9. With this observation, the appeal is disposed accordingly. No order as to costs.

This order is corrected and signed on this 20th day of December, 2012.

Sd/-
VIDYUT OMBUDSMAN