

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: 25th –10-2012

Appeal No. 64 of 2012

Between

Sri. Kancharana. Bhaskara Rao,
S/o. Dandasi, Gopalapuram Village, Garudagandi Post,
Palasa Mandal, Srikakulam Dist

... Appellant

And

1. Assistant Engineer / Operation / APEPDCL / Palasa / Srikakulam Dist
2. Asst. Divisional Engineer / Operation / APEPDCL / Palasa / Srikakulam Dist
3. Divisional Engineer / Operation / APEPDCL / Tekkali / Srikakulam Dist

.....Respondents

The appeal / representation dt. 14.09.2012 received by this authority on 15.09.2012 against the CGRF order of APEPDCL C.G. No. 304 / 2012-13 of Srikakulam District Dt.30.07.2012. The same has come up for final hearing before the Vidyut Ombudsman on 18.10.2012 at Visakhapatnam. Sri. K. Bhaskara Rao, appellant present. Sri. K. Madhu, AE (O), Kasibugga, Sri. Rammurthy, SAO, Palasa 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 estimate prepared for release of new agricultural service connection is abnormal and also high and he is not in a position to bear the total cost of the estimate as the electrical line very far from the bore point and requested the Forum to do justice to release the same from the nearest pole to the bore point."

The 1st respondent submitted his written submissions as hereunder:-

"The complainant has applied for new service connection for agricultural purpose vide PLS NSC 14905, Dt. 04.05.2012, accordingly the site inspection was carried out in the presence of the consumer and estimate was prepared by proposing a new distribution transformer but not on the existing net work / Distribution transformer due to the following reasons.

The LT line extension from the existing DTR to the proposed new agricultural connection exceeds 195 mts i.e., of 840 mts, as per the instruction of higher authorities no agricultural service connection should be released on the existing HVDS DTR when the proposed LT line on the HVDS DTR exceeds 195 mts withstanding to the above said instructions the estimate was prepared and sanctioned vide Sanction No. SDR90 / 2012-13 and intimated to the consumer fro payment of necessary estimate charges Rs. 147400/-."

2. The 2nd respondent filed his written submission as detailed below.

"Sri. K. Bhaskara Rao, has applied for 311 P agricultural service vide PI S NSC – 14905, Dt. 04.05.2012. The Assistant Engineer, Operation , Kasibugga has prepared the estimate and the same was sanctioned vide SDR 90/2012-13 for an amount of Rs. 147400/-. The same is informed to the consumer to pay the necessary charges.

Now the consumer has requested for extending the supply on the existing LT net work from existing 63 KVA agricultural DTR which is having a load of 44 HP for 10 Nos. agricultural service. The estimate was prepared as per the prevailing guidie lines i.e., a smaller capacity DTR is to be provided for extending supply to agricultural services and the LT network should not exceed 195 Mts from the DTR with AB cable. Thus the service cannot be released under the existing network which is 840 mts distance from the existing LT Pole.

3. The Forum, duly taking into cognizance of the written submissions of the respondents and passed the following order on 30.07.2012.

The respondents are herewith directed to cancel the estimate already sanctioned and release the new agricultural service connection from the nearest pole.

Accordingly, the CG.No304/11-12 is disposed off”.

4. The appellant has approached this authority, when the respondents have not implemented the orders of the Forum, stating that he has been meeting the Assistant Engineer, but no progress is made. It is also further mentioned that he spent huge amount for watering the Crop by engaging a Diesel Engine; and that he is a Petty Farmer, having 2.7 acres of land and he is unable to meet any further expenses and requested this authority to implement the orders of the Forum at an early date.

5. The appellant appeared before this authority on 18.10.2012 (at Visakhapatnam CGRF office) and narrated about the same grounds mentioned in his grounds of appeal. Whereas, the respondents are represented by Sri K. Madhu AE (O) Kasibagga and R. Ramana Murty (SAO) Palsa appeared before this authority and stated that they have already addressed letters to the authorities for approval and estimation and they are awaiting orders from the higher authorities.

6. The Forum has passed its order on 30.07.2012. No improvement is made by the respondents. The impugned order is passed after making a local inspection by the Chair Person and Members and after verification and location of DTR position, passed the impugned order. The respondents have not moved their little finger to implement the orders. It is highly condemnable and necessarily coercive steps have to be taken either by the Forum or by this authority for non implementation of the order of the Forum.

7. In the light of the above said circumstances and facts placed before this authority, this authority feels that it is reasonable to afford an opportunity for implementation of the order, otherwise action has to be initiated under section 146 of Electricity Act, 2003 which reads as follows:-

“146. Punishment for non-compliance of orders or directions:-

Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence."

8. In the result, the appeal is disposed with a direction to implement the order of the Forum within 15 days i.e. giving service connection to the Borewell of the appellant. If this order is not implemented, action will be initiated under section 146 of Electricity Act, 2003.

This order is corrected and signed on this 25th day of October 2012.

Sd/-
VIDYUT OMBUDSMAN