

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: 06-12-2012

Appeal No. 65 of 2012

Between

Smt. Achanta Savithri,
W/o. Laxminarayana,
Venkatakrishna Puram Viilage,
Dwaraka Thirumala Mandalam
W.G. Dist

... Appellant

And

1. Assistant Engineer / Operation / APEPDCL/ Dwaraka Thirumala / W.G. Dist
2. Asst. Divisional Engineer / Operation / APEPDCL / Bhimadole / W.G. Dist
3. Asst. Accounts Officer / ERO / Rural / APEPDCL / Eluru
4. Divisional Engineer / Operation / APEPDCL / Eluru

.....Respondents

The appeal / representation dt. 09.10.2012 received by this authority on 13.10.2012 against the CGRF order of APEPDCL C.G. No. 351 / 2012-13 of W.G.District Dt.13.09.2012. The same has come up for final hearing before the Vidyut Ombudsman on 04.12.2012 at Hyderabad. Sri. Katragadda. Prabhakara Rao on behalf of the appellant present. Sri. Ch. Satyanarayana Reddy, DE / O / Elluru and Sri. B. Veerabhadra Rao, ADE / O / Bhimadole 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 her Grievances. In the complaint, the appellant has mentioned about the grievances as hereunder:

The respondent registered a case of direct tapping against her agricultural service connection. Hence she has approached for justice from the CGRF.

2. The 2nd respondent has filed his written submissions as detailed below :-

"It is evidenced from the records, that the service was released on 25.11.08 under Cat – V, duly assigned the Service No. 542 in CG.Gunta Village in Dwaraka Tirumala Mandal after completion of the works as per sanction.

On physical verification of the fields, it is noticed that there is no Agl. Pumpset and connected infrastructure provided by the APEPDCL., at the original location as per sanction. But complainant claimed the bore well along with infrastructure available at another place which is located at VK Puram village for the above sanction.

On 29.11.2011 @ 11:00 Hrs. Addl. Asst. Engineer/ Operation/ Dwaraka Tirumala had inspected the above said premises at VK Puram village of Dwaraka Tirumala Section and direct tapping case was booked against Sri Achanta Laxminarayana as he has utilizing power supply unauthorizedly (since there is no records available in connection with above service) for his 20HP capacity agricultural pump set to that effect a PA Notice was served vide reference (2) cited above and the service was removed, the payments also received as per PA Notice from the complainant.

From the above, it is clearly evidenced that the works were executed at the bore well located at VK Puram village and assign the SC.No. 542 in CG.Gunta village instead of VK Puram village which is under "BAN" area for release of agricultural services by the department personnel working at that time.

Further, Sri K. Naveen Kumar, S/o. Subba Rao resident of VK Puram village has passed the above matter under RTI Act. In fact this issue was raised due to his application under RTI Act only."

3. The Forum, duly taking into cognizance of the written submissions of the Respondent No.2 passed the following order on 13.09.2012.

- *As per recorded evidence against Agricultural Service No.542, G.G. Gunta Village, Dwaraka Tirumala Mandal in favour of Smt. Achanta Savitri, W/o. Laxminarayana, the location of bore well was totally changed intentionally and shifted to another Village.*
- *The P.A. Notice vide D.No.583/11 dt. 05.12.2011 for theft of energy under Direct Tapping is in order.*
- *No merits in here complaint and dismissed with no cost.*
- *Accordingly, the CG.No. 351/2012-13 is disposed off.*

4. Aggrieved by the said order, the appellant filed the above said appeal before this authority by projecting the following grounds.

- i) The appellant paid a sum of Rs.1,00,350/- and the department installed 25 KVA transformer and provided the supply.
- ii) Subsequently, the Additional Assistant Engineer inspected the premises and disconnected the same without any reason. When they approached, the officials demanded Rs.30,050/- for restoration of the service connection.
- iii) The respondents are postponing the restoration of service on one ground or the other though, the appellant has paid the amount.
- iv) The negligence on the part of the officials caused a loss of Rs.1,00,000/- due to wastage of their crops.
- v) The forum has failed to understand the issue and erroneously dismissed and the same may be set aside.

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

6. On behalf of the appellant, one Katragadda. Prabhakara Rao representative of the appellant present and he reiterated the same grounds mentioned in the grounds of appeal. The respondents are represented by Sri. Ch.Satyanarayana Reddy (Operation, Eluru), Sri.B.Veerabadhara Rao, ADE, Bheemadolu present and stated that the original place of the service connection was shifted to another area fallen in a different village V.K. Puram which is within ban area and there by they could not give the service connection to the new place.

7. It is clear from the record that on 29-11-2011, AAE, Operation inspected the premises at a V.K.Puram Village and found that there was a direct tapping and a case was booked against her. The amount demanded was also paid by the consumer, the service connection was not restored due to a ban in that area. Though, the entire work facilitating the supply was completed, the service was not released due to the ban. The DE (O) filed a xerox copy of the notification relating to the Administration of the Panchayath Raj, showing the ban imposed for the bore wells. The DE (O) also further stated that the said ban imposed is subsequently lifted and that there is no hurdle to release the service connection provided, the

appellant is prepared to produce MRO certificate to the effect that the said land belongs to the appellant. When same is put to the representative of the appellant, he said that he will produce the same.

8. In the light of the above said discussion, the appeal is allowed, setting aside the impugned order with a direction to the respondents to release the service connection to the appellant soon after producing the MRO certificate.

9. No order as to costs.

This order is corrected and signed on this 6th day of December, 2012.

Sd/-
VIDYUT OMBUDSMAN