

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. 75 of 2012

Between

Smt. Oraganti. Aruna Kumari,
D.No. 3-135 / 1,
Savithri Nagar, Pendurthy,
Visakhapatnam Dist.

... Appellant

And

1. Assistant Engineer / Operation / APEPDCL/ L. Kota / Vizianagaram Dist
2. Asst. Divisional Engineer / Operation / APEPDCL / S. Kota / Vizianagaram Dist
3. Divisional Engineer / Operation / APEPDCL / Vizianagaram

.....Respondents

The appeal / representation dt. 29.10.2012 received by this authority on 01.11.2012 against the CGRF order of APEPDCL C.G. No. 43 / 2012-13 of Vizianagaram District Dt. 29.06.2012. The same has come up for final hearing before the Vidyut Ombudsman on 04.12.2012 at Hyderabad. Smt. Oraganti. Aruna Kumari, appellant present. Sri. B. Ravi, Asst. Engineer / O / L.Kota and Sri. G. Prasad, ADE / O / S.Kota 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:

“She has filed a complaint stating that she has one plot near gold star company junction L.Kota Mandal Vizianagaram Dist, which is a Panchayati approved layout and not electrified by the real estate company. It was registered at sub-register office. The electricity department has refused to provide power supply to her. Hence she approached the Forum for Redressal her grievance”.

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

“The corporate office issued instructions not to release any new service in an un electrified and partially electrified lay outs. They can not be considered.

The consumer was intimated form corporate office that her service will be released after complete electrification of entire lay out..”

3. The Forum, duly taking into cognizance of the written submissions of the respondent and passed the following order on 29.06.2012.

- To release of new services of the consumer, the consumer purchased a site in Panchayati layout. At that time there is no rules for electrification of layouts before 2005, every consumer has right to take electricity as per Electricity rules.*
- The ADE/O/S.Kota hereby instructed, the estimate should be prepared upto Consumer premises only and necessary charges should be collected form the consumer.*

Clause No.5.1:-

Company's Duty to supply:

The company shall, on an application by the owner or occupier of any premises located in his area of supply, give supply of electricity to such premises in accordance with Section 43 of the Act and the APERC (Licensee duty for supply of electricity on request) Regulation, 2004 (No.3 of 2004) as well as the APERC (Licensee Standards of Performance) regulation, 2004 (No.7 of 2004). The applicant must however ensure compliance with the procedure specified in the GTCS.

Old Panchayati layouts, the cost of site is also low and the middle and poor people have purchased the above sites even though it is far way from the city. At the time of layouts formed by the owner there is no such rules framed for the electrification of layouts by the licensee (i.e. EPDCL) earlier. The respondent should not treat this as a general rule for all the latest layout formed by the real estate companies.

- Hence this forum is ordered on the said clause to release of supply to the consumer immediately.*

With the above direction, CG.No.43/12-13 is disposed off.

4. Aggrieved by this order, the appellant filed the above said appeal to the effect that the service connection was not released inspite of the order passed by the CGRF and that the respondents denied the same on the ground that the appellant has to produce an approval from the VUDA.

5. Now the point for the consideration is, whether to impugned order passed by the forum is to be affirmed or modified? If so, on what grounds?

6. The appellant Smt. Oruganti. Aruna Kumari appeared before this authority and stated that the respondents are giving lot of trouble in releasing the service connection by showing some ground or the other, inspite of the order passed by the forum in her favour to release the service connection.

7. Where as the respondents are represented by Sri. G. Prasad, ADE, Operation, S.Kota and Sri. B. Ravi, AE, Operation, L.Kota. They stated with one voice that the house is situated in a lay out which is not approved by the VUDA as the area included in the VUDA purview. He has also quoted a clause 5.2.6 and 5.2.7 of GTCS. It is also stated by them, that the electrical supply may be released soon after the receipt of the occupancy/ approval/ from VUDA.

8. It is an admitted fact, that the appellant has constructed her house in the site purchased by her. She has filed Xerox copy of sale deed. It is also an admitted fact that she has constructed the building with out an approved plan. It is also clear from the version narrated by the appellant that she is suffering for want of power supply. She has also not applied to the Panchayath for approval of the construction of the said building. When the building itself is an unauthorized construction, she is not entitled for release of service connection. When a person is going to construct a building, he has to apply for the approval from the competent authority i.e. local authority by submitting a plan in accordance with Bye-laws or the rules of the respective local authorities. In this case, she has not obtained any permission to construct the building from the local authority. It is not the job of the respondents to insist upon clearance from the VUDA. The supply of the power is only to the building which is under the occupation of the appellant, provided the same is approved by the local authority. The respondents are not expected to insist upon the

production of clearance from the VUDA. The service connection if released may also be disconnected at any time if any order is received against the said release of the service connection by any competent authority including local authority. In the absence of any direction or instruction from any authority, the respondents are not having any option except to release the service connection.

9. The appeal is disposed off with a direction to the respondents to release the service connection soon after production of the approved building plan by the appellant from the competent authority i.e., local authority (panchayat).

10. No order as to costs.

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

Sd/-
VIDYUT OMBUDSMAN