

VIDYUT OMBUDSMAN

**O/o. ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004**

NAGARAJ NARAM

Appeal No. 71 of 2013

Dated. 06.08.2013

Between

Sri E.VenkataRajyam
M/s. Venkateswara Mini Rice Mill
Thimmamapet (V), Zafferghad (M)
Warangal Dist.

... Appellant

And

1. Asst.Engineer / Operation / Zafferghad / APNPDCL/Warangal
2. Asst.Divisional Engineer / Operation / palakurthy APNPDCL/Warangal
3. Asst.Accounts Officer/ERO/Ghanpur/Warangal
4. Divisional Engineer / Operation / jangaon/ APNPDCL/Warangal

....Respondents

The appeal / representation is filed on 27-05-2013 and has come up for hearings before the Vidyut Ombudsman on 18-06-2013 & 02-07-2013 at Hyderabad. On 18-06-2013, Sri P.Sreekanth, DE/O/Jangaon, Sri N.Krishna, ADE/O/Palakurthy, Sri K.Vijay Kumar, AE/O/Zaffergadh and Sri A.Ravinder, AAO/ERO/Ghanpur (station) (FAC) were present and there was no representation on behalf of the appellant. On 02-07-2013, Sri E.Venkatrajam, appellant and Sri K.Vijay Kumar, AE/O/Zaffergadh for respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

This appeal is preferred by the above named appellant against the order of CGRF,APNPDCL in CG No.322/2013 of Warangal Circle dated 12.04.2013 in

respect of SC No.2910-417 with regard to non-release of additional load as requested by him for his rice mill.

2. The appellant has stated in his appeal as follows:

(a) He has requested the concerned APNPDCL officials to enhance the load from 21HP to 49HP to increase the equipments in the existing rice mill by obtaining the bank loan of Rs.4,00,000/- and private loans of Rs.3,00,000/- in the month of March 2012.

(b) Based on his request, the electricity officials prepared an estimate for Rs.1,74,183/- and he has paid the said amount on 14.03.2012 through DD. But even after lapse of one year they have not enhanced the load and he is unable to run the mill.

(c) At this juncture, he approached the CGRF/APNPDCL on 11.02.2013 and 18.02.2013. The Chairman/CGRF/APNPDCL has passed an order on 12.04.2013 and ordered to revise the estimate and complete the work. Based on the revised estimate, he has paid an amount on Rs.58,204/- through DD in addition to Rs.1,74,183/-. As a result Rs.2,32,387/- paid to the department, but work is not completed even though the Chairman, CGRF has passed another order on 16.05.2013.

(d) Due to the inaction of electricity personnel and not implementing the orders of CGRF, he is facing financial problems a lot and he is unable to pay the loans and interests. Following are the financial loss to him without running the mill (excluding principal amounts)

Bank interest from date of loan to till to date (Loan amount Rs.4,00,000/-)	Rs.65,000
Interest to be paid on private loans @2% on 3,00,000	Rs.72,000
Minimum bill for 14 months (i.e, from 03/2012 to 05/2013) @ 1250 * 14 months	Rs.17,500
Total	1,54,500

Besides the above, he is suffering a lot physically and mentally and he fell sick and his unit is also going to be sick due to negligence of electricity personnel.

3. The respondent No.4 has stated as follows in his report to this authority:

(a) Estimate for enhancement of existing load from 21HP to 49HP (ie., additional load of 28HP) on SC No.2910-4171 / Cat-III, Thimmapet (V), Zafferghad (M) was sanctioned.

(b) Due to objections raised by the residents of Thimmapet village during execution of the work the same could not be taken up.

(c) As the way-leave is not provided by the consumer the work was held up and the same was brought to the notice of the consumer.

(d) As the work was held up M/s. Venkateshwara Mini Rice Mill had approached the Chairperson, CGRF to resolve the issue.

(e) Chairperson, CGRF had obtained a report from the respondents of APNPDCL.

(f) Accordingly a report was filed with the Chairperson, CGRF duly explaining the reasons towards right-of way problem.

(g) Chairperson, CGRF has given certain directions to carry out the work.

(h) In obedience of the directions of Chairperson, CGRF revised estimate was prepared and the same was sanctioned.

(i) After payment of revised estimate cost by the consumer the AE/O/Zafferghad has drawn all the material and requested the DE to notify the agency which would execute the work.

(j) The work executing agency had visited the site for field survey and tried to execute the work by starting pole pit marking for erection of poles at Thimmapet (V) on 27.04.2013. But the residents of Thimmapet (V) have again objected and stopped the marking, they threatened the working agency to stop the work completely.

(k) Even after making many attempts to take up the work, the residents of Thimmapet(V) have not allowed them and threatened with dire consequences. The same was brought to the notice of higher authorities at regular intervals. There is no laxity on part of them.

(l) Subsequently, as per the directions of higher authorities a complaint was lodged with Police Station, Zafferghad by the AE/O/Zafferghad to intervene and to resolve the issue but in vain.

(m) The villagers of Thimmapet have threatened even the police people and stopped the work. As the situation has become worse, the people working in the field are unable to take up the work.

(n) Further, as per clause No.3 of Works of Licensees Rule, 2006 issued by the Ministry of Power, Govt of India a requisition was also communicated to the Thasildar, Zafferghad by AE/O/Zafferghad to clear the objections raised by the villagers of Thimmapet for carrying out the works. A reply is awaited from the Thasildar. Soon after receipt of permission from the competent authority the work will be taken up.

4. Based on rival contentions as the same cannot be under taken for conciliation as per the governing regulation a notice of hearing was given. The appearance of parties and dates of hearing was noted in the preamble of the order itself which is self explanatory.

5. Now, the issue that arises for consideration is whether appeal is entertainable and if so, to what relief the appellant is entitled to?

6. Heard the parties to the appeal. Initially for the first notice scheduling the hearing on 18.06.2013 all the respondents have appeared and presented their case. There was no representation on behalf of the complainant. The appeal was adjourned by this authority to 02.07.2013. On this day the complainant appeared and stated that he has received a notice, but the same was delivered on the date of hearing. Hence he could not be present. On behalf of respondents the AE Operations Zafferghadh appeared as this authority had directed that only one of the

respondents may be present on the next date of hearing while adjourning the appeal on the earlier hearing date.

7. Coming to the issue on hand, the complainant has availed supply for a load of 21 HP for its mini rice mill. Now it proposes to enhance the load to 49 HP. For this purpose, it had made a request through Sri E. Venkatrajam to the concerned DISCOM office. It paid an amount of Rs. 2,32,387/- towards enhancement of load, but the same is yet to be released. Therefore, Sri. E Venkatrajm has approached the CGRF. The CGRF disposed of the complaint directing the DISCOM to provide the supply immediately and complaint to provide leave way for laying the necessary lines.

8. On the other hand, it is the case as represented by the officials of the DISCOM that the process for release of the additional load has already been initiated, however the villagers were opposing the release of additional load to the complainant and therefore they could not obtain way leave for the purpose. In the enquiry undertaken by the CGRF it has directed the DISCOM representatives to prepare revised estimated for the alternate line and upon payment of the revised estimate the work was entrusted to the work agency, who again were objected by the villagers from performing the work. Thus the work was completely stopped. The matter was brought to the notice of the senior officials of DISCOM and even after lodging a complaint with the police authorities, even the police authorities were threatened with dire consequences by the villagers. Therefore, the officers have made a request to the local revenue officer requesting for providing leave way for laying the lines in accordance with Works of Licensee Rules, 2006.

9. The representatives have reiterated all the submissions in the oral hearing. The complainant also provided ground realities through photographs and the CD providing video footage about the possible route where the line passes by.

10. This authority has perused all the evidence both documentary and other evidence filed in support of the complaint or against by all the parties.

11. At this stage it is relevant to notice the provisions of the Electricity Act, 2003 and the others for better appreciation. Sec 43 reads as follows.

43. *Duty to supply on request*

(1) *Every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply :*

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission.

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

(2) *It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub section (1) :*

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission .

(3) *If a distribution licensee fails to supply the electricity within the period specified in sub section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.*

Clause 5.2.4 reads as follows.

Where the consumer's premises has no frontage on a street and the supply line from the company mains has to go upon, over or under the adjoining premises of any other person (and whether or not the adjoining Premises owned jointly by the consumer and such other person), the consumer shall arrange at his own expense for any necessary way-leave, licence or sanction. The Company shall not be bound to afford supply until the way-leave or sanction is granted. Any extra expenses incurred in placing the supply line in accordance with the terms of the way-leave, licence or sanction shall be borne by the consumer. In the event of the way-leave, licence or sanction being cancelled or withdrawn, the consumer shall, at his own cost, arrange for any diversion of the service line or the provision of any new service line thus rendered necessary.

The standards of performance provide as follows:

4.2 Cases where power supply requires extension of distribution mains

(i) *The Licensee shall acknowledge the receipt of the application within 2 days and shall intimate to the applicant in writing, the amount of security and other charges payable within 7, 15, 30, 45 days of receipt of applications for Low Tension, High Tension (11KV), High Tension (33KV) and Extra High Tension (above 33KV) respectively.*

(ii) *The supply of electricity in such cases shall be effected by the Licensee within the time limits specified hereunder:*

Voltage of supply	Period from date of payment of required security and other charges, within which supply of electricity should be provided
Low Tension	30 days
High Tension – 11000 Volts	60 days
High Tension – 33000 Volts	90 days
Extra High Tension – Above 33000 Volts	180 days

12. A combined reading of all the provisions would make it clear that the licensee is bound to provide supply by making itself available the leave way. However given the ground realities on the advice of this authority, the officials of the DISCOMs have already approached the revenue authorities for providing support for laying the line for providing supply to the complainant.

13. This authority is of the view that though the complaint has been allowed and the DISCOM has been asked to release the supply after laying the line, as it is not getting implemented, the complainant has rightly approached this authority for rendering complete disposal and settlement of the grievance. That being so the appeal is entertainable. Accordingly it is being disposed of.

14. Since the ground realities as recorded above persist and the work is not being executed as stated by the parties at the time of hearing, it may be desirable to take following action

- a) The petitioner has to pursue the matter with the villagers to convince them that nothing hazardous would happen as all the necessary precautions will

be taken by the DISCOM if necessary by taking into confidence the local leadership.

- b) Upon perusal of the video footage, the apprehensions of the villagers are partly genuine as some of them have constructed their houses close to the line itself.
- c) Necessary safety measures have to be taken at places where the line likely to pass through the close vicinity of the residences of the villagers.
- d) Examine the option of laying of the line in the ground with safety precautions wherever necessary.
- e) Steps should be taken by DISCOM officials to coordinate with the revenue and police officials at the highest level in the district. The matter can be discussed through the Managing Director / Director concerned with release of supply with that of Collector and Superintendent of Police. This is mainly to obtain leave way for laying lines and avoid any law and order problem for the sake of one consumer and vice versa. This will help in obtaining smooth passage as the revenue officials will be surveying route and if need be clear any serious road blocks and the police will help protecting the workers who are on the job of laying the lines.
- f) It has been stated that at the time of hearing that the line may be useful for extension of supply to other parts beyond the village. In that event of the matter the above stated exercise can be undertaken.
- g) As the appeal is being allowed upholding the order of CGRF, no rigid timelines are being fixed keeping in view the gravity of the situation. However, this authority is of the opinion that the work may be completed as expeditiously as possible at any rate a minimum of 2 months, given the fact that it has already got long delayed.
- h) Compliance report may be placed before this authority and CGRF as and when it is completed.
- i) Copy of the order is being forwarded to the Managing Director of the DISCOM for better cooperation in the matter. It is also being sent to the Chairperson CGRF for rendering assistance, if any, to the revenue and police authorities.

15. With these observations, the appeal is allowed and parties are directed to cooperate and comply with above directions.

This order is corrected and signed on this day of 6th August 2013

Sd/-
VIDYUT OMBUDSMAN