



**BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh :: Hyderabad**

:: Present ::

C. Ramakrishna

Date: 12-01-2016

Appeal No. 12 of 2015

Between

M/s. Sree Venkateswara Stoneware Pipe Co, Muniswamy Nagar, Bhimadole, West
Godavari District.

... Appellants

And

1. The AE/Operation/APEPDCL/Bhimadole/West Godavari District
2. The ADE/Operation/APEPDCL/Bhimadole /West Godavari District
3. The DE/Operation/APEPDCL/Eluru/West Godavari District

... Respondents

The above appeal filed on 06-07-2015 has come up for final hearing before the Vidyut Ombudsman on 03-12-2015 at Eluru. The appellants, as well as respondents 1 to 3 above were present. Having considered the appeal, the written and oral submissions made by the appellants and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the complaint of the consumer about non implementation of the CGRF's order.

3. The appellants sought a single phase connection for lighting load purpose in their factory premises and paid the estimate charges also as demanded by the respondents. As the respondents did not release the service connection, the appellants had been seeking refund of the estimate charges. As the refund was not made, the appellants approached the CGRF and the Forum had passed an order in CG No. 349/2012-13 on 04-10-2012. In spite of the order, the respondents had not refunded the amount on one pretext or the other. Hence the appellants approached this authority in appeal.

4. Notices were issued for hearing the matter. During the hearing on 05-11-2015, the respondents said that as the consumer is not seeking release of the service connection now, they would retain 10% towards administrative charges and refund the remaining amount. But the appellants contested the submission of the respondents and said that they never sought to withdraw the application and it was the respondents who did not release the service connection on the ground that the feeder supplying load to their factory had been converted into an industrial feeder a year or two subsequent to their application. They further submitted that ever since, they had been only pressing for the refund of the estimate charges paid by them. As the respondents could not show sufficient grounds on which they had not refunded the charges, the respondents were ordered during the hearing to pay 90% of the amount with interest within one week and show the rule position with regard to their right to

retain 10% towards administrative charges. It was made clear that if they were unable to show the rule position with regard to their right to retain 10% of the amount towards administrative charges, they would be ordered to repay the remaining 10% also with interest at the next hearing. The matter was adjourned to 03-12-2015. The respondents filed a compliance report stating that they had paid the 90% of the amount paid by the consumer i.e., 17,779/- along with an interest amount of Rs. 14,579/- by way of adjustment in his account. The respondents brought to the attention of this authority clause 5.3.2 of the GTCS, 2006 (reproduced below for ready reference) and submitted that it is by virtue of that clause that they are entitled to retain 10% of the estimate charges paid for by the consumer.

5.3.2 Service Line Charges

5.3.2.1 The Service line charges payable by the consumers for release of new connection/ additional load under both LT and HT categories shall be levied at the rates notified by the company in accordance with regulations /orders issued by the Commission from time to time These charges shall be paid by the consumer in advance failing which the work for extension or supply shall not be taken up. These charges are not refundable.

Provided that where any applicant withdraws his requisition before the Company takes up the work for erection of the service line, the Company may refund the amount paid by the consumer after deducting 10% of the cost of the sanctioned scheme towards establishment and general charges. No interest shall be payable on the amount so refunded.

5. The consumer had stated that the respondents had paid the amount as ordered for in the open court and because of that they are happy with outcome. They further stated that the appeal can be closed as settled in view of the payment made by the respondents.

6. Therefore, it is hereby ordered that the appeal is closed as settled.

7. This order is corrected and signed on this 12th day of January, 2016.

8. A digitally signed copy of this order is made available at www.vidyutombudsman.ap.gov.in.

VIDYUT OMBUDSMAN

To

1. M/s. Sree Venkateswara Stoneware Pipe Co, Muniswamy Nagar,
Bhimadole, West Godavari District - 534 425
2. The Assistant Engineer, Operation, APEPDCL, Bhimadole, West Godavari
District - 534 425
3. The Assistant Divisional Engineer, Operation, APEPDCL, Bhimadole, West
Godavari District - 534 425
4. The Divisional Engineer, Operation, APEPDCL, R.R. Peta, Eluru, West
Godavari District - 534 002

Copy to:

5. The Chairman, C.G.R.F., APEPDCL, P & T Colony, Seethammadhara, Near
Gurudwara Junction, Visakhapatnam - 530 013
6. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills,
Hyderabad - 500 004