



**BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh**

:: Present ::

C. Ramakrishna

Date: 25-08-2015

Appeal No.143 of 2013

Between

**Sri. A. Manmadha Rao, D. No. 9-9-47/41(6), Mohan Residency, Mangapuram
Colony, Lawson's Bay Colony Post, Visakhapatnam - 530 017**

... Appellant

And

- 1. The AE/Operation/D4/APEPDCL/Waltair/Visakhapatnam**
- 2. The ADE/Operation/APEPDCL/Waltair/Visakhapatnam**
- 3. The DE/Operation/APEPDCL/Zone I/Visakhapatnam**

... Respondents

The above appeal filed on 28-02-2014 has come up for final hearing before the Vidyut Ombudsman on 24-08-2015 at Visakhapatnam. The appellant was not present in spite of notice. But the respondents 1 to 3 above were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the complaint of the consumer about the DISCOM releasing power supply to certain flats in an apartment that goes by the name Mohan Residency. He was not happy with the order of the CGRF in the matter and hence the appeal.

3. The appellant stated in his appeal that Greater Visakhapatnam Municipal Corporation ("GVMC" for short) has sanctioned construction of only 6 flats in the said Mohan Residency but that the DISCOM authorities had released service connection to nine flats in the building without there being any approval for the same; that the builder of the residential complex, Sri. Y. Appa Rao, had collected Rs. 20,000/- from each of the flat purchasers towards the cost of transformer and that the builder had used this money to bribe the DISCOM's authorities to get the illegal service connections; that in accordance with the rules to be followed by the APEPDCL, if a building is more than 10 meters in height, the DISCOM's authorities should refuse release of service connection unless the GVMC gives a no objection certificate; that in spite of noticing that the building is more than 10 meters in height, the DISCOM's authorities had gone ahead and released the services because of the illegal gratification received from the builder; that in the last ten years there is not a single building that was constructed properly by Sri. Y. Appa Rao that had fire safety and in spite of this the DISCOM authorities had released service connections to the buildings; that as per the norms to be followed by the DISCOM, if a building has more than five service connections or a load that is more than 20 kVA, the DISCOM is bound to ensure that a transformer is in place and that the DISCOM had given a go by to this requirement and released the

service connections without a transformer in spite of there being a load of more than 23 kVA; that the respondent AE had in spite of making a physical inspection of the building failed to notice that unauthorised usage of electricity is happening through service connections bearing numbers 296960 and 296961; that in spite of his complaints to the respondent DE and SE about the unauthorized usage of electricity, no action was taken by them; that the supply to flats which are under mortgage to the GVMC by the DISCOM's authorities, without the approval of the GVMC is irregular; that his complaint about the submission of forged documents by Sri. Y. Appa Rao has not been enquired into by the DISCOM; that the respondent AE had serviced notices at 7:30 PM against the law; that on his repeated complaints about unauthorized supply, the supply was stopped for a brief period but has been restored again; and that the DISCOM's authorities had not followed the rule to permanently disconnect the services in spite of noticing unauthorized supply more than two times. He was also making a veiled reference to the DISCOM's authorities failure in proper record keeping. He ultimately prayed that the illegally given service connections be disconnected, electrical short circuits be prevented in the residential complex and departmental action be initiated against the officers that resorted to misuse of power and bribery. He filed some material in support of his submissions.

4. Notices were issued for hearing the matter. The respondent ADE filed his written submission stating that nine service connections to the residential complex were released on 7-12-2009 by due observance of the departmental procedures and after obtaining all required approvals from the higher authorities; that at the time of release of service connections, the height of the building was less than 10 meters; that as on the date of release of service

connections, there were no specific instructions about the erection of a transformer being mandatory for release of six or more service connections in a building; that the load existing in the premises for all the service connections put together is lower than 20 kW; that as per the extant guidelines, where the load is not more than 20 kW and if spare capacity is available in an existing nearby transformer, there is no need to provide a new DTr in the estimate; that nothing prevents the release of service connection to a flat that is under mortgage to the GVMC; that the appellant in collusion with another of his neighbours is unnecessarily dragging the DISCOM into their personal disputes with the builder and other residents of the residential complex; that both these persons complained about unauthorized supply being given by two other residents of the residential complex for the construction of 4th floor of the residential complex; that on receiving the complaint, the DPE wing inspected and found that two of the residents are supplying unauthorized supply through sub-meters to two flats located on the 4th floor of the complex and booked malpractice case; that the appellant complained again of the unauthorized supply on 11-1-2014 and that this time too a case was booked by the AE and a provisional assessment notice was issued to Sri. Y. Appa Rao.

5. The respondent DE also submitted a written submission reiterating the same facts as submitted by the ADE.

6. During the course of the hearing, the appellant and the respondents confirmed what they stated in writing and also filed additional written submissions. Having perused all these, this authority finds that the appellant's complaint cannot be treated as a "grievance" as it is not shown by him that he is adversely affected by the conduct of the DISCOM. A bona fide consumer or

applicant for electricity supply can have a grievance about non-supply or irregular supply or deficiency in service by the DISCOM. This “grievance” presupposes that the consumer complaining about it is adversely affected by the conduct of the DISCOM or its officials. But a consumer complaining about the service being extended to somebody else by the DISCOM, alleging irregularities therein is behaving like a busybody. On his complaint, the DISCOM authorities had made the necessary verifications and satisfied themselves that the supply is made in accordance with the extant rules. If the appellant feels that he has complained about the irregularities as a responsible citizen, his job concluded with his bringing the irregularities to the notice of the DISCOM’s authorities. But going beyond that and finding fault with their functioning and accusing them of all unseemly things without providing substantial proof for the allegations being levelled against them is uncalled for interference in the functioning of a public official. If an applicant for electricity connection had submitted fake or forged documents, the appellant has to show as to how that has resulted in his being adversely affected in so far as supply to him is concerned. If he is acting as a responsible citizen by bringing some criminal acts to the notice of the DISCOM, he should know that the law of the land provides for dealing with such acts through separate authorities / forums and the DISCOM is not equipped to conduct enquiries into such allegations. If the appellant has unquestionable proof in the form of the findings given by such authorities about the documents produced by somebody, he can at best bring it to the notice of the DISCOM and explain how it is affecting service being extended to him. As long as he is not having an adverse impact on the service that he is getting from the DISCOM, there is no reason for him to raise a grievance before the grievance redressal mechanism of the DISCOM and this authority.

7. For instance the appellant cited copies of the plan approvals of GVMC and alleged that the DISCOM's authorities had released the service connections based on a morphed plan copy and fake documents. The DISCOM's authorities take on record what is supposed to be filed by an applicant for electricity and if the applicant for electricity has fulfilled the requirements of getting an electricity connection based on the documents so filed, the DISCOM is merely acting in a bonafide manner. It is beyond the scope and pale of a DISCOM to keep conducting an investigation into the genuineness or otherwise of each and every document that is filed before it before releasing the supply. If the DISCOM has to keep conducting such an investigation before releasing supply, it would be straying from its core mandate of supplying electricity to citizens.

8. A perusal of the copies produced shows that while the applicant therein applied for plan approvals, the GVMC had sanctioned the building, among other things, to have a height of only 9.00 meters. The appellant also relied on a copy of the SE's Memo dated: 05-11-2009 to complain that the DISCOM's authorities in spite of having noticed that the building height is more than 10 meters, had gone ahead and released the service connections after being bribed by Sri. Y. Appa Rao, the builder. The approval given by the GVMC in its proceedings B.A. No. 12451/08/ACP II/G1, dated 20-01-2009 clearly shows that the sanctioned height of the building is 9 meters. In the light of this, alleging that the DISCOM's authorities had been in the know that the building height is more than 10 meters before they released the service connections is totally incorrect and is a false allegation. Moreover, the appellant also has been very callous with his allegations. His allegations that the DISCOM's authorities had been bribed by Sri. Y. Appa Rao are not at all substantiated with any proof.

Such allegations only serve to discourage even normally functioning officials into defence and make them cynical. That's why a citizen should be very careful before he alleges serious wrongdoing such as bribery on the part of any official.

9. The appellant also went on to assert that the DISCOM authorities had released service connections to all the illegally constructed buildings in the last ten years. He further stated that documentary evidence will be provided on request. The appellant should know that it is for him to prove wrongdoing on the part of the people that he is accusing them of wrongdoing. It is not for an appellate forum like this one to demand or ask for proofs. Had he submitted any proof, this authority would have looked into them and examined the allegations to the extent that they are required to be dealt with in accordance with the mandate of this authority.

10. The appellant alleged that the respondent AE had, in spite of noticing the existence of sub meters, had not enquired as to why they are existing. In support of his allegation he relied on the 3rd document bearing page number 5 submitted by him. The said document is perused. It is a letter written by the AE to the Public Information Officer in the DE's office. In the letter, the AE reported, among other things, that the consumers have arranged three sub-meters in the premises. The report appears to have been submitted in pursuance of an RTI application filed by the appellant. The RTI application filed by the appellant, copy of which is submitted as part of document number 4, makes an interesting reading. The appellant had made use of RTI to deny electricity service to other consumers. RTI Act was basically framed to elicit information from public authorities. It cannot be used to make the public

authorities to do something or refrain from doing something. It is meant just to elicit and secure information. That's all and no more. Whereas here, the appellant had sought clarifications under RTI Act. No applicant under RTI Act can pose questions and seek clarifications. No public authority is bound to answer such questions and clarify the matters. In spite of this, the DISCOM's authorities made an effort to respond to the RTI application and in the course of doing so, elicited a report from the respondent AE. The respondent AE had, as noted above, informed the existence of three sub-meters arranged by the consumers. The appellant contends that the respondent AE is duty bound to enquire as to why the sub-meters are existing and see whether or not there was any unauthorized supply being done. Conceding for a moment that the respondent AE is bound to enquire into such things, it is not clear as to how that non-performance of the duty by the AE resulted in any discomfiture for the appellant. A consumer like the appellant is entitled to supply of electricity and seeking redressal of any problems associated with it. But a grievance about non-performance of duties by the respondents, if at all, cannot be made part of an appeal as there is a separate mechanism provided for dealing with such complaints against specific individual officers. The official conduct of the public officers like the respondents herein is governed by specific rules framed for the purpose and any non-performance or misbehaviour thereof has to be dealt with under the Conduct Rules that are framed for the purpose. Allegations about the conduct of the public officers cannot be raised in an appeal proceeding like the present one. Doing so is nothing but misusing the process and casting an unnecessary burden on the institution in dealing with it.

11. The appellant's grievance about the inaction on the part of the AE, SE in spite of his complaints to them about the unauthorized supply also cannot be

made part of an appeal before this authority. The appellant complained that in spite of his giving copies of the forged documents submitted by Sri. Y. Appa Rao, the DISCOM's authorities had released the service connections. The appellant is accusing an applicant for electricity connection of submitting forged documents. It is pertinent to note that he had not made available any final finding by any authority to substantiate his allegation of forgery. Secondly, even if forgery of some of the documents filed by an applicant is proved, the appellant has to show as to how it has resulted in his getting adversely affected by that act. The appellant's grievance about non-initiation of criminal action against Sri. Y. Appa Rao cannot be made part of this appeal. Launching criminal action against somebody for producing false or forged documents is not in the domain of a DISCOM. The proper course for the appellant in such cases is to pursue the matter with the Police.

12. The appellant's complaint about service of a notice at 7:30 PM in the evening is also not worthy of consideration. If he was aware that no notice can be or should be served at 7:30 PM, nothing prevented him from refusing to take the notice at that time. Making a fuss about it now and making the issue part of an appeal is uncalled for. The appellant also complained that the DISCOM's authorities had not followed the rules about permanent disconnection of a service for indulging in unauthorised supply more than twice. He did not draw the attention of this authority to the existence of any such rule position. It is not clear as to what rule position he is referring to. In any case, even if there is such a rule, this authority cannot comprehend as to how he is aggrieved with the unauthorised supply to somebody else. The fact of unauthorized supply is brought by him to the knowledge of the DISCOM's authorities. They will take the required action as per the rules that they are bound to follow. If they

don't take any action on that score, the appellant can always approach their higher authorities seeking action against them for dereliction of duties under the conduct rules. But raising the issue before this authority as an appeal is not correct. The appellant cannot seek redressal from this forum on an issue that is not shown as causing him any distress or inconvenience in so far as supply to him is concerned.

13. The appellant's expectation that this authority should cause the gathering and collection of material from the DISCOM's authorities is founded on a misconception of the power and duties of this authority. Similarly his grievance about the non-furnishing of information by the DISCOM's authorities under the RTI Act cannot be raised before this authority. The appellant is free to approach the relevant appellate authority under the RTI Act for that purpose.

14. From all the foregoing findings, it is clear that the appellant is a busybody that is misusing the appeal process before this authority in settling his personal scores with his builder and / or neighbours. This authority is not inclined to take cognizance of the perceived grievances of the appellant as they do not in any way show that his supply is being affected in any matter whatsoever. Therefore, this appeal fails in toto.

15. Coming to the CGRF's order, the CGRF ought to have seen through the game being indulged in by the appellant complainant. Without looking into these aspects it blindly directed initiation of necessary action by the respondents. The appellant complainant did not show as to how his supply or service is affected by the unauthorized supply that he is complaining about.

Once the DISCOM's authorities are made known about unauthorized supply, it is best left to them as to how they deal with it and take necessary action as they deem fit. If the appellant complainant is aggrieved by their inaction, he can always approach the DISCOM's higher authorities and seek action that he deems reasonable. But raising those issues in a complaint before the CGRF or in an appeal before this authority is nothing but wasting the valuable time of the CGRF and / or this authority.

16. Therefore, the appeal is dismissed.

17. This order is corrected and signed on this 25th day of August, 2015.

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

VIDYUT OMBUDSMAN

To

1. Sri. A. Manmadha Rao, D. No. 9-9-47/41(6), Mohan Residency,
Mangapuram Colony, Lawson's Bay Colony Post, Visakhapatnam - 530 017
2. The Assistant Engineer, Operation, APEPDCL, D4, Operation Section D4,
Waltair, Visakhapatnam - 530 004.
3. The Assistant Divisional Engineer, Operation, APEPDCL, Operation Sub -
Division, Waltair, Visakhapatnam - 530 004.
4. The Divisional Engineer, Operation, APEPDCL, Zone-I, Visakhapatnam,
Opp: Green Park Hotel, Visakhapatnam - 530 002.

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