



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

:: Present ::

C. Ramakrishna

Date: 28-10-2015

Appeal No. 17 of 2015

Between

Smt. B. Lalitha Kumari, W/o. Late B.V. Prasad Rao, Bhairy (V&P.O), Srikakulam

District

... Appellant

And

1. The AE/Operation/APEPDCL/Rural-Srikakulam/Srikakulam District
2. The AAO/ERO/APEPDCL/G T Road/Srikakulam District
3. The ADE/Operation/APEPDCL/G T Road/Srikakulam District
4. The DE/Operation/APEPDCL/G T Road/Srikakulam District
5. The SE/Operation/APEPDCL/G T Road/Srikakulam District

... Respondents

The above appeal filed on 10-08-2015 has come up for final hearing before the Vidyut Ombudsman on 09-10-2014 at Vizianagaram. The appellant, as well as respondents 2 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 non-conversion of her service connection from paying to free and the consequent demand for payment of

arrears by the DISCOM. The appellant was not happy with the decision given by the CGRF in this regard and hence the appeal.

3. The appellant stated in her appeal that she possesses an agricultural service connection bearing number 1000040 in her husband's name; that the respondents had incorrectly noted in their records that she possesses about 2.50 Acres and kept her service connection in paying category; that in fact she possessed only 2.46 Acres as evidenced by her land records; that her husband had expired on 16-05-2012; that the respondents, without even fixing a meter to her service connection, have been incorrectly raising a bill on her showing a consumption of 200 to 300 units; and that all her pleas for converting the service connection to free category have fallen on deaf ears. She pleaded that her service connection be correctly categorized as belonging to free category from the year 2004 itself. She enclosed photocopies and certified copies of her land records in support of her contention.

4. Notices were issued for hearing the matter. The respondents in their common written submission had stated that the appellant's service was not converted to free category for non-availability of MRO certificate evidencing possession of less than 2.5 Acres of land, capacitor bill, ISI Motor Bill, frictionless foot valve and HDPE pipe which are all required for such conversion. As the appellant had submitted all the required documents on 25-03-2015, the service connection was converted to free category with effect from 01-04-2015. They further submitted that her earlier representation dated 11-02-2013 on the matter has not been traced at their end; that their efforts at replacing the existing defective meter of the consumer were thwarted by the consumer; that the consumer never objected to the earlier bills raised in spite of having no meter; and that therefore the outstanding arrears of Rs. 21,175/- are liable

to be paid.

5. During the course of hearing, the appellant and respondents reiterated what was stated by them in their written submissions. The appellant produced the original pattadar passbooks and also filed copies once again in support of her contention. The respondents had no proper explanation as to how the service remained in paying category till the year 2009 in spite of her having a land of less than 2.5 Acres and that too following DSM measures. The respondents could not find anything wrong with the evidence submitted by the appellant.

6. On perusing the written and oral submissions, the issues that stood for consideration are:

- a. Whether or not the appellant is entitled for free supply of power in accordance with the Government's policy from the year 2004 itself;
- b. Whether or not the accumulated arrears need to be recast; and
- c. Whether or not there is any need to interfere with the CGRF's order.

7. Coming to the first issue, having considered the evidence submitted by the appellant, this authority finds that the service connection of the appellant ought to have been converted into free category back in the year 2004 itself as per Government norms. In view of there being no contest about the evidence submitted by the appellant, the respondents ought to have acted in accordance with the Government's policy and converted the service into free category with effect from the year 2004 itself. Their not doing so is incorrect. There is no proper explanation as to how the records of the respondents reflected an extent of land that is not there at all as per revenue records is baffling to say the least. The state of the records maintained by

the respondents speaks volumes about their efficiency and procedures in this regard.

8. The contention of the respondents that the appellant had not met the requirements producing MRO certificate evidencing possession of less than 2.5 Acres of land, capacitor bill, ISI Motor Bill, frictionless foot valve and HDPE pipe, is not supported by their having asked for them and the appellant having not produced the same. Their contention that due to non-meeting of these requirements, the appellant's service connection has not been converted to free category, is therefore not found proper and supportable. The respondents' further contention that non-opposition from the appellant for the earlier bills that are raised even without there being a meter, also is found laughable to say the least. They could not explain the basis for their raising the bills in the first place; then they contend that there was no opposition. This is all too funny. The respondents seem to think that they can get away with with their whimsical functioning. No consumer can be asked to pay anything unless the claim is backed by some authority and evidence. No DISCOM can raise a bill just like that for any number of units that it feels like. Sustaining such demands will amount to authorizing rule by whims and fancies and cannot be allowed by this authority.

9. In view of these findings, accumulation of arrears on the service connection in paying category from the year 2004 to April, 2015 is not correct and needs to be set aside. However, in view of the fact that there will be liability to pay minimum charges in accordance with the tariff orders even while availing free power, the arrear position needs to be recast.

10. Therefore, it is hereby ordered that:

- a. The respondents shall convert the service connection of the appellant from paying to free w.e.f the year 2004 itself;
- b. The respondents shall accordingly recast the arrears payable on the service connection w.e.f 2004 duly taking into account the minimum charges that are payable on such connections in accordance with the tariff orders from time to time; and
- c. The respondents shall, however, calculate the delayed payment surcharge in accordance with the tariff orders, as long as the minimum charges remained unpaid.

11. The respondents shall recast the arrears payable in accordance with the above directions within 15 days from the date of receipt of this order and report compliance thereon to this authority within 15 days from thereafter.

12. As the CGRF had failed to consider the issue involved properly, keeping in view the fact that the appellant had produced incontrovertible evidence about her eligibility for free supply of power, the order of the CGRF is set aside as bereft of merit.

13. This order is corrected and signed on this 28th day of October, 2015.

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

VIDYUT OMBUDSMAN

To

1. Smt B. Lalitha Kumari, W/o, Late B.V.S. Prasad Rao, Bhairy, (V&P.O),
Srikakulam District - 532 405
2. The Assistant Engineer, Operation, Rural-Srikakulam, APEPDCL, College
Road, Srikakulam - 532 001
3. The Assistant Accounts Officer, ERO, APEPDCL, G T Road, Opp: Margadarsi
Chit Funds, Srikakulam - 532 001
4. The Assistant Divisional Engineer, Operation, Town, APEPDCL, Sub
Division-Town, G T Road, Opp: Margadarsi Chit Funds, Srikakulam - 532 001
5. The Divisional Engineer, Operation, APEPDCL, G T Road, Opp: Margadarsi
Chit Funds, Srikakulam - 532 001
6. The Superintending Engineer, Operation, Town, APEPDCL, Sub
Division-Town, G T Road, Opp: Margadarsi Chit Funds, Srikakulam - 532 001

Copy to:

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