BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh :: Hyderabad

:: Present ::

C. Ramakrishna

Date: 17-10-2015

Appeal No. 9 of 2015

Between

Sri. S. Shan, S/o Late. Mohammad Murad, Killam Village, Makivalasa Post, Narasannapeta Mandal, Srikakulam District

... Appellant

And

1. The AE/Operation/APEPDCL/Narasannapeta Rural/Srikakulam District
2. The AAO/ERO/APEPDCL/Tekkali/Srikakulam District
3. The ADE/Operation/APEPDCL/Narasannapeta/Srikakulam District
4. The DE/Operation/APEPDCL/Tekkali/Srikakulam District

… Respondents

The above appeal filed on 11-06-2015 has come up for final hearing before the Vidyut Ombudsman on 09-10-2014 at Vizianagaram. The appellant, as well as 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 non-conversion of his 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 his appeal that he possesses agricultural land to an extent of 0.59 Acres; that he has an agricultural service connection bearing number 108 for the same with 5 HP load; that in spite of the Government's stated policy of supplying free power for consumers like him, the respondents had demanded, after the lapse of many years, payment of arrears; that unable to face forcible disconnection of his service, he had paid Rs. 10,000/- on 26-02-2014 under duress; that on approaching the CGRF, the CGRF did not consider his case properly and that therefore he is forced to approach this authority seeking justice. The appellant enclosed copies of the CGRF order and his pattadar passbook in support of his contention.

4. Notices were issued for hearing the matter. The respondent AAE, in his written submission had stated that the appellant's service was in paying category till the year 2009; that during the year 2009, the same was converted into free category; that at the time of conversion, there was an arrear of Rs. 17,107-50/- outstanding as arrear against that service connection; that the consumer had paid only Rs. 10,000/- against this arrear on 26-02-2014; that the unpaid arrears along with delayed payment surcharge stand at Rs. 23,120-50/- as on date; that the CGRF also had categorically held that the consumer is liable to pay the arrears; and that therefore the consumer is liable to pay the arrears.

5. During the course of hearing, the appellant and respondents reiterated what was stated by them in their written submissions. The appellant went on to submit that the respondents had not converted his service connection to free category in the year 2004 itself, in spite of the Government's policy of supplying free power. He produced the original pattadar passbooks and also filed copies once again in support of his contention. The respondents had no proper explanation as to how the service remained in paying category till the year 2009 in spite of his 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.

8. In view of this finding, accumulation of arrears on the service connection in paying category from the year 2004 to 2009 is not correct and needs to be set aside. However, in view of the non-payment of any kind of charges, including the minimum charges that are liable to be paid in accordance with the tariff orders, the arrear position needs to be recast.

9. 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.

10. 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.

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

12. This order is corrected and signed on this 17th day of October**, 2015**.

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

VIDYUT OMBUDSMAN

To

1. Sri. S. Shan, S/o Late. Mohammad Murad, Killam Village, Makivalasa Post, Narasannapeta Mandal, Srikakulam District

2. The Assistant Engineer, Operation, APEPDCL, Narasannapeta Rural, Srikakulam District - 532 421
3. The Assistant Accounts Officer, ERO, APEPDCL, Tekkali, Srikakulam District - 532 201
4. The Assistant Divisonal Engineer, Operation, APEPDCL, Narasannapeta, Srikakulam District - 532 421
5. The Divisional Engineer, Operation, APEPDCL, Tekkali, Srikakulam District - 532 201

Copy to:

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