



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

:: Present ::

**Vinnakota Venkata Prasad**  
**Former District & Sessions Judge**  
**Vidyut Ombudsman**  
The 30<sup>th</sup> day of January, 2023  
Representation No.26 of 2022-23

**Between**

Sri Meruva Venkata Raja Sekhar, 2-39, Sivalayam Street, Tadikalapudi,  
Kakavarapukota (M), W.G. District 534452 ... **Representationist**

**And**

1. The Assistant Executive Engineer/Operation/APEPDCL/M. NAGULAPALLI.
2. The Assistant Accounts Officer/ERO/APEPDCL/ELURU RURAL
3. The Dy. Executive Engineer/Operation/APEPDCL/BHIMADOLE
4. The Executive Engineer/Operation/APEPDCL/ ELURU, ... **Respondents**

@@@

This representation having come up for final hearing before me on 27.01.2023 through Video Conference in the presence of the representationist and the respondents 2 and 3 and the respondents 1 and 4 having been remained absent, stood over for consideration till this day and the Vidyut Ombudsman delivered the following:

**ORDER**

1. Having been aggrieved by the part of orders dated 13.12.2022 rendered by the Forum for Redressal of Grievances of the Consumers in Eastern Power Distribution Company of A.P Limited, Visakhapatnam in C.G.No.164/2022, the complainant therein directed this present representation under clause 18 of Regulation No.3 of 2016 seeking to waiver of the arrears under electricity bill up to 28.02.2022, the relief which was negated before the CGRF.
2. The representationist submitted printed format under Annexure II along with a detailed separate statement of request.
3. The averments in the printed representation under Annexure-II and the detailed separate statement are as follows IN NUSE:

- a) The Representationist purchased the land in an extent of Ac.05.61cts along with the motor and electrical connection therein from Amedha Power Private Limited on 05.02.2014. Since the electrical bills being received by him were high when compared to the neighboring ryots, he consulted the A.E., Nagulapali who informed him that his service connection was under 'paying category' and if it were changed into agricultural free category, there would be bill for a lesser amount.
- b) As such he submitted an application on 04.02.2015 seeking change of name and category by submitting the copies of sale deed, certificates issued by the Revenue Officials, Self declaration affidavit stating that he did not fall within the ambit of income tax and another Affidavit besides making payment of arrears in a sum of Rs.8,895/-. Another amount in a sum of Rs.2,955/- towards interregnum bill amount was also paid since he was required to present 'no due certificate'. After some time, when enquired with the officials, they informed that the service connection category was changed to 'agriculture Free Category'.
- c) When asked the lineman for the reason that no bill was being raised, he informed that in view of the change of category in to agricultural free service, bill would not be raised every month and he believed the said version
- d) While so, in the month of October, 2021, lineman informed that there were bill arrears to a tune of Rs.98,000/- and asked to him to pay the bill amount. On his asking for the reason for the receipt of bill for such higher amount, he came to know that there was only name change but not change of category in the year 2015. Thus, the electricity department officials did not give any information from 01.01.2018 to October 2021 as regards these arrears.
- e) Therefore, a representation was made to the A.E., Nagulapalli on 10.01.2021 for taking necessary action but no action was taken.
- f) After some time, officials required him to make an application again, in accordance with their advice, he made an application and the category was changed on 10.05.2022.
- g) When an application was made to the CGRF under C.G.No.164 of 2022, the CGRF passed orders allowing the relief claimed in part only and therefore, the Vidyut Ombudsman is requested to waive the arrears pending on his service connection.

4. The matter was taken on file on 13.01.2023. Notices were issued to both sides for making their appearance either personally or through agent or advocate as provided under clause 21.8 of Regulation No.3 of 2016 through video conference, and the matter was posted to 20.01.2023 to submit the evidence if any so desired by post by 20.01.2023.

5. On 20.01.2023, the representative of the representationist was present on Video Conference. Respondent Nos. 1 to 3 were present on Video Conference. 4<sup>th</sup> respondent was absent. Representative of the Representationist reported that he filed all the documents available with them and there was no further evidence to be produced.

6. Matter was adjourned to 25.01.2023 for production of the respons/counter and evidence if any by the respondents.

7. On 25.01.2023, the representationist and the respondent Nos. 2 and 3 were present on Video Conference. The respondents 1 and 4 were absent. In fact, in the notice sent to the respondents itself, they were informed that they could authorize some other person to appear and plead, as is provided under clause 21.8 of Regulation No.3 of 2016, but somehow they did not prefer to avail the same but remained absent. Since, Respondent Nos. 1 and 4 are also departmental officials and since Respondent Nos. 2 and 3 are prosecuting the case on behalf of the department, absence of participation by the respondent Nos.1 and 4 is inconsequential.

8. Counter/Response submitted by 3<sup>rd</sup> Respondent was received at this office on 23.01.2023, and the contents there in are as follows in epitome:

a) The representationist who is the holder of service connection in S.C.No.7011/000084 under Category V is resident of Tadikalapudi village of Kmavarapukota Mandal of West Godavari District. He applied on 05.08.2015 for transfer of the said service connection from Amedha Power Limited, C/o. Anand to his name. The copy of the same is submitted herewith. The Divisional Engineer /Operation / Eluru accorded approval for title transfer vide Memo No.DE O/ELR/ AE.C/ F.TT/D.No803/15, dt.24.09.2015. Accordingly, the name transfer was effected.

b) The said service connection was under 'paying category' due to non-submission of proof documents except self declaration as per the norms of the department through AE/Operation/M.Nagulapalli for change of sub category from 'paying to free category'.

c) After name change, he had to apply for change of subcategory from, 'payment to Free', by submitting the supporting documents viz., Representation for change; certificate from an auditor to the effect that he was not an income tax assessee, Mee seva Certificate in Form-1B; Agricultural income certificate; MRO certificate & copy of Pattadar Pass Book, but the consumer did not follow the same. Further the name change and category change cannot be done at the same time as per the department norms.

d) After revision of Tariff, the consumer approached the Sub-division office/ Bhimadole for change of sub category from 'agriculture paying to Free one' on the ground that he was not an income tax assessee. There were arrears at Rs.1,33,684.70 as on 16.03.2022 on the said service. He submitted requisite documents on 16.03.2022 for change of category. Based on the request, the Deputy Executive Engineer /operation/Bhimadole has inspected the said service connection and the same was submitted to the S.E. through proper channel, and the S.E./Operation Circle/Eluru accorded approval for the change vide Memo. No.SE/ O/ ELR/ SAO/ AO(R)/ JAO/ LT/ SAI/ F.No.406035/22, Dt.12.05.2022 with effect from 04.05.2022 which is the date of 'note orders' approval. Accordingly, change of subcategory from 'Agriculture paying to Free', was effected in EPCCB on 12.05.2022.

e) Thereupon, the consumer approached CGRF in C.G.No.164 of 2022 and the CGRF made order on 13.12.2022 as follows;

"In the result, the grievance of the complainant is partly allowed and the DISCOM authorities are directed to withdraw the demand raised under paying category from 01.03.2022. The consumer is liable to pay the arrear bill up to 28.02.2022. The DISCOM authorities are liable pay compensation to the complainant from March'2022 till 12.05.2022."

f) A letter was submitted to E.E. operation, Eluru, for revision of C.C. bill (pursuant to the order of CGRF) and the approval is awaited. While so, the consumer approached the Vidyut Ombudsman and he conducted enquiry at 11.00 A.M. on 20.01.2023. The service is having pending arrears of Rs.1,27,654.7/- as on 21.02.2022 as per EPCCB consumer history. The consumer has not paid the arrears till date. The copies of documents are filed. The respondent requests to drop the consumer grievance.

9. The other respondents did not file counter.

10. On 25. 01.2023, Ex.A1 to 11 on behalf of the Representationist and Ex.R1 to R6 on behalf of the Respondent No.3 were marked. Heard the representative of

the representationist on behalf of the Representationist and the Respondent Nos. 2 and 3 on behalf of the Respondents. Respondents 2 and 3 informed to adopt their argument on behalf of the Respondent Nos. 1 and 4. However, since the Representationist submitted that he intended to file two more documents, the matter was adjourned to 27.01.2023.

11. Two more documents were submitted by the Representationist on 25.01.2023 itself subsequent to the adjournment, though the representative of the Representationist requested time during the hearing.

12. On 27.01.2023 also, the representative of the Representationist and the Respondent Nos. 2 and 3 were present on Video Conference. The two documents presented on 25.01.2023 by the Representationist were also marked on behalf of the Representationist under Ex.A12 and A13. On 27.01.2023, also the Respondent Nos.1 and 4 were absent. Heard both sides in further. As stated supra, the Respondent Nos. 2 and 3 reported that their arguments may be adopted for the Respondent Nos.1 and 4 also.

13. (a) Copy of the Electricity bill for Rs.97,504/-, Copy of letter submitted by representationist addressed to the A.E., Nagulapalli, with an endorsement of receipt of the same by JE/OSD/Bhimadole on 10.01.2022; Copy of another letter from the representationist to E.E., Electrical, Eluru Division and others; Copy of letter bearing No.406035 from the office S.E., Operation Circle Eluru, dated 10.05.202; Copy of Bill details for S.C.No.1514227011000084, Krishnapuram; Copy of 1<sup>st</sup> page of Pattadar Pass Book of the representationist; Copy of 2<sup>nd</sup> page of Pattadar Pass Book of the representationist; Copy of the application said to have been presented before the CGRF; Copy of the letter of details annexed to the application said to have been presented before the CGRF; Tax invoice dated 28.12.2022; Copy of letter to the A.E., Operation, M Nagulapalli along with the declaration, submissions letter dated 23.1.2023 from the representationist to the Vidyut Ombudsman and Xerox copy of the declaration said to have been made by the representationist to the DISCOM, all filed by the representationist were marked as Ex.A1 to A13.

(b) The Xerox copy of application form presented by the representationist for change of title, Xerox copy of an undated letter sent to AE, Nagulapalli by the representationist, the Xerox copy of the letter dated 29.07.2015 from the Assistant Accounts Officer sent to Sri Amedha Power Private Limited, Xerox copy of Transfer Form from Amedha Power Private Limited to the Representationist, Xerox copy of No objection for transfer of the Title of

current service, Xerox copy of indemnity Bond executed by the representationist, filed for the respondents were marked as Ex.R1 to R6.

14. a) **Before dealing with the rival contentions**, it has to be made clear that as envisaged under section 42 (6) of The Electricity Act, 2003, any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5) of the said Act, may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the Hon'ble State Commission.

b) Regulation No.3 of 2016 under clause 18 r/w clause 19.2 also deal with presentation of a representation to the Vidyut Ombudsman against the order of the Forum within 30 days from the date of receipt of the order of the Forum. Though the caption of G.T.C.S.14.9 reads as 'appeal before Vidyut Ombudsman', it is crystal clear from the wording employed under the said clause No.14.9.1 of GTCS, that **'the consumer may make only a representation to the Vidyut Ombudsman** if the consumer is not satisfied with the decision of the Forum'.

c) The Hon'ble APERC by order dated 02.03.2021 issued 'Practice Directions' wherein it is categorically held that **'the Vidyut Ombudsman does not sit in appeal to consider a point of law alone or that he sits in judgment over the pleadings or evidence recorded before the Fora'**.

d) As such, any of the grounds urged as regards omissions or commissions made in the order of CGRF do not fall for consideration.

e) Thus, this Vidyut Ombudsman has nothing to do with the merits or demerits of the order made by CGRF.

f) Thus, Representation to the Vidyut Ombudsman is another opportunity to the consumer to seek redressal of his grievance when he could not get redressal of his grievance before the Forum.

g) However, **without approaching the CGRF, no consumer can directly approach the institution of the Vidyut Ombudsman for redressal of his grievance since section 42 (6) of The Electricity Act, 2003 envisages that 'any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance** to an authority to be known as Ombudsman to be appointed or designated by the State Commission. While, **Clause 18 (1) provides presentation of representation before the Vidyut Ombudsman by a complainant, Clause 19.2 of Regulation No.3 of 2016 envisages that a representation may be filed before the Vidyut Ombudsman against the**

order of the Forum within 30 days from the date of receipt of the order of the Forum.

h) Section 42(5) of The Electricity Act,2003, mandates for establishment of CGRF by the Distribution Licensee for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the Hon'ble State Commission.

i) Therefore, it is for the parties to the representation to lead the necessary evidence and put forth their contention afresh before the Vidyut Ombudsman, and the Vidyut Ombudsman may have to dispose of the representation basing on such material produced by the parties before the Vidyut Ombudsman.

15. Now, the points for consideration are:

(i) Whether the representationist is entitled to the relief of waiver of dues as on 28.02.2022 pending against the service Connection No. 0514227011000084 as prayed for by the representationist? and

(ii) To what relief?

**POINT NO.(i): Entitlement to the Waiver of Bill amount pending as on 28.02.2022:**

16. The version of the Representationist is that he purchased the land in an extent of Ac.05.61cts along with the motor and electrical connection therein from Amedha Power Private Limited on 05.02.2014. **Ex.A6** is the xerox first page of Pattadar Pass book and **ExA.7** is the xerox copy of the second page of the said pass book showing the name of the Representationist as the pattadar for the land in S.No.76/2a3.

17. There can be no dispute for the DISCOM as regards his propriety to the said land property.

18. It is further contended that since the electrical bills being received by the Representationist were high when compared to the bills of neighboring ryots, he consulted the A.E., Nagulapali who informed him that his service connection was under 'paying category' and if it were changed into 'agricultural free category', there would be a lesser bill, and therefore, he submitted an application on 04.02.2015 seeking 'change of name and category' by submitting the copies of sale deed, certificates issued by the Revenue Officials, Self declaration affidavit stating that he did not fall within the ambit of income tax and Affidavit besides making payment of arrears in a sum of Rs.8,895/-. Another

amount in a sum of Rs.2,955/- towards interregnum bill amount was also said to have been paid since he was required to present no due certificate and later, when enquired with the officials, they informed that the service connection category was changed to 'agriculture Free Category' and that the lineman also informed that in view of the change of category in to 'agricultural free service', bill would not be raised every month and he believed the said version. **Ex.A12** is nothing but elucidation of the contentions of the representationist.

19. The contention of the Representationist is that they applied for the 'name change' as well as 'category change'. **The Representationist did not produce any record to show that the representationist applied for name change and as well as change of category from corporate/payment to individual/Free.** The reason explained for non production of such document is change of houses. **Ex.A2 is Xerox copy of the letter/representation presented by the representationist on 10.01.2022 to the Assistant Engineer stating that in the year 2015 itself he applied for the 'name change' and 'category change' and he was also informed of 'change of the name as well as category.** It bears some signature of SE/OSD/Bhimadole in evidence of the receipt of the same. This representation was submitted in the month of January, 2022. **Ex.A1 xerox copy** of electricity bill for Rs.97,594/- was evidently given to him in the month of September, 2021 itself. These charges are said to be fixed charges.

20. On receipt of the said bill in the month of September, 2021 he presented this representation addressed to the Assistant Engineer to the S.E., but not to the official to whom it was addressed. When the said letter/ representation was not addressed to the S.E., as to how the representationist is able to contend that the S.E. did not take any action or that the AE did not take any action is inexplicable. **Of course what action could be taken by them on such letter is a different question.**

21. Similarly, he filed **Ex.A3** xerox copy of a letter said to have been presented to the E.E. Electrical, Eluru seeking change of category. It is undated conveniently. **It does not carry any endorsement of the receiver of the said letter as is done in the case of Ex.A2.** Thus, there is no material to show that the original of **Ex.A3** was presented before the department and if so, on which date. **Further, this letter contents do not disclose that he applied for the 'change of category or name change'.** The contents of the same do not disclose that he put any application for 'name change' and 'category change'. It does not support his contention before this Vidyut Ombudsman that he put in same application for ' name change' and 'category change'.



22. **The Representationist also produced Ex.A11 and A13. They are replica of one another. There is no proof to have submitted the same before the department. There is no endorsement on it in receipt of the same by any of the department officials as is done in the case of Ex.A2. In fact the contents therein reveal that it was an application stating that he dug a bore and making a request thereby to grant him a new service connection.**

23. **In fact, in the instant case, he is contending that he was seeking 'change of name' since he purchased the land from Amedha Private Ltd for which this service connection already existed. In fact there is no contention in this case that he applied for any new connection. There is no possibility for making any such application in the circumstances of the case for sanction of new connection. It does not bear any date.**

24. **Thus, this document must be a created one. There is no proof of its submission before the DISCOM Officials. When already there was a bore and service connection in the land said to have been purchased by him, he cannot be expected to apply for fresh connection in the same survey number of the land i.e.,76/2A3 which is also mentioned in Ex.R5 xerox copy of no objection certificate said to have been executed by his co-sharer in the bore well which was submitted by him along with the Title transfer application for change of name for the service connection from that of vendor of his land.**

25. **The respondents produced the xerox copy of the computerized application presented by the Representationist under Ex.R1. It is evident from the top portion of the said application that the Representationist applied only for the 'Title transfer' but not for the 'Category change'. One 'tick' was given in the relevant box provided for 'agricultural category' and another 'tick' was given in the last box provided for 'Title Transfer'. Its preceding box deals with 'category change' and the same was left blank. The said fact itself evidences that the said application was presented only for title transfer/name change but not for category change. Ex.R2 which is an application addressed by the Representationist to the AE Nagulapalli also reveals that the representationist stated therein that it was a letter to the said official stating that he made an application through Mee Seva for name transfer and that he was submitting necessary documents for name change. Ex. R4 is the xerox copy of the Transfer Form signed by Amedha Power Private Ltd., and the Representationist as regards the transfer of service connection from Amedha Power Private Ltd., to the Representationist.**

**Ex.R5 is the xerox copy of the no objection certificate given by one Vijaya Saradhi who is said to have purchased 50% share in the bore from Amedha Power Private Ltd., for transfer of the service connection in the name of his neighbor MV Raja Sekhar who is the Representationist. Ex.R6 is the indemnity bond executed by the representationist for title change of the service connection. Ex.R3 is said to be the letter addressed by the Assistant Accounts Officer to the Amedha Power Private Limited stating the charges were paid up to 29.07.2015 for the said service connection vide receipt dated 29.07.2015 and that there were no outstanding amounts payable as on 29.07.2015 as per their records that the same was for title transfer purpose.**

**26. These documents under Ex.R1, R2, R4 to R6 belie the case of the representationist that he applied for both name change and category change and that the officials of the DISCOM made him to believe that the category was also changed along with the name and that he could not file relevant documents since they were missing due change of houses. Ex.R1 itself falsifies the contention of the representationist that he applied for the 'name change' as well as 'category change'. In the presence of Ex.R1, the contents of Ex.A2 letter said to have been presented by him to the DISCOM cannot but be incredulous.**

**27. It is the strenuous contention of the Representationist at one breath that since they were receiving higher bills when compared with the bills of the neighbouring land lords, they enquired with the lineman and came to know that their service connection was under 'Corporate agriculture category' and the others were under 'Free Agricultural category' and therefore, they applied for 'name change and category change' At another breath, the Representationist contended that the line man informed that there was 'change in the category' also and that no bill will be raised under 'Free category'. Both these statements are oxymoron statements. His main contention is that he had to apply for name change and category change since neighbouring ryots were receiving bills for lesser amounts. The said contention itself discloses that the bills were being raised for the Free Agricultural Connections also. Therefore, their contention that the lineman intimated that no bill would be raised for agricultural connection is nothing but falsehood.**

**28. When he did not apply for 'change of category' and applied only for 'title transfer' as is evident from Ex.R1 xerox copy of his application, his contention that he applied for 'category change' and that he was informed**

by the lineman and other officials that the 'category was also changed' on such application cannot but be a myth.

29. Thus, the falsity pervades in every contention of this Representationist as is evident supra as regards the aforesaid contentions.

30. It is his further case that in the month of October, 2021, when lineman informed that there were bill arrears to a tune of Rs.98,000/- they made enquiry with the lineman and came to know that there was only 'name change' in the year 2015, but not 'change of category', and that the electricity department officials did not give any information from 01.01.2018 to October, 2021 as regards these arrears and that a representation was made to the A.E., Nagulapalli on 10.01.2021 for taking necessary action but no action was taken and after some time, officials required him to make an application again, in accordance with their advice, he made an application and the category was changed on 10.05.2022. Ex.A1 is the xerox copy of the electricity bill for Rs.97,504/- dated 08.09.2021. It is not the lineman who gives the bill, and it is the agency which generates the bills.

31. When it is contended for the Respondents that the Representationist was paying minimum charges prior to February, 2020 and by then there were no fixed charges, but imposition of Fixed charges came in to existence by Tariff Order 2020-2021 from the month of April, 2020 and the same were not paid, the representationist contended that as per the advice of line man they paid those small amounts though bills were not given and that the line man or the officials did not intimate them about the fixed charges brought in to existence under the said tariff order and bill was given when the amount was accumulated to Rs.98,000/-, by the line man, and that because the department did not raise the bill regularly, huge amount has been accumulated and that for an agriculturist, payment of such huge amount is unwieldy.

32. There is no obligation under the Electricity Act or GTCS or any other regulations for the lineman or other departmental officials to appraise the consumers as regards the arrears payable. When the consumer was present the bill generating officials could have served the bill that it is generated on looking at the meter reading. It is not known whether or not, the consumer received earlier bills, since the bills will not be delivered under any acknowledgement. But the mysterious fact is that the departmental officials who will warn to disconnect or disconnect the house service connections even for a month due, how could they give such concession to this representationist

and waited without making disconnection for a period more than one year. Of course during the arguments the respondents submitted that they raise these bills for every six months but not every month.

**33. But the said answer by the respondent officials and the contention of the Representationist that monthly bills were not raised stand falsified by the contents Ex.A5 which is the copy of the details of the charges for this service connection. The said details filed by the representationist themselves show that the bills were raised every month showing the disconnection date and from the bill dated 14.05.2022 fixed Charges were imposed at Rs.6,000/- till the bill dated 08.03.2022 and for the next month it was imposed at Rs.4184/- .**

34. Since a long time the DISCOMs have been placing the bills on their web site, and it is for the consumers to find out the bill amounts if they were not present when the bills were generated by the outsourcing agency and pay the same. In case of houses, the bills can be left at the house. When it is agricultural land, if the consumer were present, the bill generating person could deliver the same to the consumer, and in case of non-availability of the consumer at the time of bill generation, he cannot be expected to go in search of the houses of the consumer to deliver the bill.

35. Further, when the Representationist stated to have enquired with the neighbouring landlords for comparing the electrical consumption bills, how could he fail to enquire with them as regards non-issuance of bills for more than one year is inconceivable. It is not his case that the neighbouring ryots also did not pay their bills. When he is contending that he had been in frequent touch with the lineman, there cannot be any animosity with any of the departmental officials to make any false representation to him or to hide facts from him.

36. It is the duty of the consumer to pay the bills regularly. It is not for the department to appraise or advise the consumers to pay the bills. It is not for the DISCOM to give advices to the consumers. Such duty is not cast on the DISCOM.

37. **Ex.A4** is the copy of the letter dated 10.05.2022 bearing No.406035 from the office S.E., Operation Circle Eluru, requiring the Executive Engineer/ Operation/Eluru to ensure the correct categorization of this Agricultural Service connection from 04.05.2022 for the reason of approval of this service

connection from 'Sub-Category1-Agricultural Corporate farmers with DSM to '3 LT Agriculture-Non Corporate farmers with DSM Dry land'.

38. **Ex.A10** is the receipt as regards the purchase of capacitor on 28.02.2022 by the representationist. It cuts no ice since this matter relates to the bill amount prior to the said date. **Ex.A8** is the printed application form submitted to the CGRF and **Ex.A9** contains details of the case put forth by the representationist before the CGRF. These pleas before the CGRF cannot establish the case of the representationist. Therefore, **Ex.A8 and Ex.A9** do not bear evidentiary value to establish the case of the representationist. Such facts may fall for consideration before the Vidyut Ombudsman, in case there is any deviation or contradiction or inconsistency, but not for corroboration of the case of the representationist.

39. These facts from the case of this representationist reveal that subsequent to the purchase of land, this service connection was transferred in the name of the Representationist from the name of his vendor in the year 2015, and the category of the service connection was changed on his application from 'corporate payment' to 'individual Free' only in the year 2022. **There can be no dispute with these facts.**

40. The contention of the representationist that he applied for change of category along with name change is a proven falsehood as seen from the analysis made supra.

41. When sought for remission of all the arrears, the Forum directed waiver of the arrears from 01.03.2022. As this is not the Forum to examine the merits or demerits of the order of the Forum, this case shall stand confined to the arrears which were pending till 28.02.2022.

42. As seen from the aforesaid facts, the service connection was standing in the 'payment category' but not under 'free category' during the period for which these arrears were demanded by the department. In the tariff orders for the year 2020-21, the Hon'ble APERC ordered levy of fixed charges on corporate category of agricultural services.

43. It is the contention of the Respondent that the departmental officials did not intimate him about the imposition of fixed charges under the Tariff orders for the year 2020-21, and that payment of huge amount is unwieldy.

44. Majority of Acts and orders passed by the Governments come in to effect from date of issue, and the public would not be given any notice by making any

publication in advance that they would issue such orders or later intimating the issue of such orders. Public may not be knowing issue of such government orders. The same can be known only by some people who browse for the same if available on the Government website, and the other public at large may not have knowledge of issue such order.

45. The mere fact that certain people did not come across at such order or Act would not exempt him/them from its application. Some of the important government orders are brought to the notice of the public by the press or electronic media now-a-days. Majority of the public may not be aware of majority of the Acts promulgated by the governments even after passing of decades thereafter.

46. Thus, ignorance of the Act or rules passed by the authorities cannot diminish the effect of those orders. Not that the representationist or the public do not know it, but always the person in grief on account of some loss incurred due to change of rule of law rumbles, and no one is exceptional including the author of this order when turn comes.

47. Therefore, this contention that the representationist that he was not informed of the change in the Tariff orders by the authorities of the DISCOM bears no merit. **It is not the case of the Representationist that there was any error in calculating the fixed charges or that the fixed charges levied vary with the Tariff orders passed by the Hon'ble APERC or that there was no direction in tariff orders to levy such fixed charges in the Tariff Orders.**

48. There does not appear any regulation or rule in any code or GTCS or the Electricity Act which vests any power in the Vidyut Ombudsman to reduce the bills or waive the bills where there is no error or illegality. In the instant case it is not shown that the levy of fixed charges by the department is illegal. The Ombudsman is a creature established under the Act, and the Regulations passed by the Hon'ble APERC. It shall have to discharge its duties in accordance with the rules and regulations formulated by the Hon'ble APERC. Similar is the case of DISCOMS.

49. Clause 19.3 of the GTCS lay down that the consumer shall be deemed to have full knowledge of the provisions of the Electricity Act, 2003, the A.P. Electricity Reform Act, 1998, and all regulations and notifications made there under, as also all laws relating to the supply of electricity.

50. In the light of the provision made in the GTCS, no contention that the consumer was unaware of certain rule or regulation or order can be validly entertained.

51. Condition No.4 of the agreement to be entertained by every LT consumer which is prescribed under Appendix IA of GTCS adumbrates as follows:

"I/We further undertake to comply with all the requirements of the Electricity Act, 2003, the Rules and Rules and Regulations framed there under, **provisions of the tariffs**, scale of Miscellaneous and General Charges and the General Terms and Conditions of Supply prescribed by the Company with approval of the AP Electricity Regulatory Commission herein after called as Commission from time to time and agree not to dispute the same."

52. Therefore, this contention of the Representationist that he was not apprised of the tariff order as regards imposition of fixed charges withers to the ground.

53. Grant of any exemption from the application of the fixed charges ordered to be imposed by the Tariff orders or waiver of such charges in the absence of any illegality in its imposition is not within the province of this Vidyut Ombudsman.

54. Discretion is the discernment of the judge. There lies no injudicious discretion in the Vidyut Ombudsman to cause reduction or waiver of such arrears at his whims and fancies without any judicious reason, and there must be some power under some rule or regulation to make such waiver or remission. In the absence of any such regulation or rule to waive the bill which is sought to be waived by the representationist, and in the absence of any illegality in imposition of the said fixed charges, the representationist is not entitled to the remission or waiver of the impugned bill for payment of arrears of electricity charges claimed for the period prior to 28.02.2022.

55. This point is accordingly answered against the representationist.

**POINT No.ii: Relief:**

56. In view of my finding on point No.i, this representation entails in dismissal. In the light of permeating falsity in the afore said contentions raised by the representationist, it is a fit case to mulct the representationist with costs but as he happened to be an agriculturist and as there was no consumption for the

fault in the bore belonging to him, I have come to the opinion that ends of justice would not meet in case he is mulcted with the costs on this petition. Therefore, it is ordered that both parties shall bear their own costs.

57. This point is accordingly answered against the representationist.

**RESULT:**

58. In the result, this representation is dismissed. In the circumstances of this case, the parties shall bear their own costs.

A copy of this order is made available at [www.vidyutombudsman.ap.gov.in](http://www.vidyutombudsman.ap.gov.in)

Part of this order is dictated to the Private Secretary and transcribed by him, and the rest of order is typed by me, and corrected, signed and pronounced by me on this the 23<sup>rd</sup> day of January, 2023.

**Sd/- Vinnakota Venkata Prasad  
VIDYUT OMBUDSMAN-AP**

**Exhibits A1 to A13 were marked on behalf of the Representationist before the Vidyut Ombudsman**

<b>Ex.No.</b>	<b>Description</b>
A1	Copy of the Electricity bill for Rs.97,504/-,
A2	Copy of letter submitted by representationist addressed to the A.E., Nagulapalli, with an endorsement of receipt of the same by JE/OSD/Bhimadole on 10.01.2022;
A3	Copy of another letter from the representationist to E.E., Electrical, Eluru Division and others;
A4	Copy of letter bearing No.406035 from the office S.E., Operation Circle Eluru, dated 10.05.2022;;
A5	Copy of Bill details for S.C.No.1514227011000084, Krishnapuram;
A6	Copy of 1 <sup>st</sup> page of Pattadar Pass Book of the representationist;
A7	Copy of 2 <sup>nd</sup> page of Pattadar Pass Book of the representationist;
A8	Copy of the application said to have been presented before the CGRF;
A9	Copy of the letter of details annexed to the application said to have been presented before the CGRF;
A10	Tax invoice dated 28.12.2022;Regarding purchase of Capacitor;
A11	Copy of letter to the A.E., Operation, M Nagulapalli along with the declaration,
A12	submissions letter dated 23.1.2023 from the representationist to the Vidyut Ombudsman



A13	Xerox copy of the declaration said to have been made by the representationist to the DISCOM
-----	---------------------------------------------------------------------------------------------

**Exhibits R1 to R6 were marked on behalf of the 2<sup>nd</sup> Respondent before the Vidyut Ombudsman**

<b>Ex.No.</b>	<b>Description</b>
R1	The Xerox copy of application form presented by the representationist for change of title
R2	Xerox copy of an undated letter sent to AE, Nagulapalli by the representationis
R3	the Xerox copy of the letter dated 29.07.2015 from the Assistant Accounts Officer sent to Sri Amedha Power Private Limited,
R4	Xerox copy of Transfer Form from Amedha Power Private Limited to the Representationist
R5	Xerox copy of No objection for transfer of the Title of current service,
R6	Xerox copy of indemnity Bond executed by the representationist, filed for the respondents

**Sd/- Vinnakota Venkata Prasad  
VIDYUT OMBUDSMAN-AP**

**Copy to**

1. Sri Meruva Venkata Raja Sekhar, 2-39, Sivalayam Street, Tadikalapudi, Kakavarapukota (M), W.G. District 534452
2. The Assistant Executive Engineer/Operation/APEPDCL/M. NAGULAPALLI.
3. The Assistant Accounts Officer/ERO/APEPDCL/ELURU RURAL
4. The Dy. Executive Engineer/Operation/APEPDCL/BHIMADOLE
5. The Executive Engineer/Operation/APEPDCL/ ELURU,

**Copy to**

6. The Chairperson, C.G.R.F., APEPDCL, P&T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam - 530 013.
7. The Secretary, Hon'ble APERC, 11-4-660, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.

**//True Copy//**