



**BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh & Telangana**

:: Present ::

C. Ramakrishna

Date: 08-12-2014

Appeal No. 12 of 2014

Between

Sri. Battula Butchi Venkata Rao, S/o. Late B. Rama Rao, Teki (V),
Kapileswarapuram (M), East Godavari Dist. 533 307

... Appellant

And

1. The Asst. Engineer, Operation, APEPDCL, Kapileswarapuram
2. The Asst. Accounts Officer, ERO, Ramachandrapuram
3. The Asst. Divisional Engineer, Operation, APEPDCL, Ramachandrapuram
4. The Divisional Engineer, Operation, APEPDCL, Ramachandrapuram

... Respondents

The above appeal filed on 24-04-2014 has come up for final hearing before the Viduyut Ombudsman on 04-12-2014 at Rajahmundry. The appellant, as well as respondents 1 to 4 above were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Viduyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the grievance of the consumer that his agricultural services were not converted to free category retrospectively and the arrears outstanding against them are not waived by the respondent officers.

3. The appellant stated in his appeal that the Government of AP had waived all the power dues and arrears outstanding as on May 13, 2004 from LT agricultural consumers; that by virtue of the said Government orders, all the existing agricultural consumers became eligible for free power; that the two agricultural services i.e., 209 and 083 belonging to him had not been converted to free category w.e.f 13-05-2004 due to wrong enumeration; that in spite of his father pursuing the matter with the DISCOM, the conversion did not happen; that on his pursuing the matter with the SE, Operations, Rajahmundry, the services were converted to free category w.e.f 15-01-2013 without waiver of the arrears; and that as the CGRF also had not considered his request favourably for waiver of outstanding arrears, he is filing the appeal before the Vidyut Ombudsman.

4. The respondents were issued a notice for hearing the appeal directing them to submit their written submissions. The respondents stated in their written submissions that based on the consumer's representation, the conversion of agricultural services bearing numbers 083 and 209 from paying to free was recommended on 19-08-2012 & 24-12-2012 respectively; that accordingly the SE, Operation, Rajahmundry converted the services from paying to free category duly ordering that the outstanding arrears shall be

collected; that the arrears outstanding against the services were Rs. 42,868/- and Rs. 39,851/- respectively; and that as the consumer had not cleared the arrears, the service connections were disconnected.

5. During the hearing, the appellant requested for waiver of outstanding arrears amounting to Rs. 34,577/- against SC No. 209 and Rs. 38,640/- against SC No. 083. The appellant reiterated the written submissions made by him. The respondents, on their part stated that the services bearing numbers 209 and 83 were released on 31.3.1986 and 31.1.1969 respectively under paying category; that the orders of conversion were clear in saying that all the outstanding arrears shall have to be paid before effecting the change and that the consumer shall invariably follow the DSM measures; and that hence, the question of waiver of arrears does not arise.

6. An examination of the material papers filed by the appellant shows that the service numbers 209 & 83 were released to his father on 31-03-1986 and 31-01-1969 respectively. The appellant's father has reportedly died on 14-06-2006 as is confirmed by the Death Certificate issued by the village officials. In the year 1982 itself, the appellant appears to have got 2.56 acres of land (having the agricultural service connection bearing number 209) and 0.23 cents of agricultural land (having the agricultural service connection bearing number 83) from the father of the appellant with the approval of the remaining family members. Out of 2.56 acres got by the appellant, two acres of land was alienated in the year 2001 itself as evidenced by the endorsements of the Sub-Registrar, Alamuru in the original pass book produced before this authority. Thus, well before the year 2004, the appellant was having wet land of 0.56 cents and 0.23 cents respectively

relating to the two service connections in question. Hence, there is force in the contention of the appellant that the respondents have unnecessarily troubled him by not including him in the list of persons eligible for free agricultural service connections way back in 2004 when the Government's policy was announced. As seen from the account statements produced by the respondents during the hearing, it was evident that the arrears accumulated only after 2004 and not before that. Therefore, there is no doubt that the appellant ought not to have been charged after 2004 and the arrears that were shown as having got accumulated are liable to be set aside.

7. Coming to the CGRF's order, this authority finds that the CGRF had not gone into the full details of the case and therefore wrongly concluded that the appellant is liable to pay the outstanding arrears. The CGRF failed to see that the accumulation of arrears itself is not correct in the light of facts available on record.

8. Therefore, it is hereby ordered that:

- a. the respondents shall not enforce the collection of wrongly accumulated arrears from the appellant; and
- b. reconnect the services of the appellant as he is not liable to pay any arrears except the customer charges that are liable to be paid even by free category agricultural consumers.

9. The respondents shall show compliance to the order within 15 days from the date of receipt of this order and report compliance within 15 days from thereafter.

10. This order is corrected and signed on this 8th day of December, 2014.

VIDYUT OMBUDSMAN

To

1. Sri. Battula Butchi Venkata Rao, S/o. Late B. Rama Rao, Teki (V),
Kapileswarapuram (M), East Godavari Dist.
2. The Assistant Engineer, Operation, APEPDCL,, D.No. 3-28, 33/11 kV
Substation, Vedurumudi, Kapileswarapuram- 533 307
3. The Assistant Accounts Officer, ERO, D. No. 13-1-30/9, Opp. Head Post
Office, Surya Complex, Main Road, Ramachandrapuram - 533 255
4. The Assistant Divisional Engineer, Operation, APEPDCL, D.No. 19-2-29,
30, 31, 1st Floor, Pittavari Street, Dafadar Centre, Ramachandrapuram
- 533 255
5. The Divisional Engineer, Operation, APEPDCL, D. No. 26-1-145, Sri Sai
Srinivasa Complex, S. Savaram Road, Ramachandrapuram - 533 255

Copy to:

6. The Chairperson, CGRF, APEPDCL, P & T Colony, Seethammadhara,
Near Gurudwara Junction, Visakhapatnam - 530 013
7. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills,
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