



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

:: Present ::

**C. Ramakrishna**

Date: 08-12-2014

Appeal No. 53 of 2014

Between

Sri. B. Venkata Reddy, 23-17-1, Haripuram, Rajahmundry, E.G. District

**... Appellant**

**And**

1. The AE/O/APEPDCL/Rajanagaram Village & Mandal/East Godavari District
2. The ADE/O/APEPDCL/Rural/Mallayyapeta/Rajahmundry/East Godavari District
3. The DE/O/APEPDCL/Ullithota Street/Rajahmundry/East Godavari District

**... Respondents**

The above appeal filed on 02-09-2014 has come up for final hearing before the Vidyut Ombudsman on 04-12-2014 at Rajahmundry. The appellant, as well as respondents 1 to 3 above were present. Having considered the appeal, the written and oral submissions made by the appellants and the respondents, the Vidyut Ombudsman passed the following:

## AWARD

2. The appeal arose out of the complaint of the consumer about non-release of service connection to the appellant. The CGRF also did not consider the complaint of the appellant favourably and hence the appeal.

3. The appellant stated in his appeal that he had applied for an electricity connection for his newly constructed building on 23-03-2013; that the respondents have not released the service connection applied for so far; that two other people in the same layout who had applied for service connection were released the service connection and that it has not been released to him; that the respondents are expecting him to group all the owners of the plots in the layout and apply for service connection enmasse; that in the layout bearing number 100, owners of plot numbers 37 & 38 had succeeded in getting service connections released through the orders of the Vidyut Ombudsman; and that therefore, his case also may be considered favourably and service connection ordered to be released accordingly. He enclosed copies of the layout and approvals given by the various authorities which enabled him to start the construction of the house.

4. Notices were issued for hearing the matter. The respondents filed their common written submission stating that the appellant had applied for the service connection; that during site inspection, it was observed that the proposed service connection is located in a layout that is unauthorisedly erected; that there are 29 numbers of 8 mt PSCC poles erected therein without the DISCOM's approval; that as per the guidelines issued by their Corporate Office, the developer of the layout should register an application

for electrification of the entire layout duly following certain departmental procedures; that as per the instructions of their higher authorities, no new service connection can be released to a partially electrified or un-electrified layout; and that hence the application for new service of the appellant is rejected. The respondents enclosed copies of the guidelines issued by their Corporate Office dated: 30-03-2010 and instructions dated 12-03-2012 directing that new service connections shall not be released in partially electrified and un-electrified layouts.

5. The matter was heard on 04-11-2014 during which the appellant and the respondents reiterated their written submissions. It was observed that a case of similar nature had in fact been decided by this authority in Appeal No. 127 of 2013 wherein it was ordered that the guidelines issued by the Corporate Office of the DISCOM are liable to be set aside as they are running counter to the letter and spirit of the Electricity Act, 2003 in so far as they are imposing restrictions on the citizens' ability to secure civic services. Accordingly the guidelines were set aside and the release of new service connections was ordered. In the present case also, the facts and circumstances are similar. The appellant produced a copy of the layout regularization done by the District Collector on 14-02-2012. The appellant also produced a copy of the paper notification given by the Special Officer, Gram Panchayat of Rajanagarm publicizing a list of unapproved layouts in the village. The layout in which the appellant's house site is located is not mentioned as one among the unapproved layouts therein. The respondents did not dispute these documents or the assertions made by the appellant based on these documents in his appeal. Their only submission remained that they are unable to release the service connection in view of the guidelines

and instructions of their higher authorities. The written submission of the respondents to the effect that the layout is unauthorized is not substantiated. It is found that the layout is an approved layout and houses are permitted to be constructed therein by the Collector. The further submission of the respondents that the layout developer had erected some poles and conductors without the approval of the DISCOM is not a serious one as it can always be corrected by the DISCOM inspecting the erected infrastructure to see whether or not it is fit to be used. If it is found by the respondents to be useful, they can make use of the infrastructure; otherwise, they will erect the necessary infrastructure and levy the relevant charges on the consumer as per rules. As the matter is a covered matter, and as the facts and circumstances are similar, the appeal of the appellant is to be allowed.

6. The guidelines issued by the DISCOM are perused once again and it is observed that they are authorizing collection of charges and deposits from the layout developers without any basis. No DISCOM can levy charges or demand deposits unless the charges and / or deposit collection is authorized by the Hon'ble Commission through its tariff orders. A DISCOM has got no power of levying and collecting tariffs from the general public as it deems fit. Hence the guidelines issued by the DISCOM are illegal.

7. Let us now turn to the CGRF's order. In rejecting the plea of the appellants, the CGRF agreed with the reasoning given by the respondents and had negatived the request of the appellant herein. It is observed that the CGRF had given its orders on 17-12-2013 while the order in Appeal No. 127 of 2013 was passed by this authority on 03-04-2014. Therefore, the CGRF did not have the benefit of following the orders of this authority. As the CGRF's

order is bereft of merits, it is liable to be set aside.

8. Therefore, it is hereby ordered that:
  - a. the order issued by the CGRF is set aside;
  - b. the guidelines dated 30-03-2010 issued by the DISCOM's Corporate Office shall not be followed by the respondents as they are set aside as illegal; and
  - c. the respondents shall release service connection to the appellant within 15 days from the date of receipt of this order and report compliance within 15 days from thereafter.

9. This order is corrected and signed on this 8<sup>th</sup> day of December, 2014.

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

**VIDYUT OMBUDSMAN**

**To**

1. Sri. B. Venkata Reddy, 23-17-1, Haripuram, Rajahmundry, East Godavari District
2. The Assistant Engineer, Operation, APEPDCL, Rajanagaram Village & Mandal, East Godavari District - 533 294
3. The Assistant Divisional Engineer, Operation, APEPDCL, Rural, Mallayyapeta, 33/11 kV Sub-station, Rajahmundry, East Godavari District - 533 104

4. The Divisional Engineer, Operation, APEPDCL, Ullithota Street, Near Godavari Bund, Rajahmundry , East Godavari District 533 101

**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