



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

:: Present ::

C. Ramakrishna

Date: 22-04-2015

Appeal No.100 of 2014

Between

Sri. Pidaparthi Mutta Reddy, Erraguntapally Village, Chintalapudi Mandal
West Godavari District

... Appellant

And

1. The AE/Operation/APEPDCL/Chintalapudi (M)/West Godavari District
2. The AAO/ERO/APEPDCL/Jangareddygudem/West Godavari District
3. The ADE/Operation/APEPDCL/Chintalapudi/West Godavari District
4. The DE/Operation/APEPDCL/Jangareddygudem/West Godavari District

... Respondents

The above appeal filed on 28-02-2015 has come up for final hearing before the Vidyut Ombudsman on 20-04-2015 at Eluru. The appellant, as well as respondents 2 & 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 that his service connection is wrongly being shown as belonging to some other person due to the negligence shown by the DISCOM's officials during computerization of their records.

3. The appellant stated in his appeal that he possesses a service connection bearing number 351 in Category V since 1989; that he has been paying the bills regularly; that during the computerization of the records of the respondent AE's Section Office, his service connection came to be shown as belonging to one Sri. N. Maheswar Reddy; that on his bringing this anomaly to the notice of the respondent AE and on being asked to produce some proof, he produced the APSEB Passbook, Old receipts and the Passbook relating to his agricultural land; that in spite of that the respondent AE informed the appellant that he is not competent to change the name for the service connection; and that he was asked to obtain a new service connection by paying the required charges on getting to know the estimates. The appellant stated that he is unnecessarily being subjected to hardship on account of the negligence shown by the respondents and prayed that the name change be ordered to be affected. The appellant filed a copy of the Passbook issued by the erstwhile APSEB and also a receipt dated 04-01-1994.

4. Notices were issued for hearing the matter. The respondent AE filed his written submission stating that the consumer had been asked to produce an earlier demand notice standing on his name for verification and that as the consumer had not produced the same, his request for title transfer has not been acceded to. The respondent ADE also filed his written submission reiterating what is stated by the AE and in addition submitted that in the absence of any evidence from the consumer, it is not possible for him to refer the matter to the ERO for affecting name change. The respondent AAO filed his submission stating that the service was released on 27-06-1985 in the name of Sri. N. Maheswar Reddy under LT Category V with a connected load of 5 HP and that till date bills are being issued in the name of Sri. N.

Maheswar Reddy. He further stated that the competent authority for title change in respect of agricultural services is DE and that therefore name change will be affected on receipt of approval from DE, Operation, Jangareddygudem.

5. The respondent DE did not submit any written submission nor did he appear for any of the hearings.

6. During the course of the hearing, the appellant stated that the service connection was initially released only in his name and challenged the respondents to disprove the copies of the documents filed by him along with his appeal. He asserted that the respondents, while computerizing the records of the Section Office had negligently entered the name of Sri. N. Maheswar Reddy against his service connection and caused him unnecessary mental torture by mentioning somebody else's name against his service connection. During the course of the hearings, the respondents could not affirm that the copies of the Passbook issued by the erstwhile APSEB in the name of the appellant are wrong in any manner. Even the veracity of the copy of the payment receipt filed by the appellant was not questioned by the respondents. The key points that arose for consideration in this appeal are:

- a. Whether or not the claim of the appellant is allowable; and
- b. Whether or not the CGRF's order is liable to be set aside in this case.

7. The copies of the documents filed by the appellant show that the connection was in his name at one point in time. He further affirmed that the service connection was initially released only in his name and not in the name of Sri. N.

Maheswar Reddy. The respondents could neither contest the veracity of the documents produced by the appellant nor could they produce any record to show that the service connection was initially released in the name of Sri. N. Maheswar Reddy or that it was transferred in the name of Sri. N. Maheswar Reddy at any subsequent point in time. Without producing any such record, the respondents' contention that the service connection was initially released in the name of Sri. N. Maheswar Reddy is not tenable. The DISCOM cannot be afforded the luxury of demanding that it is for the consumer to produce foolproof evidence in support of his claim for the service connection when its own record keeping is very poor to say the least. The respondents ought to have produced conclusive proof that the service connection was initially released in the name of Sri. N. Maheswar Reddy. As they did not do so and as the veracity of the documents filed by the appellant herein is not questioned, the claim of the appellant is allowable. Accordingly the first issue is answered in favour of the appellant.

8. Coming to the CGRF's order, the Forum ought to have gone into the issue deeper and probed the claims and counterclaims. Ordering mechanically that the consumer appellant ought to approach the DISCOM for affecting title transfer is palpable. It ought to have examined the material that is filed and examined the same properly. As it was not done, the order issued by the CGRF is liable to be set aside.

9. Therefore, it is hereby ordered that:

- the order issued by the CGRF is set aside as it is bereft of merit;
- the respondents shall affect the name change in favour of the appellant in

their records within 15 days from the date of receipt of this order and report compliance thereof within 15 days from thereafter; and

- if they fail to affect the name change as ordered above, they shall pay the consumer Rs. 100/- for each day of delay taken by them from the end of the 15th day.

10. This order is corrected and signed on this 22nd day of April, 2015.

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

VIDYUT OMBUDSMAN

To

1. Sri. Pidaparthi Mutta Reddy, Erraguntapally Village, Chintalapudi Mandal
West Godavari District
2. The Assistant Engineer, Operation, APEPDCL, Near 132/33 kV SS, Opp.
Maruthi Nagar, Chintalapudi (M), West Godavari District - 534 460
3. The Assistant Accounts Officer, ERO, APEPDCL, 33/11 kV SS, Near
Kakarlay Junction, Jangareddygudem, West Godavari District - 534 447
4. The Assistant Divisional Engineer, Operation, APEPDCL, Near 132/33 kV
SS, Opp. Maruthi Nagar, Chintalapudi (M), West Godavari District - 534
460
5. The Divisional Engineer, Operation APEPDCL, Beside Nallaa Raja

Mahindra Showroom, Eluru Road, Jangareddygudem, West Godavari
District - 534 447

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