

**BEFORE THE VIDYUT OMBUDSMAN**

Present

**K.Sanjeeva Rao Naidu  
Vidyut Ombudsman**

Dated: 16-06-2010

**Appeal No. 21 of 2010**

**Between**

Sri K.Sambasiva Rao  
S/o Chinnabasavaiah  
Revendrapadu (V), Duggirala (M)  
Guntur Dist.

*... Appellant*

**And**

Addl. Asst. Engineer / Operation / APSPDCL / Duggirala  
Asst. Divisional Engineer / Operation / APSPDCL / Tenali  
Divisional Engineer / Operation / APSPDCL / Tenali

*....Respondents*

The appeal / representation dated 14.04.2010 (received on 15.04.2010) of the appellant has come up for final hearing before the Vidyut Ombudsman on 01.06.2010 in the presence of Sri K.Sambasiva Rao, appellant present and no representation on behalf of respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

**AWARD**

The appellant filed a complaint before the Consumer Grievance Redressal Forum (Forum), APSPDCL to the effect that total land of 4.36 acres of dry land in different survey numbers and agricultural connection bearing No.1212116000286 since 1993 and used to draw the water through the electrical motor shed and he is eligible for free power as per the policy of the Government and to that effect, he represented to the respondents since very long time, but the respondents did

not turn up and effect the change from paying category to free category so far and the respondents disconnected the said agricultural service without any prior notice and proper reason and he did not get proper reply even when he approached personally. When the complainant is eligible for free power from the date of the scheme into force, the question of payment of CC charges does not arise and requested the Forum to restore the power supply to the agricultural service connection.

2. The respondents have submitted their remarks that the complainant never approached earlier for allowing free power to the said agricultural service and no representation is pending. When it is covered under paying category and he is liable to pay CC charges and there are arrears of Rs.14140/- and he paid only Rs.1300/- in 7/07. In spite of several reminders, he did not pay the amount and ultimately, it was disconnected. The change from paying category to free category will be effected only after clearing of all the arrears and after production of necessary documents.

3. After hearing both sides and after considering the material available before the Forum, the Forum disallowed the complaint on the ground that they did not find any inaction on the part of the respondents.

4. Aggrieved by the said order, the appellant filed this appeal questioning the same, that he has represented several times to the AE and ADE but they have not made any effort to look into the same and in spite of notice given by him through his legal counsel, the respondents have not made any effort to convert the service connection from paying category to free category and the impugned order passed by the Forum is liable to be set aside.

5. Now, the point for consideration is, "whether the impugned order, dated 15.04.2010, is liable to be set aside? If so, on what grounds?"

6. The contention of the appellant is that he is having Acres 4.36cents of dry land and he is eligible for free power under Government scheme and to that effect, he represented the matter before the concerned authorities since long time, but the respondents did not make any effort to look into the same and the Forum has failed to look into the same and disallowed the application given by him and the order is liable to be set aside.

7. Whereas the respondents submitted written representation and mainly contended that the appellant has failed to pay the arrears, so the service connection was disconnected and order of the Forum is on correct lines and the appeal is liable to be dismissed.

8. The main contention raised by the appellant that they have treated the service connection under payment category and the appellant has not made any application for conversion and without paying arrears of CC charges, he is not entitled for restoration and the amount cannot be waived.

9. The appellant has also filed documents that he has Ac 4.36cents of dry land and well within the purview of small farmer and he is entitled for free current. In the very notice itself it is mentioned that he is entitled for free supply. Without responding to the said ground, the respondents have mentioned in the reply that they would restore the connection after the payment of arrears. This shows the callous attitude of respondents causing great hardship to the appellant. When he is small farmer and entitled for free supply like other small farmers, he has right to enjoy the same benefits from the date of introduction of the said scheme. The failure to convert the paying category to free category on the ground of absence of representation is not justifiable. It is for the department to explain the introduction of the scheme and the eligibility of the individuals and inviting applications if any to convert into free category even otherwise it is the duty of the department officials to convert into free category. No action is taken even after request from the advocate, this shows that they have done intentionally with

a view to cause loss to the appellant and the impugned order passed by the Forum is liable to be set aside.

10. In the result, the appeal is allowed by setting aside the impugned order with a direction to the respondents to restore the service connection immediately after verifying the documents within a month from the date of receipt of arrears. If any arrears payable by the appellant prior to the said scheme can be collected before restoring the service connection. No order as to costs.

This order is corrected and signed on this day of 16<sup>th</sup> June 2010

**VIDYUT OMBUDSMAN**