

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu, Director (Law) and
Vidyut Ombudsman**

Dated: 02-03-2010

Appeal No. 12 of 2009

Between

Sri N.Dharma Raju
S/o Verayya,
Pullalapadu village,
Nallagerla (M),
W.G.Dist. – 534 112

... Appellant

And

1. The Assistant Engineer / Operation / APEPDCL / Nallagerla
2. The Assistant Divisional Engineer / Operation / APEPDCL / Bhimadole
3. The Assistant Accounts Officer / ERO / APEPDCL / T.P.Gudem
4. The Divisional Electrical Engineer / Operation / APEPDCL / Eluru

....Respondents

The appeal / representation dated 24.02. 2009 received on 26.02.2009 of the appellant has come up for final hearing before the Vidyut Ombudsman on 03.02.2010 in the presence of Sri K.Prabhakar Rao, representative for appellant and Sri. K.Gopalakrishna, ADE/Op/Bhimadole, Sri B.Ramakrishna, AAE /Op/Nallagerla present on behalf of respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

Aggrieved by the order passed by the Forum in C.G. No.297 / 2008 of W.G.Dist dated 30.01.2009, the appellant herein preferred this appeal dated 24.02. 2009 received on 26.02.2009.

2. The appellant filed a complaint before the Forum that out of two individuals paid the estimated charges for release of agriculture services, Sri K.Rajesh was given service on 20.10.2008 and that the department did not maintain priority as he is from a 'Dalit' community and demanded for compensation.

3. The first respondent deposed that he paid the amounts as hereunder:

S.No.	Type	DDNo. & Date	PCB No.
1	SLC – 114450/-	967569/26.08.08	45846
2	SC – 500/-	967541/25.08.08	45846
3	SD – 1200/-	967540/25.08.08	37229

3. Again on 02.01.2009, the second respondent also submitted the same in his written submissions. Whereas, the appellant filed another complaint furnishing certain names of the individuals duly indicating the dates of payments made to the licensee towards release of agriculture service. He alleged that without following the priority, they were given agriculture connections. The list was given to Superintending Engineer, for verification, but no information was furnished to the Forum.

4. While looking into the said material placed, the Forum observed, that there was prima-facie over looking the priority, in the case of complainant, hence, the licensee /respondents have to pay compensation @ Rs.250/- per each day of delay from the last date of payment of estimated charges upto the date of release of supply. The agriculture service shall be released within 7 days and the compliance shall be reported with feed back report duly obtaining from the appellant. The said order is not impleaded hence, he is constrained to file this appeal.

5. The appellant preferred this appeal questioning the same that the service connection was not given in time and he sustained a loss of one lakh rupees and

the same has to be paid by the respondents and that he is entitled @ Rs.250/- per day for about 167 days and after deducting 60days it would be 107days, the amount comes to Rs.26750/- and the same has to be paid by the respondents. Apart from this, he has complained that

- (a) AB Switch was not provided
- (b) There was no concrete provided for supporting wire
- (c) No items were provided for earth pipe
- (d) The service connection was not released within one week as ordered by the Forum.

6. Now, the point for consideration is, whether the impugned order dated 30.01.2009 is enforced as directed by the Forum? Whether any direction can be given by this authority to the respondents as prayed for?

7. The appellant is represented by Sri K.Prabhakar Rao, authorized representative of the appellant and he submitted that there are latches on the part of the department in complying with the order and inspite of directions given by the Forum, the respondents have not completed the same and necessary directions may be issued to implement the orders of the Forum. The photograph filed by him has clearly established, that the service connection was given and the pole is in a slant position and the same has to be rectified. It appears that the AB Switch is not provided. When contacted as pointed out in the appeal grounds is to be attended by providing concrete. Similarly, earth pipe also to be provided with the required material, when the service connection was provided is not mentioned by the appellant in his complaint. But the record and the evidence placed before the Forum shows that the service connection was not released within the time and there is delay of 107days.

8. In the light of the above said observation, the respondents are directed to pay the compensation @Rs.250/- per day for a period of 107 days amounting to Rs.26750/-. They should provide AB Switch at the required place and cement

concrete to the supporting wire and material required for earth pipe within 14 days from the date of receipt of the order. The compliance has to be submitted to this authority within 20 days from the date of receipt of this order.

8. With the above said observation, the appeal is disposed of accordingly.
No order as to costs.

This order is corrected and signed on this day of 2nd March, 2010

VIDYUT OMBUDSMAN