

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 25-08-2010

Appeal No. 25 of 2010

Between

Sri P.Bhaskara Peddi Raju
D.No. 27-16-3/1,
Behind Society Buildings
Rayalam Road, Bhimavaram, WG Dist.

... Appellant

And

1. Assistant Engineer/Operation/APEPDCL/ Undi
2. Asst. Divisional Engineer / Operation / APEPDCL / Akiveedu
3. Divisional Electrical Engineer / Operation / APEPDCL / Bhimavaram

....Respondents

The appeal / representation dt. 27.05.2010 received on 31.05.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 20.08.2010 at Visakhapatnam, appellant absent and Sri DVSS Muralidhar, ADE/Op/Akiveedu and Sri B.Rama Krishna, AE/O/Undi on behalf of respondents present, and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

AWARD

Sri P.Bhasakara Peddi Raju, the appellant filed a complaint before the Forum to the effect that inspite of payment of all the required estimate charges no service was released to his premises and prayed the Forum to provide service

connection immediately. The matter was registered as CG No. 237/09 and a notice was served on the respondents.

2. The respondent No.2 has submitted his written submissions as hereunder:-

“on verification of the available records, the complainant, Sri P.Bhaskara Peddi Raju paid development charges of Rs.12000 vide DD No. 841856 dt.12.02.1998 PCB No. 290722 dt.18.02.1998 and service line charges of Rs.2950 vide DD No. 841855 dt.12.02.1998 and PCB No. 290722 dt.18.02.1998 for single phase connection at Ramapuram village of Undi mandal for fish tank load under Cat III tariff. Further, Sri P. P.Bhaskara Peddi Raju paid security deposit of Rs.1500 vide DD No. 933916 dt.03.09.1999 PCB No. 10724 dt.14.09.1999 and service connection charges of Rs.550 DD No. 933917 dt.03.09.1999 and PCB No. 10825 dt.14.09.1999.

At the time of registration of application during 1998 single phase service connection had been given by the department for fish tank services. But while releasing the service during 03/1999 after paying the security deposit, single phase services are stopped by the department for fish tank services under Cat III. Department restricted for releasing of 3 phase services only for fish tank services up to 10HP load with 90 paise tariff. There is no LT 3 phase supply is available at the consumer premises, hence for releasing of service required another estimation for arranging 3 phase supply duly proposing 3 phase DTR with new 11KV line, and the same was intimated to Sri P.Bhaskara Peddi Raju for consent letter agreed to pay the estimate charges by then concern AE/O/Undi. But Sri P.Bhaskara Peddi Raju not came forward for issue of consent letter as stated above, and the service is not released”.

3. After receiving the statement, the appellant submitted his rejoinder as hereunder:

“ with the reference to the above, I wish to bring to your attention to the fact that in the year 1998, for obtaining single phase service connection at Ramapuram village of Undi Mandal for fish tank load under Cat III tariff. I paid the required charges as per the rules and norms in vogue at that time, stipulated by APEPDCL.

It is highly regrettable that more than 11 years have come and gone but the said service connection has not yet been sanctioned inspite of my repeated representations.

Further I did not receive any communication from your end in this regard, it is highly unethical and unscrupulous to harass the consumer.

Keeping in view the facts mentioned supra, I request you to look into the matter and see that service connection is given at the earliest possible, otherwise

pay me the amount with interest and yearly compound interest at the rate of 24%.

Further, it is stated in your letter that you have intimated for arranging 3 phase with new 11kV unit. But I am to state that no intimation was given to me this aspect. Further you have stated in your letter, stating that single phase services stopped wef march 1999. But it is surprise to note that the amount was collected as security deposit on 14.09.1999 for this purpose”.

4. After filing the rejoinder by the appellant, the respondent No.2 filed counter rejoinder and the same is extracted hereunder:

“1. On verification of the available records the complainant Sri P.Bhaskara Peddi Raju paid development charges of Rs.12000 vide DD No. 841856 dt.12.02.1998 PCB No. 290722 dt.18.02.1998 and service line charges of Rs.2950 vide DD No. 841855 dt.12.02.1998 and PCB No. 290722 dt.18.02.1998 for single phase connection at Ramapuram village of Undi mandal for fish tank load under Cat III tariff.

2. The service not released due to the fact that in the year 02/1998, the application was registered at section office after getting necessary sanction of the estimate the service line charges and development charges are received from the consumer. But while releasing the service during the month of 9/1999 after collecting the security deposit of Rs.1500/- vide DD No. 933916 dt.03.09.1999 PCB No. 10724 dt.14.09.1999 and service connection charges of Rs.550 DD No. 933917 dt.03.09.1999 and PCB No. 10825 dt.14.09.1999 single phase services are stopped by the department for fish tank services under Cat III. Department restricted for releasing of 3 phase services only for fish tank services up to 10HP load with 90 paise tariff, and the same was intimated to Sri P.Bhaskara Peddi Raju by the concerned AE/O/Undi.

3. At present as per the department rules 1ph service connections cannot be released to the fish tank services. Only 3 ph service connection can be issued subject to the infrastructure of 3 ph LT line etc. available at the location of the consumer. Otherwise necessary estimate charges can be paid by the consumer for erection of 3 ph LT line and transformer.

4. The intimation already given to the consumer at the time of collecting the security deposit amount of Rs.1500/- and service connection charges of Rs.550/- for converting service from 1ph to 3ph duly revise the estimate for 3ph line. But the consumer not yet came forward either for revise the estimate for providing 3 phase line duly paying the balance amounts or return the already paid amounts. As per our departmental rules, immediately after receiving the DDs the same should be submitted to the department concerned officers without delay. The AE/O/Undi has done the same.

5. Now Sri P.Bhaskara Peddi Raju came forward through representation for the service. Sri P.Bhaskara Peddi Raju wants to get new service connection the estimate to be revised for providing 3 ph line and balance amounts to be paid by the consumer. If he wants to return already paid amounts, as per the departmental rules in vogue amounts will be returned.”

5. After hearing both sides and after considering the material available before the Forum, the Forum directed the respondents to obtain the consent of the appellant in writing for 3 ph supply as per the conditions prevailing as on this date and suitably adjust the amount already paid by him along with interest accrued thereon from the date of receipt of payment, till the date of release of supply or up to the date of refund. In any case, the respondent shall comply with this order before 31.05.2010 positively.

6. Aggrieved by the said order, the appellant preferred this appeal, questioning the same, that the Forum has not considered the fact that the respondents were responsible for not releasing the connection immediately, there is absolutely no justification in asking the appellant for the payment of additional amount as per conditions prevailing as on the date of passing of the order, since the payments payable to the respondents for obtaining 3ph connection for hiked several folds from the year 1998. As a consumer as per his requirement, the Forum ought to have directed the respondents to issue service connection without taking any additional amount from the appellant / consumer. Ultimately, he requested to set aside the order of the Forum and pass appropriate orders directing the respondents to release the service connection without taking additional amounts from him and also directed the respondents to pay Rs.5 lakhs towards damages for rendering defective and deficiency of service in the interest of justice.

7. Now, the point for consideration is, “whether the impugned order, dated 29.04.2010, is liable to be set aside? If so, on what grounds?”

8. The appellant failed to appear before this authority inspite of notice sent to him, whereas the respondents Sri DVSS Muralidhar, ADE/Op/Akiveedu and Sri B.Rama Krishna, AE/O/Undi present and represented that the appellant has not

submitted his consent for 3phase supply and also represented before this authority by the respondents that in case 3 phase supply is to be given to the premises of the appellant a separate line is to be laid from 11kV rural feeder to a distance of 500meters and for which an amount of Rs.2lakhs is to be paid by the appellant and poles are to be laid on his cost, but not at the expense of the respondents.

9. He is very much interested in the compensation and also very much interested in the connection without paying additional amount. When they have clearly stated that the line is to be laid with 3phase and when it involves huge amount of expense, it is for him to approach authorities by paying amounts required and without pursuing remedy, he has been approaching one forum or the other either by filing petitions or by filing appeals without responding to the orders passed by the authorities. The respondents have narrated the said facts in their counter and rejoinder, but the appellant has simply stated that even after lapse of 11 years, he did not get service connection on his request. Without paying amounts which are required to lay a separate line even after lapse of several years, no progress will be done. If it is a case of deficiency of service on the part of the officials no doubt, it can be resolved by imposing penalty or compensation to the respondent and on the other hand there is deficiency of service on the part of the appellant by not responding to the payment of required amounts to be paid. He is approaching the authorities for refund of the amount, in case service is not provided. The Forum has also observed clearly that “the appellant is not clear whether he require service or refund of amount. Even for this also, no response is there”. His approach to this authority is highly deplorable as he approached, without responding to the directions given by the Forum. His conduct clearly shows that he is very much interested in taking back the amount instead of taking 3 phase connection, as he is fully aware that he has to pay additional amounts for obtaining 3 phase connection.

10. In the light of the above said discussion, I am of the opinion, that the appeal preferred by him is not sustainable and the same is liable to be dismissed.

11. In the result, the appeal is dismissed. The respondents are directed to refund the amount of Rs.17000/-paid by him together with interest of 12% from 14.09.1999.

This order is corrected and signed on this day of 25th August 2010

VIDYUT OMBUDSMAN