

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 27 -04-2010

Appeal No. 5 of 2010

Between

Sree Sai Educational Society
D.No.6-2-15, Chinna Bazar, Dental Clinic, Ichapuram
Srikakulam – 532 001.

... Appellant

And

The Asst. Engineer / Operation / APEPDCL / D1/Srikakulam
The Asst. Divisional Engineer / Operation / APEPDCL / Srikakulam
The Divisional Electrical Engineer / Operation / APEPDCL / Srikakulam
The Asst. Accounts Officer / ERO / APEPDCL / Srikakulam

....Respondents

The appeal / representation dated 17.02. 2010 received on 22.02.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 06.04.2010 at Visakhapatnam. There is no representation on behalf of the appellant. Sri Ch.Satyanarayana Reddy, DE/O/Srikakulam, Sri K.Appa Rao, ADE/Town/Srikakulam and Sri Ch.Venkateswara Rao, AE/Rural/Srikakulam present for respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant submitted a complaint before the Forum during Consumer Awareness Programme on 12.10.2009 to pass an order for regularization of

unauthorized additional load by converting the existing LT service to HT service to avoid further loss.

2. On behalf of respondent No.4, the SE/Op/Srikakulam filed counter stating that the petitioner is having LT service and applied for conversion from LT to HT. Even after completion of 3 months notice, the consumer has not paid UCM charges for the period June 2009 to August 2009 for Rs.50247/-. This office sought a clarification and GM(commI,RAC&PIg) got a clarification as per clause No. 5.9.2.1 of GTCS as approved by APERC in which the consumer has to pay the minimum charges after expiry of 3 months notice in case he fails to avail supply within 3 months. The same has been intimated to the consumer and requested to arrange for payment. The respondent No.2 also filed his written submissions on the same lines.

3. After hearing both sides and after considering material placed before the Forum, the Forum, directed the consumer to pay minimum charges for not availing HT supply, for regularization of unauthorized additional load, against the HT application registered in the call centre within 3 months which is in accordance with the UCM notice. Further, the demand raised by the licensee for minimum charges including MD charges, customer charges, etc are in order, the prayer of the applicant is not allowed.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that they have been paying LT category charges even then the department is insisting to pay UCM charges, for HT service. They consumed electricity under LT category and paid and they felt that it is not justifiable to charge for the same under HT service category as UCM charges and ultimately prayed to waive the UCM charges and to order refund of Rs.85897/-.

5. Now, the point for consideration is, "whether the impugned order dt.26.12.2009, is liable to be set aside? If so, on what grounds?"

6. The matter has been posted for hearing at Visakhapatnam on 06.04.2010. The respondents are represented by Sri K.Satyanarayana Reddy, DE/O/Srikakulam, Sri K.Appa Rao, ADE/T/Srikakulam and Sri Ch.Venkateswara Rao, AE/R/Srikakulam present and reiterated the stand taken before the Forum. Whereas, the appellant failed to attend before this authority on that day. No representation was made inspite of notice served on them. In spite of that this authority has sent a notice dated 13.04.2010 but has sent written arguments on 28.04.2010 reiterating the same grounds raised before the Forum. In addition they have stated that the Electrical Inspector inspected the original manufacturers test certificate of transformer, AB Switch, lighting arrerstors, etc and accepted after lapse of three months the electricity authority installed HT line and released the supply on 07.12.2009. The delay is only due to the Electricity department from 15.09.2009 to 06.12.2009.

7. The ground mentioned in the grounds of appeal, that they are paying LT charges and there is no need to pay UCM charges. It is clear from the clarification from GM(Comml,RAC &Plg) that they have to pay minimum charges. If they have not availed the service connection within 3 months, the claim made by the respondents is not in accordance with clause 5.9.2.1 of GTCS . When the very conversion itself is considered as a new connection, the payment of CC charges of LT connection does not clothe but payment of minimum charges on HT service connection made in accordance with clause 5.9.2.1 of GTCS. Whereas the appellant has taken a stand on a different angle throwing the entire blame on the department for the delay caused. The appellant has not raised this plea at the earliest point of time. It shows that it is an after thought. Apart from this, the CEIG has given the temporary approval on 24.08.2009 which was expired by 18.09.2009. When they have not filed the valid approval of CEIG, the service was not connected. The appellant though latches on this part throwing the blame on the department, as it his duty to obtain the valid approval. Hence, the impugned order passed by the Forum is on correct lines and there are no grounds to interfere with the same.

8. In the result, the appeal is dismissed. No order as to costs.

This order is corrected and signed on this 27th day of April 2010

VIDYUT OMBUDSMAN