

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 19 -04-2010

Appeal No. 2 of 2010

Between

Smt. Rama Devi
W/o S.V.Vasudeva Rao
C/o. Thatraju Padmanabham,
Chinnakummri Street, Parvathipuram.

... Appellant

And

The Asst. Engineer / Operation / R / APEPDCL / Parvathipuram
The Asst. Divisional Engineer / Operation / APEPDCL /Parvathipuram
The Divisional Electrical Engineer / Operation / APEPDCL / Bobbili

....Respondents

The appeal / representation dated 07.01. 2010 received on 12.01.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 06.04.2010 at Visakhapatnam in the presence of Sri S.Venkata VasudevaRao, husband of the appellant present and Sri P.Atchutachari, ADE/Op/Parvathipuram present for 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 Forum on 18.10.2009 complaining that her service has been billed under Tatkal and demand for Rs.19235/- has been raised against burnt meter and also demanded Rs.4900/-

towards replacement of burnt meter, and also alleged that an old meter was installed and that the service was released during 2001 without intimating to the ERO for billing and disconnected the service and prayed for justice.

2. The respondent No.2 filed his counter stating that earlier representation was received from the appellant through Grievance Cell, District Collector's office, Vizianagaram on 08.03.2009 regarding regularization of her service connection. This service was inspected and found that the appellant is being utilized electrical energy through 3 HP meter for her agricultural pumpset of 3 HP. As per section office records, the service was released on 07.06.2002 but it was not billed in ERO. Basing on the record, the provisional bill was issued for an amount of Rs.1981/- for 34370 units duly allotting Service No. 12557, Cat-V, Parvathipuram and he approached the corporate office and District Consumer Forum, vizianagaram. The Consumer Forum gave a direction to pay CC charges as per meter reading. Accordingly, the appellant has paid Rs.19185/- and from then the appellant was receiving regular CC bill. In the month of 09/09, while taking monthly reading it was observed that meter was completely burnt and the service was disconnected at arial duly issuing bill under MB status and advised the appellant to pay burnt meter charges of Rs.1800/-, after payment of burnt meter charges the service was arranged for reconnection and presently supply is availing. In the month of 09/09, the appellant was advised to pay burnt meter charges of Rs.4825/- as per the rates applicable prior to 01.10.2009. Later on instructions were received on 01.10.2009 regarding revision of present burnt meter charges. As per the instructions of call centre/Parvathipuram, the appellant paid Rs.1800/-on 03.11.2009.

3. The appellant did not file any rejoinder to the counter filed by the respondents.

4. After hearing both the sides and after considering the material placed before the Forum, the Forum observed that there is no need to examine her

grievance since it has been already examined by the District Consumer Forum. Her contention is that a defective meter was installed to her service is not tenable since the meter has recorded the consumption units and also directed the respondents to identify the officer who has released the service connection and failed to intimate the ERO for billing. He is also responsible for deficiency of service to the consumer and negligent in discharging his duties and his name shall be intimated to the licensee for initiating suitable disciplinary action.

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the impugned order is not on correct lines. The appellant has also reiterated all the grounds mentioned in the complaint submitted to the Forum as well as the District Collector Grievance Cell. She has also further urged that she is entitled for free electricity and the same is not supplied to her on the ground that her husband is an Income-Tax assessee. She has also further urged that the respondents have also misguided the District Consumer Forum and that she paid the bills in the year 2001 and they have not appropriated the same and what has happened to that amount is not known? They have not initiated any action inspite of several representations and inspite of several representations to the CMD, APEPDCL they issued service connection under the scheme of Tatkal to cover up their corruption attitude. They have to collect 20ps as per agricultural tariff if she is not entitled for free supply of electricity, but they are collecting 50ps for the unused units and the respondents are taking money for giving unauthorized connections. The officials are harassing this appellant who is agitating her rights in a legitimate manner and the appeal is to be allowed by setting aside the impugned order by refunding the amounts collected by them in excess.

6. Now, the point for consideration is, “whether the impugned order, dated 19.12.2009, is liable to be set aside? If so, on what grounds?”

7. The husband of the appellant appeared before this authority at Visakhapatnam on 06.04.2010 and represented his case that the respondents are harassing at every moment and they are collecting 50ps for agriculture tariff instead of 20ps per unit and atrocities of the respondents are apparent apart from the representations made by him to the District Collectors Grievance Cell, CMD,APEPDCL and other higher officials.

8. It is further argued that his wife is entitled for free supply of electricity being an agriculturist and she is not an Income-Tax assessee but they have mislead the appellant and others on the ground that he is an Income-Tax assessee and ultimately requested the authority to refund the amounts from the officer who have illegally collected and which are collected in excess.

9. Whereas the respondent No.2 is represented by ADE and submitted that they are acting in accordance with the directions given by the District Consumer Forum and the directions of the CMD, APEPDCL and there are no irregularities as mentioned by the appellant and her husband and the appeal is liable to be dismissed.

10. It is clear from the record that the appellant has been paying from time to time in accordance with the directions given by the District Consumer Forum.

11. The very issue revolving around mainly on two aspects:

- (i) the respondent is collecting 50ps instead of 20ps per unit being an agriculturist if she is not entitled for free supply of electricity
- (ii) she is entitled for free supply of electricity but they are not facilitating the same on the ground that her husband is an Income-Tax assessee.

12. It is an admitted fact that the appellant's husband is a bank employee and Income-Tax assessee. It is not the family unit which is to be taken. It is the individual possession of land is to be taken into account. If the appellant is having 2.5 acres of wet land or 5 acres of dry land then she is certainly entitled

for free supply of electricity. The respondents have to look into this aspect and supply free service to the appellant on production of certificate from the Village Officer / MRO to show that she is having less than above said ceiling limit. If she is having more than the ceiling limit, the tariff applicable to the agriculturists of 20ps is to be provided to her and calculation has to be made accordingly. So far as the old meter is concerned, there is no material to show that it is an old meter and it is burnt. Furthermore, it is an admitted fact that it was working till it was burnt.

13. In the light of the above said circumstances nothing can be attributed to the department on that ground. It may be a fact that the husband of the appellant prayed several demands and it cannot be said that the fault is on the part of the respondents. The very finding of the Forum have clearly disclosed about the deficiency of service and also observed negligence of duty by the officials in attending the works in particular case of the appellant. So far as new meter is concerned if the supply is made subsequent to the changed rates, the department can collect the same, but if it is prior to the changed it need not be collected. If the petitioner is entitled for free supply of electricity from the date of inspection the amounts paid by her has to be refunded to her.

14. In the light of the above said observations, the impugned order of the Forum is modified with the following observations.

- (i) If the appellant is entitled to free supply the same is to be provided to her and refund the amounts collected from her.
- (ii) If she is having more land than the ceiling the tariff of 0.20ps has to be provided to here as provided to other agriculturists.

15. This appeal is disposed of accordingly. No order as to costs.

This order is corrected and signed on this day of 19th April 2010

VIDYUT OMBUDSMAN