

## BEFORE THE VIDYUT OMBUDSMAN

Present

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

Dated: 26-02-2010

**Appeal No. 23 of 2008**

### **Between**

Sri. K. Venkata Reddy  
M/s. Srinivasa Timber Growers and Farmers Association  
Dondapudi (Vill),  
Ravikamatham (Mdl)  
Visakhapatnam Dist

**... Appellant**

### **And**

1. Assistant Divisional Engineer/Operation/APEPDCL/ Narsipatnam
2. Asst. Accounts Officer/ERO/ APEPDCL / Narsipatnam
3. Asst. Engineer / APEPDCL / Ravikamatham

**... Respondents**

The appeal / representation dated 21.08. 2008 received on 25.08.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 02.02.2010 in the presence of Sri. A.Venkat Reddy, appellant and Sri. M.Chaitanya Varma, AE, Ravikamatham 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.123 / 2008 of Visakhapatnam dated 08.09.2008, the appellant herein preferred this appeal dated 21.08. 2008 received on 25.08.2008.

2. The appellant filed a complaint to the effect that the additional load was seen by the ADE/DPE/VSP and requested for inspection again in his presence

and to reduce additional charges duly canceling the provisional assessment notice.

3. The 2<sup>nd</sup> respondent stated that the petrol bunk at Dondapudi was inspected by ADE/DPE.II/VSP on 17.12.2007 and booked additional load case and the consumer failed to pay additional load charges and service was disconnected by AE/Op/Ravikamatham on 15.06.2008 with closing reading 964 due to non-payment of additional load charges. As per ERO record, the load was 5 KW, but at the time of inspection, it was 9.99 KW.

4. The 3<sup>rd</sup> respondent stated that inspection was made and as per MD recorded in the meter, additional load charges were booked and P.A notice was issued by the ADE/Op/Narsipatnam.

5. After hearing both sides, the Forum opined that it was a case of additional load connected to his service in his premises. In terms of Clause 12.3.3.1(ii) of GTCS, the complainant has to pay the assessed amount to avoid disconnection of supply and directed the appellant to pay the assessed amount accordingly. The respondents were directed to ensure payment of assessed amounts by the appellant duly following the GTCS . The case is disposed off accordingly.

6. Aggrieved by the order, the appellant filed this appeal, questioning that the power supply to the service bearing S.C No.496 Cat-II utilized for petrol bunk located at Dondapudi village in Ravikamatham mandal, with a contracted load of 5 KW under a 3 phase connection prior to disconnection. The service was disconnected and he incurred financial loss in his business by paying advance, etc. Due to lack of power supply, his reputation was also degraded in the business circles. The accuracy of the meter provided without referring to the field for re-inspection and for required information and thereby in-justice is caused to him and the impugned order is liable to be set aside and re-connection may be ordered as he is not in need of additional load.

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

8. The appellant and Sri M.Chaitanya Varma, AE, attended the hearing on 02.02.2010. The appellant submitted that there is no need for him to take the additional load and the inspection is not made in his presence. The data is also not specifically mentioned in the notice or in the order and the transaction entertained behind his back is not at all binding on him and the appeal preferred by him is to be allowed by setting aside the impugned order.

9. The AE submitted that while discharging the duty, inspection has been made and in accordance with the procedure. Notice was issued and he failed to pay the amount for additional load, the service was disconnected in accordance with the procedure and does not deviated in any manner.

10. It is clear from the material available on record, that the inspection has been made in the absence of the appellant. He has also requested for personal inspection even by filing a complaint before the Forum. Inspite of the request made by him, no personal inspection has been made to assess the load in his presence. As per clause 9.1.2 of GTCS, inspecting officer has to give a note of his observations in the format prescribed in Appendix IV A or IV B as the case may be. It is simply mentioned that the MD recorded in the meter, which is an equipment with latest technology there is no need to re-conduct inspection. As per clause 12.3.3.1 (ii) of GTCS, LT consumers have to regularize the additional load connected within one month of the notice.

11. It is the contention that he has not used more than 5 KW and there is no need for him to have additional load. He says that he is not financially sound and unable to pay charges and to consider it as a special case, on sympathetic grounds and if it is found in excess, in future, severe action may be initiated against him.

12. Taking into account about the above circumstances placed before this authority, I feel, that it is special case to take liberal view on account of his financial condition that too on sympathetic grounds in particular on the ground of recording of reading in his absence, the respondents may be directed to reconnect the service connection by collecting the necessary charges without insisting additional load charges.

13. In the result, the appeal is allowed and the impugned order is set aside and the respondents are directed to restore the connection within 30 days from the date of receipt of this order by collecting necessary re-connection charges without insisting for additional load charges as pointed out in the P.A notice.

14. If any excess reading is recorded in future, severe action may be initiated against the appellant. No order as to costs.

This order is corrected and signed on this day of 26<sup>th</sup> February, 2010

**VIDYUT OMBUDSMAN**