

## **BEFORE THE VIDYUT OMBUDSMAN**

**Present**  
**K.Sanjeeva Rao Naidu**  
**Vidyut Ombudsman**

**Dated: 23.11.2010**

**Appeal No. 40 of 2010**

**Between**

Sri V.Govinda Raju  
S/o Late Narayana Raju  
Lakshnanapeta,  
Narasannapeta,  
Srikakulam Dist.

*... Appellant*

**And**

1. Assistant Engineer / operation /Narasannapeta
2. Assistant Divisional Engineer / Operation / Narasannapeta
3. Divisional Engineer/Operation/ Tekkali

*....Respondents*

The appeal / representation dated 01.09.2010 (received on 06.09.2010) of the appellant has come up for final hearing before the Vidyut Ombudsman at Visakhapatnam on 16.11.2010 in the presence of Sri Y.Govinda Raju, appellant present and Sri TVS Ramakrishna, ADE/O/Narasannapeta and Sri J.Ratnam, AAE/O/Narasannapeta present for the 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 and the same was registered as CG No. 98/2010-11 stating that the bills were issued to SC No. 6555 and 3025 of the temple for huge amounts after inspection and requested for waiver of amounts of the bills.

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

*“With reference to the reference cited above, it is submitted that the SC No. 6555 cat-VII and SC No. 3025 Cat-I were inspected by ADE/O/Narasannapeta on 30.06.2010 along with Sub-Engineer/O/Narasannapeta. During the inspection it was observed that these two services meters were fixed side by side in the ground floor of the marriage function hall. The SC No. 6555 was billing under Cat-VII and the entire load is being used for marriage function hall. Whereas the SC No. 3025 was billing under Cat-I through which part of the load fed to the marriage function hall apart from the house load occupied by the priest family.*

*The entire function hall, temple and priest house are situated in the same premises within one boundary.*

*However the temple was exclusively provided with another service bearing SC No. 2410 which was billing under Cat-VII.*

*Hence it is submitted that as per the circumstantial evidences available during the inspection the malpractice cases were booked against the SC No.6555 for unauthorized se of supply from Cat-VII to II and SC No. 3025 for unauthorized use of supply from Cat-I to II.*

*During the inspection Sri Varanasi Ramalingam, S/o. Suryanarayana who is said to be the Manager of this premises acknowledged the facts on the inspection notes. These inspection notes along with the provisional assessment orders.”*

3. After hearing both sides and after considering the written submissions submitted by the parties, the case was booked for unauthorized use of electricity and the Forum itself is not vested with power to deal with it as it does not within the purview of deficiency of service and it comes within the purview of S.126 of EA 2003 and also directed the appellant to approach the concerned authorities by preferring an appeal against the order of ADE/O/Narasannapeta.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that it is a very small temple, poor and middle class people marriages are done in the premises of temple; and that the temple is being run on the donations provided by the villagers and the material of the temple are also

provided by the villagers. The ADE inspected and directed them to pay Rs.24733/- to SC No. 6555 and Rs.53968/- to SC No. 3025 and requested to reduce the same to the extent possible, as it is not possible for them to pay the huge amounts proposed in the said notices.

5. Now, the point for consideration is, “Whether the impugned order dated 12.08.2010 is liable to be set aside? If so, on what grounds?”

6. The appellant has appeared before this authority and submitted some pamphlets to show that it is a small temple and run by the donations from the villagers and facing lot of difficulty to pay the bills and the same may be set aside.

7. The respondents are represented by Sri TVS Ramakrishna, ADE/O/Narasannapeta and Sri J.Ratnam, AAE/O/Town/Narasannapeta present and submitted that the supply is being utilized for the marriage function hall which comes under Cat-II. Though the service is provided under Cat-I (Domestic) purpose which is an unauthorized usage and there is no deficiency of service and the appeal preferred by the appellant is liable to be dismissed.

8. It is clear from the record, that there is an unauthorized usage of electricity of SC Nos. 6555 and 3025 are mis-utilised from Cat-VII to II and Cat-I –II respectively. It is a malpractice case and directly falls under the ambit of S.126 and this authority is not competent to entertain the appeal.

9. However, while looking into the circumstances and nature of the temple, it is necessary in the interest of justice to direct the Appellate Authority i.e, SE/Assessments to receive the appeal, if submitted, or permit the appellant to submit his appeal with in a reasonable time from the date of receipt of the order. The appellate authority is also directed to look into the situation of the temple personally and see the viability of providing service connection to which it is

actually entitled under the Act and regulations and impose minimum penalty without any surcharge by taking into account about the status and nature of the temple.

10. No order as to costs.

This order is corrected and signed on this day of 23<sup>rd</sup> November, 2010

**VIDYUT OMBUDSMAN**