

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 27 -04-2010

Appeal No. 2 of 2009

Between

Sri. Kuchipudi Ganga Raju,
S/o. Venkateswara Rao
Nallazerla (V) & (M)
W.G.Dist – 534 112.

... Appellant

And

The Asst. Engineer / Operation / Nallazerla / APEPDCL / W.G.Dist
The Asst. Divisional Engineer / Operation / APEPDCL /Bhimadole
The Divisional Electrical Engineer / Operation / APEPDCL / Eluru

....Respondents

The appeal / representation dated 22.12. 2008 received on 15.12.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 08.04.2010 at Kakinada in the presence of Sri K.Ganga Raju, appellant present and Sri B.Ramakrishna, AAE/O/Nallagerla 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 and the same was registered as CG No. 208/2008 and one Sri K.Venkteswara Rao also filed a

complaint on the same day with a request to restore the supply to the agricultural service connection No. 1921 disconnected for HVDS works on 14.06.2008 and registered as CG No.211/2008 and passed a common order. As per the complaint, it is understood, that the service connection has been disconnected on 14.06.2008 for HVDS works. The service was not restored inspite of the complainants specific requests. In his statement, Sri Ch.T.Satish has informed that his Eucalyptus crop has already been damaged due to passing of LT lines through his field. He requested for laying of HT line under HVDS works on the demarcation bund, as was promised by the AE and ADE to avoid damage of crops. As per the impugned order, the delay is due to objection raised by the neighbouring farmer, from whose field the line is to be laid. The matter has been settled by erecting small DTR at the old location duly laying cable. At last service was released on 30.09.2008, but the complainant claim compensation for the loss of the palm oil crop due to shortage of water, on the department persons due to the objection from the farmers and possible damage to the crop.

2. After hearing, both sides and after considering the material placed and after, furnishing depositions of the respondents before the Forum, the Forum observed, that the delay in conversion of LT into HVDS is due to the objection raised by the farmers, expecting damage to their crops. The work was completed due to the intervention of the Forum and the grievance was resolved.

3. Aggrieved by the said order, the appellant preferred this appeal, that he sustained a loss of Rs.1,00,000/- for the damage caused to his palm oil crop for non supply of water and the same is only due to the inefficiency of the staff of the electricity department and he is entitled to the compensation as claimed.

4. Now, the point for consideration is, “whether the appellant is entitled for damages to a tune of Rs.1,00,000/- as prayed for?”

5. It is apparent from the order that due to objection raised by the neighbouring land lord, the delay was caused. It is not in the hands of the respondents to resolve the same. Ultimately, the Forum intervened and resolved the dispute. In spite of resolving the dispute, the appellant has approached for damages, to his palm oil crop as he cannot supply water due to the disconnection of the service connection on the ground of HVDS works. When there are no latches on the part of the department, no damage can be awarded. Furthermore, it is not a civil court to grant a decree for damage for the loss of crop by estimating the exact damage, by recording the evidence and calculating the stage and age of the plants, etc.

6. If at all, if the appellant is aggrieved by the conduct of the officials and if there is any damage caused to the crop, due to the latches of the department or on the conduct of the landlord, he can approach the competent authority by filing a suit, to recover the damage but not by filing a petition before this authority.

7. In the light of the above said discussion, this authority is of the opinion that the claim made by the appellant with regard to the damages is not sustainable in the Forum.

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

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

VIDYUT OMBUDSMAN