

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 25-08-2010

Appeal No. 24 of 2010

Between

Sri Nandamuri Sivanagadurga
W/o. Venkatasatyanarayana
C/o. Pothuri Venkateswara Rao
Pullapadu, Nallajerla (M),
W.G.Dist.

... Appellant

And

1. Assistant Engineer/Operation/APEPDCL/ Nallajerla
2. Asst. Divisional Engineer / Operation / APEPDCL / T.P.Gudem
3. Divisional Electrical Engineer / Operation / APEPDCL / T.P.Gudem

....Respondents

The appeal / representation dated 23.05. 2010 received on 28.05.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 19.08.2010 at Visakhapatnam, the appellant being absent and Sri T.Venkateswara Rao, ADE/Op/Rural/T.P.Gudem and Sri N.Venugopala Rao, AE/O/Ananthapalli I/c Nallajerla 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 that she paid the amounts for releasing of an agricultural tatkal service on 16.11.2009, but the

service not released so far and prayed for compensation @ Rs.250 for the delay beyond stipulated 60 days and also prayed for verification of the priority list also. The case was registered as CG No. 274/09 by the Forum and notice was sent to the respondents. The respondents have filed their written submissions to the effect that the application was registered at Bhimadole call centre on 19.10.2009. Accordingly, an estimate was also sanctioned vide DE/WE/156/09-10, the consumer paid by the necessary estimated charges at Bhimadole call centre on 20.11.2009. The AAE/O/Nallajerla applied for work order on 25.11.2009 but due to shortage of poles the work taken up was delayed. Soon after drawing the materials the work will be completed. The AAE/O/Nallajerla has filed the following details as hereunder:

Date of payment : Dt.20.11.2009

WOA No. 8998 : Dt.25.11.2009

WO No.1000000716: Dt.07.12.2009

Poles released 3 nos for want of poles the service could not be released.

2. The Forum ordered compensation @ Rs.50/- per each day of delay till 30.04.2010 totaling Rs.5800/-. Section 43(3) of the EA2003 and clause 4(1) of Regulation No. 3 of 2004 of APERC, for default in complying within the time frame for supply of electricity empowered the adjudicating officer to impose penalty or compensation. The adjudicating officer is at the initial stage, the Forum and on appeal Vidyut Ombudsman. Though the Forum has already imposed compensation @Rs.50/- per each day of delay, in terms of schedule II of Regulation No. 7 of 2004 read with S.57(2) of EA 2003 and @Rs.10/- per each of delay in terms of S.43(3) of EA 2003 read with Clause 4(1) of Regulation No. 3 of 2004 of APERC.

3. The appellant has submitted a letter to the effect that she is unable to attend the enquiry and requested to consider her request made in the grounds of appeal.

4. The respondents are represented by Sri T.Venkateswara Rao, ADE/Operation/Rural/T.P.Gudem and Sri N.Venugopala Rao, AE/O/Ananthapalli I/c AE/O/Nallajerla and reported that the service connection was given on 18.08.2010.

5. Now, the point for consideration is, “whether the complainant / appellant is entitled @ Rs.250/- per each of delay or any other amount. If so, at what rate?”

6. In the grounds of appeal, she demanded an amount of Rs.1,00,000/- towards damages. But this Forum is not competent to award damages. She has to approach the competent Civil Court for claiming damages.

7. The amount is awarded @Rs.50/- per each day of delay upto 30.04.2010. The Forum has awarded Rs.5800/- @Rs.50/- for the delay caused for 116 days but the service connection was released on 18.08.2010. So there is another delay of 107 days. The appellant is entitled @Rs.50/- for each of delay totaling Rs.11150+2230/- = Rs.13380/-.

8. No special grounds are mentioned as to how she is entitled @Rs.250/-. There may be some delay on account of shortage of material and if there is any negligence directly on the part of the officials of the respondents, no doubt, the authority can impose any amount of penalty or compensation in accordance with the provisions of the Act and Regulation exceeding @Rs.50/-, whereas in this case there is no negligence or deficiency of service due to the conduct of the officials, but it is due to shortage of stock. It is also not in the hands of the respondents. Imposition of Rs.50 + Rs.10/- by the Forum is in accordance with the procedure and there are no grounds to award more compensation than the amount awarded by the Forum.

9. In the result, the appeal is dismissed. The respondents are directed to pay an amount of Rs.13380/-($223 \times 50 = 11150 + 223 \times 10 = 2230$) for the delay of 223 days at the rates imposed by the Forum and order is confirmed. The respondents are directed to pay the said amount within 30 days from the date of receipt of the order of this authority and report the compliance within 15 days thereafter.

This order is corrected and signed on this day of 25th August, 2010

VIDYUT OMBUDSMAN