

## BEFORE THE VIDYUT OMBUDSMAN

Present

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

Dated: 26-02-2010

**Appeal No. 30 of 2008**

### **Between**

Sri Koyyalamudi Rajesh  
S/o. Venkateswara Rao  
Mussulagunta (V), Nallagerla (M),  
W.G.Dist

***... Appellant***

### **And**

1. The Additional Assistant Engineer/Operation/APEPDCL/ Nallagerla
2. The Asst. Divisional Engineer / Operation / APEPDCL / Bhimadole
3. The Asst. Accounts Officer / ERO / APEPDCL / Eluru
4. Divisional Electrical Engineer / Operation / APEPDCL / Eluru

***... Respondents***

The appeal / representation dated 22.12. 2008 received on 26.12.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 03.02.2010 in the presence of Sri K.Prabhakar Rao, representative for appellant and Sri. K.Gopalakrishna, ADE/Op/Bhimadole, Sri B.Ramakrishna, AAE 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.287 / 2008 of W.G.Dist dated 29.11.2008, the appellant herein preferred this appeal dated 22.12. 2008 received on 26.12.2008.

2. The appellant filed a complaint dated 20.10.2008 with regard to the discrepancy in executing the work in erection of service to agricultural. Borewell

of him when compared to estimate sanctioned with others and requested for action to be taken as per law.

3. Earlier, he filed CG No. 242/08 complaining that his juniors were given connection and also complained against officials on the ground of corruption. The same was negated on the ground that he who alleged to be junior was actually senior and alleged corruption is also not proved. Again, the appellant has approached the Forum with this complaint alleging the following items were not provided at the time of giving connection.

- (a) No AB Switch is installed.
- (b) No concrete has been done to the Transformer pole structure and supporting wire.
- (c) No 3<sup>rd</sup> earth pipe was erected to the transformer.
- (d) The required materials for earth wire have not been utilized.
- (e) Further, as per the sketch, the distance between the 2 points (i.e the point from which line is drawing towards other point where extension of supply is required) which is shown as 180Mtr. But actual distance between these two points is 151Mtrs only. He requested for refund of amount of additional 29 Mtrs along with interest @ 24% interest.

4. The department has submitted its explanation, that the material was not supplied by the department to provide the same and the connection was given on account of the pressure given by him and representative of the appellant Sri K.Prabhakar Rao also accepted that the material will be provided soon after receipt of same from the department.

5. Basing on the same undertaking, the Forum passed the impugned order as hereunder:

*"In view of the personal deposition in the personal hearing conducted on 07.11.2008 at Nallagerla of both the respondents and complainant, the Forum orders that the materials not utilized in execution of work shall be fixed immediately. The work shall also*

*be executed with reference to the standards practice by the Discom. The compliance shall be reported along with feed back report of the consumer.*

*The complainant is informed that no refund of amounts are allowed in view of the findings shown above.”*

6. Aggrieved by the said finding, the appellant preferred this appeal through Sri K.Prabhakar Rao, authorized representative. At the time of hearing he submitted that there are latches on the part of the department and they are apparent and also visible from the photos filed. Sri B.Ramakrishna , AAE who was present at the time of hearing also stated that soon after receipt of the material he will attend the same.

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

8. The material was not supplied by the department and they would do the same immediately after receiving the same. They have been taking time for completing the said works and there is every possibility of accident and risk of lives, etc due to non-compliance of the same. The department has to take and attend the work forthwith.

9. The other allegation made in the complaint that the Forum refused to give the value of the 29Mtrs over and above, though the actual distance as pointed at the time of hearing, but the Forum refused the same on the ground that there may be some wastage at the time of executing the work. I do not find any reason to find fault with the Forum on this aspect and the same is liable to be confirmed.

10. In the light of the above said observations suitable directions have to be issued to the department to execute the work as expeditiously as possible, since they have not implemented the orders of the Forum.

11. The respondents are directed to provide materials pointed out in times (a) to (d) as stated supra immediately within a fortnight, after receipt of the order. The claim of item (e) is rejected.

12. With this observation, the appeal is disposed off accordingly. No order as to costs.

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

**VIDYUT OMBUDSMAN**