

BEFORE THE VIDYUT OMBUDSMAN

Present

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

Dated: 26-02-2010

Appeal No. 4 of 2009

Between

Smt. Bolla Vijayalakshmi Kumari
W/o Dosa Rao
Gopalapuram (V) & (M),
W.G.Dist – 534 316.

... Appellant

And

1. The Assistant Engineer / Operation / APEPDCL / Koyyalagudem
2. The Assistant Divisional Engineer / Operation / APEPDCL / Gopalapuram
3. The Assistant Accounts Officer / ERO / APEPDCL / Nidadavole
4. The Divisional Electrical Engineer / Operation / APEPDCL / Nidadavole

....Respondents

The appeal / representation dated 30.12. 2008 received on 15.01.2009 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 of the appellant and Sri. K.Thirupathi Rao, ADE/Op/ Koyyalagudem, Sri A.Venkateswarlu, AE/Op/Koyyalagudem 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.289/ 2008 of W.G.Dist dated 03.12.2008, the appellant herein preferred this appeal dated 30.12. 2008 received on 15.01.2009.

2. The appellant filed a complaint for refund of Development charges of Rs.15,000/- paid by her.

3. The Forum has passed an order in one sentence as hereunder.

"In the instant case, the sanction of estimate accorded by the competent authority during 9/06. Hence, the consumer shall not be allowed for refund of development charges paid by her already."

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

5. The Forum has observed in the conclusion, in view of the above findings, taking into cognizance of the material evidence on record, the impugned order is passed. Infact, there is no material to take cognizance by the Forum and what material has been taken into cognizance is not there in the impugned order. The Forum has already passed several orders directing the refund of development charges in CG No. 176/06, 6/06 by this authority and CG No. 89/07, 90/07, 19/07. No reasons are assigned as to why the appellant is denied the refund of the amount. Furthermore, a clarification is also issued by the Secretary, APERC dated 28.10.2006 as hereunder.

"I am directed to clarify that, since the aim of development charges is to meet part of cost of Transformation from higher voltage to lower voltage, the licensee is not entitled to collect development charges in cases where the consumer has paid the cost of Distribution Transformer as a part of cost of estimate or when the consumer has purchased the Distribution Transformer, irrespective of the category."

6. In the light of the above said discussion and material a clarification is issued by the Secretary, APERC. Hence, I am of the opinion, that the appellant is entitled for refund of development charges.

7. In the result, the appeal is allowed directing the respondents to refund the amount within 30 days from the date of receipt of this order and compliance of the same to this authority within the above said period.

This order is corrected and signed on this day of 26th February, 2010

VIDYUT OMBUDSMAN