

## BEFORE THE VIDYUT OMBUDSMAN

Present

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

Dated: 27 -04-2010

**Appeal No. 10 of 2009**

### **Between**

Er.D.V.Ramana Murthy  
President  
Sangika Nyaya Vedhika  
Akiveedu – 534 235.  
W.G.Dist.

*... Appellant*

### **And**

The Asst. Engineer / Opt./ Akiveedu  
The Asst. Divisional Engineer / Opt./ Akiveedu  
The. Divisional Engineer / Opt / Bhimavaram  
The Asst. Accounts Officer / ERO / Bhimavaram

*....Respondents*

The appeal / representation dated 10.02. 2009 received on 17.02.2009 of the appellant has come up for final hearing before the Vidyut Ombudsman on 07.04.2010 at Kakinada. There is no representation on behalf of the appellant. Sri Y.Srinivasa Rao, AAO/ERO/Bhimavaram, Sri Y.A.R.Gupta, UDC/ERO/Bhimavaram present for respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

### **AWARD**

Sri D.V.Ramana Murthy, President Sangika Nyaya Vedhika, Akiveedu has represented Smt. B.Kanthamma, SC No.62 Dharmapuram/Agraharam filed a complaint to the Forum received on 01.12.2008 along with some other statutory

bodies demanding for testing meter and also reconnect the supply to SC No.30. The same was registered as CG No.318/08.

2. The respondent No.3 filed his written submissions as detailed below:
  - (i) the SC No.62, DP Agraharam was released in favour of B.Kanthamma, under Cat-II on 15.08.2000.
  - (ii) the above service was disconnected at aerial due to nonpayment of CC charges of Rs.19131 on 15.06.2006
  - (iii) BPMS No. 151 notice has issued on 04.10.2006, but the consumer has not paid the arrear amount
  - (iv) SC no.62, DP Agraharam made bill stopped on 31.08.2007 and distraint notice was issued on 21.10.2007 as per RR Act for realization arrears.
  - (v) In spite of all the above efforts, the consume of SC No.62, DP Agraharam has not paid the arrear amount.
  - (vi) It was noticed that the another live service of SC No.30, DP Agraharam was existing in the name of B.Kanthamma
  - (vii) For realisation of arrear amount against SC no.62, DP Agraharam another alternative live service SC No.30 DP Agraharam in the name of B.Kanthamma was disconnected as per departmental rules and regulations in vogue.
3. The respondent No.4 also filed his written submissions reiterating the same grounds. At the same time the respondent No.2 also submitted his written submissions almost all with the similar grounds. It is also mentioned in the counter filed by respondent No.2 that the EPDCL management has given severe instructions to collect arrears for NB services duly disconnecting other alternate services and other possible steps. The SC No.30, Cat-I DP Agraharam being in favour of Smt.B.Kanthamma has been disconnected on 13.11.2008 and requested to pay the pending arrears by consulting the lease holders. It is also mentioned that the supply was utilized for fish/prawn culture during the season and the consumption was suppressed by the consumer. The suppressed

consumption came into light when the CC bill was generated as per the recorded reading for billing amount of Rs.22,240/-. Infact the meter reading was not jumped or creped. The lease holders were hidden the fact and mislead the department by paying simply challenge fee for meter testing during Vidyuth Adalth and also escaped to attend for MRT testing inspite of frequent reminders by oral and in written.

4. The contention of the appellant is that the SC No.62 was in the hands of tenants and which was used for fish / prawn culture.

5. After hearing both sides, it is for the complainant to check with the tenant / occupier about the payments. The registered consumer / occupiers have failed to utilize the opportunities given to her / occupiers. In such a situation nothing is left to this Forum except to direct the complainant to advice their member registered consumer to pay the dues to the licensee. The respondents shall collect the dues from registered consumer as per rules and practices in vogue.

6. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that it is not used for the purpose of Fish tank. It was given for godown and the bill was paid under non-domestic. It was wrongly recorded as used for water pumping purpose. Sri Innamuri Ramesh and Sri Chunduri Ramakrishna are not the lease holders. The disconnection of SC No.30 is against to the principles of law, equity and natural justice and she belongs to SC community and she is a widow, poor woman got SC No.30 and it may be restored immediately and the action initiated by the respondents about the loss sustained and disconnection of SC No. 30 is against to law and ultimately requested to connect SC No.30 before completion of the enquiry and the appeal filed by the appellant is to be allowed by setting aside the impugned order.

7. Now, the point for consideration is, "whether the impugned order, dated 31.01.2009, is liable to be set aside? If so, on what grounds?"

8. It is clear from the record, that the appellant who is representing the consumer failed to attend before this authority on 07.04.2010 on that the matter was posted at Kakinada inspite of the notice served. Whereas, the respondents represented by Sri Y.Srinivasa Rao, AAO /ERO/Bhimavaram, Sri Y.A.R.Gupta, UDC/ERO/Bhimavaram, reiterated the stand taken by them before the Forum. They stated that that the actions initiated by the department are in accordance with the procedure and terms and conditions of supply and appeal preferred by the appellant is liable to be dismissed.

9. When the appellant is not present or his representative a notice was also sent to file written arguments if any from the date of receipt of the letter and the representative has received the same on 15.04.2010, but failed to attend before this authority nor sent any representation in the form of written arguments so, it is to be construed that there is no other material to be presented before this authority.

10. It is clear from the record, that they paid testing charges, consumer or the lease holders have not attended meter testing till 28.12.2007. In the process of collecting arrears the SC No.30 in the name of the appellant was disconnected on 13.11.2008. Except a lone representation of the appellant and the representation through her representative, no other material is placed before this authority, to the effect that the said service connection is not used for fish / prawn culture. When the suppressed consumption during month of 5/06 was deducted and generated CC bill for Rs.22,240/- and when the same is not paid, it was disconnected on 15.06.2006. In the process of collecting arrears the other SC in the name of the appellant is disconnected. There are no grounds placed before this authority to set aside the impugned order passed by the Forum.

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

This order is corrected and signed on this 27<sup>th</sup> day of April 2010

**VIDYUT OMBUDSMAN**