

BEFORE THE VIDYUT OMBUDSMAN

Present
K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 23.11.2010

Appeal No. 43 of 2010

Between

Sri S.Sanjeeva Rao
S/o.Dhorayya,
Samanthulavari Street,
Yeleswaram (M), EG Dist.

... Appellant

And

1. Assistant Engineer / operation / Jaggampeta
2. Assistant Divisional Engineer / Operation / Jaggampeta
3. Divisional Engineer/Operation/ Jaggampeta
4. Assistant Accounts Officer/ERO /Jaggampeta

....Respondents

The appeal / representation dated 03.09.2010 (received on 06.09.2010) of the appellant has come up for final hearing before the Vidyut Ombudsman at Visakhapatnam on 15.11.2010 in the presence of Sri S.Narasimha Rao, counsel for the appellant , Sri S.Sanjeeva Rao, appellant present and Sri P.Trinadha Rao, ADE/OJaggampeta and Sri K.Sundara Rao, AAO/ERO/Jaggampeta present for the respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following

AWARD

This is an appeal filed by the appellant against the orders of CGRF dated 28.07.2010 in CG No. 56/2010-11. The appellant has filed a complaint before the Forum about non-releasing of his 2 agricultural services by laying lines for

which amounts were paid 3 years back and that they have also collected CC charges regularly. He has also demanded compensation for the deficiency of service on the part of the respondents.

2. The respondent No.2 submitted his written submissions as hereunder:

“With reference to the above cited, it is submitted that Sri Samanthula Sanjeeva Rao of Yeleswaram (V), applied for power connection for 2 nos. agricultural pumpsets (12.5HP and 7.5HP) at Mamidada(V) of Jaggampeta (M) on 19.10.2006 and amount was also paid at Call centre, Jaggampeta on 28.02.2007 for Rs.37,890+10000+1560 vide receipt no. CSC Jaggampeta 588, 589, 590 n 28.02.2007.

The Ex-AAE/O/Jaggampeta Sri Ch.S.Jayaprakash Narayana released the supply for 12.5HP load on paper on 26.09.2007 with SC No. 625/Mamidada without actually executing the work in the filed. The applicant is getting CC bills for 12.5HP and regularly paying it.

With the above AAE/O/Payakaraopeta was contacted over phone, he was telling that the work was stopped due to site dispute and no material were drawn. The above Ex-AAE/O/Jaggampeta was telling that at present is not able to give the details regarding the above issue.

The above said premises was inspected by on 10.07.2010 and found that only 3 nos. idle poles were erected, 1no. plinth for DTR found under heath the 11KV line passing over the fields, 2 Nos. digged borewells also found.

I approached the applicant and learnt that the bores were digged in the original survey fields only as per the application and there is no site dispute.

On verification of SAP the work order No. and its details were not found and the details will be collected from Ex-AAE/O/Jaggampeta Sri Ch.S.Jayaprakash Narayana (present AAE/O/Payakaraopeta) and balance work will be taken up. After receipt of the information work will be completed within 30days to release the supply to the above applicant. It is further submitted that the presence of Ex-AAE/O/Jaggampeta is must at Jaggampeta to give the details because it is old work order and not viable in AP”.

3. After hearing both sides and after considering material placed before the Forum, the Forum passed the following order;

- The 2nos. of service connections should be released duly, physically executing the work as per the estimate sanctioned.
- The complainant consumer's problem should be resolved on war footing basis by the respondents duly getting the previous information in detail.
- The SE/O/Rajahmundry shall arrange a detailed enquiry in this regard besides suitable disciplinary action against the then AE/O/Jaggampeta and other officers/staff responsible for the serious irregularity. The amount collected towards CC bills for non-releasing of new service connections as explained above are to be refunded with interest as applicable.
- The compensation has to be paid to the complainant consumer as per the standards of performance. The officers concerned are also liable for penalty at Rs.10/- per day from the date after 60 days from the payment of estimate charges based on the enquiry to be conducted on war footing basis as per clause 3 of S.43 of EA 2003.

and with a direction to implement the same within 15 days from the date of receipt of the order.

4. The respondents have not complied the same in spite of the order passed by the Forum and the appellant filed this appeal before this Authority dated 03.09.2010 to implement the order immediately as he is suffering a lot due to shortage of water.

5. Now, the point for consideration is, "whether there is deficiency of service on the part of the respondents, if so, whether the appellant is entitled for the compensation, if so, to what extent?"

6. The learned counsel for the appellant Sri Sade Narasimha Rao submitted that the respondents have not released the service connection, but issued demand notice for CC charges and the appellant has paid the same even without any service connection and this itself is sufficient to hold that there is deficiency of service and the respondents are liable to compensate the appellant.

7. The respondents are represented by Sri P.Trinadha Rao, ADE/O/Jaggampeta and Sri K.Sundara Rao, AAO/ERO/Jaggampeta present and

submitted that they are going to take steps for implementation of orders of the Forum within 15 days and they are also making efforts to compensate the appellant and the same will be complied with in a short time.

8. It is clear that the appellant has paid :

Service line charges A) Rs.37890 CSC Jaggampeta Receipt no. 588, dt.28.02.2007

Development charges B) Rs.10000 CSC Jaggampeta Receipt no. 589, dt.28.02.2007

Security Deposit C) Rs.1560 CSC Jaggampeta Receipt no. 590, dt.28.02.2007

The above said payments are not under dispute. It is also clear from the counter of the respondent No.2 that Sri Ch.S.Jayaprakash Narayana released the supply for 12.5HP load on paper on 26.09.2007 with SC No. 625/Mamidada without actually executing the work in the filed. When he was contacted over phone, he said that the work was stopped due to site dispute and no material was drawn but on the inspection made by respondent No.2 on 10.07.2010, he found about 3 nos. poles erected and an idle position, 1no. plinth for DTR found underneath the 11KV line passing on the fields. It was also narrated by the respondent No.2 that when he approached the complainant, and enquired he came to know that there was no site dispute and the bore wells were also dug. So it is evident that apparently there is gross negligence on the part of the said Sri Ch.S.Jayaprakash Narayana, the then AAE/O/Jaggampeta and presently working as AAE/O/Payakaraopeta.

9. It is also curious to note that even without giving supply they have collected CC charges of Rs.255/- on 30.11.2008 and Rs.255/- on 17.05.2010. The copies of the bills are also filed. The total amount of Rs.510 shall be refunded by the respondents to the appellant.

10. It is clear that there is deficiency of service on the part of the respondents in providing supply to the borewells of the appellant. It is only due to gross negligence on the part of the then AAE/O/Jaggampeta, Sri Ch.S.Jayaprakash Narayana. The Forum has imposed @ Rs.10/- per day after excluding 60 days

from 03.03.2007 up to 02.05.2007. When the days are calculated upto this date they have come to 1299 days and an amount Rs.12990 (1299 x 10) for each service connection shall be paid to the appellant. In this case, there are two service connections and the total amount is Rs.25980/- and the same shall be paid to him by way of compensation for the deficiency of the service on the part of the respondents. Out of this amount Rs.24560/- is liable to be collected from the said Sri Ch.S.Jayaprakash Narayana from out of his salary since he is person responsible for the deficiency of service forcing the appellant to suffer for a long time.

11 (a) The respondents are directed to pay the total amount of Rs. 25980/- to the appellant within 30 days and an amount of Rs.24560/- shall be recovered from or out of the salary of Ch.S.Jayaprakash Narayana, the then AAE/O/Jaggampeta and presently working at Payakaraopeta.

(b)The deduction of the amounts from his salary shall be entered in the service register of the individual as a punishment awarded for his deficiency of service.

(c)The respondents are also liable to refund the amounts of Rs.510/- collected as CC charges from the appellant without giving any service connection and also directed to provide service connection within 15 days from the date of receipt of this order. The compliance of the order shall be intimated to this authority within 30 days from the date of receipt of this order and the respondents are also liable to pay Rs.1000/- towards costs to the appellant.

12. This appeal is disposed accordingly.

This order is corrected and signed on this day of 23rd November, 2010

VIDYUT OMBUDSMAN