

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 18 -05-2011

Appeal No. 13 of 2011

Between

Sri K.Rama Rao
(Retd) Dy.Collector
D.No.1-64-8, Plot No.28, LIG,
Sector-2, MVP Colony,
Visakhapatnam – 530 017.

... Appellant

And

1. Asst.Engineer/operation/MVP colony
2. Asst.Divisional Engineer/operation/Pedawaltair
3. Divisional Engineer/operation/Zone-1/Visakhapatnam.

....Respondents

The appeal / representation filed dt 24.03.2011 (received on 28.03.2011) of the appellant has come up for final hearing before the Vidyut Ombudsman on 11.05.2011 at Visakhapatnam Sri K.Rama Rao, appellant present respondents being absent and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed this appeal for non-compliance of the order passed by the Forum.

2. The Forum has passed an order directing the respondents to pay Rs.10/- per day from the date after 30 days of payment of charges till release of service and also

compensation @ Rs.50/- per day. The above said amounts are not paid by the respondents. The very grievance made by the appellant is that the AE Sri T.Vara Prasad is harassing him like anything and he is liable for the above said amount as per the very representation made before this authority.

3. After hearing both sides and after considering the material placed before the Forum, the Forum passed the order as hereunder:

“The Forum concludes based on the written submission of the 1st and 2nd Respondents, the following order is here with passed.

- *All the Respondents are hereby directed to release the 3Ph. 3KW new Service connection as applied by the complainant immediately.*
- *The licensee is liable to pay (penalty at Rs.10/- per day from the date after 30 days of payment of the charges till release of the service as per clause 3 in Regulation.3/2004 of APERC and also liable to pay) compensation to the affected complainant @ Rs.50 per day after 30 days from the date of payment of the charges till the date of release of the service connection as per schedule II of Regulation No.7/2004.*
- *All the Respondents are also directed that the premises may be reinspected and the old services in 1st Floor which are existing since 1988 may be re-scheduled as per the categories or if necessary clubbed the services if such services attracts the provisions of clause 3.5.3 of GTCS.*

3.5.3 of GTCS:-

Not with standing the above provisions, the company reserves the right, where it is reasonably established, that the consumers of the same group or family or firm or company who are availing supply under different service connections situated within a single premises by splitting the units, the company may treat such multiple connections existing in the single premises as a single service connection and charge the total consumption of all the consumers at the appropriate tariffs applicable for a single service connection. Any officer authorized by the company shall issue notices to the concerned consumers asking them to furnish a single application for all such services and to pay required charges for merging the services into a single service.

With the above directions CG.No.509/10-11 is disposed off.”

4. Now, the point for consideration is, “whether the appellant is entitled for compensation as sought for ? If so, from which date?”

5. Sri K.Rama Rao, appellant appeared before this authority and stated that AE, Sri T.Vara Prasad harassed him in releasing the service connection and he is liable to pay the amounts awarded by the Forum. Whereas the respondent Sri T.Vara Prasad present after hearing of the appeal and represented that the order of the Forum is complied with and the appeal preferred by the appellant is liable to be rejected.

6. It is clear from the record that the Forum passed an order awarding penalty @ Rs.10/- per day after expiry of 30 days on payment of charges till release of service as per clause 3 in Regulation No. 3 of 2004 and also liable to pay compensation @ Rs.50/- per after 30 days from the date of payment of charges till the date of release of the service connection as per schedule – II of Regulation No. 7 of 2004.

7. In the light of the above said order, a duty is cast upon the respondents to comply the order as the order of giving the service connection was complied on 23.03.2011 till such time, the respondents are liable to pay compensation @Rs.50/- per day and Rs.10/- towards penalty with effect from the date of deposit of charges i.e, 23.03.2011. Hence, there is a delay of **29** days. The respondents are liable to pay a sum of Rs. 1450 (29x50) + 290 (29 x 10) totaling amount comes to Rs1740/- the same shall be paid by the respondents and the same can be recovered from the salary of the above said Sri T.Vara Prasad, AE/O/MVP colony.

8. In the result, the appeal is allowed directing the respondents to pay Rs.1740/- to the appellant and it shall be recovered from the salary of Sri T.Vara Prasad, AE/O/MVP Colony. The compliance of the order shall be reported within 30 days from the date of receipt of the order of this authority.

This order is corrected and signed on this day of 18th May 2011

VIDYUT OMBUDSMAN