

-BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 24 -01-2011

Appeal No. 52 of 2010

Between
Sri Tetali Rama Reddy Ex MLA
Managing Partner
Sri Venkateswara Rice Mill No.1
Markandeyapuram, Anaparthi, EG Dist.

... Appellant

And

1. Asst.Engineer/Operation/Anaparthi
- 2 Asst.Divisional Engineer/Operation/ Anaparthi
3. Divisional Engineer/Operation/Ramachandrapuram
4. Asst.Accounts Officer/ERO/ Ramachandrapuram

....Respondents

The appeal / representation filed on 23.11.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 11.01.2011 at Visakhapatnam in the presence of Sri K.M.M.Srinivasa Reddy, Advocate for the appellant present and Sri O.R.G. Ganapati Rao, UDC for DE/O/Ramachandrapuram, Sri P.Honoc JAO/ERO/Ramachandrapuram, Sri B.A.Suryanarayana, UDC for ADE/O/Anaparthi and Sri K.Bujji Dora AE/O/Anaparthi for respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a complaint before the Forum that he has filed a compliant stating that he has applied for refund of deposit against his terminated industrial

service connections bearing SC No.541 and 1003. Hence, requested the Forum to order for refund of the amounts.

2. The respondent No.4 filed his written submissions as hereunder:

“It is to inform that the following amounts have been paid towards security deposit against SC No.151-1003 Cat-III of Anaparthi.

<i>SD Amount</i>	<i>BCRC No.</i>	<i>Date</i>
20820	-----	31-03-1998
20040	3793	14-07-2000
15720	37974	13-07-2003
<i>56580 = Total</i>		

An amount of Rs.52012.60 towards court arrear amount is being shown in the consumer ledger. While issuing demand bills against the above service, the above court arrear amount has been kept aside and hence not appeared in the demand bills.

While making the service permanent dismantlement, the following charges have been adjusted from the security deposit amount.

<i>1) Court arrear amount</i>	<i>= 52012.60</i>
<i>2) Advance CC charges</i>	<i>= 3473.00</i>
	<i>-----</i>
<i>Total</i>	<i>= 55485.60</i>
	<i>=====</i>

Balance security deposit against the above service is Rs.1094/- and hence the proposal for refund of balance security deposit has been prepared and submitted to Superintending Engineer/Operation/Rajahmundry. Soon after receipt of sanction, the payment will be made please.”

2. The Forum has conducted a camp court at Rajahmundry, the appellant approached and requested for refund of security deposit and interest for 2 years. The Forum directed them to pay settling the issue within 15 days as they mutually agreed for the same, but the same was not settled even after a lapse of one month. On 04.10.2010, when the Forum conducted court at Rajahmundry, the respondents produced a letter dt.01.10.10 furnishing the following particulars:

<i>1. Total security deposit available against SC No.1003/Anaparthi</i>	<i>Rs.56580.00 as on 26.08.2008.</i>
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2. court case arrears appeared in ledger	Rs.52012.60
3. advanced CC charges up to termination dt. 26.08.2009	Rs.3483.00
Total	Rs.55485.60ps.

He stated that the balance of SD Rs.56580 – 55485.60 = Rs.1094/- is available and a proposal was submitted for refund of the said amount. The appellant has stated in court that he was never involved in court case in respect of SC No.1003 from inception of service to termination dt.26.08.2008 but the same was adjusted against the refund of security deposit and the respondents have miserably failed to furnish the court case details and the Forum ordered to conduct an enquiry about court case against SC No.1003, Anaparthi duly appointing an enquiry officer from Revenue wing and also directed the respondents to settle interest payable on the security deposit already released against SC No.541.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that the respondents have not settled the interest from 26.08.2008 and also failed to pay interest on refunded security deposit of Rs.1,72,750/- with respect to SC No.541, Anaparthi at the rate being collected by department from the consumer when they (consumer) delay the payment.

5. Now, the point for consideration is, “whether the appellant is entitled for the interest as prayed for?”

6. Sri K.M.M.Srinivas Reddy, Advocate filed vakalat on behalf of the appellant and submitted that the appellant is entitled for the interest as claimed and the respondents have failed to furnish information or particulars of the case pending before the courts for withholding the deposit and in the absence they are not entitled to withhold any part of the amount and they are entitled for the entire amounts.

7. Whereas, the respondents are represented by Sri O.R.G. Ganapati Rao, UDC for DE/O/Ramachandrapuram, Sri P.Honoc JAO/ERO/Ramachandrapuram, Sri B.A.Suryanarayana, UDC for ADE/O/Anaparthi and Sri K.Bujji Dora AE/O/Anaparthi for respondents present and represented that they have paid the amount and that they are not liable for any interest and the appeal filed by the appellant is liable to be dismissed.

8. At the time of hearing the appeal, the appellant has claimed that the deposit was Rs.1,73,500/- but the same fact was not mentioned in the appeal grounds. The appellant has also demanded the refund of the amount of Rs.1,72,750/-. The only aspect that is to be looked into by this authority is with regard to the payment of interest.

9. It is true that the respondents are collecting 5paise for Rs.100/- per day if the payment is made after the due date from the due date mentioned in the bill up to the date of payment i.e, 18% as per the Tariff conditions issued by APERC. By applying the same analogy, the appellant is also entitled for the interest @ 18% per annum from the date of disconnection i.e, 26.08.2008 till the date of refund of the amount.

10. So far as the refund of the amount in SC No.1003, the same shall be refunded with 18% from the date of disconnection till date of payment

11. With the above said observations, the respondents are directed to refund the amount within 30 days from the date of receipt of this order. With this observation, the appeal is disposed. No order as to costs.

This order is corrected and signed on this day of 24th January 2011

VIDYUT OMBUDSMAN