

## VIDYUT OMBUDSMAN

O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION  
4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004

Present

K.Sanjeeva Rao Naidu  
Vidyut Ombudsman

Dated 24-11-2011

Appeal No. 47 of 2011

Between

Sri. M. Nanda Kumar  
8-7-73/1 (Plot No.103)  
Hastinapuram colony (Central)  
Major Padmapani Acharya Marg,  
Nagarjuna Sagar Road  
Vaishaali Nagar (post), Hyderabad - 79

..... *Appellant*

And

1. Assistant Engineer/Operation/Byramalguda/CPDCL/RR Dist
  2. Assistant Divisional Engineer/Operation/Vanasthalipuram/CPDCL/RR Dist
  3. Assistant Accounts Officer/ERO/Champapet/CPDCL/RR Dist
- ..... *Respondents*

The appeal / representation is received on 08-08-2011 against the CGRF order of APCPDCL (in CG No.143/2011-12/RR South Circle dated 18-07-2011). The same has come up for hearing before the Vidyut Ombudsman on 14-11-2011. Sri M. Nanda Kumar, appellant and Sri. M. Srinivasachary S/o appellant present and Sri. R. Ashok Kumar, ADE / Operation / Vanasthalipuram on behalf of respondents present, heard and having stood over for consideration till this day, the Vidyut Ombudsman passed/issued the following:

### AWARD

The Complainant Sri. M. Nanda Kumar, filed complaint before the Forum stating that:

*he was a domestic S.C.No. 269000534 and there were arrears due on this service. One, Mr. Sekhar, Contract Worker of APCPDCL threatened to disconnect his service for non-payment of the dues. Ultimately, he disconnected his service and that the appellant paid Rs.1,000/- to him and got the reconnection. But, the amount already paid by him was shown as arrear in the next month bill. When enquired*

*the matter with Mr. Sekhar, he told me that the amount paid by the appellant was his bribe and they have to pay Rs.1,000/- again to settle the old dues account and requested this Forum to do justice as he was in serious financial problems and that he is prepared to pay the dues as on date if the amount of Rs. 1000 is adjusted.*

2. The second respondent, ADE/Operation/Vanasthalipuram submitted his written submissions hereunder:

*“No person by name Mr.Sekhar is working in Hastinapuram distribution of Byramulguda Section as Casual Labour to whom it is alleged that the consumer gave Rs.1,000/- and not obtained the Receipt. It is also enquired with O & M staff working in Byramulguda and found that no such person by name Sekhar is working.*

*As Mr. Nanda Kumar, the appellant stated that he gave the C.C. bill amount to person by name Sekhar and did not obtain receipt, it is nothing to do with CPDCL, as no such person is traced out on enquiry among the working staff.”*

3. The Forum examined the complainant and third respondent during enquiry and after considering the material, allowed the forum passed the impugned order as hereunder:

*“As no proof of payment of Rs.1,000/- has been produced and there is no record of the service being disconnected and reconnected, this Forum is of the opinion that there is no need to interfere with the bills issued by the Respondents and disposed the complaint accordingly”.*

4. Aggrieved by the said order, the appellant preferred this appeal questioning the impugned order. The CGRF failed to appreciate the identification of the person by his son (M. Srinivasachary). The person who collected money from him was outsourced by APCPDCL for collection of bills from colony residents. The person wrongly given his name as Sekhar instead of Sateesh. After three days the said Sekhar alias Satish paid the amount and even after his payment the same is not deleted from his bill but surprisingly the impugned order and the demand for Rs. 1000/- by the respondents is against to law and the same is liable to be set aside.

5. Now the points for consideration is, whether the impugned orders liable to be set aside ? If so on what grounds ?

6. The appellant and his son appeared and categorically stated about the things happened in collecting the amount by the meter reader and that Srinivasachary has identified the erring official and the department ought to have taken steps against the said Sekhar (Sateesh) and the department can not deny the same and the impugned order is liable to be set aside.

7. Sri. R. Ashok Kumar, the 2<sup>nd</sup> respondent herein appeared and stated that the said person paid the amount but the appellant furnished wrong particulars and the amount is credited into that account and necessary instructions have to be issued to the AAO.

8. The appellant ought to have given a criminal complaint to the police, who would take appropriate action against the erring officials. He has not given any such report. His son has identified the said Sekhar. Even then they have not taken any action against the said official though the amount is collected by the person authorized by APCPDCL. Hence the department is vicariously liable to reimburse the same. It may be a fact that the entry may be made wrongly, but a duty is cast upon the AAO to credit Rs. 1000/- in to the account of the appellant. If it is wrongly made, it has to be corrected by bringing the same in to the correct account i.e., to the account of the appellant.

9. In the result the appeal is allowed by setting aside the impugned order. The AAO i.e., third respondent is directed to correct account of the appellant within 15 days by crediting Rs. 1000/- into the account of the appellant from the date of receipt of this order. Compliance shall be reported to this authority with in 20 days from the date of receipt of this order.

**This order is corrected and signed on this day of 24<sup>th</sup> November, 2011**

**VIDYUT OMBUDSMAN**