

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 25 -01-2011

Appeal No. 56 of 2010

Between

Sri V.Venkata Rama mohana Rao

D.No.22C-13-19,

Dr.Chennakesuvula Ranga Rao Street,

Powerpet, Eluru – 534 002.

... Appellant

And

1. Asst.Engineer/Operation/ North/Eluru
- 2 Asst.Divisional Engineer/Operation/ Eluru
3. Divisional Engineer/Operation/ Eluru

....Respondents

The appeal / representation dt. 08.12.2010 (received on 13.12.2010) of the appellant has come up for final hearing before the Vidyut Ombudsman on 11.01.2011 at Visakhapatnam in the presence of Sri V.V.Ramamohan Rao, appellant present and Sri D.Raja Babu, ADE/O/Town/Eluru, Sri B.V.Krishna Raja, AE/O/North and Sri G.Bhaskara Rao, AAO/ERO/ Eluru 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 stating that the HT line laid over his building with a condition to shift it as and when he starts building another house on the terrace and requested the Forum to pass an order for shifting the HT line.

2. The respondent No.3 filed his written submissions as hereunder:

“with reference to 2nd cited above it is to submit that the complainant has registered application at call centre vide CSC 28499 dt.09.09.10 regarding shifting of 11 kV line which passes over his house.

The same was estimated and sanctioned vide ELU SDR – 631/10-11 for an amount of Rs.23053/- and sanctioned estimated amount intimated to the consumer by Town call centre, Eluru vide Lr.No.Manager/CSC/ELR/F.Intimations/d.No.710, dt.07.10.10. Consumer has not paid the amount till date. As and when he paid the estimated amount the work will be executed.”

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

“The complainant is liable to pay the charges of shifting of 11 kV line which passes over his house as per the estimate sanctioned and intimated by the third respondent. If the payment is made, the shifting work will be executed as per clause 5.3.4 of GTCS.

Clause No. 5.3.4 charges for shifting of service:

The estimate for shifting the existing service will cover the following items as chargeable to the consumer:

- i Dismantling charges at the old site;*
- ii Transport charges from the old site to the new site.*
- iii Re-erection charges at the new site;*
- iv Depreciation on the old materials if any not reused at the site;*
- v Overhead charges;*
- vi Cost of new materials if required; and*
- vii Cost of irretrievable materials.*

The consumer shall pay the above charges included in the estimate in advance before taking up shifting operations.”

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that the order of the Forum is against to law, weight of evidence and probabilities of the case and that his agreement for paying shifting charges is incorrect and it is far away from truth; and that the consumer never admitted for

payment of shifting charges at any point of time and the respondents high handedly laid 11 kV line across his house inspite of his protest and they promised that they would be shifting at the time; and that he expressed his readiness to start the construction of his house, to the respondents. The respondents instead of shifting the line, sent estimation of shifting to a tune of Rs.23053/-, which is arbitrary, illegal and against to law and that the respondents did not obtain any commitment letter from him; and that the impugned order is liable to be set aside.

6. Now, the point for consideration is, “whether the impugned order dt.04.11.2010 is liable to be set aside? If so, on what grounds?”

7. The appellant and his son present before this authority and submitted that the 11 kV line was across his house and it was laid inspite of their protest, but when he requested to shift the same, they have insisted upon to deposit shifting charges and the impugned order is liable to be set aside.

8. Whereas the respondents are represented by Sri D.Raja Babu, ADE/O/Town/Eluru, Sri B.V.Krishna Raja, AE/O/North and Sri G.Bhaskara Rao, AAO/ERO/ Eluru present and stated that the demand is made in accordance with the terms and conditions of APERC and without depositing the same, it would not be possible for them to shift and the appeal preferred by the appellant is liable to be dismissed.

9. At the time of hearing of the appeal, this authority thought that it would be necessary to make a personal inspection by the Chairperson and directed the Chairperson, CGRF, Viskahapatnam to inspect personally in the presence of the appellant and his son to evolve a method of shifting the line and to estimate the minimum charges for shifting the line. It is clear from the GTCS that under clause 5.3.4, a clear cut estimation is to be made in accordance with the said rule and the said rule reads as follows:

“The estimate for shifting the existing service will cover the following items as chargeable to the consumer:

- i Dismantling charges at the old site;*
- ii Transport charges from the old site to the new site.*
- iii Re-erection charges at the new site;*
- iv Depreciation on the old materials if any not reused at the site;*
- v Overhead charges;*
- vi Cost of new materials if required; and*
- vii Cost of irretrievable materials.*

The consumer shall pay the above charges included in the estimate in advance before taking up shifting operations.”

10. The Chairperson inspected the premises on 17.01.2011 and on the oral direction given by this authority, he inturn informed that the minimum charges of Rs.15455/- would be sufficient to meet the shifting, instead of Rs.23053/- and the said information is furnished to this authority in consultation with the appellant and his son.

11. It is contention of the appellant that the respondents have laid line inspite of their protest and they promised to shift the line as and when requested by the appellant is not borne out by any record. They have not produced any letters addressed at the time of installation of the line across his premises. If he has produced the same, it would have been mentioned in any one of the letters correspondence between them. Even for this shifting, also copy of the letter for shifting the line is not placed before this authority to substantiate their contention. No body is exempted from shifting charges as it is in accordance with APERC Regulation. When the amount is minimized there is no other option for the appellant except to deposit the said amount.

12. In the light of the above said discussion, the appeal is disposed with the following directions to both the parties.

- (i) the appellant is directed to deposit Rs.15455/- which is revised on the spot inspection made by the Chairperson, CGRF, Visakhapatnam.

- (ii) soon after deposit of the said amount, the respondents are directed to shift the same within a month from the date of receipt of the order
- (iii) if any deviation of the order is caused after deposit, this will be viewed very seriously by this authority by taking appropriate action against the concerned officials.

This order is corrected and signed on this day of 25th January 2011

VIDYUT OMBUDSMAN