

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 14 -09-2011

**IA No. 4 of 2011
In
Appeal No. 41 of 2010**

Between
Sri P.Narasimha Murthy
S/o.Adinarayana
Kotagudem, Dubacherla Post,
Nallajerla (M), W.G.Dist – 534 112

... Appellant

And

1. Assistant Engineer / operation /Nallajerla
2. Assistant Divisional Engineer / Operation / Bhimadole
3. Divisional Engineer/Operation/ Eluru
4. Divisional Engineer/Operation/ Town/West/Eluru

....Respondents

The appeal / representation dated 27.05.2011 (received on 30.05.2011) of the appellant has come up for final hearing before the Vidyut Ombudsman on 08.09.2011 at Visakhapatnam. Sri P.Narasimha Murthy, Appellant present and Sri P.Omkar, ADE/O/Rural/T.P.Gudem, and Sri B.Narasaih Naidu, AE/O/Nallajerla for respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed this petition for non-compliance of the orders of Vidyut Ombudsman in Appeal No. 41/2010. (i) The respondents have not fixed the cement concrete to the stay wires as ordered by the Vidyut Ombudsman under clause 5(4)

and (ii) the respondents have not refunded the amount as ordered by Vidyut Ombudsman and requested the amount together with interest.

2. This authority passed the award in the above said appeal on 23.11.2010 and issued directions to the respondents as hereunder:

“12. In the result, this authority has summed up the order as hereunder:

(a) the department shall complete the works as suggested in the earlier paragraphs with in 30 days from the date of receipt of this order failing which Rs.200/- penalty will be imposed for each days delay and shall be recovered from the concerned officials.

(b) the department shall refund the amount of Rs.56000/- with in 30 days from the date of this order.

(c) the department shall refund the development charges with in 30 days from the date of this order.

(d) the department shall refund a sum of Rs. 8400/- towards expenses incurred by the appellant for the construction of platform to the transformer.”

3. The respondents Sri P.Omkar, ADE/O/Rural/T.P.Gudem, and Sri B.Narasaih Naidu, AE/O/Nallajerla present and represented that they have submitted their proposals and awaiting for orders.

4. Now, the point for consideration is, “Whether the petitioner is entitled to the direction as prayed for?”

5. In spite of the directions given by the authority long back ie., 23.11.2010, they have not complied the order till today. No bonafidies are there in representing

before this authority, that they are awaiting for the sanction from the higher authorities. No doubt there is gross negligence on the part of the respondents in implementing the orders. However, in the light of the above said representation, I feel that extension of time for one more month for compliance of the order by the respondents as a last chance is proper and reasonable. The respondents have to take immediate steps for compliance of the orders of this authority failing which this authority is going to initiate proceedings for non-implementation of the orders by the respondents under S.146 of the Electricity Act, 2003 and other provisions of law.

6. The compliance of the order shall be reported to this authority immediately after expiry of thirty days or the date of implementation of the order whichever is earlier.

This order is corrected and signed on this day of 14th September 2011.

VIDYUT OMBUDSMAN