

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 17 -06-2011

Appeal No. 21 of 2011

Between

Sri V.Chalapathi Rao,
S/o.Appa Rao,
Dr.No.22-24, Lingala Colony,
Zero line, Payakaraopeta,
Visakhapatnam..

... Appellant

And

1. Assistant Engineer / operation / Payakaraopeta
2. Assistant Divisional Engineer / Operation / Yelemanchili
3. Divisional Engineer/Operation/ Anakapalli
4. Assistant Accounts Officer/ERO /Anakapalli

....Respondents

The appeal / representation received on 06.04.2011 of the appellant has come up for final hearing before the Vidyut Ombudsman on 20.05.2011 at Visakhapatnam Sri V.Chalapathi Rao, Appellant present and Sri S.Janardhan Rao, DE/O/Anakapalli, Sri B.Simhachalam Naidu, ADE/O/Yelemanchili, Sri V.V.S.N.Prasad, AAO/ERO/Anakapalli and Sri S.Srinivasa Rao, AE/O/Payakaraopeta present for respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed this appeal stating that the service connection 3305 was in the name of his father and same was bill stopped in 2000 and the respondents are

threatening the appellant to pay Rs.29693/- the arrears and the appellant approached the Forum for redressal of his grievance.

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

“On the consumer grievance, the complainant’s late father’s service was bill stopped in 2000 and as on that date no arrears against bill stopped service and now treated to pay Rs. 29693/- against the same service.

Hence the Assistant Engineer, Operation, Payakaraopeta and Assistant Divisional Engineer, Operation, Yellamanchili are here by instructed to file written submission before the Honorable CGRF duly submitting a detailed report on the above issue to resolve the complaint with in a couple of days and report compliance.”

3. The Respondent No.4 filed his written submission as hereunder:

“In due respect and in compliance to the reference cited above, it is to submit that as per the data available in RAS billing data base, the opening balance and closing balance of SC.No. G601/001453, Payakaraopeta (T) available since 04/2008 only, in which it is clearly evident that the consumer of above service is liable to pay an amount of Rs. 14,963/- due towards CC charges. For obtaining the billing details prior to 04/2008, a letter was addressed to M/s. Phoenix IT Solutions Ltd. Soon on receipt of prior period billing details of CC charges, the same will be submitted separately in addition to submission of this report.”

4. After hearing both sides and after considering the material placed on record, the Forum passed the following order:

“After verification of material available, there is no need for this authority to pass any order against this case as the complainant has failed to obey the final verdict against PLC No. 8/09 ordered by Junior Civil Judge’s Court, Yalamanchili. Hence the case is dismissed.

Accordingly, the CG.No.498/10-11 is disposed off.”

5. Now, the point for consideration is, “whether the impugned order dt.08.03.2011 is liable to be set aside? If so, on what grounds?”

6. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the service connection was disconnected in the year 2000 and the

meter was taken by the department. But the department levied @ Rs.479.58 from 01.05.2005 and ultimately raised for Rs.29,693/- and issued a copy of bill to him to that effect. Issuing of bills subsequent to disconnection is against to procedure and law and he requested this authority to look into the matter and do justice.

7. The respondents are represented by Sri S.Janardhan Rao, DE/O/Anakapalli, Sri B.Simhachalam Naidu, ADE/O/Yelemanchili, Sri V.V.S.N.Prasad, AAO/ERO/Anakapalli and Sri S.Srinivasa Rao, AE/O/Payakaraopeta present and submitted that the appellant approached Junior Civil Judge and the said PLC No. 8/2009 was finally disposed stating that the appellant is liable to pay the amount in 4 or 5 installments.

8. The order of the Junior Civil Judge Court, Yelamanchili in the conciliation proceedings did not speak the details of the amount due and the payment of installments, etc. It should have passed the order that this is the amount that has to be paid in 4 or 5 instalments, but unfortunately that figure is not mentioned in the impugned order. So, nothing can be culled out from the said order.

9. It is an admitted fact that the service connection was disconnected in the year 2000. How the arrears are shown is not borne out from the record. Under S.56(2) of the Electricity Act, 2003 *“any sum due from the consumer shall be recovered within a period of 2 years from the date when such sum became first due and such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”*. The amount has been shown continuously even after the advent of the EA 2003; though the electricity connection was disconnected in the year 2000 itself.

10. In the light of the above said discussion, the amount which has been shown as the amount recoverable even after the advent of the EA 2003, the claim made by the respondent is barred by time and they have no right to collect the same. Furthermore, the details are also to be shown as to how the minimum charges are

shown as the arrears accumulated to Rs.29,693/-. The documents filed by them have not clearly established the same.

11. In the light of the above said circumstances, I am of the opinion that the respondents are not entitled to recover the balance amount as it is not only barred by time but also failed to establish their claim. Hence, the appeal preferred by the appellant is allowed and the respondents are directed not to collect the balance amount.

This order is corrected and signed on this day of 17th June, 2011

VIDYUT OMBUDSMAN