

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 18 -05-2011

Appeal No. 14 of 2011

Between

Sri S.Sanjeeva Rao
S/o.Dhorayya,
Samanthulavari Street,
Yeleswaram (M), EG Dist.

... Appellant

And

1. Assistant Engineer / operation / Jaggampeta
2. Assistant Divisional Engineer / Operation / Jaggampeta
3. Divisional Engineer/Operation/ Jaggampeta
4. Assistant Accounts Officer/ERO /Jaggampeta

...Respondents

The appeal / representation filed dt 28.03.2011 (received on 30.03.2011) of the appellant has come up for final hearing before the Vidyut Ombudsman on 13.05.2011 at Visakhapatnam Sri Sade Narasimha Rao, Advocate for the appellant Sri S.Sanjeeva Rao, appellant present Sri P.Trinadha Rao, ADE/O/Jaggampeta, Sri Ch.V.V.Ramana, AE/O/Jaggampeta 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 on the ground that this authority has not considered the order passed by the Forum to pay compensation as per Standards of Performance, though it reiterated the penalty ordered by the Forum.

2. The Forum has finally observed in its order as hereunder:

“The compensation has to be paid to the complainant consumer as per the standards of performance. The officers concerned are also liable for penalty at Rs.10/- per day from the date after 60 days from the payment of estimate charges based on the enquiry to be conducted on war footing basis as per clause 3 of section 43 of Indian Electricity Act, 2003.”

3. Now, the point for consideration is, “whether the appellant is entitled for compensation as per the Standards of Performance? If so, at what rate?”

4. The appellant and counsel for the appellant appeared before this authority and represented that the appellant is entitled for compensation at the rate of Rs.250/- per day and that has to be ordered to be paid by the respondents from the date of its failure in complying the performance as per the standards of performance (Regulation No. 7 of 2004). Whereas, the respondents Sri P.Trinadha Rao, ADE/O/Jaggampeta, Sri Ch.V.V.Ramana, AE/O/Jaggampeta who have attended before this authority submitted that the claim made by the appellant is not sustainable and the same is liable to be dismissed.

5. This authority passed its order on 23.11.2010 directing the respondents to pay Rs.12990 (1299 x 10) for each service connection totaling to Rs.25980/- as penalty. Out of which Rs.24560/- shall be recovered from the salary of Sri Ch.S.Jayaprakash Narayana the then AAE/O/Jaggampeta and presently working at Payakaraopeta. The compensation for standards of performance is missed in the impugned order, though it is ordered by the Forum to pay the same. The authority ought to have fixed the amount and pass an order instead of ordering payment of compensation as per standards of performance. As per standards of performance, if it is 11kV HT an amount of Rs.250/- per day is prescribed beyond 60 days. The appellant claims that he is entitled for the same on that count, but that is not correct. Since, it is not a fresh 11kV supply to be given and the very counter filed by the respondents clearly shows that the service connection has to be given on 11kV line passing over the fields (11 kV Irripaka feeder). New service connection or additional

load is to be given from the existing line, if it is LT after 30 days Rs.50/- per day, if it is HT it is Rs.250/- per day after 60 days, etc.

6. The service connections which are taken by the appellant are 12.5HP each. They are not HT connections but they are LT connections taken from 11kV LT line. So, he is entitled at the rate of Rs.50/- per day beyond 30 days which comes to Rs.64,950/- (1299 x 50) for each service connection, totaling Rs.1,29,900/- (i.e 4,950 + 64,950).

7. In the result, the respondents are directed to pay a sum of Rs.129900/- and the amount shall be paid by the respondents but the same shall be deducted from the salary of Sri Ch.S.Jayaprakash Narayana, the then AAE/O/Jaggampeta and presently working at Payakaraopeta, as the delay of 1299 days was caused due to his gross negligence.

This order is corrected and signed on this day of 18th May 2011

VIDYUT OMBUDSMAN