

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 15 -02-2011

Appeal No. 48 of 2010

Between

Sri K.V.Murali Mohan
d.No.5-37-44, Kalangi Complex,
1/7, Brodipet, Opp: Sai Baba Temple
Guntur – 522 002.

... Appellant

And

1. Assistant Engineer / Operation/ D-1/Guntur
2. Asst. Divisional Engineer / Operation / Town-2/Guntur
3. Divisional Engineer / operation / Guntur

....Respondents

The appeal / representation dt. 06.10.2010 (received on 12.10.2010) of the appellant has come up for final hearing before the Vidyut Ombudsman on 10.02.2011 at Hyderabad the appellant being absent and Sri D.Nagaraju, AAE/Op/D1/Guntur 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 dt.21.01.2010 before the Forum to the effect that he has applied for two single phase services and registered the same in call centre on 26.09.2009. Since then, respondents did not release the new services so far. Then he approached the respondent Nos. 1 and 2 for the same, but they did not give reply nor furnished any reasons for the delay. He also stated in his complaint

that he approached DE/O/Guntur and tried to submit his complaint during Vidyut Adalat on 09.01.2010, but respondent No.3 refused to take the complaint. On enquiry, it was understood, that the services were not released on the plea that the consumer did not complete the wiring in the new premises but they did not record the reasons anywhere by the respondents. Again new applications were registered on 20.01.2010 for new services. These respondents willfully delayed and rejected the release of new services against to the standards of performance. The complainant also stated that he has registered one representation for change of category and de-ration of load of SC No.11392 and the same was not affected. Thus, he requested the Forum to look into the matter and cause necessary instructions to the respondents to resolve the grievances and award compensation for the delay as per the guidelines of APERC.

2. The respondents submitted their remarks to the complaint of the appellant as hereunder:

- “(i) It is correct that the consumer applied for new service under category-II on 26.09.2009. But on physical verification of the premises, the wiring to the premises was not properly completed and hence meters were returned to call centre on 05.01.2009, but it was noticed at the time of inspection. Supply to the new premises was extended unauthorisedly.*
- (ii) Subsequently the complainant did not approach either the concerned section officer or the higher officials regarding the pendency.*
- (iii) The complainant has directly filed complaint without intimating the channel with the misguidance of the other persons.*
- (iv) Supply shall be released only on production of necessary documents such as ownership deed, wiring certificate, tax receipt etc. whereas in this case, the complainant did not produce wiring certificate which is necessary as per clause 5.10.1 of the Terms and conditions and hence supply is not given based on the application submitted on 26.09.2009.*
- (v) The same subject has come for discussion during the vidyut Adalat conducted on 09.01.2010, concerned immediate officer has explained the reasons in the presence of the complainant for delay in releasing the service in time. Even after also the complainant has not produced the required certificate.*
- (vi) Only after physical verification by the AAE/O/D1/Guntur on 12.01.2010 the application was registered on 20.01.2010 and services were released on the next day i.e, on 21.01.2010.*
- (vii) Hence it is submitted that there was delay caused due to non fulfillment of the conditions by the complaint and respondents are not at all responsible.*

- (viii) *Regarding the change of category and load deration to the SC No.11392, the complainant has requisitioned for the above but as seen from the records, the service was actually existing in the name of Sri K.Subramanyam. In view of the above variation in the name the changes are not effected and the complainant also did not produce any documents for transfer of the ownership.*
- (ix) *Finally it is submitted that the averments made by the complainant are not correct and baseless. Complainant also hid the facts in the complaint.*
- (x) *Hence, it is prayed to dispose off the complaint on the above facts with the costs of Rs.1000/-."*

3. The appellant / complainant has also filed his counter remarks on the reply of the respondents on 28.02.2010 and he denied the remarks of the respondents and stated that they are far of the facts.

4. After hearing both sides and after considering the material placed before the Forum, the appellant produced one person namely Sri Laxminarayana on his behalf but the Forum did not allow the said Sri Laxminarayana, as he was not an authorized agent / nor a President or General Secretary of the registered consumer association. After hearing the complainant, the Forum passed the following order:

"Having reviewed the remarks of the respondents further remarks of the complainant and remarks recorded during personal hearing on 09.03.2010, it is established that the complainant filed the fabricated complaint which does not have any merits. In the absence of the evidence from the complainant, Forum relied on the remarks of the respondents and accordingly the complaint is disallowed. The complainant unnecessarily caused inconvenience to the respondents and Forum by filing a false and fictitious complaint which is regretted."

5. Being aggrieved by the said order, the appellant preferred this appeal questioning the same, narrating the same facts mentioned in the complaint and also stated that at the time of hearing when he requested to permit another person on his behalf, the Forum refused and also refused to take the assistance of another person. In spite of his bad health, he appeared before the Forum and requested the Forum to do justice as per the records but refused to verify the records and dismissed the petition. The Forum is favourable to officials. Even till today, they did not change the category of SC Nos.11392 and 96384 and also for shifting but they refused to attend

the same and simply stated that unless the name for 3 phase is changed it cannot be shifted and that he did not use the electricity from March 2010 and the service was disconnected. In spite of that, he has paid the minimum charges. The service was cancelled by taking vengeance against him and that was the intention of the officials, but the Forum did not do justice to him and thereby he preferred an appeal and requested this authority to set aside the impugned order.

6. Now, the point for consideration is, “whether the impugned order dt.30.03.2010 is liable to be set aside? If so, on what grounds?”

7. This authority issued notice to the appellant on 23.12.2010 to appear before this authority on 03.01.2011 at 11.30AM. The appellant failed to attend before this authority in spite of the notice received by him. But simply addressed a letter dated 30.12.2010 with a request to adjourn the matter to some other date due to his ill health. Then the matter was adjourned to 28.01.2011 under intimation to him on phone. But on 28.01.2011, he did not attend before this authority, though the respondents have appeared on behalf of all respondents before this authority. When this authority contacted over phone, he said that he did not receive any written communication to appear before this authority and requested for another date and the date was also intimated to him and a registered letter was also sent to him and the same was acknowledged on 03.02.2011. Even then he did not attend before this authority, nor sent his authorized representative. Sri D.Nagaraju, AAE/O/D1/Guntur on behalf of respondents appeared and submitted all the facts mentioned in their written submission. Hence, there is no other option except to dispose of the matter, basing on the material available on record. The same fact was also intimated to him in the letter dt.28.01.2011 which was acknowledged by him on 03.02.2011. This shows the callous attitude on the part of the appellant towards this authority as well as the Forum as he is attributing motives to the Forum.

8. The appellant has not filed any documentary proof to show that he has paid the amounts in time and he has completed the wiring before the release of service connection as it is his duty to submit the completion of wiring certificate before

releasing the service connection. He would have filed a copy of the same either before the Forum or before this authority atleast to prove his bonafides. It is also clear from the documents filed by the respondents that the meter was returned once when he was not ready and when he did not complete the wiring in the building. Later, the record also shows that he has paid Rs.50/- for re-registration charges for his service connection on 20.01.2010 and the services were released on 21.01.2010. So there is absolutely no delay in attending the service. The delay is on the part of the appellant, but not on the part of the respondents.

9. So far as the service de-ration is concerned, i.e, change of category from Cat I to Cat-II is concerned, he has to pay an amount of nearly Rs.20000/- towards change of category. Furthermore, the applicant has to submit revised LT application and a revised Test report is required. He has not filed any application to that effect. In addition the said service connection was in the name of Sri K.Subramanyam and there was variation of names and no steps were taken to transfer the ownership. But there is no record or proof to show that he has paid the said amount and filed LT application on transfer of ownership as requested by the department. So, it cannot be said that there is deficiency of service on the part of the respondents. This shows that he wants to get the category change even without paying a single pie to the department ignoring the Terms and Conditions of APERC apart from failure to transfer of ownership and failure to file LT application, etc.

10. So far as the shifting of service is concerned it appears he had paid Rs.600/- towards shifting charges but has not handed over the DD to the department. But he has shifted the service connection without intimation to the department thereby existing seals were cut due to shifting of the meter. It was also signed by him on the report dated 04.02.2010, the inspection notes prepared by AAE/O/D1/Guntur. In the same report it is mentioned, that the meter is changed by the departmental man but he has not mentioned the name of the departmental man who has shifted the meter. Had he submitted his name, action would have been initiated against him for such shifting without intimation to the department. Even otherwise the appellant is not

expected to shift the meter without informing the department by using the services of a departmental man.

11. The appellant has not produced his representative nor authorized agent to appear before this authority inspite of the notice sent by this authority. No documentary proof is placed before this authority to show that he is ready to pay the amount towards change of category nor even mentioned the same in the appeal grounds. This shows that the appellant is always trying to harass the respondents by one way or the other without spending even a pie and also finding fault with the authorities. He has simply sent a paper alleging deficiency of services on the part of the respondents without evincing any interest in prosecuting the matter. Moreover the contention of the appellant clearly shows that he is not only harassing the respondents but also wasting the time of this Forum as well this authority by sending letters in the form of petitions / appeal or in the form of adjournments when it is posted for hearing. He has not made any representation nor sent any documents in support of his accusations. Though the Forum has pointed out clearly that the petition filed by him is false and fictitious, even then he has not made any effort to place sufficient material to substantiate his contention that it is not fictitious complaint nor a false complaint. He ought to have filed documents to prove his bonafides atleast before this authority. Nothing is placed before this authority to defer with the observation made by the Forum that it is not only a false complaint, but also a fictitious complaint. He has wasted the time of respondents, the Forum, and this authority. Even after addressing two registered letters and three or four times on telephone messages, he did not respond and wasted its valuable time without turning down anything on the appeal filed by him.

12. If this type of attitude is not curbed by this authority by imposing some costs for his callous and reckless attitude towards authorities, every litigant customer will harass the authorities. I feel that it is proper and justifiable to impose some costs of Rs.1000/- payable to the respondents for wasting their valuable time and also for taking law into his own hands by shifting the meter without informing the department.

13. In the result, the appeal is dismissed by imposing costs of Rs.1000/- payable by the appellant to the respondents within 30days from the date of receipt of this order. If the amount is not paid within the period, the same shall be recovered by the department in the CC bills payable by the appellant.

This order is corrected and signed on this day of 15th February 2011

VIDYUT OMBUDSMAN