

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 13 -09-2011

Appeal No. 36 of 2011

Between

Sri P.Ananda Rao
Sailada, D.No.9-2-87/1, Lakshminagar,
Amadalavalasa, Srikakulam Dist.

... Appellant

And

1. Assistant Engineer / operation / Amadalavalasa
2. Assistant Divisional Engineer / Operation / Amadalavalasa
3. Divisional Engineer/Operation/ Srikakulam
4. Assistant Accounts Officer/ERO /Town / Srikakulam

....Respondents

The appeal / representation dated 23.07.2011 (received on 28.07.2011) of the appellant has come up for final hearing before the Vidyut Ombudsman on 09.09.2011 at Visakhapatnam. Sri P.Ananda Rao, Appellant present and Sri D.Phani Kumar, ADE/O/Amadalavalasa, and Sri N. Srinivasa Rao, AAO/ERO/Town/Amadalavalasa 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 against the respondents before the Forum for redressal of his grievance. The contention of the appellant is that he has filed a complaint; and that though he applied for restoration of supply to his Rice Mill bearing SC No.14 with the benefit as published in the news item in Sakshi on

30.05.2010 to the effect that the minimum charges would be exempted for the sick industries which are re-opening and he prayed for justice.

The case was registered and notices were served on the respondents.

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

- *"The service No.14/Sailada, Cat-III, pertaining to M/s Saraswathi Modern Rice Mill is a bill stopped service, and it was bill stopped in 1/2009. The service is in the name of Sri P.Anandarao, and the contracted load is 69.68 HP and date of release is 16.6.1993.*
- *This service was bill stopped during 1/2009, and the approximate arrear amount for obtaining reconnection as on 4/2011 as is approximately Rs.73,610.00 as per the ERO letter received.*
- *In addition to the above it is to submit that the lines are removed during the bill stopping time, and at present the lines and metering equipment is also to be erected, for which approximately Rs.3,00,000/- line charges are to be paid by the consumer. In addition to the above Rs.1500/- per HP (Rs.1,05,000.00 for 69.68 HP) towards Development charges and Rs.500/- per HP (Rs.35,000/- for 69.68HP) towards Security Deposit are to be paid.*
- *the consumer had never submitted any letter to the Sub- Division Office with a request for Re-Connection to the service.*
- *the consumer has to pay an amount of Rs.5,20,000/- towards various charges to the department in total.*
- *If the consumer had submitted the willing letter in proper shape along with necessary documents for owner ship proof, plan approval from municipal authorities, clearance letter from ERO authorities, the estimate should be prepared as per the Department rules and the exact charges should be intimated to the consumer for Re-connection to the service."*

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

"the Sc.No.14, Cat-III, M/s Sri Saraswathi Modern Rice Mill in f/o P. Ananda Rao, Sailada Village, Amadalavalasa Mandal was released on 16-06-1993. The service was disconnected due to non payment of CC charges and bill stopped during 01/2009. The arrear amount pending from the consumer for obtaining the reconnection as on 04/2011 is Rs.73610/-.

Further, it is not feasible to release the service on the existing network as the lines, DTR, and metering equipment are dismantled at the time of termination of agreement. Hence, the consumer has to submit the willing letter in proper shape along with necessary documents i.e. Ownership proof, plan approval, NOC from local authority, clearance from ERO and SSI certificate, the estimate will be prepared as per the department rules and the necessary estimate charges will be

intimated to the consumer for release of service. In addition to the above necessary estimate charges the consumer has to pay the arrear amount also. The estimate can be processed only if the consumer comes forward for the above proposals.”

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

- *“The request of the complainant can not be considered and advised to register an application fresh for getting supply along with necessary proof of documents duly obtaining clearance certificate from ERO for preparation of estimate and intimating the charges which he is liable to be paid.*

Accordingly, the CG.No.15/11-12 is disposed off.”

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that the order passed by the Forum is not on correct lines and it cannot be ruled out that there is no malafide intention in the minds of some of the operating staff in the department which lead to undue delay in sanctioning of reconnection of power supply.

6. Sri P.Ananda Rao, appellant appeared before the Forum and represented that the Chief General Manager / Commercial, RAC & Planning has issued a proceedings dated 06.08.2011 and also issued an order dated 04.08.2011 for restoration of power supply on his SC No.14, LT Cat-III ie., M/s. Saraswathi Modern Rice Mill, Sailada (V), Amadalavalasa (M), Srikakulam Dist. The respondents Sri D.Phani Kumar, ADE/O/Amadalavalasa, and Sri N. Srinivasa Rao, AAO/ERO/Town/Amadalavalasa present on behalf of the respondents and submitted that the appellant has not submitted his application for registration and other requirements for restoration of power supply to the said premises and the latches are only on the part of the appellant and not on the respondents.

7. Now, the point for consideration is, “whether the impugned order dt.28.06.2011 is liable to be set aside? If so, on what grounds?”

8. In the letter dated 06.08.2011, the CGM has instructed the appellant herein to approach Divisional Engineer as he has already issued instructions to the Divisional Engineer. In the proceedings dated 04.08.2011, it is clearly mentioned by the CGM that the connection has been approved for the restoration of said terminated service duly availing fresh service as per the APERC approved scheme subject to the following conditions.

- (i) the consumer has to pay balance arrears of CC charges (after adjusting the security deposit available) due as on date of disconnection along with interest till to the date of reconnection.
- (ii) the consumer has to pay monthly minimum charges for a period of 4 months from the date of disconnection without interest.
- (iii) the consumer has to pay minimum payment of amount towards demand and energy charges as per Special Annual Minimum Guarantee (to be realized as at Item (i).
- (iv) the consumer has to pay the fresh security deposit for the Contracted Load required now since the LT agreement was terminated (i.e Security Deposit adjusted against the arrears at the time of termination of Agreement).
- (v) The consumer has to pay the **expenditure involved if any (i.e, Service Line Charges) for restoration of supply.**
- (vi) Development charges need not be collected for original Contracted load (69.68HP) However, if the consumer seeks for more than original Contracted load, then development charges should be collected for additional contracted load only.
- (vii) The consumer has to enter fresh LT agreement duly availing new LT service connection
- (viii) The consumer has to pay the above amounts in **one lump sum** for release of service.

9. The appellant preferred this appeal prior to the proceedings dated 04.08.2011. So there is no need for registration in the call centre and the objection of the by ADE / O/Amadalavalasa is baseless, since the service was already restored as CGM imposed certain conditions, as referred in the proceedings dated 04.08.2011. The respondents are directed to restore the service connection of SC No. 14 subject to the conditions imposed in the proceedings dated 04.08.2011 and

the appellant is also directed to comply the same enabling the respondents for restoration of service connection.

10. In the light of the above said discussion, the impugned order of the Forum is set aside directing the respondents to restore the service connection soon after complying the conditions imposed in the proceedings dated 04.08.2011.

This order is corrected and signed on this day of 13th September 2011.

VIDYUT OMBUDSMAN