

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 22 -03-2013

Appeal No. 19 of 2013

Between

Sri Bandagonda. Venkatappa
S/o.Hanmappa
Peddempalli (V), Damargidda (M)
Mahaboobnagar Dist.

... Appellant

And

1. Addl.Assistant Engineer / Operation/Damargidda/ APCPDCL / Mahaboobnagar
2. Assistant Divisional Engineer/ Operation / Kodangal / APCPDCL/ Mahaboobnagar
3. Divisional Engineer / Operation/APCPDCL / Mahaboobnagar / Mahaboobnagar
4. Superintending Engineer / Operation/APCPDCL/Mahaboobnagar Circle / Mahaboobnagar

....Respondents

The appeal / representation filed on 10.01.2013 of the appellant has come up for final hearing before the Vidyut Ombudsman on 18.03.2013 at Hyderabad. Sri Swamy Jaganmayananda, representative of the appellant present and Sri R.Ananda Rao, ADE/O/Kondangal and Sri K.Venkatanarayana AAE/O/Damragidda 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 for Redressal of his Grievances and stated as hereunder:

“They are the farmers of Peddempally Village, Damargidda Mandal, Mahaboobnagar District dug the borewells in their lands and paid amounts through DDs for erection of DTR on 18-08-2012. Due to the low voltage the motors were burnt. But the concerned officials were not responding properly and releasing the transformer. Hence requested to enquire into the matter and arrange to release the DTR.

The following are the ryots applied for erection of a new transformer and to release service connections including the appellant herein:

| Sl.No. | Name of the consumer | Village | DD.No/Date | PCB No./Date |
|--------|---|-------------|------------------|------------------|
| 1 | Avula Venkatappa, S/o. Narsappa | Peddempally | 90940/18.07.2012 | 19412/03.08.2012 |
| 2 | Harijan Lalappa, S/o. Balappa | Peddempally | 90672/12.07.2012 | 19412/03.08.2012 |
| 3 | Bandagonda Venkatappa, S/o. Hanmappa | Peddempally | 90675/12.07.2012 | 19412/03.08.2012 |
| 4 | K. Ramchander, S/o. Mogulappa | Peddempally | 90676/12.07.2012 | 19412/03.08.2012 |

2. The 1st respondent has filed his written submissions as hereunder:

“The complainant Sri Bandagonda Venkatappa and others at Pedempally (V) in Damargidda (M) approached the consumer Grievances Redressal Forum/Hyderabad for 1 No. Additional 25 KVA 3-phase DTR to their agriculture bore wells.

During physical verification, He found that the complainant Sri Bandagonda Venkatappa and others at Pedempally (V) in Damargidda (M) utilizing electricity power supply to their borewells un-authorizedly from nearby existing 100 KVA 3-PH DTRs. The same ryots have paid necessary Demand Drafts in the month of August - 2012 for new agriculture service connections.

As per the Agriculture seniority list of Damargidda Section, the seniority No of above ryots are 280, 281, 282, and 283.

Hence the sanction and Erection of DTR may be completed within the next six months period.”

3. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

“Sri Bandagonda Venkatappa and three other farmers of Peddempally village in Mahaboobnagar district have applied for new agricultural connections. The Respondents have reported that all the four are already drawing power unauthorisedly.

The Respondents are directed to release supply to them strictly on the basis of their position in the priority list. No out of turn supply is to be released. Till then the unauthorized services must be disconnected.

Those applying for new connections cannot draw power illegally. While the Respondents are directed to book theft cases against them, the SE/Operation/Mahaboobnagar is directed to initiate action against the concerned officials for their failure to take action against the four applicants. The action taken may be intimated to the Forum within a week.

The complaint is disposed accordingly.”

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same that they have paid amounts for supplying 25 kVA DTR and they promised to do it, and that they made efforts to file cases against them on the ground of illegal connections and notices were also issued to that effect and requested this authority to set aside the order of the Forum and order for release of DTR immediately.

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

7. The representative of the appellant Sri Swamy Jaganmayanananda appeared before this authority and submitted that inspite of payment of the amounts through DDs for erection of DTR, they have not provided on the ground of lack of seniority and it is only a rouse invented to escape their liability. It is also further pointed that DTR supply was given to the persons who are juniors to the appellant and inspite of the direction given by the Forum, they have not provided the same and they may be ordered for implementation of the order immediately.

8. The respondents are represented by Sri R.Ananda Rao, ADE/O/Kondangal and Sri K.Venkatanarayana AAE/O/Damragidda and they have stated that the material was drawn and erection would take within 20 days after the carry forward of budget in the month of April.

9. It is clear from the record that the complainants have registered their new applications in the CSC with a request for new agriculture services and sanction, erection of 25 kVA DTR of Husnabad (V), Kodangal (M), Peddampally (V), Damargidda (M), Kudurumalla (V), Doullthabad (M), Nandipad (V), Maddur (M) and that the seniority numbers are submitted to the Forum and the services are released basing on their seniority. The Forum has ordered that the complainant and 3 others of Peddampally village have applied for new agricultural services and the respondents have reported that all the four farmers are already drawing power unauthorisedly. If the appellant and others are having the existing service connection, the same shall be continued till the new DTR is erected. In case of any disconnection, the same shall be restored forthwith by the respondents.

10. In the 3rd para of the order, it has simply directed “the respondents to book theft cases against them and also directed them to initiate action against the concerned officials for their failure to take action against the four applicants. The action taken may be intimated to the Forum within a week.”

11. This direction is contradictory to the earlier direction given by the Forum. On one hand it has ordered to release supply within 15 days and at the same time directing the department officials to take action against the appellant and 3 others, which itself is contradictory. When the DTR connected to their line is not properly supplying power they have asked for enhanced DTR of 25 kVA and thereupon asked them to pay the amounts. Accordingly they paid the amounts. At any rate the order passed by the Forum is self contradictory and observation of the Forum about booking of theft cases against the applicants is liable to be set aside. Hence, the same is hereby set aside.

12. The respondents have stated that it may take some more time for them to release the service connection while looking into the seniority, material aspects and budget.

13. In the light of the above assurance, this authority feels that it is justified to order the respondents to provide DTR by 01.05.2013.

14. In the light of the above observation, the respondents are directed to provide DTR and release regular service connections by 01.05.2013, failing which necessary steps will be initiated by this authority u/s 146 of Electricity Act, 2003.

15. With this observation, the appeal is disposed. No order as to costs.

This order is corrected and signed on this day of 22nd March 2013

Sd/-
VIDYUT OMBUDSMAN