

VIDYUT OMBUDSMAN
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 17 -01-2013

Appeal No. 98 of 2012

Between

Sri. K. Nagi Reddy,
S/o. Konda Reddy, R/o. Door No. II-35,
Amaranarayanapuram Village, Kothavuru Post,
B. Kotha Kota Mandal, Chittoor Dist.

... Appellant

And

1. Assistant Engineer / Operation / APSPDCL / Kurabalakota / Chittoor Dist
2. Asst. Divisional Engineer / Operation / APSPDCL / R-II / Madanapalle / Chittoor Dist
3. Divisional Engineer / Operation / APSPDCL / Madanapalle / Chittoor Dist
- 4.. Superintending Engineer / Operation / APSPDCL / Tirupati / Chittoor Dist

.....Respondents

The appeal / representation received by this authority on 21.12.2012 against the CGRF order of APSPDCL C.G. No. 510 / 2011-12 of Tirupati Circle dated 28.06.2012. The same has come up for final hearing before the Vidyut Ombudsman on 09.01.2013 at Hyderabad. Sri. K.Nagi Reddy, appellant, Sri N.Jeevan Kumar Advocate for the appellant present. Sri. T.C.Kishore Kumar, AE / O / Kurabalakota, and Sri A.Jaya Raju, Advocate for the respondents present. Heard the arguments of the parties and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The petitioner filed a complaint before the CGRF against the Respondents for redressal of his Grievances. In the complaint, the appellant has mentioned about the grievances as hereunder:

- (i) He had an extent of 1.83 acres dry land in SNo: 382 near Amaranarayanapuram, H/o Kothavuru village in B.Kotha kota mandal, but regarding power supply this area comes under Kurabalakota Mandal.
- (ii) out of 1.82 acres of land in 0.50 acres of land vegetables seeding is being rearing by purchasing water from adjacent irrigation bore wells since two years.
- (iii) But in September 2011 he had drilled a bore well in his field and got water.
- (iv) Subsequently he had applied for agl power supply vide reference No: RCRC No:239266 dt:03-10-2011.
- (v) Later as reference RCRC No:239289 dt:24-10-2011 he had applied for single phase power supply which is available within his field. But in call centre @ Madanapalli headed by ADE/Rural-II Madanapalli, his registration was cancelled without any intimation saying that not feasible for load sanction in order to release power supply.
- (vi) Mean while as in LRNo: AE/O/B.Kothakota/FNo:/DNo:7921 /11 dt: 22-10-2011 the AE/O/Kurabalakota has informed that it is not possible to release power connection for agl service because of objection raised by adjacent farmers in the form of legal notice to this effect.
- (vii) Subsequently the DE/O/Madanapalli has sought legal opinion and in reply it came positively for release of agl service in the month of November 2011, hence objections raised were cleared.
- (viii) Later as in LRNo: AE/O/B.Kothakota/FNo:/DNo:899/11, Dt:28-11-2011 AE/O/Kurabalakota has submitted feasibility report for registration to single phase power supply under category-II, (earlier the same is reported as not feasible for load sanction).
- (ix) Subsequently he had registered at call centre Rurals-II, Madanapalli under category-II and later obtained supply.
- (x) In order to tap water from his bore well in the field for seeding in an extent of 0.50 acres, he had erected a single phase power pump.
- (xi) They will remove this power pump after release of agl service and a three phase power pump is to be erected so far to cultivate entire land (1.82 acres).
- (xii) The single phase pump set was erected for a temporary period to save the existing vegetable seedling in his field (earlier water is getting from adjacent bore wells) since the field staff i.e. AE/ADE says that the release if agl service may take more than one year since the services of 2010-11 are not yet released.
- (xiii) Mean while in the month of March 2012 he approached office of the AE/O/Kurabalakota and found that no estimate is prepared regarding his agl power supply and also in the call center at Madanapalle his registration has been cancelled without prior intimation to us.
- (xiv) There is no correlation between category II service and agl service.
- (xv) Later this available category II service will be utilized for some other purpose in the field or we will with draw this service.
- (xvi) In 19th March 2012, he drafted a letter to department but he could not get any reply from them.
- (xvii) The financial year for sanction of agl services is going to be ended by 31st March 2012.

2. The respondent-1 i.e. the Assistant Engineer/Operation/Kurabalakota submitted his written submissions as hereunder:

- (i) Sri K.Nagireddy, S/o K.Konda reddy registered the LT application for obtaining new agl service in SF No:382 at Kotavuru (village), B.Kotha kota Mandal vide PRNo:339186 dt:3-10-11.
- (ii) But before processing the estimate, a legal notice was issued by Sri A.Arun Kumar and Sri T.LN.Raja sekhar, advocate raising an objection by Sri R.Prasanna Kumar and R.Gayathri not to release new agl service to Sri K.Nagireddy because he drilled the bore well unauthorisedly nearer to them (R.Prasanna Kumar & R.Gayathri) bore well without taking any prior approval from WALTA.
- (iii) They (Sri R.Prasanna Kumar & R.Gayathri) were also complained that the same was pending for enquiry at the Thasildar/B.Kothakota.
- (iv) The same was informed to Sri K.Nagireddy (i.e. objections raised by neighbour farmers) and unable to release electrical service to said agl borewell vide LRNo: AE/O/KB.Kota/FNo. /DNo:792/11 dt:22-10-11.
- (v) In this context, it is requested for legal advice from the legal adviser of APSPDCL.
- (vi) Since, the legal advise was awaiting, Sri K.Nagireddy approached for electrical connection other than agl services i.e. he is requested for single phase connection and registered for category-I service with C.L of 260W vide PRNo:339764 dt:24-10-211 for category-I, 260W service, but on field verification, it is came to know that the premises utilizing for nursery purpose and load is also more than 260 watts.
- (vii) hence, category-I service was not released.
- (viii) Again, he approached call centre and registered for category-II service with C.L of 3 KW vide above citd of 3KW on dtL4-12-11 and legal opinion was still awaiting for this date and not received in this office on this date.
- (ix) Since, category-II service was existing now for the said bore well and it is not possible to release other service to the same single bore well, the estimate was not processed for agl. service.
- (x) Recently, latest guide lines were received from higher authorities about releasing of new agl services that it is to be cleared all agl applications pence before 15-2-12.
- (xi) In accordance with that while processing the estimates for agl services, the above agl application pertaining to sri K.Nagireddy was deleted due to non availability another borewell is said SF No: to process the estimate (because the existing borewell was already released in category-II).
- (xii) Again Sri K.Nagireddy, represented that the single phase motor will be removed after releasing of agl service, but it is not possible to process the agl service for a borewell which have already existing electrical service.
- (xiii) Hence his LT application was deleted.

3. The respondent-2 i.e. the Assistant Divisional Engineer/Operation/R-II/ Madanapalle submitted his written submissions as hereunder:

- (i) The consumer has registered LT application to his bore well situated in SFNo:382 on 30-10-2011 vide PRNo:339186.

- (ii) He registered the LT application under category-I to the said bore well on 24-10-2011 vide PRNo:339764. The application was deleted by the AE/Opn/Kurabalakota as the power is going to be utilized for nursery purpose, vide LrNo:AE/O/KBK/DNo:899/11, dt:28-11-11.
- (iii) It is a fact that the consumer has since been informed that the releasing of agriculture service to the said bore well will not be considered with the following reasons.
- (iv) Objections raised through legal notices by the adjacent ryots and also submitted the complaint regarding drilling of bore well within 50 feet to the revenue authorities.
- (v) The legal opinion received by the AE/Opn/Kurabalakota during December 2011. The legal advisor opined the service can be released since there is no court order prohibiting or restraining the department from issuing agriculture service to the applicant.
- (vi) The permission from the revenue authorities is awaited till to date. (The copy of the representation by the applicant to the revenue authorities is herewith submitted.
- (vii) In the meanwhile the consumer has registered the application for releasing of single phase service under category-II to the said bore well with a contracted load of 3 KW on 30-12-2011 vide PRNo: 341034. The permanent supply under category-II has been released to the above said bore well on 4-12-2011.
- (viii) The applicants plea is that his previous registration of application for agriculture purpose has to be considered and arrange release of agriculture service to the said bore well.
- (ix) Once permanent electrical supply was released to the above said bore well releasing another service for agl purpose to the same bore well is not possible as per the terms and conditions of supply in vogue. No other bore well is existing in his field i.e. at SF No. 382 the agriculture application registered already is deleted.

4. In view of the foregoing reasons, the Forum passed the following order :

The respondents are directed to

- (i) **Accept the application of the complainant for registration for agl purpose only after ensuring that the nursery activity is removed from the premises.**
- (ii) **The complainant is advised to file an application afresh for agl purpose in the premises duly removing the nursery or otherwise he may continue the same service under LT category-II already released but can be billed under LT –V (A) ii instead of LT-II from the date of this order if he prefers to.**

Accordingly the case is allowed and disposed off.

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same on the following grounds:

- (i) The Forum ought to have considered that it is the Distribution licensee that has to provide supply as required.
- (ii) The Forum ought to have rejected the objections of neighboring ryots.
- (iii) The Forum ought to have directed to release supply or in the alternative revise the supply already given under LT -II to that of the agriculture to mitigate the hardship that being suffered.
- (iv) The objection that the petitioner is not entitled to agriculture service is not tenable and the impugned order is liable to be set aside to the extent directing the respondents to revise the existing supply of Cat-II to LT V(A)(II).
- (v) The impugned order is to be modified as prayed for.

6. Now, the point for consideration is, "Whether the impugned order is liable to be modified, if so, in what manner?"

7. The appellant Sri K.Nagi Reddy along with his Advocate Sri N.Jeevan Kumar appeared before this authority. The Advocate has argued reiterating the same grounds already mentioned in the grounds of appeal.

8. Whereas, the respondents are represented by Sri T.C.Kishore Kumar, AE/Op/Kurabalakota through their Advocate Sri A.JayaRaju and they have stated that the application for service connection was rejected as he was already having service connection to his nursery and the Forum has rightly considered the said aspect and the appeal preferred by the appellant is liable to be dismissed.

9. It is an admitted fact that the appellant is having one service connection under Cat-II having utilized for nursery purpose. He has also applied for new service for agriculture purpose on 03.10.2011 for utilizing water for wetting of nursery being run two years prior to his application by purchasing water from the neighbouring farmers. On 24.10.2011 he again applied for a service under Cat-I in the same premises and the same was deleted by AE/Opn/Kurabalakota as the same is going to utilize for nursery purpose. On 03.12.2011, the appellant has submitted another application for release of single phase service under Cat-II to the said bore well with a

contracted load of 3 KW on that a service was released on 04.12.2011 under cat-II.

10. The Forum has misled the request made by the party and asked for removal of service and also directed the appellant to submit a fresh application for agriculture service.

11. It appears that there is only one service connection under Cat-II. The other applications were not considered by the department. Now, the appellant wants to convert the same for the agriculture purpose. So, it is necessary at this stage to consider the request of the appellant and the existing service connection under Cat-II to be converted into Category LT-V(A)(II) instead of releasing any fresh service connection. Though the appellant has requested before this authority to convert the same, but no such application is filed before the authority for such conversion.

12. In these circumstances, it is necessary to direct the appellant to submit an application for conversion of the service connection to agriculture as requested by him, as an alternative option. The respondents are directed to convert the same soon after submitting the application as requested by the appellant. The appellant is also further directed that after conversion into agriculture service if he uses the same for any other purpose other than for which it is meant action has to be taken by the department under Electricity Act, 2003. The impugned order of the Forum is to be modified accordingly.

13. In the light of the above said observation, the impugned order is modified directing the appellant to submit an application for conversion of the service connection to agriculture as requested by him, as an alternative option. Soon after submitting the same, the respondents are directed to convert the same as requested by the appellant. The appellant is also further directed that after conversion if he uses the same for any other purpose other than for which it is meant action can be taken by the department under Electricity Act, 2003.

This order is corrected and signed on this 17th January, 2013.

Sd/-
VIDYUT OMBUDSMAN