



VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: Smt. UDAYA GOURI

Thursday the Eleventh Day of October 2018

Appeal No. 34 of 2018

Preferred against order dt.24.04.2018 in C.G.No.997/2017-18
of CGRF NKNL Circle

Between

Smt. B. Laxmidevamma, W/o. Bandi Venkat Reddy, H.No.2-15-31,
Laxmi Colony, Opp:V.G.Hospital, Kollapur (Post and Mandal),
Nagar Kurnool Dist. - 509 102.

... Appellant

AND

1. The AE/OP/Kollapur/TSSPDCL/Nagarkurnool Dist.
2. The ADE/OP/Kollapur/TSSPDCL/Nagarkurnool Dist.
3. The DE/OP/Nagarkurnool/TSSPDCL/Nagarkurnool Dist.
4. The SE/OP/Nagarkurnool/TSSPDCL/Nagarkurnool Dist.

... Respondents

The above appeal filed on 15.06.2018, coming up for final hearing before the Viduyut Ombudsman, Telangana State on 26.09.2018 at Hyderabad in the presence of Sri. Smt. B. Laxmidevamma - Appellant and Sri. B. Venkatesh - AE/OP/Kollapur for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

AWARD

This is an Appeal filed against the Orders in CG No. 997 of 2017-18 on the file of the CGRF Nagarkurnool. The averments made by the Appellant are that she has lodged a complaint before the CGRF Nagarkurnool stating that there was a delay in the release of service in the turnkey procedure in spite of her paying the DD and getting the matter registered at CSC on 10.08.2017 for 25 HP load and as such claimed that she is entitled for compensation and also for action against the concerned AE and ADE for the said delay, but the Hon'ble CGRF did not appreciate her contentions and disposed her complaint. Hence aggrieved by the said order she filed the present

Appeal.

2. The contention of the Appellant before the Ombudsman is to the effect that she i.e. Laxmidevamma W/o. Venkat Reddy applied for new service connection at Machinenipally(V), Kollapur(M) Sy.No 244, for their brick firm. It was stated that she paid Rs. 50/- and registered at CSC on 10.8.2017 for a load of 25HP. But in CSC they have registered the paid DD on 9.9.2017. It was held that the Respondents prolong the work and placed for the sanction on 13.11.2017. After the approval of the estimate on turnkey basis, she has paid DD. No 584215 on Dt.3.1.2018 for an amount of Rs.95,957/-. Subsequently on payment of Rs 2200/- for transport they have drawn the material from the stores on 3.2.2018. A letter was given to her for completion of work on 11.2.2018. It was stated that the work was delayed from 10.8.2017 to 21.2.2018, consequently she lost her business Rs 6000/- per day and hence sought for the compensation for the delay.

3. The Respondents through the Respondent No.2 i.e. ADE/OP/Kollapur submitted their reply through the letter No. 480 dt.11.07.2018 stating that Smt.Laxmi Devamma w/o bandi venkat reddy R/o kollapur(v) Kollapur(m) had applied for 1 no 18KW non domestic load on partial key basis. It was stated that the consumer has to submit all the bills of material which he bought for the execution of work. As the consumer unable to submit the bills in time the work order was released on 1.2.2018, after one and half month duration of time which is purely negligence of consumer in submission of material bills. Further stated that soon after work order released the major material which has to be handed over to consumer, which is on department part and drawn within one day i.e., on 3.2.2018 from district stores, mahabubnagar and handed over to Bandi Venkat Reddy, due to unavailability of some of the material in Dist.store mahabubnagar, metal parts were handed over to him on 12.2.2018. After completion of total work and inspection of work the service was released on 24.2.2018 with SC no 551300228. In the view It stated that there is no delay in releasing of supply to consumer on my part.

4. In the face of the said contentions by both sides, the following issues are framed:-

Issues

1. Whether there was a delay in release of new service connection to the Appellant on the part of the Respondents? and if so Whether the Appellant suffered loss in

the business and as such is entitled for compensation, as claimed by the Appellant?

2. To what relief?

Issue No.1

5. A perusal of the averments by both sides show that the Appellant i.e. Smt. Bandi Laxmidamma requested for a new service connection for a load of 18 KW under Category II and the same was acknowledged by the Customer Service Center, Kollapur vide registration No. NR50917256838 dt. 20.10.2017 wherein she paid Rs 50/- on 09.09.2017 vide DD No. 579831. As such the said application was registered vide TR No. 50902017631 dt.20.10.2017 and hence accepted by the Respondents. As such the estimate was prepared by the Respondents vide E-2017-35-01-12-02-008 on 09.11.2017 and the said estimation was approved on 22.11.2017 vide Lr.No. DEE/OP/Nagarkurnool/Commercial/F.No. DMO 1211/17. As such the Appellant was requested to pay the charges as follows:

1. Serviceline Charges	Rs. 85,299
2. Development charge/ cost of the DTR	Rs. 55,704
3. Security deposit charges	Rs. 14,400
4. Application fee	Rs. 0.00
5. PTR cost	Rs. 0.00
Total Amount	Rs. 1,55,403.00

Subsequently on the request of the appellant for the execution of on turnkey works, the said payment were revised to Rs 95,957 as following

Incidental charges	Rs 14,675.00
Development charges/cost of the DTR	Rs 55,704.00
Security deposit charges	Rs 14,400.00
Cost of materials	Rs 7,836.00
6% of DTR cost	Rs 3,342.00
Application fee	Rs 0.00
PTR cost	Rs 0.00
Total Amount	Rs 95,957.00

To execute the work under partial turnkey basis, i.e part of the material required under the scheme is to be procured by the appellant & balance materials are to be given by the respondents.

6. A perusal of the material on record also shows that the Appellant paid Rs 95,957/- vide DD No. 584215 dt.03.01.2018. As per the procedure involved in releasing the work order for turnkey procedure the Appellant has to produce the bills pertaining to the materials purchased. As such she submitted the said bills one and half months after the purchase. Hence the work order was released on 01.02.2018. The records also show that except 11KV metal parts all other material were drawn from the stores on 03.02.2018 and the balance material of 11KV metal parts were drawn on 12.02.2018 and thus there was another delay of 12 days for completion of work and the service connection bearing No. 551300228 was released on 24.02.2018 in the name of the Appellant.

7. In the above mentioned circumstances the Appellant contended that due to the delay on the part of the Respondents she lost business @ Rs 6000/- per day and hence she is entitled for compensation. The Respondents on the other hand pointed out that the delay was entirely due to the Appellant not following the required procedure in time. Hence in the face of the said contentions by both sides, Regulation No. 7 of 2004 which was notified by the Hon'ble Commission with regarding to the Standards of Performance to be adhered by the Licensee and the subsequent amendments from time to time for the said Regulation of Licensee's standards of performance vide Regulation No. 5 of 2016 dt. 13.07.2016 are perused and found them as follows:

Clause 6:- A consumer shall be required to make a claim for compensation for non-compliance of a guaranteed standard, within thirty days of violation of such service standards by Licensee, to a senior officer (Divisional Engineer) as may be designated by the licensee for this purpose, who is based at the headquarters of the licensee. The same officer is responsible for the monitoring compliance of the regulation and submitting the periodical reports to the commission, as may be required. The licensee shall fix the responsibility on their staff/officers for default in the service and shall realize the amount of compensation from concerned individual's salary after adjustments of the compensation in the consumer bill by way of a rebate. The licensee shall pay compensation to the affected consumers through a rebate in the bill, automatically and without any delay.

Clause VIII. Processing of Application & intimation of relevant charges payable for new connection/sanction of additional load/Demand.

ii.	If network expansion/enhancement required to release supply.
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a.	Release of supply -low tension	Within 7 days of receipt of application	Rs 200 for each day of default
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Clause XI. Release of new connection/Additional load upon payment of all charges.

i	All cases- if connection feasible from existing network for release of supply.	Within 30 days receipt of application (along with prescribed charges)	Rs 200 for each day of default	Not applicable
ii	Network expansion/enhancement required to release supply.			

a.	Release of supply -low tension	Within 30 days of receipt of prescribed charges	Rs 200 for each day of default	Not applicable
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8. A perusal of the above shows that there are two levels of escalation to be followed for new service connection as follows:

First level of escalation: as per Clause VIII of the Regulation 5 of 2016, the processing of application and intimation of relevant charges for new connection/sanction of additional load/demand has to be done within 7 days of receipt of application but in this case the Respondents have taken 33 days from the date of registration of the application for new service connection bearing No. NR50917256838 dt.20.10.2017. Whereas the intimation for payment was accorded on 22.11.2017 vide Lr.No. DEE/OP/Nagarkurnool Commercial/F.No.D.No.1211/17 dt.22.11.2017 thus showing a delay of 26 days including the date of intimation on 22.11.2017.

Let us now peruse **the Second level of escalation:**

As per Clause XI of the Regulation 5 of 2016 the service connection has to be released

within 30 days from the receipt of prescribed charges. A perusal of the record show that the Appellant has paid charges of Rs 95,957/- on 03.01.2018 and the service connection was released on 24.02.2018 which goes to show that it took 51 days for the release of the service connection but the said Clause XI of Regulation 5 of 2016 shows that in case of partial turnkey work, the responsibility of the execution of work lies on both the consumer and the Licensee i.e. the Appellant and the Respondents herein. In this case the Appellant took almost one and half month for submitting of the bills pertaining to the purchase of the material procured by her, and as such the Respondents contended that they have to withhold the work order for one and half month. Admittedly in case of turnkey work the responsibility is not on either the Appellant or the Respondents alone and that it lies on both and the Appellant failed to explain the reason for forcing the Respondents to withhold the work for one and half month by not producing the bills for one and half month. The Hon'ble Commission also prescribed certain procedures to be followed by the consumers for claiming compensation for non compliance of guaranteed standard, within 30 days of violation of such service standards by the Licensee to a senior officer i.e. the Divisional Engineer who may be designated by the Licensee for this purpose. In this case the Appellant failed to follow the said procedure prescribed in Regulation 5 of 2016 as she failed to make an application before the senior officer as required within 30 days of violation and hence cannot come and claim for compensation after the passage of 30 days. Hence though there is a delay in providing the service connection to the Appellant by the Respondents, the Appellant is not entitled for any compensation in the face of failure on her part in complying with Regulation 6 of 2016 prescribed by the Hon'ble Commission. Hence decides this issue against the Appellant.

Issue No.2

9. In the result the appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 11th day of October, 2018.

Sd/-

Vidyut Ombudsman

1. Smt. B. Laxmidamma, W/o. Bandi Venkat Reddy, H.No.2-15-31,
Laxmi Colony, Opp:V.G.Hospital, Kollapur (Post and Mandal),
Nagar Kurnool Dist. - 509 102.

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5. The SE/OP/Nagarkurnool/TSSPDCL/Nagarkurnool Dist.

Copy to :

6. The Chairperson, CGRF- I, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.