



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN

MONDAY THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

Appeal No. 42 of 2022-23

Between

Sri D.Vijayapal Reddy, s/o.D.Narsimha Reddy(Late), [H.No.1-7-19/A](#), JSN
Colony, Street No.8, Habsiguda, Hyderabad - 500 007. Cell: 9440058700.

.....**Appellant**

AND

1. The Assistant Engineer / OP / Bibinagar / TSSPDCL / Yadadri-Bhongir District.
2. The Assistant Divisional Engineer / OP / Bibinagar / TSSPDCL / Yadadri Bhongir District.
3. The Divisional Engineer/ Op / Bhongir / TSSPDCL / Yadadri-Bhongir District.
4. The Superintending Engineer / Operation / Yadadri Circle / TSSPDCL / Yadadri-Bhongir District.

..... **Respondents**

This appeal is coming on before me for final hearing on 3.04.2023 in the presence of Sri D.Vijayapal Reddy - appellant in person and Sri R.Krishnaiah - ADE/OP/Bibinagar and Sri V.Pradeep kumar - Ex AE/OP/Bibinagar for the respondents and having stood over for consideration till this day, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - I (in short 'the Forum') of Telangana

State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.59/2022-23 Yadadri Circle, dt.23.01.2023, disposing of the complaint with specific directions to the respondents.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that he is having agriculture land in Survey No 71,72 and 69 admeasuring Ac.28-10 guntas at China Palugu tanda under Pedda Palugu Tanda. He applied for electricity Service Connections with transformers by paying the necessary amount by way of demand drafts. The appellant erected PSCC poles in his agriculture land and also in the land of his neighbour Mr. D.Ramesh in Sy. No.74. On 20.7.2022 the said Ramesh broke two PSCC HT poles with a JCB and also threatened their servant Devender and abused him. The respondents were informed accordingly. The respondents have not released agriculture Service Connections till then. It is accordingly prayed to direct the respondents to release the said Service Connections and pay damages for the delay in services.

WRITTEN REPLY OF THE RESPONDENTS BEFORE THE FORUM

3. In the written reply submitted by respondent No.2, it is admitted about payment of the amount by the appellant for getting (3) agriculture Service Connections to his land. The Service Connections were sanctioned. The material was also drawn. While executing the work one D.Ramesh, neighbour of the appellant objected in writing not to string the line across his paddy field but in spite of the same the contractor stringed the line in the middle of the

paddy field. The said D.Ramesh disturbed the work and also damaged two poles. Police complaint was also lodged in that regard.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides, the learned Forum has disposed of the complaint with specific directions to the respondents.

5. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that due to negligence of the respondents there was loss of crop and also damage of motors etc, to the tune of Rs 5,00,000/- in 2021 and 2022 and Raby season. The respondents have wantonly delayed the Service Connections which caused mental agony to the appellant. Accordingly it is prayed to Award compensation for loss of crop and damage to the submersible motors.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

6. In the written reply of respondent No.2, he has reiterated the facts stated by him before the Learned Forum. It is further stated that the delay in this case occurred due to strong objection of the neighbour of the appellant. Respondent No.1 gave a police complaint for damaging the property of the respondents. In April 2022 the work was completed and the new Service Connections were released in October 2022.

7. The appellant has filed a reply reiterating his earlier pleas.

8. Heard both sides.

POINTS

9. The points that arise for consideration are:-

i) Whether the appellant is entitled for compensation as prayed for?

ii) Whether the impugned Award of the learned Forum is liable to be set aside? and

iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

10. It is an admitted fact that the respondents have released the required Service Connections to the appellant, though with delay. At present there is electricity supply to the land of the appellant.

SETTLEMENT BY MUTUAL AGREEMENT

11. Both the parties have appeared before this Authority on different dates. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

REASONS FOR DELAY IN DISPOSING OF THE APPEAL

12. This appeal was filed on 4.3.2023. This appeal is being disposed of within the prescribed period of 60 days as required, as such there is no delay.

CRUX OF THE MATTER

13. The present appeal is in regard to compensation against the damages incurred to the crop on account of 3 Nos. submersible motors failure due to low voltage. The initial complaint before the learned Forum was towards delay in providing agriculture transformers for the 3 Nos. new Agriculture Service Connections with DTR at Survey No. 72,74, Gurraladindi village, Bibinagar due to not getting proper power supply their motors were burnt out frequently. Consequently they have applied for 3 Nos. Agriculture Service Connections vide NR17203184852, NR617203184914 and NR617203184951. During the course of hearing in the learned Forum the appellant submitted the satisfactory letter through Whatsapp on 27.12.2022 stating as "new transformer erected and charged in the first week of December, work is completed". The appellant prayed to give judgement for loss of crops i.e. one season damage and damage of (3) motors. Subsequently the learned Forum issued the following orders:-

12. As seen from the above, the grievance of the complainant is redressed by the respondents and complainant has expressed his satisfaction through Whatsapp on 27.12.2022 the Forum has decided not to go into the further details of the complaint in terms of Hon'ble Telangana State Electricity Regulatory Commission Regulation No. 05/2016 (Standards of Performance) dated 13.07.2016 and published in Telangana Gazette on 16.07.2016 as the delay in completion of works and release of services is due to Right to Way problem.

13. The Complainant has deposed that he has spent for construction of DTR plinth. The Complainant has prayed to the Forum to pay compensation for the loss incurred to him.

14. The Licensee, i.e, the Chief General Manager/Commercial/TSSPDCL is directed to enquire in to the matter and arrange reimbursement of amount stated to be spent by the complainant for construction of DTRplinth etc, as the work is awarded to the contractor, Sri P.Naveen Reddy, Gurraladindi Village, Bibinagar Mandal.

14. The appellant argued that due to delay in release of 3 Nos. agriculture Service Connections, he has incurred huge losses in terms of paddy cultivation. On the other hand, the respondents pleaded that the delay occurred due to right of way issues i.e. the consumer's agricultural land has no frontage for the supply land from the company (TSSPDCL) mains. It is pertinent to note the relevant Clause in regard to the above said issued which is reproduced here-under:-

“5.2.4 Where the consumer's premises has no frontage on a street and the supply line from the company mains has to go upon, over or under the adjoining premises of any other person (and whether or not the adjoining Premises owned jointly by the consumer and such other person), the consumer shall arrange at his own expense for any necessary way-leave, licence or sanction. The Company shall not be bound to afford supply until the way-leave or sanction is granted. Any extra expenses incurred in placing the supply line in accordance with the terms of the way-leave, licence or sanction shall be borne by the consumer. In the event of the way-leave, licence or sanction being cancelled or withdrawn, the consumer shall, at his own cost, arrange for any diversion of the service line or the provision of any new service line thus rendered necessary.”

The above Clause renders the liability of right of way for extension of new supply line over the appellant only. The appellant holds the burden to provide

the alternative way-leave in order to extend the supply line. The delay in release of 3 Nos. Agriculture Service Connections occurred due to the right of way problem could not be fastened upon the respondents. In terms of the amount spent towards the construction of DTR plinth the learned Forum addressed the issue by directing the CGM(Commercial)/TSSPDCL to enquire and arrange for the reimbursement of the amount. Hence there is no remedy remaining to be addressed. Accordingly, I hold that the appellant is not entitled for compensation in this appeal as prayed for and the Award passed by the learned Forum is not liable to be set aside.

POINT No. (iii)

15. In view of the findings on point No. (i) and (ii), the impugned Award of the Forum is not liable to be set aside.

RESULT

16. In the result, the appeal is rejected. For non-compliance of the Award passed by the Learned Forum, if any, the appellant is at liberty to approach the Learned Forum for appropriate action.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive cum Computer Operator, corrected and pronounced by me on the 10th day of April 2023.

Sd/-
Vidyut Ombudsman

1. Sri D.Vijayapal Reddy, S/o.D.Narsimha Reddy(Late), [H.No.1-7-19/A](#), JSN Colony, Street No.8, Habsiguda, Hyderabad - 500 007. Cell: 9440058700.
2. The Assistant Engineer / OP / Bibinagar / TSSPDCL / Yadadri Bhongir Dist.
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4. The Divisional Engineer/ Op / Bhongir / TSSPDCL / Yadadri Bhongir Dist.
5. The Superintending Engineer / Operation / Yadadri Circle / TSSPDCL / Yadadri Bhongir Dist.

Copy to

6. The Chairperson, Consumer Grievances Redressal Forum-I of TSSPDCL- Door No.8-3-167/E/1, TSSPDCL, GTS Colony, Yousufguda,+Hyderabad - 45.

