



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

:: Present:: R. DAMODAR

Monday, the Twenty Second Day of May 2017

CMP No. 9 of 2016

In Appeal No. 80 of 2015

Order dt. 13.01.2016 of Vidyut Ombudsman

Between

Sri Kalyan Murthy, Indanoor village, Kodangal mandal, Indanoor post
Mahaboobnagar dist. 509 336. Cell.No 9949839060.

... petitioner

AND

1. The AAE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
2. The ADE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
3. The DE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
4. The SE/OP/Mahaboobnagar Circle /TSSPDCL/Mahaboobnagar Dist

... Respondents

ORDER

The petitioner is the Appellant in Appeal No. 80 of 2015 in which an Award dt.13.1.2016 was passed directing the DISCOM to pay compensation of Rs 1,86,100/- for violation of the Licensee's Standards of Performance Regulation 7 of 2004 as amended by Regulation 9 of 2013 Schedule II Clause IX with a further direction to initiate an enquiry for the undue delay and goofup resulting in passing of the Award and recover the amount of compensation ordered to be paid to the Appellant from the members of the staff found Responsible for causing this undue delay and harassment of the Appellant.

2. The petitioner claimed that even though 10 months have elapsed from the date of award, he has not received any compensation amount even though he had waived his claim of Rs 48,100/- ordered under Appeal No. 23 of 2016 dt.22.7.2016. His repeated demands to the officials of the DISCOM for payment were not successful. Even if the payment is made by way of future adjustments in the bills, at the present rate of

Rs 30/- per month (agricultural connection), it would take 517 years to adjust the amount of compensation in one agriculture service connection or 258 years if the amount is adjusted in two agricultural connections, which is impractical and illogical. He sought a direction to the DISCOM to pay Rs 6,54,000/- in all including compensation for the delay in complying with the order till 28.11.2016.

3. The 4th Respondent filed a report stating that he has given direction to the DE/OP/MBNR the Respondent No.3 to implement the award, recover the compensation amount from the officers found responsible in the matter from Kodangal and that he issued a reminder also for taking action. He claimed that the compensation amount of Rs 1,86,100/- has been adjusted to the account of SC No. K712000646 and K712000647 of the Petitioner/Appellant.

4. The DE/OP/MBNR/R3 submitted a report dt.27.12.2016 stating additionally that JAO/Sub-ERO/Kodangal credited Rs 93,050/- into each of the service connection account Nos. K712000646 and K712000647 on 1.10.2016 and as per the instructions of the 4th Respondent, certain amounts were recovered from AE/ADEs for the month of September,2016 and thus, he claimed that the Award dt.13.1.2016 in Appeal No. 80 of 2015 has been implemented. Subsequently, the Petitioner/Appellant has addressed a letter dt.2.2.2017 refuting the allegations made by the Respondents that he has not made payments towards CC bills.

Heard.

5. The points for determination are:

1. Whether the petitioner is entitled to payment of compensation by way of Cheque or Cash in view of peculiar facts of the case that it takes and more than 200 years for adjustment of the total compensation against CC bills of 2 Agriculture Connections?
2. Whether the petitioner is entitled to additional compensation at Rs 2,000/- per day for the delay till 28.11.2016 from the date of Award i.e.13.1.2016?

POINTS 1&2

6. The transfer of Rs 1,86,100/- to the Petitioner Sri. Kalyan Murthy was effected by adjusting the amount in his future bills based on Regulation .No. 9 of 2013 and the details are here under:

1. SC No. K712000646 - Rs 93,050/- dt.1.10.16
2. SC No. K712000647 - Rs 93,050/- dt. 1.10.16

7. The Petitioner/Appellant appealed against the delay in honouring the judgement even after 9 months after the Award and requested for award of further compensation for the delay in implementing the Award for 9 months based on Regulation No. 3 of 2015. He added that the present charges of agricultural bills is Rs 30/- per month, which may cause the total amount to be adjusted for a period as long as 517 years, which is highly impractical and illogical. The Respondents plead that they have made entries in the billing system and credited Rs 1,86,000/- into the two Agricultural Service Connections of the Petitioner/Appellant. This claim of the Respondents is not denied by the Petitioner/Appellant.

8. The Respondents claim that they have complied with the directions in the Award by crediting the amount against the 2 service connections of the petitioner which is the only way suggested by Clause 4(2) of Regulation 7 of 2004, under which the Licensee concerned shall pay the compensation referred to under Sub Clause (1) i.e Clause 4(1) by a way of adjustment in the current or future Electricity bills as laid out in Schedule -II. This answer is in conformity with Clause 4(2) of Regulation 7 of 2004. There is some administrative delay in proceeding with enquiries regarding fixing of Responsibility on the DISCOM Officials for recovering the compensation amount. The crediting of amount of compensation to the 2 Service Connections of the Petitioner shows that the Respondents have taken effective steps to implement the Award in the Appeal. Therefore, the Petitioner is found not entitled to additional compensation as pleaded.

9. This is a peculiar case where the compensation of Rs 1,86,000/- awarded to the consumer by adjustment in the future bills, by the DISCOM as per the Regulation 7 of 2004 does not solve the basic purpose that is to compensate the petitioner for the infraction of the procedure he faced at the hands of the officials of the DISCOM. Compensating the consumer by way of adjustment of compensation, which may take 200 years or more would make the whole process a farce, which has to be corrected to restore consumer confidence in the system. Hence, it is found that the Petitioner/Appellant is justified in raising a dispute regarding the procedure of payment of compensation.

10. So far as the delay regarding implementation of the Award as alleged by the petitioner is concerned, as already stated, this is a peculiar case where payment of huge amount of compensation is involved. The Respondents can not be faulted when the compensation amount is adjusted to the credit of two service connections of the

Appellant as per the Regulation 7 of 2004 which is the only prescribed process for payment of compensation.

11. This is a unique and also a rare case where huge amount of compensation is awarded. Hence, under the facts and circumstances and keeping in view the plea of the Petitioner, difficulty in the procedure faced by the DISCOM also, it is found proper to direct the DISCOM to pay half of the compensation amount Awarded to the Petitioner Rs 93,050/- by way of crossed Cheque. The DISCOM shall adjust the balance amount of Rs 93,050/- against all the Service Connections of the Petitioner, located within its entire jurisdiction, which would meet the concerns of the DISCOM and the consumer satisfaction. The Petitioner is directed to furnish the Service Connections belonging to him to the DISCOM to enable it to adjust the part of compensation amount in the CC bills, within a month without fail. The points are answered accordingly.

TYPED BY Clerk Computer Operator, Corrected, Signed and Pronounced by me on this the 22nd day of May, 2017.

Sd/-

Vidyut Ombudsman

1. Sri Kalyan Murthy, Indanoor village, Kodangal mandal, Indanoor post Mahaboobnagar dist. 509 336. Cell.No 9949839060.
2. The AAE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
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5. The SE/OP/Mahaboobnagar Circle /TSSPDCL/Mahaboobnagar Dist.

Copy to :

6. The Chairperson, Consumer Grievance Redressal Forum - 1, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad - 500 045.
7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapool,Hyd.