



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

Thursday, the Twenty Fifth Day of February 2016

Appeal No. 69 of 2015

Preferred against Order Dt. 29 -08-2015 of CGRF In

CG.No: 31 /2015 of Medak Circle

Between

Sri. T Dhanunjaya, S/o Laxmaiah, H.no. 9-69, Vidyanagar Colony, Pothireddy
pally 'x' Road, Sangareddy, Medak District
Cell No. 9985227261.

... Appellant

AND

1. The AAE/Operation/Tekmal/TSSPDCL/Medak Dist. - 9491056561
2. The ADE/Operation/Papannapet/TSSPDCL/Medak Dist. - 9440813649
3. The DE/Operation/Jogipet/TSSPDCL/Medak Dist - 9440813625
4. The SE/Operation/Medak Circle/TSSPDCL at Sangareddy.

...

Respondents

The above appeal filed on 21.09.2015 coming up for hearing before the Vidyut Ombudsman, Telangana State on 17.02.2016 at Hyderabad in the presence of Sri. T. Dhanunjaya - Appellant and Sri. G.V.L.N Shiva Rama Krishna - AAE/Commercial/Jogipet on behalf of DEE/OP/Jogipet and Sri. D.Kishanlal - AAE/OP/Tekmal for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant had applied for release an agriculture service connection for his pumpset by paying an amount of Rs 5682/- by way of a Demand Draft dt. 7.4.2010 on 13.4.2010. A new service connection No. 468 was released by the DISCOM without getting the necessary poles erected and line fixed for release of the supply. The Appellant has been drawing power from the service and has been paying the bills regularly. The Appellant brought the non erection of necessary poles to the notice of the AE/OP who insisted on payment of Rs 5000/- again for erecting poles and drawing the line to the pumpset.

2. The Appellant approached the CGRF with a complaint as the poles and line were not fixed by the DISCOM for a period of 5 years.

3. The 2nd Respondent ADE/OP/Papannapet through a letter dt. 25.7.2015 admitted that the Appellant had applied for release of an agriculture service on 13.4.2010 duly paying Rs 5682/- by way of DD dt.7.4.2010 which was registered in the Customer Service Center on 13.4.2010. He claimed that he requested the DEE/OP/Jogipet to arrange to change the consumer registration in CSC from C.N to N.R for preparation of estimate and execution of the work.

4. The 3rd Respondent/DE/OP/Jogipet through a letter dt. 28.7.2015 stated that the service was released to the Appellant without issuing the materials and also claimed that the 2nd Respondent/ADE/OP/Papannapet has reiterated that the service was released without issuing materials and requested to revoke CSC number from CN (Complaint Node) 6393319 dt. 13.4.2010 to N.R (New Registration)Series.

5. The Appellant, during the CGRF proceedings, claimed that after he paid an amount of Rs 5682/- by way of a DD on 7.4.2010, the Agriculture Service was released immediately without the required poles and sought a direction from the Forum for fixing poles to his Service Connection. The 2nd Respondent/ADE/OP/Papannapet stated that the erection of poles and stringing of conductor would be completed by 4.9.2015.

6. On consideration of the material and also the statements, the CGRF observed that the service connection was released without releasing the materials like poles, conductor etc and there was no preparation of estimate for drawal of materials. It is also observed that the 2nd Respondent/ADE/OP requested the 3rd Respondent for arranging sanction of estimate for drawal of materials and in turn, the 2nd Respondent requested the GM/IT/Corporate Office, Hyderabad for necessary action and took note of the statement of the Respondents that they would complete the

work of erection of poles and fix the line to the service of the Appellant by 4.9.2015 and passed the impugned order directing the Respondents to complete the line laying work by 4.9.2015 and report compliance by indicating that non compliance of the Forum order in respect of time schedule will attract penalty on respondents and compensation to the consumer from 28.4.2010.

7. Aggrieved and not satisfied with the impugned orders for not awarding compensation for the delay of 5 years in erecting poles and fixing the line, further claiming that from April,2010 for a period of 5 years, he could not raise any crop in his field and sought Rs 5 lakhs as compensation for violating the Guaranteed Standards of Performance and filed the present Appeal.

8. The 3rd Respondent/DE reported that as per the directions of the CGRF through the impugned orders, the poles were erected and the impugned orders were complied with on 10.9.2015 and that the work could not be taken up due to heavy rains and disturbance at the site by 4.9.2015. He further asserted that the Respondents have not received any complaint from the Appellant at any level in their offices for this lapse in Consumer Service Center, Papannapet and that the Appellant has been paying the consumer charges for drawing power supply continuously and sought closure of the matter.

9. The DE/Electrical submitted by way of letter dt.12.2.2016 regarding the delay in erecting poles and fixing power line to the following effect:

“During special drive collection program for agriculture consumers, it was noticed that Sri. Dhanunjaya was utilizing power supply for agricultural pumpset without any sanction and on noticing that he was advised to pay necessary development charges and deposits to regularise the same as per pending agricultural seniority list.

Subsequently he (Appellant) registered for a new service connection No. NR 6393319 Dt.13.4.2010. Though LT materials required and keeping pending sanction due to seniority list, his service was released without any infrastructure as he was availing the power supply. If the above service was not released, the department would have lost the revenue.

Hence it is to submit that there is no negligence on TSSPDCL as he is availing power supply regularly and paying CC bills regularly.”.

10. The DEE/Electrical further stated that the CGRF of the DISCOM has been regularly conducting Forum meetings in all the divisions and on 17.7.2015, the Appellant approached CGRF vide CI No. 31/2015 for non erection of poles and line required for his service. Through the impugned orders, he stated that the CGRF

directed ADE/OP/Papannapet to complete the line laying work within a stipulated time and the work was completed within such time.

11. The Respondents denied the Appellant's claim that due to the failure of the Respondents to get the poles erected and wire released over a period of 5 years, he suffered heavy loss and claimed that there was no negligence on the period of part of the DISCOM and that the Appellant was drawing power supply continuously and paying CC charges and therefore, there was no question of the Appellant suffering any loss.

12. The Appellant is seeking compensation for violation of the Licensee's Standards of Performance from the DISCOM for the delay of 5 years in erecting poles and fixing the lines to his pumpset.

13. The attempt at mediation could not succeed, because of the nature of the claim of the Appellant. Hence the matter is being disposed of on merits.

14. On the basis of the material on record, the following issues arise for determination:

- i) Whether there was delay of 5 years in erecting poles and fixing the lines, after releasing agriculture service connection on 13.4.2010?
- ii) Whether the absence of any complaint from the Appellant for 5 years regarding non erection of poles and fixing of lines entitle the Appellant to compensation for violation of the Licensee's Standards of Performance?

Heard Both Sides

Issues 1 & 2

15. The Appellant's request for an Agriculture Service Connection for his pumpset with a DD dt. 7.4.2010 for Rs 5682/- received at the customer service center on 13.4.2010 resulted in release of a new service connection No. 468, but without issuing the materials, according to the 3rd Respondent. The 2nd Respondent stated that he requested the DEE/OP/Jogipet to arrange for change of the consumer registration in CSC from C.N (Complaint Node) to N.R (New Registration) for preparation of estimate and execution of the work. Even the Appellant, during the CGRF proceedings, claimed that after he paid the required amount by way of DD, the agriculture service was released immediately, but without the required poles. In

the CGRF enquiry, the 2nd Respondent ADE/OP/Papannapet undertook to complete erection of poles and stringing of conductor by 4.9.2015.

16. The DE/Electrical by letter dt.12.2.2016 regarding the delay in erecting poles and fixing of power line, claimed that during the special drive collection program for agriculture consumers, it was noticed that the Appellant was drawing power for his pumpset without any sanction. This claim has not been made before the CGRF.

17. During the hearing, the Appellant claimed that the service was released initially without erecting any poles and that he made temporary arrangement by fixing wooden poles in a neighbouring farmer's land and started drawing power to his pumpset. He claimed that after sometime, the neighbouring farmers raised objection and the poles were removed and ever since, he has been without any supply of power and still he has been paying the power bills regularly. This statement about payment off power bills regularly is supported by energy billing system ERO:77 Jogipet. The Appellant has been paying the bills once in a year and there are no arrears. The Respondents admitted as such.

18. The CGRF, through the impugned orders, merely directed the Respondents to complete the line laying work by 4.9.2015, which was promptly agreed to and carried out by the 3rd Respondent/DE. The Appellant is aggrieved that for the delay of 5 years from the time of deposit of DD dt.7.4.2010 with CSC on 13.4.2010 to 4.9.2015, the poles were not erected and line was not fixed for supply of power to his pumpset. The Appellant though he has been paying the required CC charges, has not complained with the DISCOM about non erection of poles and fixing of line for his pumpset. Admittedly, for this delay and during this delay, the Appellant has not complained of violation of Licensee's Standards of Performance with anybody connected with the DISCOM. Infact, an agriculture connection should be released within a period of 30 days from the date of receipt of application of a new connection along with the prescribed charges.

19. The Appellant, during the course of hearing, claimed that if the supply is not given within the prescribed period after deposit of amount along with an application, the Respondents are liable to pay compensation of Rs 100/- for each day of default as per Clause IX of Schedule II of Regulation 9 of 2013 and this compensation has not been ordered by the CGRF. When the Respondents raised a question about the Appellant not complaining about non erection of poles, fixing of

line for supply and also for supply of energy, he (Appellant) is not entitled to any compensation and moreover, they have observed that when the Appellant has been paying CC bills and there were no dues over a period of time, they were satisfied about regular supply of energy to the Appellant. The Appellant on the other hand contended that once payment is made along with the Application, it is the responsibility of the Respondents to provide service connection along with the infrastructure like poles and wire, without there being any reminder and that he did not remind the Respondents about their duties. In a sense the Appellant is right in claiming that it was the duty of the Respondents once an application along with prescribed fee is received for sanction of agriculture service connection to ensure that the standards are met and the service connection, along with the infrastructure, is provided to the Appellant within the period prescribed.

20. The next question that arises is about the payment of compensation for not providing the service connection along with the infrastructure within the prescribed period. The Respondents contradict the Appellant and claimed that the Appellant has been drawing power with the infrastructure arranged for by him and that there was no loss to the Appellant by way of any crop and moreover, he has not complained about absence of infrastructure from the side of the DISCOM to supply power to the Appellant and therefore, the Appellant is not entitled to compensation at all. Firstly the Appellant has been drawing power through wooden poles and wire arranged by him and secondly, as directed by the CGRF, within the time fixed, the Respondents have erected the poles and fixed the wire for supply of energy to the pumpset of the Appellant.

21. Apart from the aforementioned discussion, so far as the payment of compensation is concerned, Regulation 9 of 2013 which is an amendment to Regulation 7 of 2004 of Licensee's Standards of Performance prescribe the following as a precondition which should be fulfilled before compensation is ordered which is as follows:

“Consumer will be required to make a claim for compensation towards non-compliance of a Guaranteed Standard, within 30 days of violation of such service standard by the Licensee, to a senior officer 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 monitoring compliance of the Regulation and submitting periodical reports to the Commission, as may be required.”

22. From the above requirement, it is quite clear that the Appellant should have complained about violation of the standards by the Licensee within 30 days of violation to the DISCOM at the Headquarters of the Licensee, which is not done by the Appellant. This is a specific provision, which in the first instance, alerts the senior officers of the Licensee designated for this purpose based at the Headquarters of the Licensee to comply with the guaranteed standard within such period, and if such designated officer of the Licensee fails to comply with and carry out the prescribed duty, only then the Appellant/consumer would be entitled to compensation as prescribed in the Schedule II of the Regulation 9 of 2013 and not otherwise in the manner requested by the Appellant.

23. Neither the Respondents raised any grounds for denying compensation to the Appellant, nor the CGRF has referred to and examined any issue regarding award of compensation prescribed for non compliance with Licensee's Standards of Performance in the impugned orders which cannot be upheld.

24. In View of the foregoing discussion, the issues 1 & 2 are answered holding that there was 5 years delay in erecting poles and fixing the lines and that there was no complaint from the Appellant about violation of Licensee's Standards of Performance to the designated officials of the DISCOM at the H.Q regarding violation seeking compensation, which made the Respondents complacent. It is also because the Appellant has been paying the CC charges regularly without raising any objection by allegedly arranging wooden poles and drew power through the line to his pumpset. Issues 1 & 2 are answered accordingly.

25. In the result, the Appeal is disposed of holding that the CGRF, through the impugned orders, has failed to consider and decide the question of awarding compensation and thus the impugned order to that extent is held as not legal. The Appellant is found not entitled to any compensation on the ground of violation of Licensee's Standards of Performance, in view of non compliance with the requirement under the Regulation 9 of 2013 amending the regulation 7 of 2004.

TYPED BY CCO, Corrected, Signed and Pronounced by me on this the 25th day of February, 2016.

Sd/-

VIDYUT OMBUDSMAN

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Pothireddy pally 'x' Road, Sangareddy, Medak District Cell No. 9985227261.
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5. The SE/Operation/Medak Circle/TSSPDCL at Sangareddy

Copy to:

6. The Chairperson, CGRF -1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda,
Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.