

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 19 -02-2013

Appeal No. 10 of 2013

Between
Sri.(Late) Chintala Satyanarayana
S/o Edukondalu
Kotananduru (V) & (M)
E.G.Dist.

... Appellant

And

1. Asst Engineer/Operation/APEPDCL/Kotananduru
2. Asst Divisional Engineer/Operation/ APEPDCL/ Tuni
3. Divisional Engineer/Operation/ APEPDCL/ Jaggampeta

....Respondents

The appeal / representation filed on 01.01.2013 of the appellant has come up for final hearing before the Vidyut Ombudsman on 28.01.2013 at Visakhapatnam. Sri Ch.Seeta Rambabu, representative of the appellant present and Sri P.Venkateswara Rao, ADE/O/Tuni, Sri P.Satyanarayana Murthy, AAE/O/Kotananduru for respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a complaint against the Respondents for Redressal of his Grievances and stated as hereunder:

“He has filed a complaint stating that the existing Agricultural service connection release against Sri Chintala Satyanarayana under paying Category and the consumr was expired in 1994. On behalf of him, his wife Smt Chintala Sita made representation for change of paying Category to Free

Category as they have less than 2.5 acres wet land. So far no action has been taken by the respondents. Hence, she approached the Forum for Redressal her grievance on behalf of her husband."

2. The 1st respondent has filed his written submission as hereunder.

"He applied for Agl service paying category to Free Category in 4/2009.

The consumer representation was submitted to Higher authorities in 04/2009 for change of paying category to Free category. The Superintending Engineer/ Operation/ Rajahmundry instructed the consumer directly to submit clearance letter obtain from ERO after paying total arrear amount of above service and the consumer refused to pay the arrear amount and approached Hon'ble Chair Person / CGRF/ APEPDCL."

3. The 2nd respondent has filed his written submissions as hereunder.

"Lr.No.ADE/O/TUI/F. CGRF/DOC.No./12 D.N.829/12, Dated 25.09.2012

As per the ref.(1) cited above vide CG.No.244/12-13 of E.G.Dist. Dt. 05.06.2012, The AAE/O/Kotananduru Submitted a report to the Chairperson. CGRF vide Ref.2nd vied above.

Basing on the reply given by AAE/O/Kotananduru, the details are verified in depth regarding complaint from Sri Chintala Sathyanarayana S/o. Edukondalu, Kotananduru Village and mandal about requesting for changing of category under free power supply to service no 202/Cat V (Agriculture) and the detailed report as follows.

Earlier Sri Chintala Sathyanarayana S/o Edukondalu, Velmpeta, Kotananduru Village and Mandal, SC.No.202/Cat V, approached SPANDANA requesting for change of AGL paying category to free category.

The subject matter was examined in detail and the Superintending Engineer, Operation, Rajahmundry has given approval for conversion of LT AGL services from paying group to free group and instructed the Divisional Engineer, Operation, Jaggampeta to effect the conversion to free category only after effecting the name transfer as the service no 202 was existing in the name of Sri Edukondalu, the father of the complainant.

When the complainant Sri Chintala Sathyanarayana S/o Edukondalu approached the Call Centre Tuni along with name transfer proposals, he was informed to bring the "No Dues" Certificate from AAO/ERO/Jaggampeta for the above said service to register the name transfer proposals.

So far the complainant did not bring the "NO DUES" Certificate on the above service no 202/Cat V from AAO/ERO/Jaggampeta to process the Name transfer proposals. Further as per the pass book the contracted load is

7.5 HP when the service was released but subsequent the contracted load was changed to 25.0HP when computer bills were issued.”

“Lr.No.ADE/OSD/Tuni/F.No. /D.No.882 /2012, dt. 09.10.2012

As per the CG.No. 244/12-13 of East Godavari District reports were submitted to the Chair Person..

But when the AAE/O/Kotananduru went for field inspection he came to know that Sri Chintala Satyanarayana S/o. Edukondalu, the complainant was expired long back.

Then the AAE/O/Kotananduru went to the house of Sri Chintala Satyanarayana to enquire about the complainant and AAE surprised to know that Sri Chintala Satyanarayana S/o. Edukondalu Expired long back i.e. on 15.03.2011.

Smt. Chintala Seeta W/o. Late Sri Chintala Satyanarayana Stated that she lodged a complaint to the Chairperson, CGRF on 03.03.2012 on behalf of her husband Sri Chintala Satyanarayana.

The AAE/O/Kotananduru collected a statement from Smt. Chintala Seeta W/o late Chintala Satyanarayana and Xerox copy of Death Certificate of Chintala Satyanarayana.”

4. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

- ***There is no necessity to pass any order against this issue as the registered consumer against SC.No.202, Kotananduru Village and Mandal, East Godavari District and his son (Name of the complainant) both were expired long back. In fact this complaint was signed by his wife and given complaint on behalf of her husband which is not considered to register the complaint.***
- ***Hence rejected with no costs.***
- ***Accordingly, the CG.No.244/12-13 is disposed off.***

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

- (i) when the appellant approached for free agriculture service, the authorities insisted for change of name of her husband in the place of her father-in-law otherwise they will not entertain the application.
- (ii) the department officials are creating lot of inconvenience and that her husband died due to mental agony. In spite of several requests made

by the appellant and her relatives, the respondents did not care and did not solve the problem.

- (iii) After filing the petition before the Forum, the department officials harassed the appellant and her children.
- (iv) The pass book is showing 7.5HP but the bills are given to 25HP and asked them to pay thousands of rupees and that they have no need to have 25HP for an extent of 2 ½ acres and the calculations made by the department are also incorrect. The service connection no. 202 is within the purview of free category but the respondents are unnecessarily refusing on flimsy grounds and the appeal preferred by the appellant is to be allowed by setting aside the impugned order.

6. Now, the point for consideration is, whether the impugned order is liable to be set aside? If so, on what grounds?

7. Sri Ch.Seeta Rambabu, representative of the appellant and Sri P.Venkateswara Rao, ADE/O/Tuni, Sri P.Satyanarayana Murthy, AAE/O/Kotananduru present at the time of hearing on 28.01.2013 at Visakhapatnam.

8. The Forum has simply rejected the application without looking into the merits and material available on record and passed on the ground that the service connection was in the name of deceased person and the petition cannot be entertained. They have not looked into the certificate issued by the Tahsildar which the issual of legal heir certificate. It is also clear from the record that the pass book is with 7.5 HP. It is also clear from the pass book that an amount of Rs.37/- used to collected from the appellant. The bill was issued for an amount of Rs.5290/- and the same was paid on 05.04.2009. Now, the bills are raised for surcharges, etc for thousands of rupees and unless the said amount is paid, no due certificate cannot be issued and the name cannot be changed is the objection raised by the respondents.

9. When the legal heir certificate is produced and when the person in whose name the service connection was recorded is no more, it is the bounden duty of the respondents, to incorporate the same in the records of the department. The Forum has failed to consider the said aspect and rejected the petition. The respondents ought to have considered whether the said service comes within the purview of free service as per the scheme promulgated by the Govt. of A.P and if the said service is well within the purview of free service, it is to be incorporated accordingly without insisting for any dues of surcharges, etc from the appellant. When power is with 7.5HP to the service, how it is altered to 25HP and how the parties are responsible for the same. It is for the respondents to rectify the mistakes committed by them.

10. The appellant claims that she has produced legal heir certificate and copy of the same is also filed, but the respondents are reluctant to receive the same for the reasons best known to them.

11. In these circumstances, it is necessary to give a specific direction to the respondents to regularize the service connection in the name of legal heir by looking into the legal heir certificate produced and consider the eligibility of free category service connection to the appellant. If she is entitled, calculate the same and collect the dues in accordance with the said modified of free service connection.

12. With this observation, the appeal is disposed directing the respondents to comply the same within a month from the date of receipt of the order. The appellant is also directed to produce the original legal heir certificate before the respondents within a week from the date of receipt of this order.

13. With this observation, the appeal is disposed by setting the impugned order.

This order is corrected and signed on this day of 19th February 2013

Sd/-

VIDYUT OMBUDSMAN