

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 20-04-2013

Appeal No.39 of 2013

Between
Datla Sambhamurthy Raju,
Thangedu Village,
Peddagummuluru Post,
Kotavuratla,
S. Rayavaram Mandalam,
Visakhapatnam District.

... Appellant

And

1. The Assistant Engineer/Operation/ Kotavurtla
2. The Assistant Divisional Engineer/Operation/Rural/Narasipatnam
3. The Divisional Engineer/Operation/ Narasipatnam.

....Respondents

The appeal / representation filed on 03.04.2013. There is no representation on behalf of the appellant and respondents 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:

“The appellant has applied for 4 Nos. agricultural new service connections out of which 2 Nos. belong to others. Due to delay in release of the new agricultural services they sustained loss of approximately 1 Lakh (Rupees:

One Lakh Only). Hence, they requested the Forum to conduct enquiry against the concerned Assistant Engineer and do justice.”

2. The respondent-2 submitted his written submissions as hereunder:

“4 Nos. LT applications registered in the name of Datla Samba Murthy Raju, Datla Venkata Narasamma and Chitikela Appanaidu on 17-05-2010 at Narsipatnam Call Centre vide Reg No.14101, 14102, 14103, 14104. Immediately the AE/O/Kotauratla has inspected the premises and prepared the estimate and submitted to the ADE/O/Narsipatnam (Rural) on 26-05-2010, The estimate was sanctioned vide SDR No.281/2010-11 Dt.09-06-2010 by the Divisional Electrical Engineer/Operation/ Narsipatnam. The applicants have paid security deposit charges Rs.800/- on 15-06-2010. The AE/O/Kotauratla has applied the work order on 17-06-2010 and received the work order on 28-06-2010 vide work order No.5200000022593 and commenced the work.

The AE/O/Kotauratla has informed that the poles were drawn, transported to the site but not erected in the agricultural fields due to existing sugar cane and cashew rone crops. A notice was also issued to the applicants to clear the crop immediately vide Lr.No.AE/O/Kotauratla/ D.No.1172/Dt.12-10-2010 so as to complete the work. The applicants did not respond and not shown the approach for erection of poles. Again the AE/O/Kotauratla has issued a second notice to show the right of way to carry out the work vides Lr.No.AE/O/Kotautratla/D.No.1263/Dt. L03.02.2011. The applicants did not respond second notice also but cleared the existing sugar cane and cashew rone crop on 10-04-2011. Immediately the work was commenced and completely in full shape on 30-05-2011 and the applicants were informed to take necessary arrangements to release the AGL Services Vide Lr.No.AE /O/ Kotauratla/ D.No.1461 / Dt.17.06.2011. Accordingly the applicants have made the arrangements and services released on 15-07-2011.

The AE/O/Kotauratla has also informed that he has not demanded/ Taken any amounts from the applicants.

Further he verified all the records at Kotauratla section office and Call Centre Narsipatnam and observed that the delay in release of agriculture services is mainly due to right of way problem, i.e. existing sugar cane and cashew rone crops.”

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

- **“After through verification of records/ Material, written submissions of respondents and court hearings, the following order is herewith passed for implementation.**
- **“No Doubt” there is deficiency of service and delay in releasing of new agricultural service at Thongedu Village, Kotavurla (M), Visakhapatnam Dist.**

- **After lapse of 400 days from the date of payment of necessary charges i.e. 15-06-2010, the 4 Nos. of new agricultural services are released on 30-07-2011 in the name of Sri Datla Samba Murthy Raju (2 Services), his family (1 Service), and Sri Chitikula Appala Naidu (1 Service).**
- **Therefore the respondents are liable to pay the compensation for the delay in releasing new agricultural services Utsupra @ Rs.250/- per each day default over and above 60 days from the date of payment to the affected consumers as per schedule II of SOP, Regulation No.7 of 2004, APERC.**
- **The compensation of each day @ Rs.250/- over and above 60 days from the date of necessary charges i.e. 340 days X Rs.250/- per day = Rs.85000/- is to be paid to the 4 No. of prospective consumers as per the estimate sanctioned within 90 days from receipt of this order.**
- **Superintending Engineer/Operation/Visakhapatnam is herewith directed that the suitable disciplinary action should be initiated against erring Officer duly conducting a detailed enquiry.**
- **A compliance report should be submitted to the Forum within 15 days after implementation of this order Utsupra.**
- **With the above directions the CG.No.75/11-12 is disposed off.”**

4. On the said order, the appellant preferred this appeal narrating the following grounds:

(i) The appellant along with other two submitted their representations before this authority stating that on account of the dispute in between the ryots in that area they have submitted the complaint before the Forum.

(ii) Immediately after making complaint the connections were released and the Forum has awarded compensation.

(iii) It is also further mentioned in the complaint that they have not sustained loss of crop and that they are not requiring any compensation from the department officials.

5. This authority soon after receiving the complaint contacted the complainant Sri D.S.M.Raju and he asserted all the contents mentioned in the appeal grounds and the other two are also not having any grievance since their request for release of service connections were already complied and that they have no grievances against the officials of the department.

6. In view of the above said representations before this authority it is apparent that they are not requiring any compensation from the department officials since their request of release of service connections was complied with.

7. In the result, the appeal is allowed by setting aside the aspect of awarding compensation by the Forum and the impugned order is hereby set aside to that extent as the complainant has accepted that they are not requiring any compensation.

8. Hence, the appeal is disposed accordingly.

This order is corrected and signed on this day of 20th April 2013

Sd/-
VIDYUT OMBUDSMAN