

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 14 -03-2013

Appeal No. 1 of 2013

Between

M/s. Vegesina Ranga Raju
Rangamannar pet,
Dr.No.6-10-1/1, Sugar Colony
Palakol – 534 260, WG Dist.

... Appellant

And

1. Asst Engineer/Operation/Town/APEPDCL/Palakol
2. Asst Divisional Engineer/Operation/ APEPDCL/Palakol
3. Asst.Accounts Officer/ERO/APEPDCL/Palakol
4. Divisional Engineer/Operation/ APEPDCL/Bhimavaram

....Respondents

The appeal / representation filed on 19.12.2012 of the appellant has come up for hearing before the Vidyut Ombudsman on 28.01.2013 at Visakhapatnam. Sri G.Lakshmi Narayana representative of the appellant and Sri K.Rambabu ADE/Op/Palokol present and on 25.02.2013 at Hyderabad. Sri V.Ramachandra Raju, S/o. Ranga Raju, Appellant present and respondents absent 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 filed a complaint stating that UCM charges had been levied for not utilizing the electricity, after completion of the work, hence approached CGRF for Redressal his grievance..”

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

“The said consumer had applied for extension of supply to M/s Vegesina Ranga Raju at Palakol for CMD of 75 KVA with a CL of 65 KW + 2 KVA under HT cat-II at 11KV Potential on 22/11/11. Accordingly, an estimate was sanctioned on 08/12/11 and line work was completed in all respects on APEPDCL’s side on 10/04/12. But consumer side DP structure and erection of DTR is not completed and CEIG approval is also not produced. Therefore a letter was addressed to the consumer duly informing that “if he does not avail the supply within 3 months from the date of receipt of notice, he is liable to pay the monthly minimum, charges and or fixed charges as specified in the tariff order as per clause 5.9.2.1 of GTCS. But consumer has not come forwarded to avail the supply till to date. In view of the above, Notice was served to consumer for payment of Tariff Minimum charges from July, 2012 onwards.”

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

- **As per the Clause No. 5.9.2.1 of General Terms and Conditions of Supply, the UCM charges are being levied against New HT service applied by M/s. Vegesina Ranga Raju for not taking supply within 3 months from the completion of execution of work from department side for which the Monthly notice issuing are in Order.**
- **The prospective consumer is liable to pay the UCM Charges levied upto releasing of supply.**

Accordingly, the CG.No.458/12-13 is disposed off.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that there was delay in taking the service connection, but the respondents have imposed minimum charges every month, though the service was not utilized by him; and that the Forum did not consider his request and he approached this authority to set aside the impugned order.

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

6. The appellant appeared before this authority and stated that they have not utilised the service connection and the department officials imposed minimum charges and the impugned order passed by the Forum is liable to be set aside.

7 Whereas, the respondents are represented by Sri K.Rambabu, ADE/O/Palokol and categorically stated that the appellant is given with HT service connection, but he could not utilize the same as the construction was stopped and he did not take steps for DP structure and erection of DTR and approval from CEIG and a notice was also issued to the appellant to utilise the service connection within 3 months from the date of receipt of notice and the appellant failed to utilize the same, minimum charges were imposed as per clause 5.9.2.1 of GTCS and the appeal preferred by the appellant is liable to be dismissed.

8. When the record is verified, it is found that every thing was provided by the department officials but the appellant could not avail the service connection for want of DP structure and erection of DTR and also failed to obtain the approval from CEIG. The department also issued a notice as per clause 5.9.2.1 of GTCS to avail service connection within 3 months from the date of receipt of the notice. The appellant could not avail the service connection within the said period fixed in the said notice. Clause 5.9.2.1 of GTCS reads as follows:

The Company shall, after the consumer has completed all the pre-requisite formalities in respect of execution of Agreement and security deposit, etc., make arrangements to supply electricity in the manner prescribed and issue a notice to the consumer indicating that it is ready to provide supply within the time period specified in the APERC (Licensees' duty for supply of electricity on request) Regulation, 2004 (No.3 of 2004) read with Section 43 of the Act. Such supply should be availed by the applicant within a period of three months from the date of issue of the notice. Every consumer shall pay to the Company from the Date of Commencement of Supply of energy or from the date of expiry of three months' notice whichever is earlier, Maximum Demand charges, energy charges, surcharges, Meter rents and other charges, as provided in the Tariff Order and the GTCS. In case the consumer fails to avail supply within the three months' notice period, he shall have to pay monthly minimum charges and/or the fixed charges as specified in the Tariff Order in force, as the case may be, from the date of expiry of the period of the above said notice.

9. As per the said condition, the service connection has to be availed by the consumer as and when the department is prepared to supply the same. If he fails to avail the same, a duty is cast upon the department to issue a notice by providing infrastructure including DTR. In this case, though notice is given, the appellant has not availed the same. There is no other option for department except to impose

minimum charges as per the said clause and the appellant has to pay the minimum charges. The Forum has rightly considered the said aspect and I do not find any grounds to interfere with the order of the Forum and the appeal preferred by the appellant is liable to be dismissed.

10. In the result, the appeal is dismissed. No order as to costs.

This order is corrected and signed on this day of 14th March 2013

Sd/-
VIDYUT OMBUDSMAN