

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 22 -02-2013

Appeal No. 9 of 2013

Between

Smt.N.Bhulakshmi

W/o.Dasaradharamaiah

D.No.15-1-973, Nehru Nagar Second line,
Macherla Town – Post, Macherla Mandal,
Guntur Dist.

... Appellant

And

1. Asst.Accounts Officer/ERO/Gurajala
- 2 .Asst.Engineer/operation/ Gurajala
3. Asst.Divisional Engineer/operation/ Gurajala
4. Divisional Engineer/Operation/ Macherla
5. Senior Accounts Officer / operation/Guntur
6. Superintending Engineer/operation/Guntur

....Respondents

The appeal / representation filed on 08.01.2013 of the appellant has come up for final hearing before the Vidyut Ombudsman on 05.02.2013 at Tirupathi. Sri D.Seeta Ramaiah, Advocate for the appellant, Sri B.Y.Seshagiri Rao, ADE/O/Gurazala, and Sri B.Subba Rao, JAO/ERO/Gurazala 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 her Grievances and stated as hereunder:

1. *She is having one Industrial service with SCNo: 1413108000665 under category-III at Gottimukkala Village of Gurajala mandal in Guntur-Dist and is being run for the past two years.*
2. *Due to some un avoidable circumstances and personnel reasons she decided to shift the said industry from the existing village to the Macherla Town and applied for the same in the office of the ADE, Gurajala on 3/2012.*
3. *After a lapse of about 5 months period she many times approached the AE and ADE of both Gurajala and Macherla and finally in the month of August 2012 the ADE/Macherla Advised her to approach the SE/Opn/Guntur and discuss with him all the matters and get the approval and then only meet the ADE.*
4. *She, as per the advise above, approached the SE/Opn/Guntur and explained problems and the delay upon which certain documents were given to her for onward submission at the ADEs office at Macherla.*
5. *In the documents above it was mentioned that she had to pay an amount of Rs.1,40,870/- in the name of DE/Opn/Macherla in the form of DD and the same is to be handed over.*
6. *She immediately on 24-08-2012 obtained DD No:699795 for Rs.1,40,870/- and handed over the same to the AE/Opn/Macherla.*
7. *Though there is a lapse of about 9 months from the date of her application, the officers of Gurajala or Macherla are not responding at all though requested many times because of which about 10 families working in their industry are suffering and lost their lively hood.*
8. *Requested for early restoration of supply to her service besides ordering for compensation for the loss sustained by her and also initiating departmental actions against the erring officers.*

2. The respondent-4 i.e. the Divisional Engineer/Operation/Macherla submitted written submissions as hereunder:

1. *The common application form from DIC, Guntur in the name of Smt. Nandanamudi Bhulakshmi, W/o Dasaratharamaiah, was received by the division office, Macherla on 23-7-2012 for shifting of 74.50HP LT industrial load and the feasibility certificate was issued by DE/Opn/Macherla on 25-7-2012 vide DNo:295, dt:25-7-2012.*
2. *The LT application was registered on 23-7-2012 at CSC, Macherla in the name of Smt. Nandanamudi Bhulakshmi, for shifting of 74.50HP LT industrial service.*
3. *The ADE/Opn/Macherla went to the location for field verification to the Door No:649/C, Macherla town besides fire brick manufacturing units in Guntur road of Macherla town. At the said site 33KV Parasakti and 33KV Rentachintala and 11KV rural feeder are passing in the road margin of the industry. Possibility of laying new lines and extending power supply in the*

event of certain objections raised by the said by brick industries and ice factory owners were discussed with Dasaratharamaiah who approached division office.

- 4. As per the field conditions 45mts of 35sqmm 11KV XLPE cable was proposed on 11KV Macherla, Town-II feeder with 5 Nos.9.1mts PSCC poles with connected materials.*
- 5. After field verification by ADE/Opn/Macherla, the estimate was submitted by ADE/Opn/Macherla on 03-08-12 for shifting of L.T Sc. No:665, cat-III (A) of Gottimukkala (V), Gurajala (M) to new location in Macherla town. On receipt of the estimate proposal from ADE/Opn/Macherla, the same was scrutinized and submitted to SE/Opn/Guntur on 3-8-2012.*
- 6. The estimate was received circle office, Guntur on 06-08-2012 and sanctioned by SE/Opn/Guntur vide DC.DR No:29/2012-13 and received at Division office, Macherla on 08/08/2012 and the consumer has paid an amount of Rs.1,40,870/- towards shifting charges and handed over the demand draft in section office on 14/9/2012 and work order was applied on 03-10-2012 and the same is released on 05/10/2012.*
- 7. Matching material which was available in district stores, Guntur was drawn on 10/10/2012 and also again on 16/10/2012. Balance material like 11KV discs, tapping channels, clamps and bolts and nuts etc. were procured from some other sections and started the work.*
- 8. While executing the work the neighbour consumers have objected not to lay the 9.1M PSCC poles in their lands and prevented the work. After intervention of DE/Opn/Macherla and ADE/OPn/Macherla with the consumers, the problem is solved and the work was completed on 31/10/2012 and requested the ADE/HT.Meters/Guntur to commission the metering equipment. Accordingly ADE/HT.Meters/Guntur inspected the service on 3/11/2012 and all the connections were given.*
- 9. The ADE/Opn/Macherla requested the consumer to get the clearance certificate from ERO, Gurajala. Though the consumer has paid the upto date CC.Charges of Rs.16,336/- against old service of Gittimukkala vide USC No:1413108000665 on 06/11/2012, clearance certificate was not obtained from ERO, Gurajala and not approached ADE/Opn/Macherla to obtain the connection.*
- 10. Suddenly, on 19/11/2012 the DE/Technical/Circle Office/Guntur advised to release the service at once and requested to intimate the fact. Immediately gave the connections and confirmed the release of service to consumers and circle office as well as corporate office officials on the same day.*

3. The respondent-6 i.e. the Superintending Engineer/Operation/Guntur submitted his written statement while reiterating the statement items 1 to 9 of the respondent-4 and additionally stated as hereunder:

Finally the supply was extended to the above service on 19/11/2012.

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

The respondents are directed that they shall

- 1. Remit the amount of compensation Rs.1,500/- to the complainants service within 15 days from the date of this order.**
- 2. Report compliance within 21 days on the item-1 of the order above from the date of this order.**

The complainant is advised that he may report to the Forum in case the respondents fail to comply with the item-1 of the order above.

Accordingly the case is allowed and disposed off

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

- (i) The appellant has sent a representation to the ADE, Gurazala requesting him to sanction the meter shifting orders from Gottimukkala village, Gurazala mandal to Macherla town dt.3/2012.
- (ii) The process of shifting of electricity meter has to start from 3/2012 and it can be completed within 60 days from the receipt of the application. But the electricity department, ie., respondents neglected the process and prolonged the matter upto 19.11.2012.
- (iii) The complainant made many requests to the respondents about the issuing of connection to their unit at Macherla.
- (iv) The complainant paid the amount of Rs.1,40,870/- through DD on 24.08.2012 and the same was submitted in the office of AE, Macherla Town.
- (v) The shifting of processing of meter work has taken more than 8 months.
- (vi) The days for processing of the work can be calculated from 3/2012 to the date of release 19.11.2012.
- (vii) Instead of taking the days for processing the meter, the Forum simply taken the date of process 23.07.2012. The Forum erred in deciding that the shifting of service is only 119 days.

- (viii) In 7th point of the Forum order wrongly decided that the delay was due to non-availability of the corridor. But there is a corridor for laying of poles to an extent of 100 Ft. Actually, no written objection from any land owners for erecting the poles. As there is sufficient corridor for erecting of electricity poles for giving connection to the complainant's industry.
- (ix) The Forum wrongfully observed the steps taken by the respondents. The Forum did not observe the malicious and negligent attitude of the respondents in presenting their observations in the counter. Hence, in all events, the Forum's findings are biased.
- (x) Therefore, it is prayed that the compensation may be granted for the period after deducting 60 days from the days from 15.03.2012 to 19.11.2012 and thus render justice.

6. Sri D.Seeta Ramaiah, Advocate for the appellant present and submitted that the department ought to have released the service connection within 60 days from the date of application, but they have not released the same and this fact has been omitted by the Forum and awarded compensation for 15 days and the appeal preferred by them is to be allowed by setting aside the impugned order.

7. Whereas, the respondents are represented by Sri B.Y.Seshagiri Rao, ADE/O/Gurazala, and Sri B.Subba Rao, JAO/ERO/Gurazala and they have stated that soon after the payment of the amount they made every effort to complete the same and the period cannot be calculated as it is not a release of new service, it is only shifting of line and the appeal preferred by the appellant is liable to be dismissed.

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

9. As per the standards of performance for sanctioning service at 11KV HT line, the same has to be completed within 60 days from the date of the payment of charges. Similarly, for release of service at 33KV, it is to be released within 90 days from the date of payment of the charges.

10. The Forum has taken note of the earlier part as if it is a case of service release. It is not a service release, it is only shifting of 11KV HT line from one sub-division to another sub-division. They have applied for shifting line in the month of 3/12 and it was sanctioned on 24.08.2012 by estimating an amount of Rs.1,40,870/-. The said application was registered in Macherla division on 23.07.2012. The complainant paid the estimated amount on 14.09.2012 within 15 days. Even though they paid the balance amount in respect of old service at old premises Rs.16,336 on 06.11.2012.

11. The ground mentioned by the appellant that they have not intimated earlier for payment and if it is intimated by serving a notice on them they would have paid the amount immediately along with estimated amount of shifting made on 14.09.2012. The service connection was released on 19.11.2012 ie., after 66 days from 14.09.2012. The earlier payment made them is taken into consideration.

12. The Forum has awarded compensation of Rs.1500/- @250/- per day. Though, practically standards of performance is not applicable to the facts of the case but the Forum has taken as if it is a new service and awarded compensation. There is no possibility to release the service connection soon after submitting of application even without paying required amount. The cause of action starts only from the date of payment of required charges. It cannot be sanctioned prior to the date of payment of estimated charges. The Forum has rightly considered the said issue and there are no merits in the appeal preferred by the appellant and the appeal is liable to be dismissed.

13. In the result, the appeal is dismissed.

This order is corrected and signed on this day of 22nd February 2013

Sd/-
VIDYUT OMBUDSMAN