

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 16 -04-2013

Appeal No. 35 of 2013

Between

Sri Kavali Hanmaiah
S/o.Gundappa
Hasnabad (V), Kodangal (M)
Mahaboobnagar Dist.

... Appellant

And

1. Addl.Assistant Engineer / Operation/Kodangal / APCPDCL / Mahaboobnagar
2. Assistant Divisional Engineer/ Operation / Kodangal / APCPDCL/ Mahaboobnagar
3. Divisional Engineer / Operation/APCPDCL / Mahaboobnagar / Mahaboobnagar
4. Superintending Engineer / Operation/APCPDCL/Mahaboobnagar Circle / Mahaboobnagar

...Respondents

The appeal / representation filed on 10.01.2013 of the appellant has come up for final hearing before the Vidyut Ombudsman on 18.03.2013 at Hyderabad. Sri Swamy Jagannandananda, representative of the appellant present and Sri R.Ananda Reddy, ADE/O/Kodangal and Sri M.Gopal AAE/O/Kodangal 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 applied for extending supply to his agricultural borewell in SF.No.807 paying the DDs No.925691 dt.27-12-2002 for Rs.5,000/-, DD 590965 dt.27-12-2002 for Rs.125 and DD.No.970920 dt.31-12-2002 for Rs.600/- in the name of DE/Operation/Mahaboobnagar and handed over to Lineman Sri Bhaskarareddy before the AE Sri Srinivas. The Line man sold the DDs to others and he complained

to JMD Vigilance. As the case is closed under Tatkal Scheme, he is getting a monthly bill of Rs.180/-. He paid for a time but after knowing that Rs.20/- month might have been his bill instead Rs.180/- if his service was given prior to 2002 year. Released under Tatkal Scheme in 2005 and hence a bill for Rs.8,704/- was received for payment, though from 2009, free electricity is given. He received Tatkal bill and hence requested to enquire and do justice.”

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

“Sri Kavali Hanmaiah, S/o. Gundappa at Hasnabad (V) approached the Consumer Grievances Redressal Forum/Hyderabad for receiving CC Bill of SC.No.K710600807 Category-VA to his agriculture borewells on high side.

The Agricultural service of the complainant Sri Kavali Hanmaiah, S/o. Gundappa was released on 19-07-2005 under Tathkal-Scheme, and utilizing the electricity power supply to his borewell. During the above period as per the Regulatory commission tariff policy matter, the above service was released as above, and the same and all other services were converted under Category-VA from 01-01-2010 onwards (Now it is in Free Service).

Hence the CC Bill of SC.No.K710600807 Category-VA of Sri Kavali Hanmaiah, S/o. Gundappa at Hasnabad (V) in Kodangal (M) has not changed. The consumer has to pay the CC bill, which is issued to the consumer.”

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

“The complainant Sri Kavali Hanumaiah, Husnabad or his representative Sri Anjayya has not produced any valid acknowledgement of having paid the DD to the Respondents in December 2002. The Respondents deposed that fresh application and DD handed over in July 2005, was considered for all departmental procedures and service was released under Tatkal Scheme as per the procedures prevailing at that time.

As the agricultural services released under Tatkal Scheme are changed to free supply category with effect from 01-04-2009, the complainant has to pay the arrears upto that date and Respondents are not at liberty to waive the arrears and can proceed as per the rules in vogue.

The complaint is disposed accordingly.”

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

- (i) They have submitted DDs to AE, Bhaskar Reddy and the said Sri Bhaskar Reddy has given the same to some other person thereupon they reported the matter to the Vigilance department.
- (ii) After giving report of the Vigilance department and after conducting an enquiry by them the departmental authorities released the service connection under Tatkal scheme and closed the PCB in the year 2005.
- (iii) The department has collected Rs.180/- instead of Rs.20/- under free service connection and the appeal filed by the appellant is to be allowed by setting aside the impugned order.

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

7. The appellant is represented by Sri Jaganmayananda and submitted Vigilance report and if the service connection is released in the year 2002, he is entitled for free service connection at Rs.20/- instead of Rs.180/- and the appellant cannot be penalised for the negligence on the part of the officials of the respondent

8. The respondents are represented by Sri R.Ananda Reddy, ADE/O/Kodangal and Sri M.Gopal AAE/O/Kodangal and they have categorically stated that the impugned order passed by the Forum holding the service connection under Tatkal scheme and the same is converted into free service connection with effect from 01.04.2009 and there are no grounds to set aside the order of the Forum and the appeal is liable to be dismissed.

9. The appellant has submitted the Vigilance report. In this it is clearly mentioned that

"D.Bhaskar Reddy former JLM Kodangal section now working at Nawapet section

He has taken Rs.6000/- from one Kavali Hanmappa of Hasnabad village promising to purchase DDs for the release of Agl service connection but he did not purchase any DDs and misused the amount. Later he has furnished him xerox copies of 3 DDs pertains to some other farmers and

by deceitful means made him to believe that he has purchased the DDs and closed in the name of the said farmer. Believing D.Bhasker Reddy, JLM the innocent farmer kept quite for a long time waiting the release of his service connection but in vain. On coming to know about this enquiry, on 05.11.2004 he has purchased 3 DDs (1) 283733 for Rs.5000/- (2) DD No.283734 for Rs.125/- and (3) DD No.978824 for Rs.500/- wring his own name (JLM's) in the voucher of the SBH, Kodangal and got these DDs closed in the name of Kavali Hanmappa of Hasnabad village vide PCB page No.003941 and 024728 dated 16.11.2004. The evidence of purchasing 3 DDs from SBH Kodangal in his own name (JLMs) and getting those DDs closed in the name of farmer Kavali Hanmappa is sufficient to prove his mensrea of cheating the innocent farmer. This is a highly irregular and major lapse on the part of this JLM.”

When the appellant has submitted DDs in the year 2002 and if the service connection is given under Tatkal scheme it is an error committed by the respondents and treating free service connection since 2009 is also incorrect and the Vigilance report has pointed out the irregularities committed by the department officials in particular, AE,Bhaskar Reddy. If the appellant is entitled for free service connection treating the payment year 2002 he is certainly entitled to the same and he cannot be denied the right accrued to him along with other farmers.

10. In the light of the above said discussion and in the light of the report of the Vigilance department, the respondents are directed to treat the application of the appellant as the year of 2002 and if the appellant is entitled for free service connection the benefit is to be given to him from the date of release of service connection but not with effect from 01.04.2009. Incase of any payment made by the appellant at the rate of Rs.180/- it may be adjusted in the future bills of the appellant.

11. With this observation, the appeal is disposed.

This order is corrected and signed on this day of 16th April 2013

**Sd/-
VIDYUT OMBUDSMAN**