

VIDYUT OMBUDSMAN
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500004.

Present

K. Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 19-02-2013

Appeal No. 79 of 2012.

Between

Sri. Kotikalapudi. Ravi,
Door No. 9-6-6, Golivari Street, Samalkot – 533 440.
E.G. Dist

...Appellant

AND

1. Assistant Engineer / Operation / APEPDCL / Gollaprolu / E.G. Dist
2. Asst. Divisional Engineer / Operation / APEPDCL / Pithapuram / E.G. Dist
3. Divisional Engineer / Operation / APEPDCL / Kakinada

.....Respondents

The appeal / representation dated. 17.11.2012 received by this authority on 21.11.2012 against the CGRF order of APEPDCL C.G. No. 162/2011-12 of E.G. District dated 27.08.2011. The same has come up for hearing before the Vidyut Ombudsman on 07.01.2013 at Hyderabad. Sri K.Ravi, appellant present and Sri T.V.S.N.Murthy, DE/O/Kakinada present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following.

A W A R D

The petitioner filed a complaint before the CGRF against the respondents for redressal of his grievances. In the complaint, the appellant has mentioned the grievance as hereunder:

“He has filed a complaint stating that Agricultural service connection has not been released even after payment of 1,04,870/- and made so mch written correspondence since May, 2006 to all the concerned Officers and requested the Forum for Justice.”

2. The first respondent has submitted his written submissions as hereunder:

“During 2006 1No. 16KVA Distribution Transformer was stolen pertains to Sri K. Ravi of this Agricultural Service connection at Chendurthi Village. He submitted a written statement on 11-07-2011 and FIR Copies. Next day inspected the service found that vacant 16KVA Transformer Box and 8No. Poles and 11KV conductor available. This is no any other material. This report sent to higher authorities. He prepared estimate for 16KVA Transformer and sent to higher authorities. This service is not released from 2005 as per office Records.”

3. After hearing both sides and after considering the material, the Forum passed the following order:

“After through verification of records, written submission cogent evidences given by the complainant and hearing scheduled on 17.08.2011, the following order is herewith passed for implementation scrupulously.

- **A Detailed enquiry should be conducted immediately duly appointing the enquiry Officer by the Superintending Engineer/Operation/Rajahmundry against the said issue and take suitable disciplinary action against all erring Officers right from the beginning.**
- **The New Agriculture service infavour of Sri Kotikalapudi Ravi, Chendurthi Village, Gollaprolu Mandalam should be released on war footing basis duly erecting 16KVA Distribution Transformer as it is already delayed more than 5 Years.**
- **It is a clear cut deficiency of service on part of Respondents.**
- **Hence the Respondents are liable to pay the compensation to the affected consumer as per the standards of performance specified in schedule II @ Rs. 50/- per each day of default from the date of payment of necessary charges paid over and above the 60 days to the date of release of supply. (So far not released)**
- **(A) Date of payment of estimated charges – 09/03/2006**
 - Period for releasing service - 60 days**
 - Service is to be released } - 09.05.2006**
 - as per Standards Of Performance norms }**
- (B) Abnormal delay period as on 26.08.2011 - 5 years + 109 days**
- (C) Total delay period is to be calculated upto date of release of supply to the complainant.**
- **The respondents are liable to pay the cost of material borne by the Complainant with interest duly conducting enquiry.**
- **Total compensation should be paid to the affected consumer after releasing of service connection within 90 days from the date of receipt of this order.**

- **A Compliance Report should be submitted to Forum within 15 days after implementation of this order.**

With the above directions, the CG.No.162/11-12 is disposed off.”

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

(i) On 09.09.2006, the Distribution Transformer was committed theft and the same was intimated to the Forum on 20.07.2011 and the Forum directed on 27.08.2011 to pay compensation at Rs.50/- per day and cost of material to Rs.5000/- with interest.

(ii) the order passed by the Forum is not implemented inspite of legal notice issued.

(iii) They have not made any effort to comply the same. It is therefore prayed that this authority may be pleased to pass an order directing the respondents to pay the amounts immediately as he is sustaining great and irreparable loss.

5. Now, the point for consideration is, “Whether the impugned order is to be affirmed by ordering implementation of the order. If so, in what manner”?

6. The appellant present before this authority on 07.01.2013 and Sri T.V.S.N.Murthy the present DE/O/Kakinada present. The appellant reiterated the grounds mentioned in the grounds of appeal and the non-compliance of the order.

7. Whereas, the respondent stated that he has addressed letters to comply the same and awaiting the payments and soon after receiving the same, he will disburse the same.

8. The DE/O/Eluru addressed a copy of the letter addressed to the Chairperson of the Forum confronting the orders of the Forum and requested the Forum to re-consider the facts that no lapse whatsoever could be attributed to the then ADE/O/Pithapuram from 06.05.2006 to 15.06.2009 in this instant issue, he requested to review the order by reexamining the case.

9. There is no provision either in the GTCS or in the Electricity Act, 2003 empowering the CGRF or this authority to review its own order. Moreover, the order was passed on 27.08.2011 and this application is filed on 23.01.2013 that is nearly after 1½ years. The Forum has not communicated its response on the application submitted by the DE/Op/Eluru. Infact, the DE/O/Eluru has no ***locus standi*** to file on behalf of the then ADE/Op/Pithapuram, since he is not a party to the original proceeding.

10. This authority is not competent to review the order of the Forum. There is no other provision to prefer an appeal by the respondents against the orders of the Forum either in the GTCS or in the Electricity Act, 2003. This authority is not competent to set aside the order passed by the Forum except to give a direction to implement the order in toto, since this appeal is filed by the appellant to implement the orders of the Forum. Infact, the appellant can approach the Forum to implement its order without preferring an appeal. Though, there is no ground to prefer an appeal, in view of the observation of the Forum in the last paragraph of the order, the appellant approached this authority for implementation of the order of the Forum. Hence, no option is left except to order for implementation of the order passed by the Forum.

11. In view of the above said discussion, the respondents are directed to compensate proportionately and the disbursing officials are directed to deduct the same from their respective salaries and pay the same to the appellant.

12. With this observation, the appeal is disposed and the compliance shall be reported within 30 days from the date of receipt of this order.

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

Sd/-

VIDYUT OMBUDSMAN