

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 08 -04-2013

Appeal No. 34 of 2013

Between
Sri T.Muralidhar,
Advocate
H.No.4-7-142, Esamiya Bazar,
Behind Women's College, Hyderabad - 27

... 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 16.02.2013 of the appellant has come up for final hearing before the Vidyut Ombudsman on 03.04.2013 at Hyderabad. Sri T.Muralidhar, appellant and Sri M.Gopal, AAE/Kodangal/Mahaboobnagar 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 has applied for supply of electricity to his agricultural land bearing S.No.82 of Angadi Raichur (Tq), Kodangal on 6-3-2009 and deposited the necessary amount. He was told that necessary sanction is accorded by the competent authority and power would be supplied within a short period, about 3 years ago. In spite of his several visits and telephonic calls power is not supplied till today. He is suffering heavy loss due to inordinate delay and also amount deposited by him is

unnecessarily locked up. He has learnt that subsequent applicants have been given power connections and requested to kindly look into the matter and supply electricity at the earliest and oblige.

2. The respondent no.1 submitted his written submissions as hereunder:

“The complainant approached to the consumer Grievances Redressal Forum/Hyderabad for want Electricity Power supply to his agriculture borewell.

During Physical verification the complainant, it is noted that he is utilizing the electricity power supply to his borewells. It is observed that the complainant applied for Electricity Power supply to his agriculture borewell in his land Sy.No.82 at Angadi Raichur (V) Kodangal (M) on Date:09-03-2009 at CSC/Kodangal and paid the necessary charges Rs:5,650/- vide DDNo:509458 DT:06-03-2009 PCBNo:12862 DT:12-03-2009.

For the same the Electricity Power supply has been given and released the service on DATE:24-03-2009. And allotted the SC.No.450 cat-V in his land Sy.No.82 at Angadi Raichur (V) in Kodangal (M). Recently the consumer has also paid the CC charges Rs:1,420/- vide PR.No:432193 Dt:08-12-2012.

Further it is noted that he has given a Wage complaint without knowing the facts in the village and sitting in Hyderabad.”

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

“Sri T. Muralidhar Rao, Advocate complained that the Respondents had not extended supply till todate though he applied for supply to his borewell in SF 82 at Angadi Raichur (village), Kodangal mandal on 06-03-2009.

The Respondents in reply deposed that supply has been extended to his borewell on 24-03-2009, vide service connection No.450 under category V, in SF No.82, Angadi Raichur village and supply is being used to the premises. Further he has also paid the CC charges of Rs.1420/- vide Receipt No.432193, Dt:08-12-2012.

The Forum feels that no further orders are needed as the complaint is already redressed. Sri T. Muralidhar Rao, Advocate, without ascertaining the facts from the actual land cultivators complained to the Forum.

Being an Advocate, the complainant referred the Forum without proper evidence is noted with deep concern.

The case is dismissed.”

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

- (i) The order under appeal is against law, justice and facts of the case.
- (ii) The lower forum blindly believed the erring officer without hearing the complainant or verifying the correctness of the statement of the Asst.Engineer.
- (iii) The observation of the lower forum “Being an advocate the complainant referred the forum without proper evidence is noted with deep concern” is totally unwarranted and irresponsible. There is no dispute regarding the request by the complainant for supply of electricity. The burden is on the APCPDCL to show that electricity is supplied. To expect negative proof is inappropriate.
- (iv) The lower forum should have applied its mind to the demand of huge amount of Rs.1420/- when the application for supply itself is made on 06.03.2009.
- (v) The appellant states with full responsibility that till today there is no pole no wire or even any semblance of steps to have been taken by the APCPDCL to supply of electricity to S.No.82 of Angadiraichur Tq.Kodangal Dist. Mahaboobnagar A.P. It should be verified on ground by some responsible officer.

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 no service connection is released in his name and even without hearing the matter and verifying the correctness of the statement made by the respondents, the Forum rejected his request.

7. Whereas, the respondent is represented by Sri M.Gopal, AAE/Kodangal/Mahaboobnagar appeared before this authority and stated that there

is a service connection to the bore well vide SC No.450 under Cat-V in S.No.82 of Angadi Raichur (Tq.).

8. In addition to the grounds of the appeal, the appellant has submitted an application for spot inspection. Basing on the request made by the appellant, this authority directed the appellant and the respondent to make a joint inspection and submit photographs with regard to the bore well and the service connection if at all in existence therein.

9. Accordingly, they have made joint inspection and taken photographs and they have unequivocally established that there is no service connection to the bore well. The Village Revenue Officer has also submitted a report to the effect that there is no service connection to the land of the appellant and the bore well therein. Therefore, the observation made by the Forum on this aspect is also incorrect and the impugned order is liable to be set aside.

10. The adverse remarks in the impugned order **“Being an Advocate, the complainant referred the Forum without proper evidence is noted with deep concern”** is incorrect in view of the present position on ground and the submissions made by both parties. Therefore, the above said remark is hereby “expunged”.

11. In the result, the appeal is allowed directing the respondents to release the service connection by following departmental procedure and rules in vogue after giving credit to the amounts, if any, already paid by the appellant.

This order is corrected and signed on this day of 8th April,2013

Sd/-
VIDYUT OMBUDSMAN