

**BEFORE THE VIDYUT OMBUDSMAN**

Present

**Nagaraj Naram,  
Vidyut Ombudsman(FAC)**

Dated: 18 -07-2009

**Appeal No. 16 of 2008**

**Between**

Sri. Paavuluri. Sesha Rao,  
S/o. Krishnamma,  
Pullapadu Village, Nallagerla Mandalam,  
W.G. Dist – 534 112.

... Appellant

**And**

1. Asst. Engineer / Operation / APEPDCL / Nallagerla / W.G. Dist
2. Asst. Divisional Engineer / Operation / APEPDCL / Bhimadole / WG Dist
3. Divisional Electrical Engineer / Operation / APEPDCL / Eluru / WG Dist
4. Superintending Engineer / Operation / APEPDCL / Eluru / WG Dist

**... Respondents**

The appeal / representation dated 15.08.2008 of the appellant received on 27.08.2008 has come up for final hearing before the Vidyut Ombudsman on 27.05.2009 and 12.06.2009 in the presence of Sri. K. Gopala Krishna, ADE / Bhimadole and Sri. B. Rama Krishna, AAE / Operations / APEPDCL / Nallagerla on behalf of the respondents, the Superintending Engineer and Divisional Engineer having duly authorized the Assistant Divisional Engineer to represent them in the matter there being no representation on behalf of the appellant on both the occasions and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

**ORDER**

Aggrieved by the order passed by the Forum for Redressal of Consumer Grievances of APEPDCL (for short the "Forum") rejecting the compliant in C.G. No. 88 / 2008 of West Godavari Circle dated 19.07.2008, the appellant herein filed the present appeal / representation dated 15.08.2008.

2. The appellant stated that he has appealed against the order of the Grievance Forum rejecting his compliant and prayer for re-inspection and refund of certain amounts collected for release of power supply connection.

3. The appellant stated that originally he had availed power supply for agricultural bore well under Tatkal scheme. While releasing the said connection, the concerned officers have estimated the necessary cost for releasing supply by adding additional pole extended service wire for giving connection to the bore well. The work has been sanctioned and materials were drawn for providing the connection. However, they have not laid additional wire and poll, but gave connection from the existing high tension line itself. They levy of additional charges in the estimate for additional wire and poll is not correct.

4. Based on the above submissions he had requested the Forum to enquire into the alleged activities of the officers and order refund of the excess amounts paid towards AAA conductor, poll, service wire upto the meter near the pump set. The respondent had opposed the petition before the Forum. The Forum after detailed inspection of the same and examination of the record held that

“..... No relief can be granted to the complainant consumer as he has already been exempted Rs. 30,000.00 from payment of total estimated cost and the work was executed as requested by him only. The Forum directs the respondents, to bill the service of the complainant consumer under tatkal applicable tariff without DSM measures from the date of release of supply as he has not followed the DSM measures”.

5. Aggrieved by the said order the appellant preferred the present appeal stating that while providing power supply he has not been informed by the concerned officers of the requirement to follow DSM measures. The Forum which had inspected the place of power supply had pointed out that he was required to follow DSM measures. Later, he had informed all the concerned officers about the implementation of DSM measures.

6. He had prayed that the authorities may enquire into the matter in detail including the deeds of the officer concerned and do justice to him.

7. The respondents have filed their submissions and stated that  
“The Forum has studied the matter, and it is concluded that no repayment required as the consumer already gets 30,000/- exemption from the estimate cost and work was executed as per the request only. The Forum directed to bill the service under tatkal without DSM category from the date of release of supply as he had not followed the DSM measures. My self and Addl. Assistant Engineer / Operation / Nallajerla inspected on 30.09.2008 and found that consumer has not followed the DSM measures”.
8. Notice was issued to the appellant as well as respondent to appear before undersigned for final hearing on 28.05.2009. There was no representation on behalf of the appellant. A second notice was sent to the parties posting the matter to 12.06.2009. The appellant was absent again. Having given sufficient opportunity of appearing and submitting his case the authority had no other alternative but to disposed off the appeal on merits. Heard the arguments of the representatives of the respondents.
9. It is stated by the representatives of the respondent that the appellant has been provided with power supply under agricultural category on the request made by the appellant under tatkal scheme. While releasing power supply, when the respondents proposed to lay a poll near the pump set, he requested not to lay the same as it will obstruct the passage and will be a hindrance to the movement of his tractor and other vehicles. The place of connection has been inspected by the CGRF members. They found the action of the respondents to be appropriate.
10. The representatives of the respondents have stated that the appellant stated that he has paid all the amounts required for release of agricultural service, which is at a distance of 30 meters from the HT line. However, to adjust the requirement of the appellant, supply has been released from the near by pole.
11. The representatives of the respondent stated that the appellant is seeking refund of the amount, but already he has been given exemption of Rs. 30,000/- from the total estimate of the work for release of supply and required him to pay only Rs. 58,000/-. The concerned officers inspected the service after being informed by the appellant about installation of DSM measures, but nothing was found therein.

Accordingly, the Electricity Revenue Office was directed to bill the service of the appellant at full charges i.e., applicable tariff for non-DSM services. The appellant is not paying the bills.

12. The representative stated that following DSM measures will be beneficial not only to the consumer but also supply will improve. The appellant is seeking re-inspection of the service which is only an after thought after release of supply and there is no grievance to the consumer.

13. Now the issue that arises for consideration is whether the appellant is entitled to the relief prayed for.

14. Admittedly, the service connection has been released to the appellant at his request at the place of his choice. Further the respondents have given him the benefit of minimum length of the service wire that is required to be covered by the company itself. It is relevant to note that Andhra Pradesh Electricity Regulatory Commission has been passing orders determining the tariff for various categories of consumers that is levied and collected by the distribution companies. The said tariffs also apply to agricultural consumers. A look at the tariff schedule which reads as follows :

**“L.T. CATEGORY – V(A) – AGRICULTURAL**

Category	Purpose	Fixed charges	Energy Charge Ps/Unit
<b>With DSM measures</b>	Dry Land Farmers (Connections<= 3 Nos.)		0
	Wet Land Farmers (Holdings<=2.5 Acres)		0
	Dry Land Farmers (Connections > 3 Nos.)	*Rs.210/HP/Year	20
	Wet Land Farmers (Holdings >2.5 Acres)	*Rs.210/HP/Year	20
	Corporate Farmers & IT Assesses		100
<b>Without DSM measures</b>	Dry Land Farmers (Connections<= 3 Nos.)	*Rs.210/HP/Year	20
	Wet Land Farmers (Holdings<=2.5 Acres)	*Rs.210/HP/Year	20

	Dry Land Farmers (Connections > 3 Nos.)	*Rs.525/HP/Year	50
	Wet Land Farmers (Holdings >2.5 Acres)	*Rs.525/HP/Year	50
	Corporate Farmers & IT Assesses		200
LT V(A)(i) Salt Farming Units with connected load upto 15HP \$			100
LT V(A)(ii) Rural Horticulture Nurseries			100
<p>* Equivalent flat rate tariff  \$ -Units with connected load more than15 HP shall be billed under LT Category III(A)  – Industrial Normal tariff.</p>			

### **LT CATEGORY – V(B) – AGRICULTURAL**

Out of Turn Allotment – Tatkal scheme : Energy Charge  
with DSM measures 20paise/unit

**Note:**

1. Agricultural consumers are permitted to use 1 or 3 lamps of 5 watts each near the main switch as pilot lamp/s.
2. Supply to the L.T. Agricultural services will be suitably regulated as notified by Licensee from time to time.
3. Customer charges of Rs.20/- per month per service in terms of Part `C' of the tariff shall be payable by all Agricultural Consumers.
4. The Farmers eligible for free supply under Dry Land as well as Wet Lands have to comply with the following Demand Side Management measures (DSM) as applicable for his pumping system viz., submersible and surface pump sets in which they shall not be eligible for free supply.
5. DSM measures include frictionless foot valve, capacitor of adequate rating, HDPE or RPVC piping at suction and/or delivery and ISI marked monobloc or submersible pump sets.
6. Farmers in dry land areas shall not be eligible for free supply if they grow Paddy in second crop.
7. All new connections shall be given only with DSM measures implemented and with meters.”

Thus, it reveals that the charges are dependent on the nature of availing supply and is dependent on several factors. The appellant having availed tatkal service is bound

to follow the requirements for availing such supply including installation of DSM measures.

15. In the averments made by the appellant in the appeal, it is nowhere stated that he has installed DSM measures, which is confirmed by the representatives of the respondent. For the same reason as inspection of the service has been done by the CGRF and gave a finding about absence of DSM measures, there is no case for a second inspection as rightly held by the Forum.

16. Inasmuch as the representatives of the respondent have brought to the notice to the undersigned that the appellant is not paying the bills. In these circumstances no relief can be granted to the appellant.

17. As regards the allegations of corruption and misdeeds neither the Forum nor the undersigned have any authority to enquire into the same. The authorities under the Electricity Act are only required to mitigate the deficiency in service or any complaints on such deficiencies in services. Any complaint against the officers of the licensee does not come under the authority of the Forum or the Ombudsman and any misconduct or misdeeds have to be referred or complained to such authorities as may be having jurisdiction to entertain the same. Hence, the said request is rejected. Accordingly, the appeal preferred on the above stated grounds fails.

18. For the foregoing reasons and discussions, the appeal fails and is rejected accordingly, conforming the order of the Forum in C.G.No.88 of 2008 but in the circumstances with no order as to costs.

This order is corrected and signed on the 18<sup>th</sup> day of July, 2009.

**VIDYUT OMBUDSMAN**