

**BEFORE THE VIDYUT OMBUDSMAN**

Present

**K.Sanjeeva Rao Naidu  
Vidyut Ombudsman**

Dated: 16-06-2010

**Appeal No. 15 of 2009**

**Between**

Sri Dwarampudi Kamireddy  
M/s.Sri Venkateswara Agencies  
Indane Distributors, D.No.31-99/1, Canal Road,  
Penugonda – 534 320  
W.G.Dist

**... Appellant**

**And**

The Asst. Engineer / Opt./ APEPDCL/Penugonda/W.G.Dist  
The Asst. Divisional Engineer / Opt./ APEPDCL/Tanuku/W.G.Dist  
The Asst. Accounts Officer / ERO / APEPDCL/Tanuku/W.G.Dist  
The. Divisional Engineer / Opt / APEPDCL/Tadepalligudem/W.G.Dist

**....Respondents**

The appeal / representation dated 28.02.2009 (received on 09.03.2009) of the appellant has come up for final hearing before the Vidyut Ombudsman on 02.06.2010. No representation on behalf of appellant and respondents 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, before the Forum for redressal of his grievance.

2. The contention of the appellant is that he has paid Rs.3000/- about 20 years back and no number has been assigned by the licensee to his service and approached this Forum for assigning service number.

3. The respondent No.1 submitted his written submissions to the effect that he inspected the premises on 28.11.2008. 1No. wooden board fixed to the wall, 1No. main switch fixed to the board, no meter, service wire is connected from pole to the main switch supply is available. The connected load is 1No. ½ HP motor, make Kumar, SL.No.3710. The motor is in working condition. The water is utilised for his coconut gardens. On verification of this office records, the payment of DD No.815842 for Rs.3000/- is not traceable in this office records.

4. The other respondents submitted their written submissions as mentioned hereunder. After thorough verification of record from 1989, there is no agriculture service connection in favour of the appellant in Penugonda, who is the consumer has not paid any CC charges against the agriculture service as stated by him on 1989. The said consumer has never been come to this office for either enquiry of his agriculture service or to pay CC charges except in 10/06, even though the agriculture supply is being utilized by him from 09/89. He was advised to meet the AE/O/Penugonda for assigning the agriculture service number. He has not paid any CC charges against his agriculture consumption from 09/89, till to date. Further, a letter has been addressed to AE/O/Penugonda to furnish the information on the agriculture service in the premises of Sri Venkateswara Agencies, Indane Gas Distributors, Penugonda soon after receipt of the information from the Field Officer, the detailed report will be submitted to the consumer grievance redressal forum, visakhapatnam. In spite of reminders by the Forum, they have not submitted any information to the Forum.

5. After hearing both sides and after considering the material placed before the Forum, the Forum directed the respondent No.3 to verify the receipt of DD and it shall be verified, whether the complainant is utilizing the supply unauthorisedly by direct tapping and also directed to take suitable action as per rules and practices in vogue within one week. The compliance shall be reported by 10.02.2009.

6. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that the electricity supply was provided on the basis of lumpsum deposit of Rs.3000/- and he submitted DD on 23.09.1989. Since then he has been enjoying the electrical supply without any interruption for all these years. When the complainant approached the department due to the failure of supply in the month of September 2009, the department insisted service number and he replied that no service number was allotted inspite of the direction that no action is taken by the respondents and the impugned order passed by the Forum is liable to be set aside.

7. Now, the point for consideration is, “whether, the impugned order dt.30.01.2009 is liable to be set aside? If so, on what grounds?”

8. The advocate who appeared on behalf of the appellant has submitted vehemently that he has submitted the DD for a sum of Rs.3000/- towards deposit and provided electrical connection and he has been utilizing the power supply from 09/89 and when he approached the authorities for failure of supply in the month of 09/06 and when the department insisted for service number then only he came to know about the same and approached the authorities for assigning the service number and when they failed to supply the service number, he approached the Forum and Forum also directed them to verify the facts and inspite of the same, they have not furnished the same.

9. It is also further argued that the poles were also erected to his premises and it is not possible for a common man to lay lines to the service without the help of the authorities and he has also filed photographs to that effect; and that the official i.e. Sri A.Sanjay Kumar, AE/O/Penugonda, who appeared the enquiry before this authority directed him to verify and submit in writing about the existence of poles, but he has not represented about the existence of poles shown in the photograph either in writing or in person inspite of the adjournment granted to submit the same.

10. Further, no record is produced either by the appellant or by the respondents about the payment of deposit of Rs.3000/- but the fact remains that the appellant has been enjoying the electricity right from 09/89 till to date. No effort is made by the respondent either to book a case or to assign the service number to the said premises even subsequent to 2006, the written submissions of the respondents clearly discloses that the water is being utilized for coconut gardens and the motor is working and is in working condition on the date of inspection in November 2008. When the poles are laid to the service connection and when the power supply is being utilized for more than 20 years it is very clear that the respondents are either colluded with the appellant or neglected in discharging their duties. As there is utilization of electricity by the appellant he cannot escape from the liability of paying the CC charges for the consumption being utilized. In this case, as there is negligence on the part of the appellant also, he cannot take shelter without paying a pie to the electricity department for the consumption of the electricity whether officially or unofficially. As the respondents have failed in discharging their duties, they cannot blame the appellant nor he can be penalized by filing cases against him. The only method available to sort out the issue invariably by giving a direction to the respondents to fix the meter and observe the electrical consumption for 3 months continuously and take the average electricity consumption and raise the CC bills right from 09/89. The appellant is precluded from taking the plea of limitation in paying the arrears, as he is also having latches on his part as he has kept quite for a long time ie., till 2006 and the appellant is directed to pay the same within 6 months from the date of issue of notice, failing which the service connection to the said premises is liable to be disconnected.

11. The appellant has to pay the incidental charges for fixing the meter and other expenses if the appellant comes within the definition of small farmer and if he is eligible for the scheme and free supply of electricity. He can be exempted from the date of said scheme otherwise he has to pay the entire arrears up to date. The respondents are also directed to assign the service connection number to the said premises.

12. In the result, the appeal is disposed on the above said directions.

This order is corrected and signed on this day of 16<sup>th</sup> June 2010

**VIDYUT OMBUDSMAN**