



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: R. DAMODAR

Friday, the Twentieth day of May 2016

Appeal No. 08 of 2016

Preferred against Order Dt. 23-12-2015 of CGRF In

CG.No: 88/2015 of Medak Circle

Between

Smt. T. Pushpamma, Thogarpally (Village), Kondapur Mandal, Medak District. Cell:
9949177309.

..... Appellant

AND

1. The AE/OP/Kondapur/TSSPDCL/Medak Dist.
2. The ADE/OP/Sadashivpet/TSSPDCL/Medak Dist.
3. The AAO/ERO/Sangareddy/TSSPDCL/Medak Dist.
4. The DE/OP/Sangareddy/TSSPDCL/Medak Dist.
5. The SE/OP/Medak Circle/TSSPDCL at Sangareddy.

..... Respondents

The above appeal filed on 06.02.2016 came up for final hearing before the Vidyut Ombudsman, Telangana State on 6.05.2016 at Hyderabad in the presence of Sri. T. Sudarshan- On behalf of the Appellant and Sri. N. Prem Kumar - ADE/OP/Sadashivpet, Sri. K. Vinod Kumar - JAO/ERO/Sadashivpet, Sri. Ch. Rajamallesham - AE/OP/Kondapur for the Respondents, having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant alleged that even though she has not applied for any Service Connection, the Respondents claimed that SC.No. 0875 00787 was sanctioned in her name. The Appellant alleged that without any application and without the location of the borewell and survey number, the Respondents have stated that the service connection stood in her name and demanded arrears of current

consumption charges. She sought dismantlement of the service connection and found no action has been taken by the Respondents to dismantle the service.

2. The 1st Respondent AE/OP/Kondapur submitted through a letter dt.23.11.2015 to claim that the Appellant Smt. T. Pushpamma has applied for agricultural 5 hp service in Sadasivpet CSC on 1.9.2005 along with a demand draft No. 806814 dt. 31.8.2005 for Rs 5725/-. He claimed that in the same village, the family of the Appellant has five more service connections in their fields, which are being used now and the service connection in question is being not used. He gave the details of the service connections of the family of the Appellant as follows:-

SI.NO	SC.No	Name
1	0875 00787	T.Pushpamma
2	0875 00514	T.Samuel
3	0875 00571	T.Samuel
4	0875 00333	T.Samuel
5	0875 00407	T.Samuel
6	0875 00392	DEE APSIDC

3. The Appellant represented by her son Sri. T. Elisha stated that the service connection No.0875 00787 does not belong to them. The 1st Respondent/AE/O/Kondapur/Medak Dist asserted that earlier, the consumer had 6 agricultural service connections, out of which the consumer has been using 5 Nos Agricultural services.

4. The CGRF after examining the record and facts and after hearing the Appellant, directed the Respondents to collect the outstanding arrears if any on the service connection in question and dismantle it as per the departmental procedure, through the impugned orders.

5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal alleging that the Appellant has no borewell in her land, has not applied for any service connection and that she has already 5 service connections in

her husband's name and that they were not using the service connections because of no water in the wells and still, the Appellant has been paying all the bills and that when she made a request to the 1st Respondent for dismantling the service connection, she was informed that she should pay the arrears first. She made it clear to the Respondents that she has not applied for any new connection for the borewell and she did not use the borewell at anytime and that because of the actions of the Respondents, she sustained loss in redgram crop to a tune of Rs 50,000/-.

6. The 1st Respondent submitted a report dt.21.2.2016 stating that the Appellant Smt T.Pushpamma wife of T. Samuel of Togarpally village has six service connections in their fields and the Appellant family have been using only 5 services with one service belonging to the Appellant not in use. The 1st Respondent further stated that the consumer/Appellant normally shift their service connection when their borewell gets dry or they usually shift the service connection to a new borewell without any permission or assistance of the Respondents. He further claimed that a few months back, the family members of Sri. T. Samuel and his sons have erected LT poles without informing or taking prior permission from the Respondents on the edge of the road, to the opposition of Dharmapur villagers, who got angry and broke the pole. Both parties approached the police. He claimed that after this incident, the 2st Respondent took representation from the family of the Appellant in CSC Sadashivpet and gave sanction for a new pole estimate under consumer demand contribution works and no amount was paid on this proposal.

7. The 3rd Respondent/AAO/ERO/Sangareddy through his written submission dt.14.3.2016 represented that as per the report of the 1st Respondent, the Appellant has applied for agriculture 5HP service in CSC Sadashivpet with registration No. 823 28 49 dt. 1.9.2005 along with a demand draft No. 806 814 dt.31.8.2005 for Rs 5725/- and accordingly, service connection No. 0875 00787 was released in the name of the Appellant.

8. On the basis of the material on record, the issues that arise for determination are:

- i. Whether the Appellant has service connection No. 0875 00787 in her name and whether she has applied for such service connection?

- ii. Whether the Appellant is entitled to dismantlement of the service?
- iii. Whether the impugned orders are liable to be set aside?

Issues 1 to 3

9. The Respondents claimed that the Appellant has applied for one Agricultural 5HP service connection in Sadasivpet CSC vide 8232849 dt. 1.9.2005 purportedly in Sy.No.12, along with a demand draft No. 806 814 dt. 31.8.2005 for Rs 5,725/- in her name Smt. T. Pushpamma W/o T. Samuel of Thogarpally village. The Appellant totally denied that she ever applied for the service connection along with a demand draft. In support of her claim, she filed a copy of pattadar passbook stating that she does not own any land in survey No.12 in Thogarpally village, for which the Respondents alleged that she obtained the service connection in question.

10. The Respondents filed a copy of “the development charges paid Agricultural Services (AGLS) No.1 register” from February, 2004 to October, 2005. A relevant copy of the extract is obtained, disclosing at serial No. 110 the Applicant as T. Pushpamma W/o Samuel, resident of Thogarpally village with registration No. 823 2849 dt. 1.9.2005 seeking 5hp service connection for borewell in survey No.12 with demand draft No. 806 814 dt.31.8.2005 with PCB No. 92780 dt. 1.9.2005 and secured the service connection No. 787 dt.30.10.2005. This register contains the total details of the service connection disclosing the Appellant as the person who applied for the service connection by paying the requisite amount by way of a DD. This register is of 2005, which is 11 years old by now. A copy of the patta passbook of the Appellant filed not showing survey No. 12, is no reason to deny the veracity of the claim of the Respondents and of the development charges paid AGLS register. The Appellant has deposited Rs 5,725/- in 2005, secured the service connection and now denying, it perhaps only to avoid payment of arrears on the service connection.

11. The consumption, billing, collection and arrears particulars of the service connection of the Appellant is filed disclosing that after payment of Rs 250/- in June 2009, the Appellant has not paid any charges leading to accumulation of arrears of Rs 44,921/- by Sept,2015. The demand of the Respondents to clear the arrears of this amount for dismantlement is the reason for the Appellant to deny that she ever applied for the service connection. It is clear that when the Respondents demanded payment of arrears, there is a natural attendant threat of disconnection of the other service connections owned by the family.

12. The Respondents clearly proved that the Appellant Smt. T. Pushpamma has applied for the service connection by following the prescribed procedure and secured the service connection No. 0875 00787. It is also clear that the Respondents have not made any efforts to collect the arrears in these six years against the service connection in question. After the delay of 6 years, the Respondents are demanding the arrears on the threat of the disconnection of the other five service connections of the Appellant's husband Sri. T. Samuel.

13. The Appellant, in view of the above discussion is found not entitled to dismantlement of the service connection until the arrears are cleared by her. .

14. It has come to light that there is a memo CGM (Comml)SE(C)DE(C)/ADE-III/D.No. 2792/14 dt.11.3.2015 regarding revised instructions on conversion of paying category to free category agricultural consumers issued which provides for conversion of paying category as in the present tatkal service connection to free category agricultural consumer, on fulfilling the required conditions. Denial of the dismantlement of the service connection of the Appellant unless she clears arrears of Rs 44,921/- by September,2015 as disclosed in consumption, billing, collection and arrears particulars may workout hardship on the Appellant, unless suitable steps to reduce some burden are taken as per the Memo of CGM(Commercial) dt. 11.3.2015 mentioned above.

15. In principle, the refusal of the request of the Appellant to dismantle the service connection unless the arrears are paid is correct. It has to be seen that from July,2009 till September,2015 no efforts have been made by the Respondents to make a demand and collect the arrears. Under these circumstances, in view of the memo of CGM(Commercial) dt.11.3.2015, there is a scope to get the conversion from paying category service connection(Tatkal) to free category agriculture consumer connection to the present service connection, thereby reducing the amount of arrears to enable the Appellant to clear the arrears and on such payment, the Respondents shall dismantle the service connection No. 0875 00787.

16. In view of the facts of the case, nature of denial of service connection by the Appellant and the discussion supra, the impugned orders directing collection of arrears for dismantlement of service connection subject to application of

Memo(Comml)SE(C)DE(C)/ADE-III/D.no. 2792/14 dt.11.3.2015, is upheld. The issues are answered accordingly.

17. In the result:

a. The Appellant is found to be the applicant who applied for 5 hp service connection on 1.9.2005 at CSC Sadashivpet along with a Demand Draft dt.1.9.2005 for Rs 5,725/- and secured the service connection No. 806 827 on 30.10.2005.

b. The Appellant has to clear the arrears due and only then she is entitled to the dismantlement of service, as rightly held in the impugned orders.

c. The amount of arrears as in September,2015 is shown as Rs 44,921/- and from June, 2009 onwards, there has been no collection of arrears and no such activity is on record from the Respondents. To remedy the situation and reduce the burden, the Appellant is directed to approach the 4th respondent/DE/OP/Sangareddy for conversion of paying category(Tatkal) to free category agriculture service connection from a substantially previous date, there-by reducing the amount of arrears. The Respondents, on such application by the Appellant, shall dispose of the matter within a period of 30 days of such request, in compliance to the memo of CGM(Commercial)/SE/(C)/DE(C)/ADE-III/D.No.2792/14 dt.11.3.2015 of the CGM(Commercial) and then issue fresh demand for the reduced amount, which the Appellant shall pay to get her service connection No. 0875 00787 dismantled.

d. The appeal is disposed of confirming the impugned orders.

18. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in clauses 3.38, 3.39, and 3.42 of the Regulation No. 3/2015 of TSERC.

TYPED BY CCO, Corrected, Signed & Pronounced on this the 20th day of May, 2016

Sd/-

VIDYUT OMBUDSMAN

1. Smt. T. Pushpamma, Thogarpally (Village), Kondapur Mandal, Medak District.

2. The AE/OP/Kondapur/TSSPDCL/Medak Dist.
3. The ADE/OP/Sadashivpet/TSSPDCL/Medak Dist.
4. The AAO/ERO/Sangareddy/TSSPDCL/Medak Dist.
5. The DE/OP/Sangareddy/TSSPDCL/Medak Dist.
6. The SE/OP/Medak Circle/TSSPDCL at Sangareddy.

Copy to:

7. The Chairperson, CGRF - 1, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad.
8. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.