



VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: **R. DAMODAR**

Monday, the Thirteenth Day of July 2015

Appeal No. 32 of 2015

(Old Appeal No. 64 of 2014)

Preferred against Order Dt. 25-09-2013 of CGRF In

CG.No: 138/2013-14 of Warangal Circle

Between

R. Param Jyothi, S/o Das
H.No 2-9-6, Vikas Nagar,
Hanamkonda, Warangal Dist

..... Appellant

AND

- 1) The AE/OP/TSNPDCL/Subedari/Warangal Dist.
- 2) The ADE/OP/TSNPDCL/Hanamkonda/Warangal Dist.
- 3) The DE/O/TSNPDCL/Warangal/Warangal Dist.

..... Respondents

The above appeal filed on 13.10.2014 came up for final hearing before the Viduyut Ombudsman, Telangana State on 11.06.2015 at Hyderabad in the presence of Sri. R. Param Jyothi - Appellant and Sri. A. Vijendar Reddy - DE/OP/Warangal, N. Subramanyeswara Rao for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

AWARD

The Appellant claims to be the pattadar of AC 3.30 in Sy.Nos 774/1/E, 774/1/C, 774/C of Waddepally Village. He wanted an Agricultural service connection and for that purpose, he submitted 2 DDs one for Rs 3,075/- dt.17.03.2011 and another for Rs 625/- dt. 17-3-2011. Even by 7-10-2014, he could not get any response. Therefore, he lodged a complaint with CGRF on 31-08-2013.

2. The Respondents claimed that due to the existing DTR overload and frequent failures, the service was not released, because a new distribution transformer was needed. They have informed the Appellant about it. The Appellant was not interested to pay ORC amount for erection of DTR. After registering 3 Nos of new applications on 16-11-2012, a 25 KVA DTR was erected releasing 3 new Agricultural connections. The Agricultural Connection to Appellant was not released, because of the complaint of one G. Shiva Rama Krishna of Waddepally stating that there was a court injunction not to release agricultural service connection in Sy. No. 774, enclosing a copy of order of the court.

3. After hearing arguments, perusal of the record, CGRF directed a) the Respondents to issue notice to G. Shiva Rama Krishna, Waddepally to produce any valid proof of his allegations, b) to conduct a physical verification of the land as per the documents of the Appellant and if found correct, release a new Agricultural connection.

4. Aggrieved and not satisfied with the order of CGRF, the Appellant preferred the present Appeal.

There were efforts made at settlement, which could not succeed as there were no meeting points.

ARGUMENTS HEARD:

5. The points for determination are:

- i) Whether the Appellant is entitled to issue of Agricultural Connection?
- ii) Whether the Appellant is entitled to refund of the DD amount with interest?
- iii) What is the further relief the Appellant is entitled to, due to the abnormal delay caused resulting in loss to the Appellant?

POINTS 1 TO 3

6. The Appellant claims that he is the owner of AC.3.30 guntas of land in Sy.Nos. 774 & 776 of Waddepally Sivar, Hanamkonda Mandal. He applied for an Agricultural Connection on 7-2-2011 and submitted DDs for Rs 3,075 dt. 17-3-2011 and Rs 625

dt. 17-3-2011. The Respondents gave 3 reasons for non issue of Agricultural Connection. They are:-

- i) The existing DTR is overloaded and failing frequently.
- ii) The Appellant was informed about overloaded DTR and he (Appellant) is not ready to pay ORC amount for erection of a new 25 KVA DTR, and after registering 3 new applications on 16.11.2012, they have released 3 agricultural connections.
- iii) The service connection was not released to the Appellant, because of the complaint from Mr. G. Shiva Rama Krishna not to release Agricultural Service to the Appellant in Sy.No. 774 as the land is under court injunction and a copy of court order is annexed to the complaint.

7. The record shows that the Appellant submitted an application for release of Agricultural service on 7.2.2011 with DDs submitted for Rs 3075/- and Rs 625/- on dt.17.3.2011. The Appellant filed a pahani for the year 2008-2009 showing Sy.Nos 774/1/c for AC 1-00, 774/1/E for AC. 2-00 and 776/c for AC 0-30 guntas of Waddepally standing patta and possession in his name.

8. S. 43 of the Electricity Act mandates that every licensee, shall, on application(complete in all respects) by the owner or occupier of any premises, give supply of electricity to such premises within one month after receipt of the application requiring such supply. S.43 casts a duty on the licensee to supply electricity on an application which complies with the requirements, within one month.

In the present case the Appellant

Submitted his application on 7.2.2011

He handed over DDs for Rs 3,075, Rs 625

Dt. 17.3.2011 to the Respondents on 17.3.2011

9. The Respondents ought to have prepared estimates etc for erecting DTR in whatever manner immediately, but they have intimated the Appellant to pay ORC amount on 30.3.2013. Thus there is a delay from 17.3.2011 to 30.3.2013 in giving communication asking the Appellant to bear ORC estimated amount, which is quite

contrary to the mandate of S.43 of the Electricity Act, which warrants payment of compensation to offset the harassment the Appellant underwent for non supply of power to his Agricultural well promptly.

10. The Appellant vehemently contended that he was not given power connection to his well, because of undue influence of III parties on some of the respondents hand in glove with the said Shiva Rama Krishna who is a realtor and who has absolutely no connection with his land in question.

11. A perusal of the copy of the complaint of G. Shiva Rama Krishna discloses that he requested the AE, APNPDCL, Subedari not to give electricity connection to the Appellant and others in Sy.No. 774,776 of Waddepally as a case in IA.No. 1198/08 in OS.No. 462/08 on the file of Principal Senior Civil Judge, Warangal was pending.

12. There is a note in the complaint stating further that he came to know that the Appellant paid amounts to the Respondents by way of a Demand Draft and further there is a case pending in the name of the Appellant in IA.No. 843/2010 in OS 756/2010 on the file of IInd Additional District and Sessions Judge.

13. A perusal of IA 1198/2008 in OS 462/2008 does not disclose the name of the Appellant as a party which has, it is clear, nothing to do with the Appellant. This case has no connection to the Appellant.

14. Another case order in IA.No. 843/2010 in OS 756/2010 shows that one A. Jayander filed the case against the Appellant and obtained interim injunction from alienating AC 2-00 in Sy.No. 774 of Waddepally to IIIrd parties till 10.12.2001. This case has nothing connecting the Appellant and Mr. G. Shiva Rama Krishna in the case.

15. There is a third case disclosed through an order in IA 683/2013 in OS 573/2013 filed by Sri. G. Shiva Rama Krishna against eleven persons including the present Appellant. This order dt. 25-7-2013 discloses that the Appellant and others were directed to "maintain status Quo ante" as on the date of the petition with regard to alteration of the physical features in respect of the petition schedule property(AC 14-00 in Sy.No. 774 and 776 of Waddepally) until further orders.

16. The record shows that on 5-7-2013, the DE,Electrical/OP/Warangal by a memo No. DE/OP/Warangal/Commercial/F.No. D.No. 442/13 dt. 5.7.2013 passed

order sanctioning DTR with a total load of 18.0 HP to the Appellant and 3 others. On 6-7-2013 as if by a cue, G. Shiva Rama Krishna gives complaint dt 6.7.2013 to AE/APNPDCL/Subedari not to give any power connection, mentioning IA No. 1198/08 in OS.No. 462/2008 and IA No. 843/2010 in OS.No. 756/2010 which have absolutely nothing to do with the Appellant, which acted as block from releasing the connection to the Appellant. By the date of the complaint dt. 6.7.2013 lodged by Sri. G. Shiva Krishna, there was no legal hurdle for the Respondents to give energy connection, but they (Respondents) have waited till 25.7.2013 for Sri. G. Shiva Rama Krishna to enable him to obtain an order of "Status Quo" not to alter the physical features of a total extent of AC 14.00 in Sy.No 774,776 of Waddeppaly, as shield which prevented further action, which gives credence to the plea of the Appellant that this delay was caused at the instance of Sri. G. Shiva Rama Krishna, the alleged realtor, by the Respondents.

17. The record clearly shows that the Respondents as well as CGRF have not been fair to the Appellant in the present case. The Appellant was denied prompt action by the Respondents, causing agony and injustice for which he has to be compensated. The explanation of the Respondents that the Appellant was not ready to bear ORC charges and later there was a complaint and court cases causing delay, cannot be accepted as genuine till the effective order dt. 25.7.2013 against the Appellant in IA.No. 683/3013 in OS 573/2013 pending on the file of 1st additional Senior Civil Judge, Warangal was furnished.

18. In the result, the Appeal is allowed and the impugned order dt 25-9-2013-14 of CGRF is set aside with the following directions:-

i) The Respondents shall provide Agricultural Connection to the Appellant in his land soon after the interim order dt. 25.7.2013 in IA 683/2013 in OS.No. 573/2013 is vacated.

ii) The Respondents shall refund Rs 3,075/- and Rs 625/- representing DDs deposited by the Appellant with 18% interest from 18.3.2011 till payment, in case giving Agricultural Connection is not possible due to the court orders.

iii) Since standards of performance of the licensee are lacking due to delay, which caused mental harassment to the Appellant from 22.2.2011 (15 days from 7-2-2011) to 30.3.2013, compensation for each day's default @ Rs 50/- as per the Licensee's standards of performance in schedule II of Regulation No. 7/2004 should

be awarded.

19. From 22.2.2011 to 30.3.2013, the total days are 766. Each day's delay @ Rs 50/- as compensation should be awarded. The Total amount of compensation would come to Rs 50 x 766 days =38,300/- (Rupees Thirty Eight Thousand and Three Hundred only). The Respondents shall pay the compensation of Rs 38,300 to the Appellant on the ground of breach of standards of performance within one month from the date of receipt of this order.

20. The Licensee after payment of compensation of Rs 38,300/- to the Appellant, shall cause enquiry relating to the undue delay caused leading to payment of compensation, fix responsibility on the concerned staff and recover the compensation amount paid to the Appellant, within a period of 6 months.

Corrected, Signed and Pronounced on this 13th day of July 2015.

VIDYUT OMBUDSMAN

1. R. Param Jyothi, S/o Das
H.No 2-9-6, Vikas Nagar,
Hanamkonda, Warangal Dist
2. The AE/OP/Subedari/TSNPDCL/Warangal Dist.
3. The ADE/OP/Hanamkonda/TSNPDCL/Warangal Dist.
4. The DE/OP/Warangal/TSNPDCL/Warangal Dist.

Copy to:

5. The Chairman, C.G.R.F, TSNPDCL, Vidyut Bhavan, Nakkalagutta,
Hanamkonda, Warangal - 506 001
6. The Secretary, TSERC, 5TH Floor, Singareni Bhavan, Red Hills - Hyderabad

