



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**

Friday, the Twenty Second Day of July 2016

Appeal No. 23 of 2016

Preferred against Order Dt. 21-03-2016 of CGRF In

CG.No: 130/2016 of Mahaboobnagar Circle

Between

Sri. Kalyan Murthy, Indanoor village, Kodangal mandal, Indanoor post
Mahaboobnagar Dist. Cell.No 9949839060.

... Appellant

AND

1. The AAE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
2. The ADE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
3. The DE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
4. The SE/OP/Mahaboobnagar Circle /TSSPDCL/Mahaboobnagar Dist.

... Respondents

The above appeal filed on 11.04.2016 coming up for hearing before the Viduyut Ombudsman, Telangana State on 09.06.2016 at Hyderabad in the presence of Sri. T. Kalyan Murthy - Appellant and Sri. V. Raghuveer - AAE/OP/Kodangal for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

AWARD

The Appellant claimed that he applied for release of 5 agriculture services duly paying requisite amounts by way of DDs in the years 1992, 2005, 2007, 2008 and the officials of the Respondents released 3 services leaving 2 services without any reason. The Appellant requested the 1st Respondent/AE/O/Kodangal for release of the remaining 2 services for which the Appellant already paid the amounts through DDs on 20.06.2005 and 1.10.2007. When the 2nd Respondent ADE/O/Kodangal has not responded, the Appellant then preferred a complaint to the CGRF on 29.2.2016.

2. On behalf of the Respondents, the 1st Respondent/AEE/O/Kodangal through his letter dt.30.08.2015 after verification of the available records stated as follows:

i. An application was received in the year January 1992 vide DD Nos. 376828 and 376829 Date:03-01-2992, in the name of Sri.Kalyanmurthy at Ravulapally village in Kodangal Mandal and the same was released vide SC.No. K712000179 in the year January,1992.

ii. Two applications were received in October, 2008 vide DD Nos. 590965, 590967 Date:17-10-2008 (for Rs 1,000/-, Rs 4,650/- and Rs 5,650/-) in the name of Sri.Srikanth Rao S/o Kalyanmurthy at Ravulapally Village in Kodangal Mandal and the services were released vide SC.No. K712000442 and K712000443 in Sy.No.70 in Ravulapally(V) in March,2009.

iii. An application was received in October,2007 along with DD No.s 884185 Dt. 01.10.2007,(Rs 5,650/-) in the name of Sri.T.Partha Sarathi S/o. Ananthasen Rao at Angadi Raichur Village in Kodangal Mandal and it was sent for release of agriculture revenue return to Sub-ERO/Kodangal duly allotting SC.No. 441 in Sy.No.582 in Angadi Raichur(V) vide D.No.3356 dt.26.12.2007 by the concerned ADE/OP/Kodangal in the year 2007. But the concerned JAO/ERO/Kodangal has not released the service till now and SC No. 441 was allotted to another consumer of the same village.

iv. The DD Nos. 799967 and 799968 Dt.20-06-2005 (for Rs 125/- and Rs 600/-) were not received in this office as per the available office records. The consumer has neither submitted applications with Demand Drafts, nor the particulars of the above said Demand Drafts are available. Hence, the services were not released in the absence of payment.

3. The 2nd Respondent ADE/OP/Kodangal vide letter Dt.12.02.2016 submitted that Sri. Kalyan Murthy R/o Indanoor(V) in Kodangal has approached the CGRF and Vidyut Ombudsman for releasing of 2 Nos. agriculture services. He stated that one agriculture service was released vide SC.No. K712000646 on 28.12.2015 and the second agriculture service was released vide SC No. K712000647 on 30.01.2016.

4. The 1st Respondent additionally stated that the Agriculture service SC No. 646 was released as per the final order given by the CGRF in CG No. 76/2015, Mahaboobnagar Circle (subject matter of disposed of Appeal No. 80 of 2015).

5. Before the CGRF, the Appellant stated that he applied for an agriculture connection in the year 2005 and it was released in the year 2016 after 11 long years and sought compensation for the delay in connection with release of SC No. 646. The 2nd Respondent ADE/O/Kodangal stated that Agriculture connection SC No. 646 was released as per the orders of Vidyut Ombudsman and that there are no records available in the section office and sub division office/Kodangal regarding further details.

6. The CGRF observed that in Appeal No. 80 of 2015, the Vidyut Ombudsman, after conducting detailed enquiry, ordered payment of compensation of Rs 1,86,100/- for the delay on the part of the Respondents in releasing the two leftover agriculture services from 10.3.2008 to 30.01.2016 as per the Guaranteed Standards of Performance and the CGRF, by observing that the 2nd leftover service was released on 30.01.2016 and the left over delay was only 30 days and thus the Appellant became eligible for compensation for Rs 3000/- only, since a major portion of the compensation was covered already in the orders in Appeal No. 80 of 2015.

7. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal stating that the service connection No. 646 was released with a delay of 10 years and 7 months and caused huge loss of crop and mental agony to him and sought compensation of Rs 2,34,900/- for the delay caused, at the same time pleading that the current staff of the DISCOM may not be held responsible for the acts of the earlier staff.

8. The 2nd Respondent ADE/O/Kodangal through his reply dated 16.5.2016 claimed that he verified the records with reference to the complaints lodged by the Appellant and stated as follows:

a). The DD Nos 799967, 799968 and 979393 of 20.06.2005 (for Rs 125/-, Rs 5000/- and Rs 600/-) were received in the office on 21.06.2005 and the service was not released during that period and it was released on 28.12.2015 vide SC.No. K712000646.

b). The DD Nos. 884185 dt.01.10.2007 (for Rs 5650/-) was registered in the office in the name of Sri. T. Parthasarathy S/o. Ananthasen Rao at Angadi Raichur village in

Kodangal Mandal and the same was submitted to the Sub-ERO /Kodangal for release of agriculture service. But the service was not released due to double service No. allotted in that period.

c). The complainant Sri. Kalyanmurthy stated that the above DDs belong to him and an acknowledgement is available on DD Xerox copy and still the second service was not released.

d). The Appellant in the Appeal gave a representation to this office stating that “The DD No. 884185 dt.01.10.2007 does not belong to him and sought information about his application status?”. On Appeal the Ombudsman passed an Order dt. 13.01.2016 (Appeal no 80/2015) directing release of agriculture connection in the name of Sri. kalyanmurthy and as per the Ombudsman’s directions, the second service connection was released on 30.01.2016 vide SC No. K712000647.

e). During this period, the release of agriculture services was mandated to be routed through CSC(Customer Service Centers) by online. After CGRF passed orders, it took time for verification of old records to trace out the facts.

9. The 2nd Respondent further stated that the Vidyut Ombudsman awarded compensation to the Appellant vide orders dt. 13.01.2016 in Appeal No. 80 of 2015 for the period from 10.3.2008 to 31.12.2015 for the delay caused in releasing the 2nd Service. The CGRF ordered compensation to the Appellant from 1.1.2016 to 30.01.2016 and as per the orders in the Appeal No. 80 of 2015 dt. 13.01.2016, the service connection was released. The second Respondent stated that in view of the delay in releasing the Service Connection, the Appellant faced inconvenience and that it will not be repeated in future.

10. The efforts made to get the matter settled at mediation have not been fruitful and therefore, the matter is being disposed of on merits.

11. On the basis of the material on record, the following issues arise for disposal:

- i. Whether the appellant is entitled to compensation? If so what is the delay and also the compensation amount?
- ii. Whether the impugned orders are liable to be set aside?

Issues 1 & 2

12. For disposal of the present Appeal, a reference to Appeal No. 80 of 2015 filed against orders dt. 18.09.2015 in CG No. 76 of 2015 of Mahaboobnagar circle is found

necessary, because the issue regarding delay in releasing two service connections (including the present connection) has come up in the present Appeal too.

13. The appellant preferred Appeal No. 80/2015 for release of two service connections along with claim compensation, one applied in the year 2005 & one in 2007 wherein due to non availability of records pertaining to DD's paid in the year, 2005 the service connection was denied and compensation of Rs.1,86,100/- (from 10.03.2008 to 31.12.2015) was awarded for delay in release of service applied in 2007 with DD No. 884185, which was released with SC No. K712 000 646 on 28.12.2015 and another service for want of record has not been considered which is the subject matter in the present appeal. Now ADE/R2 of Mahabubnagar by ADE/OP/Kodangal admitted that the DD's were received in the office on dt 21.06.2005, and services were not released at that time and one service was released on 28.12.2015 and another service was released on 30.01.2016, with delay(the present service). Under these circumstances, compensation has to be awarded for the delay in release of service No.646 from 21.6.2005 (date of application) to 30.01.2016 (date of release of Service Connection).

14. The details of release of both the services are as follows:

Sl.No.	Date of Application	DD.No.	Amount	SC.No.	Date of release	Delay in release of service
1	10.12.2007	884185	Rs 5,650/-	K712000646	28.12.2015	2850 days (Covered by present Appeal)
2	21.06.2005	799967 799968 979393	Rs 125/- Rs 5,000/- Rs 600/-	K712000647	30.01.2016	3782 days

15. The Appellant claimed compensation significantly for delay in release of the said two services(as single consumer) in the Appeal No. 80 of 2015. The suitable compensation has already been awarded for an amount of Rs 1,86,100/-. The compensation now sought for the another service applied in 2005 with DD.Nos. 799967, 799968 and 979393 works out to 3782 - 2850 days = 932 days which is not covered by Appeal No. 80/2015. The Appellant is entitled compensation for the delay of 932 days which is calculated as follows:

As per Regulation 7 of 2004 Schedule II

Service Area	Standard	Compensation payable in case of violation of standard	
		Compensation payable to individual consumer if the event affects a single consumer	Compensation payable to individual consumer if the event affects more than one consumer
Application of new connection/additional load			
Connection feasible from existing network			
Release of supply	Within 30 days of receipt of application (along with prescribed charges)	Rs 50 for each day of default*	One consumer

21.9.2005 to 21.9.2006	= 365 days
21.9.2006 to 21.9.2007	= 365 days
21.9.2007 to 10.3.2008	= 172 days
Total days delay	=902 days
Note: this period is not covered by Appeal no 80/2015	902X Rs 50=Rs 45,100/-

17. As per Regulation No. 9 of 2013 Schedule II Clause VIII(i)

Processing of application and intimation of relevant charges payable for new connection/sanction of additional load/demand			
All cases - If connection feasible from existing network for release of supply	Within 3 working days of receipt of application	Rs 100 for each day of default*	One consumer

* The compensation payable for delay in release of new service is Rs 50/- for each day of default, if the event affects a single consumer. There is no provision for levying penalties for each service of the consumer separately. Hence compensation is levied for both the services relating to one consumer which were delayed from 21.9.2005 to 30.01.2016.

31.12.2015 to 30.1.2016	=30 days
Note: this period is not covered by Appeal no 80/2015	30X Rs 100=Rs 3000/-

Total amount	45,100+3000=Rs 48,100/-
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Therefore, the Appellant is found entitled to and the Respondents are found liable for payment of compensation of Rs 48,100/- which shall be adjusted in his future CC bills.

18. In view of the aforementioned reasons, the Appellant is found entitled to compensation of Rs 48,100/- only and not as claimed by him. The impugned orders awarding compensation of Rs 3,000/- cannot be sustained. Both the issues are answered accordingly.

19. In the result:

- a. the appellant is found entitled to compensation of Rs 48,100/- from the Respondents for the delay caused in releasing SC No. 646 recoverable from the DISCOM which shall be adjusted in his future CC bills.
- b. the DISCOM shall cause an enquiry about the persons responsible for causing delay in releasing the service connection and recover the amount of Rs 48,100/- from them.
- c. the impugned orders are set aside.

20. 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 and Pronounced by me on this the 22nd day of July, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri Kalyan Murthy, Indanoor village, Kodangal mandal, Indanoor post Mahaboobnagar Dist. Cell.No 9949839060.
2. The AAE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
3. The ADE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
4. The DE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
5. The SE/OP/Mahaboobnagar Circle /TSSPDCL/Mahaboobnagar Dist.

Copy to:

6. The Chairperson, CGRF -1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.

7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.