



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

Monday, the Eighteenth Day of January 2016

Appeal No. 78 of 2015

Preferred against Order Dt. 18.09.2015 of CGRF In

CG.No: 71/2015 of Nalgonda Circle

Between

Smt. P. Bamma, W/o .Sri Mallaiah, H-No: 1-191, Ward No 1,
Railway Station, Alair, Nalgonda Dist, Cell No-9248781363..

Opp:

... Appellant

AND

1. The AE/OP/ Alair/TSSPDCL/Nalgonda Dist.
2. The ADE/OP/ Alair/TSSPDCL/Nalgonda Dist.
3. The AAO/ERO/ Alair/TSSPDCL/Nalgonda Dist.
4. The DE/OP/Bhongir/TSSPDCL/Nalgonda Dist.
5. The SE/OP/ Nalgonda Circle/TSSPDCL/Nalgonda Dist.

... Respondents

The above appeal filed on 2.11.2015 coming up for hearing before the Vidyut Ombudsman, Telangana State on 7.1.2016 at Hyderabad in the presence of Smt. P. Bamma - Appellant and Sri. A.V. Rama Rao - ADE/OP/Alair, Sri. Vasu - JAO/Alair for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant has Service Connection No. 3706 at her house. The meter was on the first floor portion of the house and whereas, the power was being used for the ground floor as well as the first floor premises. The Appellant claims that her son has been living in the first floor premises and he stopped the

power supply to the ground floor, where herself and her husband were living. She had applied for shifting of her SC No. 3706 from the first floor premises to the ground floor premises and when her request was not implemented, she had requested the first respondent to dismantle the service on 5.11.2012.

2. The Appellant claims that few days prior to lodging of complaint, the O/o of the 1st Respondent dismantled her service without her knowledge and issued a new service connection to her son bearing SC No. 4560 405 272 in the first floor portion while the Appellant was the absolute owner of the property. She was not informed about the issue of a new service connection to the first floor premises. The Appellant further requested the Respondents to release a new service connection, as her son stopped the power supply to the ground floor premises where she have been living.

3. The 1st Respondent through a letter dt.26.08.2015 stated about the service connection in the name of the Appellant and about disconnection of power supply to the premises of the Appellant at her request on 16.6.2012 and about dismantlement of the service on 4.2.2015 after collecting all the dues from her.

4. The 1st Respondent stated that the son of the Appellant by name Sri. P. Narsingh Rao gave a legal notice informing that he was allotted the first floor of the premises covered under OS No. 240 of 2008.

5. The 3rd Respondent claimed to have dismantled the service after disconnecting the service on 16.6.2012 at the request of the Respondent No.1.

6. Before the CGRF, the Appellant claimed that when they wanted a new meter to the house, the Respondents have not taken any action.

7. The CGRF found that there was more than 2 years delay after the Appellant made a request for dismantlement of service and that there was misreading of the pending civil suit by the Respondents and that the suit has nothing to do with the request of the Appellant for a new connection or for dismantlement of service and that the Respondents have failed to perform their duty, which is in violation of Guaranteed Standards of Performance and directed the Respondents to pay Rs 50/- per day from 24.06.2012 (906 days) amounting to Rs 45,300/- to the Appellant within 30 days through the impugned orders.

8. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal and also for a direction for a new service connection.

9. The Respondents 1 and 2 filed written submissions dt. 27.11.2015 alleging that the Appellant made false allegations against them and that there is delay in preferring Appeal in the present case and that in the civil suit filed by the husband of the Appellant, against their son, both claimed exclusive right over the house. In that connection, the Appellant filed an application for removal of service connection on the ground that she was unable to pay the electricity charges. The power was disconnected in July, 2012 and the service was dismantled.

10. The Respondents claimed that they have not allotted any new service connection to the son of the Appellant by name Sri. Narsingh Rao, but the service connection in his name was merely shifted. The Respondents are not concerned with the ownership of the house as far as the shifting of the service connection is concerned. They have no interest in either the Appellant, her husband or their son. The delay in dismantling the service occurred only due to the facts mentioned. The Appellant is free to approach the Respondents for a new service connection if she is able to pay the consumption charges. The CGRF granted compensation which is beyond the scope of schedule II.

11. The Respondents submitted a copy of the letter dt.16.6.2012 stated to be of the Appellant to the effect that she was not in a position to pay the electricity bills and therefore, she wanted removal of the meter.

12. By way of a counter to the written submissions, the Appellant alleged that she being an illiterate and an old village woman, and also being ill and confined to bed, could not file the Appeal within time and that the delay was condoned and Appeal was numbered. The Appellant claimed that the Respondents, who are highly educated and holding high positions, are trying to deprive the Appellant of the compensation awarded under the impugned orders and are delaying payment causing severe hardship.

Arguments heard.

13. The Appellant further sought a new connection to her ground floor premises.

The efforts at mediation did not succeed, as there was no agreement on the limited issues. Hence the matter is being disposed on merits.

14. The points for determination are:

- i. Whether the Respondents are entitled to ignore the orders of the CGRF dt. 18.9.2015 in CG.No. 71/2015/ Nalgonda Circle?
- ii. Whether the Appellant is entitled to a new service connection to her ground floor premises?
- iii. Whether the impugned orders are sustainable?

ISSUES 1 to 3

15. The Appellant is aggrieved for non payment of compensation of Rs 45,300/- awarded by the CGRF through the impugned orders and also for not considering her request for a fresh service connection to the ground floor of her house. The Appellant alleges that the Respondents are trying to avoid payment of compensation and they are not prepared to give a fresh service connection to her.

16. The Respondents on the other hand claimed that because of the pendency of the civil suit, the delay occurred in dismantling the service connection. Further they claim that on the request of the Appellant for dismantlement of the service connection by application dt. 16.6.2012, the Respondents have disconnected the service in July, 2012 and therefore, there was no delay in the matter. The 1st Respondent on the other hand claimed before the CGRF that the service was dismantled on 4.2.2015 after collecting all the dues from the Appellant.

17. As far as the question of release of new service connection to the Appellant on her ground floor premises is concerned, in the first instance, the Appellant has to submit application along with the prescribed amounts and thereafter, it is for the Respondents to take steps on the Application as per the

regulations.

18. The Respondents claimed that the Appeal is time barred. The Award is dt.18.9.2015. The Appeal was filed on 2.11.2015. The delay is 45 days. As per Clause 3.19 of Regulation 3 of 2015, an Appeal can be preferred within 45 days from the date of receipt of the Award. Even if the time taken for the delivery of the impugned orders is not taken, the Appeal is within time.

19. So far as the claim of the Appellant for non implementation of the impugned orders by the Respondent is concerned, it is proper to extract Clauses 2.53, 2.54, 2.55 and 2.56 of the Regulation 3 of 2015 issued by the TSERC for the information of the Respondents regarding their duty to comply with the orders of the CGRF, which invites penalties for noncompliance as under:

2.53. The Licensee shall comply with the order of the forum within 21 days from the date of receipt of the order. In exceptional cases, the Forum, upon request of the Licensee, may extend the period for compliance of its order for a period not exceeding three months for network related issues and fifteen days for other issues.

Provided that the order directing the payment of compensation specified in Standard performance Regulation issued and amended from time to time under Section 57 of the Act shall be implemented within the time prescribed therein.

Compensation for non compliance of order of Forum

2.54. The Licensee or any officer of the Licensee responsible for the compliance/implementation of the order of the Forum shall do so within the time stipulated in this Regulation failing which the Licensee or the Officer concerned, as the case may be, shall be liable to pay the compensation as directed by the Forum for non compliance of its order.

2.55. Where there is inaction on part of an employee or several employees based on hierarchy of posts who has to sanction implementation of the Forum's order, then, all such employees shall be liable to pay compensation as directed by the Forum for non compliance of order of the Forum to the complainant, in proportion to the salaries drawn by them from the Licensee within a period of two weeks from the date of receipt of the compensation order of the

Forum.

2.56. The Forum may issue a notice either suo-motu or at the instance of the Consumer/Complainant for non compliance of its order within a due date prescribed in this Regulation to the employee/employees concerned including the Director(s) concerned and the Licensee after giving an opportunity of being heard, the Forum is satisfied that there is no reasonable cause for not complying with its order(s) it may award compensation upto a sum of Rs 25,000/- for each non compliance to a consumer complainant. In case of continuing failure, with an additional compensation which may extend to Rs 1,000/- for every day during which the failure continues after non compliance of the first such direction.

Provided that the forum may also direct the Licensee to recover the compensation payable to the consumer/complainant for non compliance of its order from the salary/salaries of the Employee/Employees who is/are found to be responsible for non compliance without reasonable cause within the due date prescribed in the Regulation. The Licensee shall recover such compensation imposed by the Forum from the salary/salaries of the concerned employee/employees including the Director(s) and pay such sum to the consumer/complainant.

provided further that where the Licensee does not recover such compensation from the concerned employee/employees including the Director(s) but makes the payment to the consumer/complainant, such sum shall not be allowed by the Commission while approving the Annual Revenue Requirements (ARR) filings for subsequent financial year and the Licensee shall forego such amount of revenue.

20. The above statutory position should clear the doubts of the Respondents about whether they can think of non-compliance of the orders of the CGRF.

21. There is nothing to prohibit the Respondents to give a new service connection to the Appellant, if all formalities under the Regulations are fulfilled. The Respondents to act on the application of the Appellant if any for a new connection within time.

22. The impugned orders cannot be set aside as requested by the Respondents, because there is no illegality in the impugned orders and more importantly the Respondents have no right of Appeal against the orders of the CGRF.

23. The issues are answered accordingly.

24. Since the matter is being disposed of here, 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 3/2015 issued by the TSERC.

Typed by cco, Corrected, Signed and Pronounced by me on this the 18th day of January, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Smt. P. Balamma, W/o .Sri Mallaiah, H-No: 1-191, Ward No 1,
Opp:Railway Station, Alair, Nalgonda Dist, Cell No-9248781363.
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Copy to:

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