



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

Wednesday, the Thirteenth Day of January 2016

Appeal No. 80 of 2015

Preferred against Order Dt. 18-09-2015 of CGRF In

CG.No: 76/2015 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 27.11.2015 coming up for hearing before the Vidyut Ombudsman, Telangana State on 29.12.2015 at Hyderabad in the presence of Sri. T. Kalyan Murthy - Appellant and Sri. M. Mallesh - ADE/OP/Kodangal, Sri. V. Raghuvier - AE/OP/Kodangal for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant sought 5 agriculture services and paid through demand drafts in 1992/2005/2007/2008. He was released 3 services while leaving 2 services without assigning any reason. The Appellant requested the AE/OP/Kodangal for returning the DDs paid on 20th June, 2005 and on 1st

October, 2007 deposited for 2 agricultural services when he got no response. He sought release of 2 agriculture services at the earliest and when there was no response, he preferred a complaint to the CGRF, MBNR Circle.

2. Before the CGRF, The first Respondent admitted the following:

- On an application of the Appellant in January, 1992 one Agriculture Connection was released vide SC No. K712000179 in the same month.
- The Respondents received 2 applications in the month of October, 2008 in the name of the son of the Appellant and these two agriculture service connection Nos K712000442 and K712000443 were released in the month of March, 2009.
- An application was received in the month of October, 2007 with DD No. 884185 dt. 1.10.2007 for Rs 5,650/- in the name of One T. Parthasaradhi, S/o Ananthasen Rao at Angadi Raichur Village in Kodangal Mandal for release of an Agriculture Service Connection. This application was sent to Sub-ERO/Kodangal towards release of the service allotting SC No. 441 in Sy.No 582 with Despatch.No. 3356 dt. 26.12.2007 by the ADE/OP(R2) in the same year. Still the concerned JAO/ERO/Kodangal has not released the service connection and the allotted SC No. 441 was reallocated to some other consumer in the same village.
- The 1st Respondent claimed that DD Nos 799967 for Rs 125/- and DD No. 788868 for Rs 600/- dt. 20.06.2005 were not received in his office. The Appellant had not submitted these Demand Drafts and any application and therefore, the release of service connection is not possible for want of these Demand Drafts.

3. The Appellant in person pleaded for release of 2 Agriculture service connections in his name since they are long pending demands. The 1st Respondent Sri. B. Srinivas working as incharge AE/OP represented that the pending Agriculture Services will be released within 45 days after verification of the DDs.

4. After hearing both sides and going through the record, the CGRF found that the DISCOM had not released the 2 Agriculture Service connections for the reasons not given and the Respondents could not trace the 2 DDs alleged to have deposited by the Appellant and directed the Respondents to release the 2

Agriculture Service connections to the Appellant within 45 days after due verification of the closed DDs through the impugned orders.

5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal stating that the Respondents have not implemented the impugned orders dt. 18.9.2015.

6. The Respondent No. 1(AE/OP/Kodangal) submitted a reply stating that he verified the records and found that the DD No. 884185 dt.1.10.2007 for Rs 5,650/- was standing to the credit of Sri. T. Parthasarathy, S/o Ananthasen Rao of Angadi Raichur village in Kodangal Mandal and this was sent to Sub-ERO/Kodangal for release of Agriculture Service and it was not so far released.

7. The 1st Respondent claims that now the procedure is changed for release of Agriculture service and it can be booked through CSC by online only.

8. The 1st Respondent asserted that his office has no material in support of claim of the Appellant that DD No. 884185 was submitted by him. Further the Appellant has not produced any acknowledgement. He further stated that the Appellant had applied for one Agriculture Service, but not for 2 Nos and he promised to release the service as soon as possible.

9. During the course of mediation, the Respondents admitted a photocopy of the Demand Draft No. 884185 dt.1.10.2007 produced by the Appellant as a copy of the original submitted, supported by the record of the ADE/OP/Sub division/Kodangal(R2) showing that the Demand Draft No. 884185 dt. 1.10.2007 for Rs 5650/- was produced, but noted in the petty cash book in the name of one Mr. T.Parthasaradhi S/o Ananthasen Rao of Angadi Raichur Village in Kodangal Mandal.

Heard Arguments.

10. The following issues arise for determination:

- i. Whether the Appellant is entitled to a direction to the Respondents to release 2 agriculture service connections?
- ii. Whether the Respondents have any explanation as to why the Agriculture Service Connections to the Appellant was denied and on the

other hand, the DD bearing No. 884185 dt. 1.10.2007 for Rs 5,650/- submitted by the Appellant was tagged on to Sri. T. Parthasaradhi S/o Ananthasen Rao?

iii. Whether the Appellant is entitled to compensation for the delay in rendering service by the Respondents?

iv. Whether the impugned orders are liable to be set aside?

ISSUES 1 to 4

11. During the course of hearing, the Appellant stated that the DD submitted by him was wrongly shown in the name of Sri. T. Parthasaradhi, who is his relative and that the proforma application form submitted by him is not being shown by the Respondents. Across the bench, when suggested, he was ready to produce a letter from the said Sri. T. Parthasaradhi to state that he has nothing to do with the DD No. 884185 dt.1.10.2007 for Rs 5,650/- drawn on SBH. He immediately went back and came after lunch hours bringing with him a letter stated to be from Sri. T.Parthasaradhi, R/o. Flat No. 202, Gharonda Annapurna, 1-10-15, Ashok Nagar, Hyderabad - 500 020 stating that the noted Demand Draft was not bought by him and that he has no objection in allotting this Demand Draft to the Appellant, who is the legal owner, apart from asserting that he had applied for an Agriculture Connection in the year, 2007 and he was under the impression that this Service Connection was allotted to him and now if the Respondents cancel his existing connection, he wanted to know the status of his application for Agriculture service connection and sought allotment of another Service Connection in his name.

12. The record shows that the Appellant had applied for an Agriculture Service Connection along with a DD No. 884185 dt. 1.10.2007 for Rs 5,650/- to the DISCOM and the Appellant did not get the Service Connection pursuant to his application. Only when the CGRF directed 'release of 2 connections after verification of the DDs', the 1st Respondent, after getting a photocopy of the DD from the Appellant, could verify his office records and find that the DD in question was credited to the account of one Sri. T. Parthasaradhi, S/o Ananthasen Rao and thus the DD purchased by the Appellant and submitted to the DISCOM for release of service connection was discovered. All these years, the Appellant was kept in the dark about his DD and the status of his application for 2 service connections. The

record now discloses that there is record of the Application of the Appellant for one Service Connection, represented by the DD No. 884185 dt,1.10.2007 for Rs 5,650/- and not the other amounts stated to have been paid by the Appellant for a second connection.

13. In view of the letter the appellant could procure from the said Sri. T parthasarathy, S/o Ananthasen Rao, admitting that he has not purchased DD No. 884185 dt. 1.10.2007 for Rs 5650/- and that he has no objection for allotting the DD to the Appellant, the Respondents now should process the Application of the Appellant and release one Agriculture Service Connection immediately.

14. There is no record of any separate demand draft for the 2nd connection stated to have been applied for by the Appellant. Under these circumstances, the Appellant is found not entitled to any direction for release of another Agriculture Service Connection.

15. The Appellant had applied for Agriculture Service Connection in the year 2007 and it took 8 years for discovery and whereabouts of his DD and that too to disclose that it was wrongly credited to a 3rd party. Thus the Appellant suffered undue delay and harassment at the hands of the staff of the DISCOM, for which he deserves compensation as per the Schedule II Clause IX of the Guaranteed Standards of Performance Regulation No. 7 of 2004 as amended by the Regulation No. 9 of 2013, wherein 30 days after submission of completed application with the prescribed charges for a new Service Connection, if the Service Connection is not released, the compensation payable in case of violation of standard is Rs 50/- and Rs 100/- after amendment for each day of default.

16. Here is an institutional failure of the DISCOM whereby its staff had wrongly accounted the DD No. 884185 dt.1.10.2007 for Rs 5,650/- of the Appellant in favour of a 3rd party, making the Appellant desperate in getting the information, which he could get only when the matter was pending at the CGRF stage. During the present hearing, fortunately, the Appellant could get a letter dt. 29.12.2015 from the said T. Parthasaradhi, S/o Ananthasen Rao disowning DD.No. 884185 dt.1.10.2007 for Rs 5,650/-and the Respondents giving credit to the Appellant for release of the Agriculture Service Connection in the year 2015/2016.

17. The DD with application was submitted by the Appellant to the DISCOM at the operation circle, Mahaboobnagar as disclosed in the copy of the petty cash

book entries dt. 10.12.2007 filed by the Respondent No.1. The Respondents ought to have released the Agriculture Service Connection within 3 months by 10.03.2008, which was not done and therefore, the Appellant is entitled to compensation of Rs 50/- per day as per the Regulation 7/2004 upto July 2013 and later at Rs 100/- per day as per the Regulation 9/13 and the amending Regulation No 7/2004 for the delay which would come to:

10.3.2008 to 9.03.2009 = 365 days

10.03.2009 to 9.03.2010 = 365 days

10.03.2010 to 9.03.2011 = 365 days

10.03.2011 to 9.03.2012 = 365 days

10.03.2012 to 9.03.2013 = 365 days

10.03.2013 to 9.08.2013 = 153 days

1978 days X 50 = 98,900/-

10.08.2013 to 9.03.2014 = 212 days

10.03.2014 to 9.03.2015 = 365 days

10.03.2015 to 31.12.2015 = 295 days

872 days X 100 = 87,200/-

Total = 1,86,100/-

The Total compensation prescribed by the Regulation No. 7 of 2004 as amended by the Regulation No. 9 of 2013 of Licensee's standards of performance would come to Rs 1,86,100/- which the DISCOM shall pay to the Appellant in the present case.

18. The issues 1 & 2 are answered as above.

19. The CGRF without examining where the Application of the Appellant went and why the DD submitted by the Appellant was not accounted for, has passed a bland direction for "release of 2 Agricultural Service Connections after verifying the office records for the Demand Drafts", without finding a solution about where the DDs were and what happened to them, in a pro forma manner, which is unsustainable.

In the result:

i. The Appeal is allowed directing the Respondents to release one Agricultural service connection to the Appellant connected to Deposit of DD No. 884185 dt. 1.10.2007 for Rs 5,650/- drawn on SBH as requested by the Appellant.

ii. The DISCOM shall pay compensation of Rs 1,86,100/- for violation of Licensees Standards of Performance Regulation No. 7 of 2004 as amended by Regulation No. 9 of 2013 under schedule II clause IX amounting to Rs 1,86,100/- to the Appellant and at the same time, the DISCOM shall initiate enquiry into the matter regarding the persons responsible for this undue delay and goof up and recover the amount of compensation paid to the Appellant from the members of the staff found Responsible for causing this under delay and harassment of the Appellant.

iii. The Appellant is found not entitled to a 2nd Agricultural Service Connection, for want of record from his side and also from the side of the Respondents.

iv. The SE/OP/MBNR shall cause an enquiry about the request by a letter made by Sri. T. Parthasaradhi, S/o Ananthasen Rao, resident of Angadi Raichur Village for Agriculture Service Connection in Sy. No. 582 as to where his application along with DD went in the office, as mentioned in his letter dt. 29.12.2015, which is being sent to him separately and submit a report with a copy to Sri. T. Parthasaradhi, Flat No. 202, Gharonda Annapurna, 1-10-15, Ashok Nagar, Hyderabad - 500 020

20. The Issue No.3 is answered accordingly.

21. The impugned orders for the reasons stated are set aside. The issue No.IV is answered accordingly.

22. 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 13th day of January, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri Kalyan Murthy, Indanoor village, Kondangal 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.

Copy to CGM, Commercial, TSSPDCL and SE/OP/MBNR

1. A copy of the Award is sent to the CGM, Commercial, TSSPDCL for taking steps as directed in Para 19(ii).
2. A Copy of the Award in Appeal No. 80 of 2015 is sent to SE/OP/MBNR for causing enquiry regarding the application of Sri. T Parthasaradhi for release of the Agriculture Service Connection as directed in para 19.(iv) of the Appeal.