

BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES
OF SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED
TIRUPATI

This the 7th day of December 2012

C.G.No:237/2012-13/Guntur Circle

Present

Sri K. Paul
Sri A.Venugopal
Sri T.Rajeswara Rao
Sri K. Rajendra Reddy

Chairperson
Member (Accounts)
Member (Legal)
Member (Consumer Affairs)

Between

Smt. N.Bhulakshmi
W/o Dasaradharamaiah
DNo: 15-1-973., Nehru Nagar Second Line,
Macherla Town- Post., Macherla Mandal,
Guntur-Dist

Complainant

and

1. Assistant Accounts Officer/ERO/Gurajala
2. Assistant Engineer/Operation/Gurajala
3. Assistant Divisional Engineer/Operation/Gurajala
4. Divisional Engineer/Operation/Macherla
5. Senior Accounts Officer/Operation/Guntur
6. Superintending Engineer/Operation/Guntur

Respondents

Smt. N.Bhulakshmi W/o Dasaradharamaiah resident of DNo: 15-1-973.,
Nehru Nagar Second Line, Macherla Town- Post., Macherla Mandal, Guntur-Dist
herein called the complainant, in her complaint dt:16-11-2012 filed in the Forum on
dt:16-11-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42
(5) of I.E.Act 2003 has stated that

1. She is having one Industrial service with SCNo: 1413108000665 under category-III at Gottimukkala Village of Gurajala mandal in Guntur-Dist and is being run for the past two years.

2. Due to some un avoidable circumstances and personnel reasons she decided to shift the said industry from the existing village to the Macherla Town and applied for the same in the office of the ADE, Gurajala on 3/2012.
3. After a lapse of about 5 months period she many times approached the AE and ADE of both Gurajala and Macherla and finally in the month of August 2012 the ADE/Macherla Advised her to approach the SE/Opn/Guntur and discuss with him all the matters and get the approval and then only meet the ADE.
4. She, as per the advise above approached the SE/Opn/Guntur and explained problems and the delay upon which certain documents were given to her for onward submission at the ADEs office at Macherla.
5. In the documents above it was mentioned that she had to pay an amount of Rs.1,40,870/- in the name of DE/Opn/Macherla in the form of DD and the same is to be handed over.
6. She immediately on 24-08-2012 obtained DD No:699795 for Rs.1,40,870/- and handed over the same to the AE/Opn/Macherla.
7. Though there is a lapse of about 9 months from the date of her application, the officers of Gurajala or Macherla are not responding at all though requested many times because of which about 10 families working in their industry are suffering and lost their lively hood.
8. Requested for early restoration of supply to her service besides ordering for compensation for the lost sustained by her and also initiating departmental actions against the erring officers.

Notices were served upon the respondents duly enclosing a copy of complaint.

The respondent-4 i.e. the Divisional Engineer/Operation/Macherla in his written submission dt:NIL, received in this office on dt:05-12-2012 stated that:

1. The common application form from DIC, Guntur in the name of Smt. Nandanamudi Bhulakshmi, W/o Dasaratharamaiah, DNo: 15-1-973, Nehrunagar, macherla, Guntur-Dist received to division office, Macherla on 23-7-2012 for shifting of 74.50HP LT industrial load and the feasibility certificate was issued by DE/Opn/Macherla on 25-7-2012 vide DNo:295, dt:25-7-2012.
2. The LT application was registered on 23-7-2012 at CSC, Macherla in the name of Smt. Nandanamudi Bhulakshmi, W/o Dasaratharamaiah, DNo: 15-1-973, Nehru Nagar, Macherla, Guntur-Dist for shifting of 74.50HP LT industrial service.
3. The ADE/Opn/Macherla went to the location for field verification to the Door No:649/C, Macherla town besides fire brick manufacturing units in Guntur road of Macherla town. At the said site 33KV Parasakti and 33KV Rentachintala and 11KV rural feeder are passing in the road margin of the industry. Possibility of laying new lines and extending power supply in the event of certain objections raised by the said by brick industries and ice factory owners were discussed with Dasaratharamaiah who approached division office.
4. As per the field conditions 45mts of 35sqmm 11KV XLPE cable was proposed on 11KV Macherla, Town-II feeder with 5 Nos.9.1mts PSCC poles with connected materials.
5. After field verification by ADE/Opn/Macherla, the estimate was submitted by ADE/Opn/Macherla on 03-08-12 for shifting of L.T Sc.

No:665, cat-III (A) of Gottimukkala (V), Gurajala (M) to new location in Macherla town. On receipt of the estimate proposal from ADE/Opn/Macherla, the same scrutinized and submitted to SE/Opn/Guntur vide LrNo:DEE/O/MCL/AE/Coml/DNo:323/12, Dt:3-8-2012.

6. The estimate was received circle office, Guntur on 06-08-2012 and sanctioned by SE/Opn/Guntur vide DC.DR No:29/2012-13 and received at Division office, Macherla on 08/08/2012 and the consumer has paid an amount of Rs.1,40,870/- towards shifting charges and handed over the demand draft in section office on 14/9/2012 and work order was applied on 03-10-2012 and the same is released on 05/10/2012.
7. Matching material which was available in district stores, Guntur was drawn on 10/10/2012 and also again on 16/10/2012. Balance material like 11KV discs, tapping channels, clamps and bolts and nuts etc. were procured from some other sections and started the work.
8. While executing the work the neighbour consumers have objected not to lay the 9.1M PSCC poles in their lands and prevented the work. After intervention of DE/Opn/Macherla and ADE/OPn/Macherla with the consumers, the problem is solved and the work was completed on 31/10/2012 and requested the ADE/HT.Meters/Guntur to commission the metering equipment. Accordingly ADE/HT.Meters/Guntur inspected the service on 3/11/2012 and all the connections were given.
9. The ADE/Opn/Macherla requested the consumer to get the clearance certificate from ERO, Gurajala. Though the consumer has paid the upto date CC.Charges of Rs.16,336/- against old service of Gittimukkala vide

USC No:1413108000665 on 06/11/2012, clearance certificate was not obtained from ERO, Gurajala and not approached ADE/Opn/Macherla to obtain the connection.

10. Suddenly, on 19/11/2012 the DE/Technical/Circle Office/Guntur advised to release the service at once and requested to intimate the fact. Immediately gave the connections and confirmed the release of service to consumers and circle office as well as corporate office officials on the same day.
11. **The respondent-6 i.e. the Superintending Engineer/Operation/Guntur in his written submission dt:30-11-2012, received in this office on dt:03-12-2012 while reiterating the statement items 1 to 9 of the respondent-4 additionally stated that**

1. Finally the supply was extended to the above service on 19/11/2012.

Findings of the Forum:

1. The grievance of the complainant is that the shifting of her industrial service from one sub division to the other was delayed causing loss to her and requested for compensation besides initiating disciplinary action against the erring officers and see that the service is energized at the new place at an early date.
2. In this case the consumer stated that she is having one industrial service under the title M/s L.V.R.Stone Crusher having contracted load of 74.5 HP released o 25-10-2011 at Gottimukkala village of Gurajala Mandal in Guntur Dist.
3. The complainant also stated that, subsequently due to her personnel reasons proposed for shifting the above service to a premises at Macherla

Town taken on lease basis and applied for the same in the office of the ADE/Opn/Gurajala in the month of 03/2012.

4. The said proposal was sanctioned by the SE/OPn/Guntur on 08/08/2012 for an amount of Rs 1,40,870/- (Gross and Net) and was communicated to the concerned local officers.
5. But the respondents reported that
 - a. The application for the said shifting was registered in the CSC, Macherla on 23-07-2012 upon which the necessary feasibility certificate was issued by the DE/Opn/Macherla on 25-07-2012.
 - b. The ADE/Opn/Macherla prepared the necessary estimate for the said shifting on 02-08-2012 and the same was submitted to the SE/Opn/Guntur i.e. the respondent-6 by the respondent-4 on 03-08-2012.
 - c. The sanctioned copy of the respondent-6 dt: 08-08-2012 was received back by the respondent-4 on 01-09-2012 i.e. after 23 days.
 - d. The complainant paid the estimated amount of Rs.1,40,870/- on 14-09-2012 i.e. within further 15 days.
 - e. The complainant paid the balance amount in respect of the service at the old premises Rs,16,336/- on 06-11-2012
 - f. Finally the service was released on 19-11-2012 i.e. after 3 days of the complaint in the Forum (16/11/2012).
6. The process of shifting of the said service took 119 days right from the date of application to its release.
7. The reasons explained by the respondents for the said delay is that there was some resistance from the neighbouring land owners objecting the

laying of lines through their lands and also there was no corridor for the said laying in view of the considerable number of lines passing by and hence proposed for laying of line using 11KV XL PE cable for a distance of 40 mts on the Macherla Town-2 feeder.

8. But as seen from the documents produced by the respondents, it is understood that they are well aware of the difficulties in laying of the line in the proposed new location of the industry at Macherla based on which only they have prepared the estimate, sanctioned and received the payment from the complainant on 14-09-2012.
9. Neither the complainant nor the respondents produced any sort of evidence regarding intimations given by the licensee to the complainant after completion of every event more specifically the sanction of the estimate.
10. Though the respondents mention that the complainant paid the amount of Rs.16,336/- towards the balance pending against the service at the old location on 06/11/2012 for issuance of clearance certificate for removal of the service, there is no proof that the complainant was intimated earlier for payment. Had they served the notice to that effect at the time of estimate sanction itself the complainant could have paid the amount along with the estimated amount of shifting made on 14-09-2012.
11. The contention of the respondents that the complainant could not obtain the clearance certificate from the ERO/Gurajala with which she has to approach the ADE/Opn/Macherla is not accepted since it is the duty of the licensee to issue clearance certificate upon payment of all the dues as on that date.

12. Though the complainant mentioned that she applied for the said shifting in the month of 03/2012 there is no proof produced by her to that effect and hence the date of filing the application in the sub-Division office at Macherla on 23-07-2012 is taken as the date of the first application.
13. In accordance with the Guaranteed Standards of Performance new service at 11KV is to be released within 60 days from the date of receipt of the prescribed charges by the licensee.
14. Here in this case the prescribed charges were paid by the complainant on 14-09-2012 and the service was released on 19/11/2012 i.e. after 66 days as against the specified period of 60 days and hence there is a delay of 6 days for which the complainant is to be compensated by the respondents @ Rs.250/- for each day of delay and the total amount of compensation payable is Rs.1,500/-.
15. The service was released within 3 days of the complaint and the request of the complainant for early release of the service after approaching the Forum is fulfilled.

In view of the above, the Forum passed the following order.

ORDER

The respondents are directed that they shall

1. Remit the amount of compensation Rs.1,500/- to the complainants service within 15 days from the date of this order.
2. Report compliance within 21 days on the item-1 of the order above from the date of this order.

The complainant is advised that he may report to the Forum in case the respondents fail to comply with the item-1 of the order above.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the Vidyut Ombudsman, O/o the APERC, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on this the 7th day of December 2012.

Sd/-
Member (Legal)

Sd/-
Member (C.A)

Sd/-
Member (Accounts)

Sd/-
Chairperson

Forwarded by Orders

Secretary to the Forum

To
The Complainant
The Respondents
Copy submitted to the Honourable Ombudsman, APERC, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004.
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.