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

On this the 30th day of March 2013

C.G.No: 322/2012-13/Guntur Circle

Present

Sri K. Paul	***Chairperson***
Sri A.Venugopal	***Member (Accounts)***
Sri T.Rajeswara Rao	***Member (Legal)***
(Vacant)	***Member (Consumer Affairs)***

Between

Sri. Mudavathi Bhojya Nayak
C/o Tavirya Nayak and Others
Nehru Nagar Tanda
Mutukuru Post, Durgi mandal,
Guntur-Dist — Complainant

And

1. Assistant Engineer/Operation/Durgi
2. Assistant Divisional Engineer/Operation/Macherla
3. Divisional Engineer/Operation/Macherla
4. Superintending Engineer/Operation/Guntur

— Respondents

***

Sri. Mudavathi Bhojya Nayak C/o Tavirya Nayak and Others resident of Nehru Nagar Tanda, Mutukuru Post, Durgi mandal, Guntur-Dist herein called the complainant, in his complaint dt:02-02-2013 filed in the Forum on dt:02-02-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. They are farmers of Nehru Nagar Tanda, Durgi mandal in Guntur-Dist.
2. They have filed application for new agl. service connections in the office of ADE/Opn/Macherla on 09-09-2011, But the services are not released so far as on the date of complaint while others applied later to them were provided with service connections.

3. Some unknown AE at the electricity office/ Macherla replied that an amount of Rs.20,000/- is to be given for sanction of the estimates for release of their services in the office of the DE/Operation/Macherla unless otherwise the sanction will not be given.
4. They have offered Rs.10,000/- against the above demand for which the DE/Operation/ Macherla and the AE refused.
5. They left the office with a determination to pay the DD's as and when the sanction is accorded, but even after the lapse of 17 months their estimate is not sanctioned.
6. Requested to render justice by ordering the officers to release their services besides punishing them severely.

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

The respondent-2 Assistant Divisional Engineer/Operation/Macherla in his written submission dt:20-03-2013, received in this office on 25-03-2013 stated that:

1. The proposal was verified at field level by the then DE/Operation/ Macherla and the proposal was returned to the ADE/Operation/ Machrla for revision of estimate as the consumers were installed 12.5HP motors 1No bore was not existed and utilizing supply from the existing network. The same was returned to the AE/Operation/ Durgi for revision of estimate as per actual loads installed along with consumer consent letter. But the estimate was not received.
2. The ADE/Operation/ Macherla inspected the field and found that the bore-well pertaining to Smt. Vankadavath. Sadi Bai, W/o Dasiya Naik was not existed and the bore wells pertaining to Smt. Mudavath,

Rangi Bai and Sri Mudavath. Bhojya Naik are equipped with 12.5HP motors and measuring current is 18A approximately.

3. He had collected the consent letter from the prospective consumer and revised estimates were submitted to DE/Operation/Macherla on 20-03-2013 for sanction. The consumers were given the consent for providing of new DTR for the actual utilization and are mentioned that the supply is being utilizing by them since last one year.

4. The compliance report will be submitted soon after payment of service line charges and development charges and completion of work.

Findings of the Forum:

1. The grievance of the complainants is that they have registered applications for 3 numbers new agl. service connections in the month of September 2011, but the services are not released even by the end of January 2013 i.e. even after the lapse of 17 months demanding bribe of Rs.20,000/- while others who applied later to them were given service connections. Requested to render justice by getting the services released and punishing the officers concerned who demanded bribe for the said work.

2. The respondent-2 i.e. the ADE/Operation/Macherla in his reply stated that

   i. The estimate was submitted by the then ADE on 27-01-2012 to the DE/Operation/Macherla and the said proposal was verified by the later and was returned back to the ADE for revision of the estimate as the consumers were installed 12.5 HP (18 Amps) motors and utilizing supply from the existing network

for the past one year while one number bore pertaining to Sadibai, W/o Dasiya Nayak was not at all existing.

ii. Revised consent letters were collected by him from the consumers and revised estimates prepared and submitted to the DE/Operation/ Macherla on 20-03-2013 for sanction.

3. The applications were registered on 09-09-2011 and the estimate was reached the DE on 27-01-2012 i.e. after a delay of above 2 ½ months which is abnormal.

4. The respondent-2 i.e the ADE/Operation/ Macherla while stating that the DE/Operation/ Macherla returned the proposal for the reason that the consumers were utilizing 12.5HP motors and one number bore was not existing, but the date of returning was not mentioned, on the other hand he is stating that he had inspected the fields after the receipt of notice from the Forum in this case which is contra.

5. Here it is to be noticed that they are already aware of the facts of utilizing supply by the consumers and the connected loads also at the time of returning the proposal itself then there shall not be any necessity to re-inspect the premises by the ADE after receipt of the notice from the Forum.

6. The revised estimates were submitted to the DE on 20-03-2013 i.e. after about 1½ months from the date of complainant's approaching the Forum, and about 18 months from the date of application.

7. Had the estimates were properly prepared within a week of the applications, the respondents could have released the services at least by the end of March 2012.

8. This clearly establishes the charge of bribe demand by the respondents

9. The complainants originally applied for 7.5HP load each for 3 numbers, but where as the physically existing load is only 2x12.5 i.e. 25 HP which is equivalent to 25KVA and hence the transformer proposed is sufficient.

10. There is a clear lapse on the part of the respondents in abnormally delaying the sanctions and the release of services to the complainants, for which the respondents are liable to compensate the complainants in accordance with the Guaranteed Standards of Performance.

11. The amount of compensation payable to each of the genuine complainants is the amount equivalent to the multiplication of Rs.50/- with the number of days counted from the date on which the applicant next to the complainants was provided with release of supply.

12. On the other hand, since the complainants in their letter mentioned that they are utilizing supply with 12.5HP motors for the past one year, the unaccounted usage of power shall be billed accordingly to make up the loss sustained by the APSPDCL.

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

ORDER

The respondents are directed that they

1. ***Shall release the services in the name of the complainants not later by 30-04-2013 duly collecting the necessary service line and development charges and security deposit.***

2. ***Shall bill the services for the past one year period for utilising the power and collect the CC.Charges accordingly.***

3. ***Shall remit each consumer an amount equal to the multiplication of Rs.50/- by the number of days counted from the date of supply to the applicant next to the complainant to the date of supply to the complainant's service.***

4. ***Report compliance on the items 1, 2 and 3 above of the order not later by 07-05-2013.***

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 30th day of March 2013

Sd/-	Sd/-	Sd/-
Member (Legal)	**Member (Accounts)**	**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.