

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: 323/2012-13/Guntur Circle

Present

Sri K. Paul
Sri A.Venugopal
Sri T.Rajeswara Rao
(Vacant)

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

Between

Sri. Mudavath Tavirya Nayak
C/o Serva 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. Mudavath Tavirya Nayak, C/o Serva 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 residents of Nehru nagar tanda, Muttukuru Village of Durgi mandal in Guntur-Dist and their lively hood is cultivation.
2. They have applied for new agl. connections 3 numbers on 09-09-2011 in the office of the Assistant Divisional Engineer/Operation /Macherla.
3. The applicants later to them were provided with new connections where as they could not get any information from the office.

4. When they approached one Assistant Engineer replied that they have to pay Rs.20,000/- in the Divisional Engineer's office towards sanction otherwise which the estimate will not be sanctioned under any circumstances.
5. They offered Rs.10,000/- as they could not bear the above demand for which the Assistant Engineer from the office of the Divisional Engineer refused and asked them to leave, they left the place accordingly with an idea of paying the amounts as and when the estimate is sanctioned.
6. Even after lapse of 17 months the estimate is not sanctioned.
7. Requested to render justice by punishing the officials severely and help in release of the services in their favour.

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

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

1. Sri Mudavath, Tavurya Naik, S/o Seva Naik and others field applications for releasing of supply for 7.5HP each agricultural service connections at their agricultural fields. The estimate was submitted to Divisional Engineer/Operation/Macherla by the then Assistant Divisional Engineer on 28-01-2012 vide reference Lt.No:ADE/OSDMCL/D.No.1816/12, Dt:28-01-2012.
2. The proposal was verified at field level by the then Divisional Engineer/Operation/Macherla and the proposal was returned to the Assistant Divisional Engineer/Operation /Macherla for revision of estimate as the consumers were installed 12.5HP motors and utilizing supply from the existing network. The same was returned to the Assistant Engineer/Operation/Durgi

for revision of estimate as per actual loads installed along with consumer consent letter, but the estimate was not received.

3. The Assistant Divisional Engineer/Operation /Macherla inspected the field and found that the bore well shown by Sri.M.Tavurya naik, S/o Seva Naik is presently running with 17.5HP motor. The tong tester readings were 26.3A – 27.4A – 25.8A the other two bore wells pertaining to Sri. Mallaya Naik and Smt. M.Bhulakshmi Bai are equipped with 12.5HP motors and measuring current is 18A approximately.
4. He had collected the consent letter from the prospective consumer and received estimates were submitted to Divisional Engineer/Operation/ Macherla on 20-03-2013 for sanction. The consumers were given the consent for providing of new DTR for actual utilization and are mentioned that the supply is being utilizing by them since last one year.
5. 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 applied for three numbers new agl. service connections each of 7.5HP in 09/2011, but the services are not released and not even the estimates are sanctioned even after lapse about 17 months for the reason they have not fulfilled the demand of bribe Rs.20,000/- towards their sanction. Requested for ordering early release of services besides punishing the officers concerned severely.
2. The respondent-2 i.e. the Assistant Divisional Engineer/Operation /Macherla in his reply stated that
 - i. The necessary estimate for 3 numbers agl. services each of 7.5HP favouring the complainants was submitted to the Divisional

- Engineer/Operation/Macherla on 28-01-2012 by the then Assistant Divisional Engineer/Operation /Macherla.
- ii. The proposal was returned back to the Assistant Divisional Engineer/Operation/Macherla by the DE as the consumers installed 12.5HP motors and utilizing supply from the existing network and requires revision to that effect, but the estimate is not received back from the Assistant Engineer.
 - iii. The Assistant Divisional Engineer/Operation /Macherla upon notice from the Forum inspected the fields and found that the borewell of one of the complainants Tauurya Naiak is of 17.5HP drawing current of 27.4 Amps maximum and other borewells pertaining to Malya Naiak and Bhulakshmi Bai are equipped with 12.5HP motors each.
 - iv. He had collected the concerned letter from the prospective consumers and revised estimate was submitted to the Divisional Engineer/Operation/Macherla on 20-03-2013 for sanction.
 - v. The consumers accepted, but they are utilizing the power since last one year.
 - vi. Soon on receipt of payment towards service line charges and development charges the work will be completed.
3. Though the complainants got their application registered in 09/2011 the respondents did not act immediately for preparing the estimates on due to verification in the field, but have delayed abnormally and finally upon approaching the Forum only the respondents took action and inspected their fields.
4. It is not understood how the respondents have come to a conclusion that the consumers loads are more than they applied for (7.5HP) without having conducted field survey and they simply return the estimate which act of the

respondents is motivated to suffer the prospective consumers for not fulfilling their demand of bribe Rs.20,000/- though could not be established properly.

5. As per the electricity supply code the priority of the prospective agl. consumers shall be fixed based on the date of application only, but not the date of actual payment of development and service line charges.
6. Here in this case had be applications were processed immediately on their registration the prospective consumers could have paid the necessary charges then itself and the said delay of 17 months could not have been taken place.
7. Moreover the respondents as well as the consumers affirmed that the power is in usage since last one year.
8. This resulted in on accounted consumption of power from the licensee side which is a loss to the APSPDCL, but however the consumers could some how succeeded in fulfilling their desire in order to safeguard their crops.
9. The respondents stated that the estimate will be processed as per the actual utilization.
10. The complainants themselves have agreed that they are forced to go far higher capacity motors due to depletion of ground water and requested for providing suitable transformer and lines for which they are prepared to pay the necessary charges.
11. Here in this case though the complainants mentioned that the applicants succeeding them were provided with connections they could not furnish the names of such consumers and hence it cannot be accepted.
12. As such there is lapse on the part of the respondents in delaying the release of services in the name of the complainants for more than one year for which they are liable to compensate the complainants @ Rs.50/- for each day of delay the days counted from the date on which the applicant next to the complainant was

provided with new service to the date of actual release of service to the complainant..

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 the 30th day of March 2013.

Sd/-
Member (Legal)

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.