

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

On this the day of 14th February 2020

In C.G. No: 38/ 2017-18/Tirupati Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Independent Member

Between

Smt. B. Ranemma,
C/o. Reddeppa Naik
Sugalimitta,
Punganur,
Chittoor – Dist

Complainant

AND

1. Assistant Executive Engineer/O/Punganur Rural
2. Deputy Executive Engineer/O/Punganur
3. Executive Engineer/O/Madanapalli

Respondents

* * *

1. Complainant filed a petition before the Forum representing that she had applied for Agriculture service connection on 25.08.2005. Estimate was prepared in the year 2007. She had paid Rs. 8,000/ by way of DD vide No.857468 Dt: 28.11.2007 EQ No.011976 dt : 03.01.2008. But service was not released. She dug a bore-well in the field by raising the amount by borrowing and as service was not released she sustained loss as she is solely dependent on agriculture and requested to release the AGL service connection.
2. Respondents No. 1 and 3 though filed separate written submissions most of the contents are similar in nature. Respondent No. 1 stated in his written submission that complainant filed application for service connection for the bore-well at Sy. No.587 Sugalimitta (V). After receipt of deposits from the consumer, APSPDCL had already erected lines and 15KVA Distribution Transformer to the consumer and service number is assigned as ASC No.2569 of Palempalli Distribution.
3. After hearing both the parties during personal hearing conducted at Tirupati, directed the respondents to conduct joint inspection report and submit report by 07.11.2017. Accordingly after conducting inspection of the fields in the presence of husband of the complainant filed report dt : 01.11.2017 stating that one additional transformer was erected

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to the AGL service connection of the complainant and consumer has given consent letter. Consumer has also stated in that letter that the service connection was inspected in her presence and she has no further grievance in respect of the service connection. Respondents also filed photograph depicting the husband of the complainant along with department personnel where the transformer is located.

4. There after Secretary of the Forum contacted the husband of the complainant about the letter said to have been given by her. But husband of the complainant stated that no transformer was given to them since the complainant is disputing in respect of the contents mentioned in the letter signed by her. A field inspection was carried out by the then Member/ Finance followed by Secretary to the Forum on 12.12.2017 assisted by Respondent No's.1 to 3. After inspection the then Member/ Finance and Secretary to the Forum observed that the complainant has shown a bore well situated near to the 16 KVA (Indira Jala Prabha) transformer but no motor is fixed to it.

Complainant's husband reported that they presented the complaint before the forum for releasing of supply to that bore well. Respondents advised to fix the electric motor to his bore well so that they can provide electrical supply from the existing above said 16 KVA DTR as at present only 2 AGL services were connected to that DTR and it can cater the load of the complainant also. But the complainant did not accept the advice of the respondents. Complainant even did not hear the then Member/Finance/CGRF who tried to explain that there is no provision of providing transformer exclusively to the complainant and only electrical supply connection will be given to the motor fixed to the bore well. But complainant did not hear the words of the then Member/Finance and went away. Respondents further said to the then Member/Finance that there is another Agriculture service connection in the name of complainant vide service No.730 since 1994.

After the field inspection this forum came to conclusion that there is no provision to direct the respondents to erect separate DTR for the complainant that too when there is no motor connected to the Agriculture bore-well of the complainant. Hence complaint is dismissed.

5. Aggrieved by the orders of the forum the complainant preferred a representation to the Hon'ble Vidyut Ombudsman vide Appeal No.03/2018. The Hon'ble Vidyut Ombudsman was pleased to dispose off the case on merits on the aspects pointed out in that order in accordance with the provisions of the GTCS-2006 and APERC (Licensee's Standards of Performance) Regulation 2004 (Principal Regulation.No.07/2004) with amended

Regulations besides the Regulation No. 03/2016 made under the provisions of the Electricity Act, 2003 by giving original number to the case on the file of this Forum and after opportunity to both parties to file additional pleadings and lead evidence if parties want to do so before the case is decided on merits.

6. Accordingly the case was admitted and notice was issued to both parties. Complainant did not file any additional documents. Respondents filed written submissions reiterating the facts that were stated earlier in respect of releasing of electrical supply and further stated that during frequent field inspection of the respective section officers and field officers for attending various works like maintenance of lines, maintenance of DTRs and break downs noticed that there is no crop maintained by the complainant.

Respondents also filed copy of the certificate issued by Tahsildar dt : 28.07.2018 stating that :

“as per the verification of the V.R.O Palempalli, the bore-well and electricity connection existing in the land of Sy. No. 587 of Palempalli. The land stands in the name of B. Ranemma W/o. B. Reddeppa Naik resident of Peddathanda hamlet of Palempalli, Punganur (M)”

Both parties did not choose to adduce oral evidence.

7. The point for determination is whether the complainant is entitled for compensation as per the provisions of Reg. No. 07/2004 as amended by Reg. No. 09/2013?

The facts of the case shows that complainant applied for AGL service connection and paid Rs.8,000/- towards development charges by way of DD Dt: 28.11.2007 and submitted the same on 03.01.2008. Respondents said to have released the service connection through already existing 3 phase 15 KVA DTR and service No. is assigned as ASC No.2569 of Palempalli Distribution on 16.06.2017. So complainant applied for AGL service connection and paid the amounts in January'2008 whereas service connection No. is assigned on 16.06.2017. There is a delay of 9 years in assigning the service connection number. The complaint was presented before the Forum on 03.06.2017. It was registered as C.G No. 38/2017-18 on 09.06.2017 and written submissions were submitted on 16.06.2017. Respondents assigned service connection number to the AGL service of the complainant on 16.06.2017 i.e. 13 days after presenting of the complainant and on the date of submitting written submissions to the Forum. Respondents did not give valid explanation as to why there was abnormal delay in assigning Number to the AGL service connection. It appears that respondents said to have represented before the Hon'ble Vidhyut Ombudsman that service

connection was released prior to 03.02.2008. But this fact was not specifically mentioned in the written submissions filed before the forum either prior to or subsequent to the remand of the case. Respondents only stated in the written submissions filed subsequent to the remand that service was released. They also enclosed the certificate issued by Tahsildar, Punganur in respect of availability of electric supply to the complainant's bore well.

When the inspection of the fields was carried out by the then Member/Finance along with Secretary to the Forum, complainant said to have shown a bore well stating that for that bore well only they have applied for service connection. But according to the respondents that bore well is having service connection No.730 which was released in the name of the complainant in the year 1994. On enquiry by the then Member/ Finance, respondents have shown another location where 3 phase 15 KVA transformer was erected and supply was given through one pole span LT line. Respondents also filed photo depicting the husband of the complainant where the AGL service connection said to have been released in the name of the complainant. The field sketch filed by AEE i.e. Respondent No.1 shows that AGL service connection No. 2569 with 7.5 HP was given through one 16 KVA DTR and AGL service connection No.730 for 7.5 HP was released through another 16 KVA DTR. Respondent's contention is that ASC. No. 2569 was released against the consumer's application for release of AGL service connection. According to the report of the then Member/Finance and Secretary of the forum, husband of the complainant is insisting a DTR exclusively for him and he is not interested to have AGL service connection through a common DTR. There is no provision for giving exclusive DTR to each AGL service connection. Multiple AGL service connections can be given depending upon the capacity of the DTR and load under it. Sometimes respondents may release single DTR for one consumer as per feasibility and necessity. But consumer could not insist a separate DTR should be given to him when there is feasibly of providing supply through a common DTR. Since husband of the complainant insisted for separate DTR and did not choose to hear the explanation given by the then Member/ Finance and abruptly went away. A report was submitted by the then Member/Finance along with Secretary of the forum to the Forum.

Reg. No.07/2004 amended by Reg. No. 09/2013 provides Licensees standards of performance.

IV. "Applications for new connections/ Additional load is as follows :

4.1 Cases where power supply can be provided from existing network

- (i) *The Licensee shall release supply to an applicant within 30 days of receipt of a complete application accompanied by prescribed fees, charges and security: Provided that in case of applications requiring supply under Low Tension Agricultural category, such obligation on the part of the Licensee shall be limited to the number of connections that can be covered within the target fixed for the year for release of agricultural connections. The Licensee shall maintain a waiting list of such applicants in a serial order based on the receipt of applications and the waiting list number shall be communicated to the concerned applicant in writing within 15 days of receipt of application. If, however, the applicant's case cannot be covered in the programme of release of agricultural connections fixed for the year, it shall be so indicated in the said written communication.*
- (ii) *The Licensee shall keep the fees, charges and security payable by the applicants for new connections notified and also specify the same on the application form”.*

The above provision clearly says that the obligation on the part of the licensee in respect of release of low tension AGL category shall be limited to number of connections that can be covered within the target fixed for the year for release of AGL service connections. The licensees shall maintain a waiting list of such applicants in serial order and waiting seniority number shall be communicated to the concerned applicant in writing within 15 days of receipt of application. Respondents did not follow this provision. No provision is mentioned for awarding compensation for the delay caused in release of AGL service connection. Considering this fact, this forum dismissed the complaint earlier. The report of VRO, Palempalli attested by Thasildar shows that electricity service is in existence in the land of complainant in Sy.No.587 of Palempalli.

In this case there is a delay of about 8 years in assigning the service connection Number. Respondents though represented before the Hon'ble Vidyut Obmudsman their service was released prior to 03.02.2008, but no documentary evidence is placed before the forum that service was released prior to 03.02.2008. So an adverse inference can be safely drawn that AGL service connection was released and assigned ASC No. 2569 only after the complaint was presented before the forum.

In the absence of any specific provision to grant compensation, this forum is not competent to award any compensation to the complainant . If complainant wants compensation for deficiency of service, his remedy is elsewhere but not before this forum .This forum is only competent to advise the Licensee to conduct departmental enquiry for the lapses on the part of respondents in releasing the service connection with abnormal delay and not following the established procedure for releasing

of service connections by following seniority provided in Reg. No. 07/2004. The point is answered accordingly.

8. In the result the complaint is dismissed.


If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008 within 30 days from the date of receipt of this order.

This order is passed on this, the day of 14th February' 2020.

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order


Secretary to the Forum

To
The Complainant
The Respondents

Copy to the General Manager/CSC/Corporate Office/ Tirupati for pursuance in this matter.

Copy to the Nodal Officer (Executive Director/Operation)/CGRF/APSPDCL/TPT.

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008 within 30 days from the date of receipt of this order

Copy Submitted to the Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.