

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
OF NORTHERN POWER DISTRIBUTION COMPANY OF A.P.
LIMITED: WARANGAL.**

08th Day of June, 2011.

Present : Sri. T. Sadarlal : Chairperson
Sri. G. Raveendranath : Member (Accounts)
Sri. K. Ramesh : Member (Legal)
Sri. A. Sudharshan Reddy : Co – Opted (Member)

C.G. No. 311/2011 of Nizamabad Circle

Between

Sri. Dr. Ravindranath Suri
Vice President
M/s. J.B. Residency Residents Welfare Association
S.C. No. N3-91294, Cat-III
H. No. 5-6-530 & 533,
Andhra Bank, Regional Office,
Pragathi Nagar,
Nizamabad-Dist.
Pin Code No. 503 001 (A.P.).

Complainant

AND

1. Assistant Engineer/Operation/Town/Nizamabad.
2. Assistant Divisional Engineer/Operation/Town/Nizamabad.
3. Divisional Engineer/Operation/Nizamabad.
4. Senior Accounts Officer/Operation Circle/Nizamabad.
5. Superintending Engineer/Operation/Nizamabad.

Respondents

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Sri. Dr. Ravindranath Suri, Vice President of M/s. J.B. Residency Residents Welfare Association, Andhra Bank, Regional Office, Pragathi Nagar, Nizamabad-Dist., hereinafter called as the complainant in his complaint dated. 15.03.11 received and registered on 23.03.11, under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, stated the following :-

- i. That the J.B. Residency is a Residential building situated at H. No. 5-6-530 to 533, Pragathi Nagar, Nizamabad-Dist. In which 40

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Number of families are residing. The cellar of this apartment is belong to the 40 Number of flat owners as per the registered sale deeds transferred by the builder to the flat owners being the un-divided share of land and for the use of 40 numbers of flat owners only, which is the property of 40 number of flat owners as per the provisions of A.P. Apartments and promotion of Construction and Ownership Act 1987.

- ii. Recently a un-authorized commercial complex is constructed by the builder deviating approved plan adjacent to the J.B. Residency (for which there is a W.P. No. 29002/10 is pending in High Court of A.P.) to which the electricity is being extended by the Assistant Engineer / Operation/Town/Nizamabad and Assistant Divisional Engineer/ Operation/Town/Nizamabad by allotting a S.C. No. N3-91294, Cat-II (20 KW) for the Andhra Bank Regional Office, the service connection cable is laid through the cellar of their J.B Residency which is purely residential building and the meter of S.C. No. N3-91294, Cat-II 20 KW of Andhra Bank Regional Office, is fixed in the residential premises of J.B. Residency which is actually not belongs to the J.B. Residency. The transformer is intended to supply of electricity to 40 Number J.B. Residential Flats has been installed within the premises of their building besides two more poles were also erected within the premises of their residential building.
- iii. There is every possibility of occurring fatal electrical accident to the children used to play in the cellar regularly. The several requested are made to the Assistant Engineer/Operation/Town/Nizamabad and Assistant Divisional Engineer/Operation/Town/Nizamabad, to remove the un-authorized laid cable meter of the Andhra Bank Regional Office (S.C. No. N3-91294) Pragathinagar, Nizamabad, but to the Vain.
- iv. The Assistant Divisional Engineer/operation/Town/Nizamabad in his letter reference cited above stated that after commissioning of transformer, it becomes the property of APNPDCL, but Assistant Divisional Engineer/Operation/Town/Nizamabad has even not shown minimum responsibility while replying to their organization to mention specific authority, rule provisions, Terms and Conditions Electricity Act, if any or supplied any copy of such instruction of APNPDCL in support of his interpretation that the transformer becomes the property of electricity department, it appears that in the absence of specific instruction of the Department or copies of such instructions it shows that the Assistant Divisional Engineer/ Operation/Town/Nizamabad is interpreting as his personal view.

- v. However, if the transformer stated to be the property of APNPDCL, that should have been installed out side the premises of their J.B. Residency and Two Number Poles which are erected within their compound also should have been erected out side their residential building.
- vi. The requested made with the Assistant Engineer/Operation/Town/Nizamabad and Assistant Divisional Engineer/Operation/Town/Nizamabad, for shifting of transformer/poles and removal of service cable laid and meter fixed to S.C. No. N3-91294 has been completely neglected.
- vii. It this connection it is requested to the kind authority to look into the matter immediately and do the needful in the interest of lives of children's and human beings of J.B. Residency Flat owners.

2. As a sequel to the above complaint, Assistant Engineer/Operation/Town/Nizamabad, Assistant Divisional Engineer/Operation/Town/Nizamabad, Divisional Engineer/Operation/Nizamabad, Senior Accounts Officer/Operation Circle/Nizamabad and Superintending Engineer/Operation/Nizamabad, were directed to file their written submissions vide notice dated. 28.03.2011.

Due to non submission of the reports by the respondents on the contents of the complainant petition, a hearing notice was proposed to conduct the hearing on 18.05.11 vide T.O. notice dated. 04.05.11, the same was posted to conduct on 30.05.11 due to unavoidable circumstances the hearing was posted to conduct on 03.06.11 accordingly, during the hearing conducted, the respondents Assistant Divisional Engineer/Operation/Town/Nizamabad and Divisional Engineer/Operation/Nizamabad along with complainants have attended the hearing and made their remarks as follows :-

I. Sri. Dr. Ravindranath Suri, Vice President and Sri. V. Sudhama, President of M/s. J.B. Residency have attended the hearing on the above said date and furnished their remarks as follows :-

1. As the transformer in the vicinity of the residential apartment complex causes severe health hazards the electrical transformer has to be shifted and also two electrical poles with line wires. Non shifting of supply cables to commercial complex for long time action taken.

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2. Builder will be asked to issue a letter to shift the electrical transformer.

II. The respondents Divisional Engineer/Operation/Nizamabad and Assistant Divisional Engineer/Operation/Town/Nizamabad :-

1. The consumer have not represented to shift the DTR and poles, if they ready to give consent letter to pay the shifting charges the same may be shifted, provided if there will not be any objection from others. Due to the departmental enquiry the service was not shifted at that time of representation, after completion of departmental enquiry the service is shifted on consumer representation as per departmental procedures.

I. Before conducting the hearing, the Divisional Engineer/Operation/Nizamabad has submitted his report stating as follows :-

- i. That the supply is extended to the authorized commercial complex, wherein the S.C. No. N3-91294, Cat-II, 20 KW is allocated for the Andhra Bank, Regional Office is authorized on the following grounds.
 - i. The Municipal Corporation of Nizamabad has given permission for Construction of J.B. Commercial Complex.
 - ii. The load on the JB SS-I 250 KVA in Three Phases are R - Y - B. So the capacity of the DTR is 250 KVA. Therefore, the supply was extended to the S.C. No. N3-91294.
- ii. So there is no question of unauthorized extension of supply to the S.C. No. N3-91294.
- iii. Regarding laying of cable, it is to submit that the application is received from the consumer of S.C. No. N3-91294 to shift the Service Connection from JB SS-I to JB SS-2. The estimate was sanctioned and the meter also shifted from JB SS-I. So there is no question of electrical accident.
- iv. For the Categories-I, II & III A services, if the transformer is required to extend the supply, the consumer has to pay the amount of the total estimate cost. The total estimate cost means.

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1. The service line charges +
 2. The development charges or DTR along with structure cost, whichever is higher (If infrastructure required).
 3. Security deposit charges.
- v. After paying above amounts, the service will be released by providing necessary infrastructure after releasing of service. The lines and infrastructure are the assets of the APNPDCL (up to metering point) for LT Categories. Whereas in HT Category the line are the assets of the APNPDCL. The structure of the DTR & DTR are the assets of the HT consumer.
- vi. Regarding installation of poles and DTR, it is to submit that, while erecting the line and DTR, the JB Construction authorities has not raised any objection and they have suggested to erect the DTR at this place only. After that the JB Constructions have sold out flats to the individuals. Besides these, it is to submit that no representation is received from the flat owners/society of J.B Residency regarding shifting of the DTR from the compound of J.B. Residency. On consent and representation from authorities (Society) of J.B. Residency the DTR will be shifted to the location shown by them as per the Terms and Conditions of the APNPDCL.

3. **Analysis of the Case :-**

The contention of the complainant is that the departmental staff have recently given service connection to the Andhra Bank, Regional Office, allotting a S.C. No. N3-91294, Cat-II (20KW) from the transformer allotted to the J.B Residency wherein the complainant along with 40 Numbers of flat owners are residing as per the registered sale deeds transferred by the builder. As the DTR provided in their premises how can the respondents have extended the supply to other consumer from their DTR and service line cables through their premises due to which there is every possibility of occurring electrical accidents to the children used to play in the cellar. Hence the complainant has lodged a petition in the Forum duly requesting to shift the DTR provided in their premises (i.e., J.B. Residency along with two poles erected within their premises besides removing the service connection provided to the Andhra Bank, Regional Office.

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From the above, it is observed that the complainant plea is that due to providing the DTR in their premises, the extension of supply to other consumers could not be given taking load from this DTR as it is ment only for their apartment wherein 40 Nos. flat owners are residing. As per the contention expressed by the Assistant Divisional Engineer/Operation/Town/Nizamabad during the hearing conducted and report submitted by the Divisional Engineer/Operation/Nizamabad, the complainant has raised a question that if the DTR and poles are the property of APNPDCL why the same are erected within the compound premises of their J.B. Residency. It is not understood by the Forum that under the circumstances in which the respondents have released this service connection providing DTR along with two number poles within the premises of Apartment at the time of release of this service connection.

As per the request of the complainant, the respondents have to look after the alternative arrangement to shift the DTR, along with two number poles erected within the premises of the above said apartment (i.e., J.B Residency to redress the grievance of the complainant amicably duly following the departmental rules as applicable in connection with collection of necessary charges and feasibility of the land available near about the apartment to shift the DTR without getting any complications/objections from the surrounding residents of the said apartment.

4. **ORDER :-**

The respondents are directed to shift the DTR along with two number poles from the premises of J.B. Residency duly collecting necessary charges as per the departmental rules in vogue duly obtaining a representation/consent from the complainant to that extent.

The complainant is also requested to pay the required amount according to the departmental rules in vogue for shifting of DTR along with two number poles from the existing premises to the other location as per your convenient place.

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Further the respondents are directed to implement these orders immediately by taking representation from consumer for shifting of the DTR and poles from existing premises to another place which will be located/ identified by the consumer as per his convenient duly following the departmental procedures and report compliance soon after completion of the work took at premises to the Forum within 15 days.

5. Reasons for Delay :-

There is a delay of about 32 days in deciding the petition. The reasons for delay are :-

- i. Non-receipt of reports from respondents.
- ii. Insufficient information filed by the complainants.

6. If the complainant is aggrieved by the order of the forum he may represent to Vidyut Ombudsman, APERC, Singareni Bhavan, IVth Floor, Red Hills, Hyderabad-500 004, within (30) days of receipt of this order as specified in clause (9) of Regulation 1 of 2004 of A.P. Electricity Regulatory Commission of A.P.

Signed on 08th day of June, 2011.

Sd/-	Sd/-	Sd/-	Sd/-
K. RAMESH	G. RAVEENDRANATH	A. SUDHARSHAN REDDY	T. SADARLAL
MEMBER (LEGAL)	MEMBER (ACCOUNTS)	CO - OPTED (MEMBER)	CHAIRPERSON

Endt. No./C.P./C.G.R.F/NPDCL/WGL/C.G. No. 311/2011-1 Dt. 08.06.2011.

Copy to :-

The General Manager (IT)/Corporate Office/NPDCL/Warangal.

(He is requested to place the order in the Company's Website).

Sri. Dr. A. Sudharshan Reddy, President, Centre for Environmental Studies,
H. No. 2-2-421, Kishanpura, Hanamkonda, Warangal-Dist.

//FORWARDED BY ORDER //

Member (Legal)
Consumer Grievances Redressal Forum.