

**VIDYUT OMBUDSMAN**  
**O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**  
**4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004**

Present

**K.Sanjeeva Rao Naidu**  
Vidyut Ombudsman

**Dated 08 - 12 - 2011**

**Appeal No. 63 of 2011**

Between

M/s. Hyderabad Securities and Enterprises Ltd.,  
Off: 3-6-275, Himayatnagar, Hyderabad - 29  
Rep. by its Senior Manager – K. Sri Hari

**..... Appellant**

And

1. Assistant Engineer/Operation/Somajiguda/CPDCL/Hyderabad
2. Assistant Divisional Engineer/Operation/Saifabad/CPDCL/Hyderabad
3. Assistant Accounts Officer / ERO/Mint Compound/CPDCL/Hyderabad
4. Divisional Engineer/Operation/Saifabad/CPDCL/Hyderabad

**..... Respondents**

The appeal / representation is received on 12-09-2011 (received on 16-09-2011) against the CGRF order of APCPDCL (in CG No.141/2011-12/Hyderabad (Central) Circle dated 18-07-2011). The same has come up for hearing before the Vidyut Ombudsman on 14-11-2011 and 18.11.2011. Sri Ram Swaroop Agarwal, on behalf of the appellant present. None of the respondents appeared on both the adjournments, heard and having stood over for consideration till this day, the Vidyut Ombudsman passed/issued the following:

**AWARD**

The appellant filed a complaint alleging that they have applied for two new service connections to their premises #6-3-654, Somajiguda, Hyderabad vide Regd No.NR304100430 PR No.3040200689 dated 16-12-2010 & NR304100431 PR No.3040200690 dated 16-12-2010. The concerned authorities neither issued new service connections within 30 days from the date of application i.e., 16-12-2010 nor gave any reply so far.

*Therefore, they requested the Chairperson to direct the concerned authorities of APCPDCL to provide new service connections forthwith at their premises #6-3-654, Somajiguda, Hyderabad”*

2. The second Respondent, ADE/Op/Saifabad submitted his written submissions as hereunder:

*“After receipt of the two applications from the Complainant through the CSC, Saifabad, AE/Opn/Saifabad visited the spot and inspected the premises. During the inspection of the premises, it was found that there exist 3 services viz., A4000099, A7002628 and A7006118 which are under OSL/UDC and the arrears are outstanding on these services.*

*Hence, the AE/Opn/Somajiguda served notice dated 20-12-2010 to the personnel of M/s. Hyderabad Securities and Enterprises Ltd., for payment of arrears standing against these OSL/UDC services, but the concerned personnel refused to acknowledge the notice.*

*The AE/Opn/Somajiguda served second notice dated 31-05-2011 on the Complainant for payment of arrears. But there is no proper reply from the consumer.*

*Instead of payment of the outstanding arrears, the Consumer has chosen to file the present complaint before this Forum for releasing the two electricity connections in the same premises where UDC/OSL exists with dues. In view of the above facts and reasons, the AE/Opn/Somajiguda did not release the 2 number of new connections to the Complainant”.*

3. The third Respondent, submitted his written submissions as hereunder:

*“On receipt of the CGRF letter, the AE/Opn/Somajiguda was addressed vide this office Llr.No.1081 dated 03-06-2011 to furnish a detailed report. As per the AE/Opn/Somajiguda, M/s. Hyderabad Stock Exchange applied for 2 new service connections on 16-12-2010. During the physical inspection of the premises, it was come to the notice of the AE/Opn/Somajiguda that 2 Nos. OSL Services A4000099 & A7002628 and one UDC Service A7006118 are existing. Dues are outstanding on these services. The AE served notice twice, but payment is not made till date.”*

The complaint was examined by the Forum and also examined respondents No.1 to 3 and recorded their statements. After hearing both sides and after considering the material piled before the Forum, the Forum passed the impugned order as here under:

*“As the complainant is ready to clear the dues of SC No.A7002628 and A7006118, the respondents are directed to collect the dues and release the new services. Regarding the transfer of ownership is concerned, the complainant should produce all the necessary records to the licensee that are required to affect the transfer of title.*

*The complaint is disposed off accordingly.”*

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that the Forum has made erroneously about the arrears on the pending of service connections A4-99, A7-2628 and A7-6118 and the Forum has failed to observe their objections against the contentions raised by the ADE and the Forum without taking into consideration the facts and circumstances and without verifying the records properly, erroneously passed the impugned order. The Forum ought to have verified the service connections, about the arrears accrued, etc ., and ought to have ordered to be collected from the respective occupants and the respondents have failed to disconnect the service connection which they do not want inspite of the representations and the appeal preferred by the appellant is to be allowed by setting aside the impugned order.

5. Now, the point for consideration is, “whether the impugned order is liable to be set aside? If so, on what grounds?”

6. Sri M.Ram Swaroop Agarwal, on behalf of the appellant submitted that the respondents have denied to release the service connections on the ground of arrears on earlier service connections and infact they are not liable to pay any amounts and the high handed activities of the respondents in refusing the service connections has to be taken serious note of before this authority and to pass appropriate orders in accordance with law.

7. The respondents failed to attend before this authority on 14.11.2011 and 18.11.2011. The only ground urged by the appellant is that the service connections are denied on the ground of arrears from the above said three service connections.

8. The appellant has raised a plea that the authorities can collect amounts from the bank authorities and other respective occupants who are in existence in the town, though not in the said premises. But this plea is not justified as they cannot disconnect the service connection of bank in other premises on the ground that they have not paid the CC charges. The bank as tenant has to pay the CC charges. If the tenant fails to pay, the landlord has to pay. But the appellant being the owner cannot direct the authorities to go to some other premises and collect arrears of consumer charges.

9. In addition to this, the appellant raised that the pending arrears have been shown for the years of 2008, etc. It is nowhere mentioned that it is consistently shown to absolve Section 56(2). Unless the above said amount is continuously shown as recoverable as arrears of charges for electricity supplied, the department shall not cut off supply, otherwise they are not entitled to recover the amount beyond two years period. Nowhere, it is mentioned, that they have informed the appellant to pay the arrears, time and again to show that the demand of arrears is still subsisting. Therefore, the above said amount as alleged by the respondents is barred by time and the respondents are not expected to withhold the new service connections on the ground of alleged arrears. The appellant cannot be denied on the above said illogical ground and the same is not justified.

10. Therefore, they are hereby directed to release the new service connections forthwith and they are further directed to disconnect the service connections which the appellant do not want to continue on receiving the application from the appellant or on the applications which are already pending with the department for disconnection.

11. In the result, the appeal is allowed directing the respondents to release the new service connections forthwith and they are further directed to disconnect the service connections which the appellant do not want to continue on receiving the application from the appellant or on the applications which are already pending with the department for disconnection. No order as to costs.

This order is corrected and signed on this day of 8<sup>th</sup> December 2011

**VIDYUT OMBUDSMAN**