



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

FRIDAY THE TWENTY SECOND OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

Review C.M.P. No. 30 of 2023-24

in

Appeal No. 06 of 2021-22

Between

1. The Assistant Divisional Engineer/Operation/Chanda Nagar/TSSPDCL/ Ranga Reddy District.
2. The Divisional Engineer/Operation / Gachibowli / TSSPDCL/ Ranga Reddy District.
3. The Senior Accounts Officer/Operation / Cyber City Circle/TSSPDCL/Ranga Reddy District.
4. The Superintending Engineer/Operation /Cyber City Circle/TSSPDCL/Ranga Reddy District.

.....Petitioners / Respondents

AND

M/s. Aditya Imperial Heights Flat Owners Welfare Association, Aditya Welfare Heights, Flat No. 1110, Block - H, Manjeera Pipeline Road, Hafeezpet, Hyderabad- 500049, represented by Sri G. Srikanth. Cell: 9866105579.

..... Respondent / Appellant

This petition is coming on before me for final hearing on 20.09.2023 in the presence of Sri G. Shyam Prasad - ADE/OP/Chandanagar and Sri M.P.Ravi Kumar - SAO/OP/Cyber City circle for the petitioners/respondents and Sri G. Srikanth - authorised representative of the respondent/appellant and having stood over for consideration till today, this Vidyut Ombudsman passed the following:

ORDER

This Review Petition is filed by the petitioners/respondents to review the Award passed by this Authority in Appeal No. 06 of 2021-22 dt.29.10.2022.

2. In the Review Petition, it is, inter-alia, submitted that after passing the Award it was noticed that subject Service Connection was live when the new Service Connection was released and there were no outstanding dues. Therefore it is prayed to review the impugned Award and to delete the direction in the Award awarding Rs.25,000/- (Rupees twenty five thousand only) as compensation to the appellant by way of adjustment in future bills.

3. In the written submissions filed by the respondent it is submitted that they visited the office of the Licensee and satisfied with the discussion. They did not specifically say about the Review Petition.

4. Heard both sides.

5. The points that arise for consideration are:-

- i) Whether there are sufficient grounds to Review the impugned Award? and
- ii) To what relief.

Point (i)

6. The right of review has been conferred by Section 114 C.P.C and Order 47 Rule 1 of Civil Procedure Code (in short 'the CPC').

7. In order to review the impugned Award, it is necessary to consider the following aspects:-

- i) Discovery of new and important matter or evidence.
- ii) Mistake or error apparent on the face of the record.
- iii) Any other sufficient reasons.

8. This Authority after considering the material on record and after hearing both sides passed the impugned Award. Now the petitioners have submitted that after passing the impugned Award they noticed that there were no arrears on the subject Service Connection at the time of release of supply. In the appeal they took quite a contrary plea. What all was put forth in the appeal was considered and the appeal was rejected, but compensation was awarded. Thus the first ground to review the impugned Award is not applicable.

9. Further there is no mistake or error apparent on the face of the record so as to review the impugned Award. Thus the petitioners have failed to establish the second ground also.

10. The last ground for review is “any other sufficient ground”. This means at least analogous to those specified in the Rule. Even this ground is also not existing in the present petition to review the impugned Award.

11. Vidhut Ombudsman, Telangana is the quasi-judicial Authority. There is no express provision in the Electricity Act or in the relevant Regulation to review its own Award. Therefore the maintainability of Review its Award or Order itself

is doubtful.

12. Even if the Review of the Award is maintainable, Sec. 114 and Order 47 CPC do not specify 'Award'. Further under Article 124 of the Limitation Act, Review Petition is to be filed within (30) days from the date of Award/Order. In the present case Award was passed as long back as on 29.10.2022. The present Review Petition was filed only on 11.07.2023. Thus in the present case there are no sufficient grounds to review the Award in question and the Review Petition is also barred by limitation. In view of these factors, I hold that there are no sufficient grounds to review the impugned Award as prayed for. This point is accordingly decided against the Review Petitioner and in favour of the respondents.

POINT No. (ii)

13. In view of the findings on point No. (i) the Review Petition is liable to be dismissed.

Result.

14. In the result, the Review Petition is dismissed.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 22th day of September 2023.

Sd/-

Vidyut Ombudsman

1. M/s. Aditya Imperial Heights Flat Owners Welfare Association, Aditya Welfare Heights, Flat No. 1110, Block - H, Manjeera Pipeline Road, Hafeezpet, Hyderabad- 500049 Cell: 9866105579.
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