



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: **R. DAMODAR**

Thursday, the Twenty Fifth day of May 2017

Appeal No. 18 of 2017

Preferred against Order Dt.31.08.2016 of CGRF In
CG.No: 194/2016-17 of Ranga Reddy North Circle

Between

Smt. S.P.Padmaja, H.No. 1-8-499/5, Street No. 9, S.V.Temple Lane,
Chikkadpally, Hyderabad - 500 020, Cell : 9293941529.

... Appellant

AND

1. The ADE/OP/KPHB/TSSPDCL/ RR District.
2. The AAO/ERO/KPHB/TSSPDCL/ RR District.
3. The DE/OP/Gachibowli/TSSPDCL/RR District.
4. The SE/OP/ RR North Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 17.04.2017 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 17.05.2017 at Hyderabad in the presence of Smt. S.P.Padmaja - Appellant and Sri. A. Surender Reddy - ADE/OP/KPHB and Sri. B. Laxmaiah - AAO/ERO/KPHB for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant filed a complaint before CGRF stating that she is the owner of Flat No. 309, Dollfine Estate, Miyapur having SC No. 1102301979. The Appellant claimed that a stranger illegally occupied the flat and misused the premises for personal gain and has been using the CC bill for address proof and ID proof illegally. She claimed that without her consent or permission or notice, the DISCOM officials have changed her title to the service connection of the premises.

2. The 2nd Respondent AAO/ERO/KBHB through letter dt.15.7.2016 stated that the SC No. 1102301979 stood in the name of Sri. I. Sridhar Reddy. He stated that the title to the Service Connection has been changed from M/s Dollfine Estate to Smt. Padmaja Siripalli on 20.09.2008 and it was again changed to Sri. I Sridhar Reddy on 22.1.2013.

3. The Appellant stated before the CGRF that without her knowledge and notice and also authorisation, the title to the service Connection was changed and that she (Appellant) is the owner of the premises and not the person in whose name the title has been changed and further, she has not applied for any loan from any bank and the DISCOM officials have stated that the house property has been sold by a Bank in public auction. She stated that she has not taken any loan from any bank and therefore, the alleged auction of the property by the bank does not arise. She claimed that she filed a complaint before the district collector and also in a civil court. She further stated that she lost the original documents of the property and therefore, she is not in a position to produce them.

4. On behalf of the Respondents, the 1st Respondent/ADE/O/KPHB stated that on the basis of the documents produced by the consumer for title change, he has verified the documents and changed the title for the Service Connection.

5. On the basis of the material on record and contentions, the CGRF holding that the Appellant failed to produce her title documents to the property and that the record shows that the purchaser of flat No. 309 from Dollfine Estate from Miyapur secured a loan and when the owner failed to discharge the loan amount, the bank officials sold the property at a public auction and that the auction purchaser might have approached the DISCOM officials for title transfer based on the documents produced by the purchaser and the title to the service connection thus was changed. The CGRF further observed that when the Appellant is questioning the right and title of the person in Flat No. 309, the Appellant who is claiming herself as owner of the flat, has failed to file any documents before the forum to prove her ownership where the service connection is located. It is further observed that the flat in question was sold in public auction after proper notice in daily newspapers and the present title holder Sri. I. Sridhar Reddy was the highest bidder in the auction conducted on 27.7.2011. The CGRF further observed that there are Civil cases pending before the

court of Hon'ble Metropolitan Magistrate vide CRLMP No. 475/2010 relating to the property of the Appellant. After observing these, the CGRF held that there is a civil dispute and only the Civil Court is the competent authority to decide the dispute and that the grievance of the Appellant does not fall within the jurisdiction of the forum as per Regulation 2.32 of Regulation 3 of 2015 of TSERC and disposed of the complaint through the impugned orders.

6. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal alleging that originally the Service Connection No. 1102301979 stood in her name Padmaja Siripally to her Flat No. 309 and the transfer of title to the Service Connection in the name of a third person is illegal and that the third party had trespassed into her premises and stole her title and link documents to the property by breaking open the locks. She claimed that the Encumbrance Certificate from 1.1.2012 to 16.12.2014 disclosed that she is the owner of the property, which is ignored by the CGRF and that further, the Respondents have ignored the record and fraudulently transferred the title to the service connection and that the link documents were not produced to authenticate the title transfer and that the CGRF has failed to see that she paid an amount of Rs 1,00,000/- as margin money and Rs 45,000/- for meter connection and that she spent more than Rs 50,000/- for wiring and installation charges and sought an order to set aside the impugned order and to impose heavy penalty for the irreparable loss caused to the Appellant.

7. The 2nd Respondent/AAO/ERO/KPHB submitted a reply in the Appeal stating that the title to the service connection has been changed from M/s. Dollfine estates to Smt. Padmaja Siripally on 20.09.2008 and again it was changed from Smt. Padmaja Siripally to Sri. I Sridhar Reddy on 22.1.2015 based on the documents submitted by Sri. I. Sridhar Reddy. He further stated that Sri. I. Sridhar Reddy had submitted an application for change of title for the service connection by enclosing all relevant documents from the name of Smt. Padmaja Siripally into the name of Sri. I.Sridhar Reddy. After verifying the record, it is stated that they have seen that Smt. Padmaja Siripally had secured loan against the premises in question from ICICI Bank Limited, which sold the property in public auction for loan default and that Sri. I. Sridhar Reddy was the highest bidder in the auction conducted on 27.07.2011 after giving public notice on 26.06.2011 and that after paying the full and final settlement amount of Rs 17,22,901/- by I. Sridhar reddy to ICICI Bank Limited, the

property was transferred in the name of Sri. I. Sridhar Reddy. The DISCOM officials, on complaint, advised the Appellant to produce the original documents as proof of her ownership against the property and she failed to produce the record and in view of acquisition of property by Sri. I. Sridhar Reddy in public auction conducted by ICICI Bank Limited, the title to the service connection was changed in his favour.

8. On the basis of the material on record, the nature of dispute, the mediation has not been successful and therefore, the matter is being disposed of on merits.

Heard.

9. The following issues arise for determination:

1. Whether the Appellant is entitled to a direction to the DISCOM to restore the Service Connection in her name to the premises Flat No 309, Dollfine estate, Miyapur?
2. Whether the CGRF has jurisdiction to take cognizance of the dispute and decide the matter?
3. Whether the impugned orders are liable to be set aside?

Issues 1 to 3.

10. The Appellant claimed that she is the owner of the Flat No 309 Dollfine estate, Miyapur. The Premises has SC No. 1102301979. The Appellant claimed that without her knowledge and notice and also authorisation, the title to the service connection was changed. She further claimed that she has not applied for any loan from any bank and therefore, selling of the property by the bank in a public auction does not arise. Hence she filed a complaint before the District Collector and a Case in Civil Court. She claimed that she lost the original documents to the property and therefore, she is not in a position to produce the documents before the CGRF.

11. The Respondents/Officials of the DISCOM claimed that the record showed that the Appellant secured loan against Flat No.309 from the ICICI Bank Ltd., which sold the property in public auction when the beneficiary committed default. The Respondents are clear in stating that One I. Sridhar Reddy participated in the public auction for Flat No. 309 conducted on 27.7.2011 and he was the highest bidder. The Respondents have further stated that the highest bidder Sri. I. Sridhar Reddy paid the full and final settlement amount of Rs 17,22,901/- and thus the property was

transferred in his name and further, on the basis of the title documents, the DISCOM officials have transferred the Service Connection in the name of the auction purchaser Sri. I. Sridhar Reddy.

12. The Appellant asserted that she lost her title documents to the Flat No. 309 and that she has not taken any loan from ICICI bank and that her opponents created the documents and that somebody forcibly entered into her flat when it was occupied by her tenant and decamped with her title documents to the premises. The nature of allegations made by the Appellant regarding the dispute about her title to flat No. 309 is clearly a civil dispute. The title dispute raised by the Appellant, her claim that she has not taken any Bank loan and the public auction conducted by the ICICI Bank, raise issues of a civil nature and therefore, those issues are beyond the pale of CGRF for any decision regarding transfer of the Service Connection.

13. Though the claim of the Appellant that initially she purchased Flat No. 309 by way of a registered sale deed dt.3.4.2008, that the Encumbrance Certificate from 1.1.1985 to 15.6.2014 show that she is the owner of the flat and that she was given possession of Flat No. 309 by the Dollfine Constructions letter dt.24.8.2008 are supported by documents. However she is facing the ICICI Bank claiming that she had taken loan and defaulted and therefore, the Bank sold the property in public auction in which Sri. I. Sridhar Reddy was the highest bidder. There are triable issues for a civil court to decide. The DISCOM is not mandated to go into the details of the title disputes and release Service Connections.

14. The officials of the DISCOM prima facie looked into the documents, namely the public auction conducted by the ICICI bank and the sale certificate issued by the bank in favour of Sri. I. Sridhar Reddy, to transfer the service connection in his name. The duty of the officials ended there. In case the Appellant is able to get any direction from the civil court to transfer or restore the service connection in her favour, the order of the court will be implemented by following the company instructions. The Appellant, during hearing, represented that she filed a case in a Civil Court in this matter. Under these circumstances and as per Clause 2.37 which says that when a case is pending in a Civil Court, the CGRF cannot take cognizance of the matter and decide. Similarly, when there is title dispute relating to the property in question, CGRF is not equipped or authorised to decide the matter between the parties. Therefore, the

CGRF has rightly rejected the complaint for valid reasons, which are liable to be confirmed. The Appeal is disposed of confirming the impugned orders. The issues are answered accordingly.

15. The licensee shall comply with and implement this order within 15 days for the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

Typed by CCO, Corrected, Signed and pronounced by me on 25th day of May, 2017.

Sd/-

VIDYUT OMBUDSMAN

1. Smt. S.P.Padmaja, H.No. 1-8-499/5, Street No. 9, S.V.Temple Lane, Chikkadpally, Hyderabad - 500 020, Cell : 9293941529.
2. The ADE/OP/KPHB/TSSPDCL/ RR District.
3. The AAO/ERO/KPHB/TSSPDCL/ RR District.
4. The DE/OP/Gachibowli/TSSPDCL/RR District.
5. The SE/OP/ RR North Circle/TSSPDCL/Hyderabad.

Copy to:

6. The CGRF - Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.
7. The Secretary, TSERC, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad.