



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**

THURSDAY THE EIGHTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

Appeal No. 01 of 2024-25

Between

1. Smt. K. Haritha, w/o. Seetha Rami Reddy, Plot No.353, Block-C.
2. Smt. Vanga Haritha, w/o. Vanga Bhaskar Reddy, H.No.152, Block-C.
3. Sri P. Shivudu, s/o. P. Venkataiah, H.No.178, Block -C.
4. Sri G. Sathish Kumar, s/o. R. Gopal, Plot No.354, Block-C.
5. Smt. Vallapu Mamatha, w/o. Vallapu Yadagiri, H.No.48, Block-A.
6. Sri Naini Narsing Rao, s/o. Naini Janga Rao, H.No.71, Block-C.
7. Sri Pulluri Venkatesh, s/o. Pulluri Nagesh, Plot No.59, Block-A.
8. Sri Makam Narsimha, s/o. Makam Bichanna, Plot No.24, Block -A.
9. Sri Mahareddy Sudhakar, s/o. Mahareddy Rama Rao, Plot No.197, Block-D.
10. Sri Bogaraju Venkatesh, s/o. Late Bogaraju Thirupathaiah, Plot No.561, Block-C.
11. Smt. Garaga Venkata Lakshmi, w/o. Garaga Balasubramanyaswara Rao, Plot No. 108, Block-C.
12. Smt. Yerram Indira, w/o. Yerram Sanjeeva Reddy, Plot No.581, Block C3.
13. Sri Akkula Laxman, s/o/ Akkula Balaiah, H.No.109, Block-C.

All are the r/o. Bhudevi Hills, Jagathgirigutta, Quthbullapur, Medchal-
Malkajgiri District - 500 037.

.....Appellants

AND

1. The Assistant Engineer/Operation/Jagathgirigutta/TSSPDCL/Medchal Circle
2. The Assistant Divisional Engineer/Operation/Quthbullapur/ TSSPDCL/ Medchal Circle
3. The Divisional Engineer/Operation/Medchal/TSSPDCL/Medchal Circle
4. The Superintending Engineer/Operation/Medchal Circle/TSSPDCL/Medchal Circle.

..... Respondents

This appeal is coming on before me for the final hearing on this day in the presence of Sri P.Balakrishna - authorised representative of the appellants and Sri CH.Radha Kishan Reddy - AE/OP/Jagathgirigutta, and Sri R.Satya Narayana - ADE/OP/Quthbullapur for the respondents, and having stood over for consideration, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the common Award passed by the Consumer Grievances Redressal Forum - (Greater Hyderabad Area), Hyderabad (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') vide C.G.Nos. 233 to 245/23-24/Medchal circle dt.11.03.2024, rejecting the complaints.

CASE OF THE APPELLANTS BEFORE THE FORUM

2. The case of the appellants before the learned Forum is that they are the residents of different blocks in Bhudevi Hills, Jagathgirigutta, Quthbullapur Mandal, Medchal-Malkajgiri District, having houses and open plots, without electricity supply. Therefore it is prayed to direct the respondents to release new electricity Service Connections to their respective houses and open plots.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply filed by respondent No.2, it is, inter-alia, submitted that the District Collector, vide Lr.No.B/576/2022 dt.13.10.2022 has directed not to release new electricity Service Connections in respect of the Government lands in Sy.No.307,329/1 and 342/1. Further the Chief General Manager/Commercial vide memo No. CGM(Comm)/SE(C)/DE(C)/ADE-I/D.No.54/20-21 dt.09.06.2020 has also instructed not to issue panel boards and meters against notary documents and without building permission for not more than 10 meters height. There is an ownership dispute in respect of the present location and there is a problem in identifying the exact location. A circular was also issued vide Memo No. DEE/OP/Medchal/Tech/F.No.NSC/D.No.3370/2022 dt.31.10.2022 to verify and release new Service Connections to avoid any disputes in future.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaints on the ground that W.P.No.28313 of 2021 filed by one Chinthapatla Hanmanth Rao and Smt. Chintapatla Jamuna is pending before the Hon'ble High Court, in respect of the same premises.

5. Aggrieved by the impugned Award of the learned Forum, the present appeal is preferred, contending among other things, that since 2006, the respondents have been supplying power to their area. Injunction Order is also subsisting in their favour. Their lands are not covered in the Government land bearing Sy.No.307, 329/1 and 342/1. Except the appellants the respondents have been releasing power supply to the other areas surrounding the area of the appellants. Therefore it is prayed to direct the respondents to release power supply.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written reply filed by respondent No.2, before this Authority, he has reiterated the contents of his written reply filed before the learned Forum.

ARGUMENTS

7. It is submitted by the authorised representative of the appellants that the house properties and open plots of the appellants are not in the Government's land; that the other similarly situated persons were released electricity supply by the respondents and that the Writ Petition pending before the Hon'ble High Court is nothing to do with the present dispute. Therefore it is prayed to direct the respondents to release the Service Connections to the appellants.

8. On the other hand, it is argued on behalf of the respondents, that the appellants have been in unauthorised possession of the Government's land therefore the District Collector has directed the respondents not to release power supply to the persons like appellants. Similarly, the Chief General Manager/Commercial has also issued a Memo not to release the Service Connections based on the notary documents and also the buildings constructed without permission. Therefore it is prayed to reject the appeal.

POINTS

9. The points that arise for consideration are :-
- i) Whether the appellants are entitled for release of Service Connections to the respective properties from the respondents?
 - ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
 - iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

10. It is an admitted fact that all the appellants are claiming their right and possession over the property basing on the notarized documents. The record shows that the District Collector has issued instructions vide letter dated 11.10.2022 to the Tahsildar Quthbullapur Mandal to take necessary action against the illegal encroachments in the Government lands in Sy.No.307, 329/1 and 342/1 and basing on such instructions the Tahsildar

concerned vide Lr.No. B/576/2022 dt.13.10.2022 addressed a letter to respondent No.1 asking him not to issue electricity meters in the Government lands in Sy.Nos. 307, 329/1 and 342/1.

SETTLEMENT BY MUTUAL AGREEMENT

11. Both the parties have appeared before this Authority virtually and physically. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

REASONS FOR DELAY IN DISPOSING OF THE APPEAL

12. The present appeal was filed on 01.04.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

13. The learned Forum has rejected the prayer of the appellants on the ground that W.P.No.28313 of 2021 is pending before the Hon'ble High Court. At this stage it is necessary to refer to Clause 2.37 of Regulation 3 of 2015 of Hon'ble Telangana State Electricity Regulatory Commission, the relevant portion of which is as under:-

a) Where proceedings in respect of the same matter or issue between the same Complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority as the case may be;”

XXXXX

XXXXX

In order to apply this Clause in this case it is necessary to fulfil the two conditions. The first condition is that the parties before the Hon’ble High Court and also before the Forum must be the same. The parties in the said Writ Petition are as under:-

PETITIONER(S)	
S.No	Petitioner(S) Name
1	Chinthapatla Hanumantha Rao And AnOther S/o Ch Venkaiah Aged about 82 years occ Business R/o H No 53113 Kukatpally village and mandal Medchal Malkajgiri district represented by GPA Holder Ch Anil Kumar S/o Ch Hanumantha Rao aged about 54 years Occ Business Villa No 37 Devi Stana Venkatrao Nagar Kukatpally Hyderabad
2	Chinthapatla Jamuna W/o late Chinthapatla Padma Rao Aged about 65 years Occ Household R/o H No Villa No 48 Devi Stana Venkatrao Nagar Kukatpally village and mandal Medchal Malkajgiri district
RESPONDENT(S)	
R.No	Respondent(S) Name
1	The State of Telangana And 5 Others Rep by its Principal Secretary Municipal Administration and Urban Development Department Secretariat Hyderabad
2	The District Collector Medchal Malkajgiri district At Keesara
3	The Revenue Divisional Officer Malkajgiri division Medchal Malkajgiri district
4	The Tahsildar Kukatpally mandal Medchal Malkajgiri district
5	The Hyderabad Metropolitan Water Supplies and Sewerage Board Hyderabad rep by its ViceChairman and Managing Director Khairathabad Hyderabad
6	The Mega Engineering and Infrastructures Pvt Ltd S2 Balanagar Techno Crates Industrial Estates Andhra Bank Road Hyderabad represented by its Managing Director

Thus it is clear that in the instant case, the parties before the Hon'ble High Court in W.P.No.28313 of 2021 and also the present dispute are not one and the same. The next condition is that the issue before the Hon'ble High Court and the issue before the learned Forum must be one and the same. The relief claimed in the Writ Petition is as under:-

PRAYER

to issue a writ order or direction particularly one in the nature of Writ of Mandamus declaring action of the respondents in proposing to construct sewerage treatment plant in the land in Sy No 190/1 to an extent of Ac 5 00 gts surrounded by basement and a wooden gate belongs to the petitioners situated adjacent to Pariki Cheruvu towards east situated at Moosapet village Kukatpally mandal Medchal Malkajgiri district on the guise of treating the above land as Government land in Sy No 336/P admeasuring Ac 3 33 gts situated at Kukatpally village and Ac 1 07 gts in Sy No 183/2/P and Sy No 190/2/P situated at Moosapet village Kukatpally mandal Medchal Malkajgiri district total extent of Ac 5 00 gts without following due process of law as illegal arbitrary and consequently direct the respondents not to construct STP Plant in the land of the petitioners in the above survey numbers and pass

Whereas the relief prayed before the learned Forum is to release new Service Connections. Thus both the conditions are not complied with. Therefore this Clause is not applicable.

14. However, now it is to be seen as to whether the appellants are entitled for release of Service Connections. The respondents have not released the Service Connections in favour of the appellants mainly on the ground that the possession of the appellants over the alleged property of the appellants belongs to Government and also on the ground that there is problem of identification of exact location in the above mentioned Survey

numbers. Now it is necessary to extract the letter issued by the Tahsildar, Quthbullapur Mandal which is as under:-

GOVERNMENT OF TELANGANA
REVENUE DEPARTMENT

From
Sri.P.Sanjeewa Rao,
Tahsildar,
QuthbullapurMandal

To
✓The Assistant Engineer,
Gajularamaram,
TSSPDCL.

Lt.No.H/576/2022, Dated:13.10.2022

Sir,

- Sub: Government Lands - Medchal-Malkajgiri District - Malkajgiri Division - Quthbullapur Mandal - Sy.Nos 329, 342 & 307 - Illegal encroachments in Government lands - Requesting you to not to sanction new electricity metres to illegal constructions in Government lands - Reg.
- Ref: Instructions of District Collector Medchal-Malkajgiri District, Date: 11.10.2022.


I invite kind attention to the subject and reference cited wherein the District Collector Medchal-Malkajgiri District has instructed us to address letters to corresponding Authorities to take necessary action against illegal encroachments in Government lands situated at Sy.No.307, 329/1 & 342/1 of Gajularamaram Village, Quthbullapur Mandal.

In this regard it is to inform that, electricity metres has been identified to various unauthorised constructions in Government lands situated at Sy.No.307, 329/1 & 342/1 of Gajularamaram village, Quthbullapur Mandal. And earlier we have addressed letters to the Assistant Engineer, Gajularamaram TSSPDCL to not to sanction new electricity metres to any constructions in Government lands. But still new metres were sanctioned to illegal constructions in Government lands.

Further, it is to submit that, as per the instructions of District Collector Medchal-Malkajgiri District no new electricity metres has to be sanctioned to any illegal constructions in Government lands also if any new electricity metres has been sanctioned, then necessary action will be taken by District Collector against sanctioned authority.

This is submitted for kind information and necessary action.

Yours Faithfully,


Tahsildar

Quthbullapur Mandal.

Copy submitted to District Collector, Medchal-Malkajgiri District for favor of kind information
Copy submitted to Revenue Divisional Officer, Malkajgiri Division for favor of kind

This letter makes it quite clear that the District Collector, Medchal-Malkajgiri District has issued instructions to the Tahsildar, Quthbullapur Mandal not to give new Electricity Connections in Sy.Nos. 307,329/1 and 342/1 of Gajularamaram Village, Quthbullapur Mandal. This letter is the main obstacle for the respondents for not releasing the new Electricity Service Connections in favour of the appellants. At this stage it is necessary to refer to Sec.43 of the Electricity Act which is as under:-

Section 43. (Duty to supply on request): --- (1) 1[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

1[Explanation.- For the purposes of this sub-section, "application" means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1) :

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to

pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

It is also necessary to extract the relevant Clause 5 of General Terms and Conditions of Supply, which is as under:-

Supply of Electricity

5.1 Company's Duty to Supply

The Company shall, on an application by the owner or occupier of any Premises, located in his area of supply, give supply of electricity to such Premises in accordance with Section 43 of the Act and the APERC ('Licensees' duty for supply of electricity on request) Regulation, 2004 (No.3 of 2004) as well as the APERC (Licensees' Standards of Performance) Regulation, 2004 (No.7 of 2004). The applicant must however ensure compliance with the procedure specified in the GTCS.

5.2 Requisition for Supply

5.2.1 Requisition for supply for a new connection or additional load must be submitted in the prescribed format of Application for supply of Electricity at Low Tension (LT) (Appendix I) and the Application for supply of Electricity at High Tension (HT) (Appendix II) as the case may be. The Company will make available the prescribed form free of cost at the offices specified by the Company and will also provide the same on the Company's Internet website for free downloading. Photocopies of a blank application form duly filled in, shall also be accepted by the Company. Any assistance or information required in filling up the application form will be given to the applicant at the offices specified in the Designated Officers' Notification.

5.2.2 The requisition shall be made by the owner or occupier of the premises for which supply is required. The application form complete in all respects and accompanied with the undertaking and prescribed fees, charges and security, shall be submitted at the office of the Officer specified in the Designated Officers' Notification. The Company shall verify the application and the enclosed documents at

the time of receipt of application, and shall issue a written acknowledgement.

5.2.3 An applicant who is not the owner of the premises he occupies and intending to avail of supply shall submit an Indemnity Bond drawn by the owner of the premises in favour of the company whereby the owner of the premises undertakes to indemnify the company for any loss caused to the company by the applicant (who is the tenant/ occupant of the Premises) arising out of the release of service to the tenant/ occupant. Otherwise he shall be required to pay three times the normal security deposit apart from providing proof of his being in lawful occupation of the premises.

5.2.4 Where the consumer's premises has no frontage on a street and the supply line from the company mains has to go upon, over or under the adjoining premises of any other person (and whether or not the adjoining Premises owned jointly by the consumer and such other person), the consumer shall arrange at his own expense for any necessary way-leave, licence or sanction. The Company shall not be bound to afford supply until the way-leave or sanction is granted. Any extra expenses incurred in placing the supply line in accordance with the terms of the way-leave, licence or sanction shall be borne by the consumer. In the event of the way-leave, licence or sanction being cancelled or withdrawn, the consumer shall, at his own cost, arrange for any diversion of the service line or the provision of any new service line thus rendered necessary.

5.2.5 It shall not be incumbent on the Company to ascertain the legality or adequacy of way-leave, licence or sanction obtained by the consumer.

5.2.6 A consumer requiring supply for industrial or commercial purposes for new or additional loads shall obtain the necessary licence or permission or no-objection certificate from the local authority or any other competent authority as might be required under the statute.

5.2.7 After receipt of the complete application form along with required supporting documentation and charges, the Company takes action to release supply within the time frames prescribed in the APERC (Licensees' duty for supply of electricity on request) Regulation, 2004 (No.3 of 2004) as well as the APERC (Licensees' Standards of Performance) Regulation, 2004 (No.7 of 2004) issued by the Commission.

15. These provisions make it quite clear that the Licensee-respondents are bound to release the new electricity Service Connections but at the same time, it is also necessary for the respondents to verify the basic factors like permission from the proper authority to construct the house or mode of purchase of property and also whether the property in question is Government land etc.,

16. Admittedly all the appellants are basing their possession over the property in question on the notarised documents. They have not produced any registered sale deed in respect of the property in question. In view of this factum, as rightly argued by the respondents it is difficult to find out the exact location of the property. No doubt the respondents must release the new Service Connection as expeditiously as possible, at the same time when the property cannot be identified basing on the notary documents, one cannot find fault with the respondents for not releasing the power supply. Therefore, the appellants are not entitled for release of new Service Connections basing on the notarised documents. Accordingly, I hold that though W.P.No.28313 of 2021 is not an obstacle for release of Service Connections, still the appellants are not entitled for release of new Service Connections basing on notarised documents when especially Revenue Authorities are objecting to it. Accordingly, I hold that the appellants are not entitled for release of new Service Connections and the Award of learned Forum is not liable to be set

aside on different ground. These points are accordingly decided against the appellants and in favour of the respondents.

POINT No. (iii)

17. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

RESULT

18. In the result, the appeal is rejected, confirming the Award passed by the learned Forum but for different reason.

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 the 18th day of April 2024.

**Sd/-
Vidyut Ombudsman**

1. Smt. K. Haritha, w/o.Seetha Rami Reddy, Plot No.353, Block-C.
2. Smt. Vanga Haritha, w/o. Vanga Bhaskar Reddy, H.No.152, Block-C.
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16. The Divisional Engineer/Operation/Medchal/TSSPDCL/Medchal Circle.
17. The Superintending Engineer/Operation/Medchal Circle/TSSPDCL/ Medchal Circle.

Copy to

18. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.