



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

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

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

MONDAY THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 03 of 2021-22

Between

Sri Koneru Srinivas Goud, s/o. Kishtaiah, H.No.9-3-8, Sathya Enclave,
Bandlaguda Jagir Municipal Corporation, Ranga Reddy District - 500 086.
Cell: 9848066285. **.....Appellant**

AND

1. The Assistant Engineer / Operation / Keesara / TSSPDCL /
Medchal-Malkajiri District.
2. The Divisional Engineer / Operation / Keesara / TSSPDCL / Medchal
Malkajiri District.
3. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL /
Medchal-Malkajiri District. **..... Respondents**

This appeal is coming on before me for final hearing on 15.09.2022
in the presence of Sri K. Srinivas Goud, appellant in person and
Sri V.Kishan - ADE/OP/Keesara representing the respondents and having
stood over for consideration till this day, this Vidyut Ombudsman passed the
following:-

AWARD

This appeal is preferred aggrieved by the Award / Order passed by
the Consumer Grievances Redressal Forum - Greater Hyderabad Area,
Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power
Distribution Company Limited (in short 'TSSPDCL') vide

Lr.No.Chairperson/CGRF-II/Gr.Hyd/D.No.26/21-22 dated 08.04.2021 rejecting the complaint under Clause 2.37 of Regulation 3 of 2015 of the Hon'ble Telangana State Electricity Regulatory Commission (in short 'the Regulation') on the ground that it has no jurisdiction to entertain and finalise the grievance since cases are pending before the Courts of law.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released electricity Service Connection No. 2016 03032 of Category-I in his favour to Plot No. 254, Laxmi Nagar Colony, Rampally, Keesara Mandal. The respondents have also released Service Connection No. 2019 02064 (in short 'the disputed Service Connection') of Category-I for Plot No. 254, Laxmi Nagar Colony, Rampally, Keesara Mandal to one Sri G. Ravi. O.S.No.926 of 2018 is pending between the above said two parties. Accordingly the appellant has requested the learned Forum to direct the respondents to remove the disputed Service Connection from his Plot No.254 as stated above.

AWARD OF THE FORUM

3. The learned Forum, after considering material on record, has rejected the complaint as stated above.

4. Aggrieved by the Award/Order passed by the Forum, the present appeal is preferred, contending among other things, that the learned Forum has rejected the complaint without properly analysing the facts on record

and without properly considering the relevant material on record.

GROUND OF THE APPEAL

5. In the grounds of the appeal, it is, inter-alia, submitted that the appellant is the owner and possessor of the Plot No.254 measuring 500 sq.yds and he obtained Service Connection No. 2016 03032. According to the appellant when one Sri G. Ravi trespassed into his Plot, he filed I.A.No.130/18 in O.S.No.88 of 2018 before the Vacation Civil Judge Ranga Reddy at L.B.Nagar and obtained interim orders in respect of the said Plot. After the interim order was vacated in I.A.No.309 of 2018 in O.S.No.926 of 2018 on 24.09.2018 by the learned II Additional Senior Civil Judge, Ranga Reddy District, the appellant has also filed C.M.A SR No.2084 of 2020 before the learned District Judge, Malkajgiri. The appellant has also filed W.P.No.17757 of 2020 and the Hon'ble High Court has granted interim relief to him on 13.10.2020. One Sri G.Ravi has filed a complaint against the appellant in Cr.No.501 2020 of Police Station, Keesara. Aggrieved by the said case, the appellant has preferred Crl.P.No. 4882 of 2020 and the Hon'ble High Court granted interim stay on 12.10.2020. Sri G. Ravi forcibly got fixed the meter of the disputed Service Connection in the Plot in question on 13.11.2020. In spite of complaining to the respondents, no action was taken by them. Therefore, it is prayed to cancel the disputed Service Connection in the Plot No. 254.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written submissions dt. 01.10.2021 and 22.08.2022 of respondent No.2, it is, inter-alia, submitted that the Service Connection was given in the name of the appellant on 01.08.2016 vide SC.No. 2016 03032. He has been paying the electricity bills regularly. The meter was missing in 2019, but no complaint was made. In September 2020, one Sri Gopi Ravi applied for Service Connection to Plot No.254, Laxmi Nagar Colony, Rampally village of Keesara Mandal. Accordingly Service Connection was released in his favour on 13.09.2020. On 01.02.2021 the appellant has approached respondent No.3 stating that he is in possession of the disputed Plot and requested for disconnection of the disputed Service Connection. Accordingly the disputed Service Connection was disconnected in February 2021. There are Civil and Criminal proceedings pending before various Courts. There is dispute in respect of the subject Plot No.254. Both the Service Connections are disconnected temporarily till the ownership of the Plot is decided by the Court.

ARGUMENTS

7. The appellant has argued that he is the owner and possessor of the disputed Plot No. 254 and one Sri G. Ravi got installed the disputed Service Connection in the said Plot without having any manner of right. Therefore he prayed to cancel the disputed Service Connection.

8. It is argued on behalf of the respondents that there is a civil dispute in respect of the disputed Plot and also several other matters are pending

between the appellant and one Sri G. Ravi and therefore it is prayed to reject the appeal.

POINTS

9. The points that arise for consideration are:-

- i) Whether the disputed Service Connection No. 2019 02064 at Plot No.254 is liable to be cancelled by the respondents as prayed for ?
- ii) Whether the impugned Award / Order of the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)

SETTLEMENT BY MUTUAL AGREEMENT

10. Both the parties have appeared before this Authority on 15.09.2022. 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

11. Since I took charge as Vidyut Ombudsman on 01.07.2022 and since there was no regular Vidyut Ombudsman earlier, the appeal was not disposed of within the prescribed period.

ADMITTED FACTS

12. It is an admitted fact that the respondents have released Service Connection No. 2016 03032 in favour of the appellant for Plot No. 254, Laxmi Nagar Colony, in Keesara. It is also an admitted fact that the respondents have also released the disputed Service Connection No. 2019 02064 in favour of one Sri G. Ravi also for Plot No. 254, Laxmi Nagar Colony, in Keesara.

13. The material on record goes to show that different proceedings are pending between the appellant and one Sri G. Ravi, they are, in the chronological order, as under:-

i) **I.A.No. 130 of 2018 in O.S.No. 88 of 2018**:- The appellant has filed the suit before the Vacation Civil Judge of Ranga Reddy District at L.B.Nagar against one Sri G. Ravi and obtained status quo order in his favour on 18.05.2018 in respect of the Plot No.254.

ii) **I.A.No. 309 of 2018 in OS.No. 926 of 2018**:- The learned 2nd Additional Senior Civil Judge, Ranga Reddy dismissed the temporary injunction petition on 24.09.2018 filed by the appellant against the said G. Ravi.(It appears that the Court renumbered the suit as regular Court after receipt of the record from Vacation Court).

iii) **C.M.A. SR No. 2084 of 2020**:- The appellant filed this proceedings before the learned XVI Additional District Judge, Ranga Reddy District at Malkajgiri aggrieved by the order passed in I.A.No.309 of 2018.

iv) **Cr.No. 501 of 2020 dt.30.09.2020 of Police Station Keesara**:- Sri G. Ravi has filed the complaint against the appellant for the offences punishable under Section 447, 506, and 504 I.P.C. and Sec. 3(1)(r)(s), 3(2)(va) SC & ST (POA) Act.

v) **Cr.No. 502 of 2020 dt.30.09.2020 of Police Station Keesara**:- The appellant has filed the complaint against Sri G. Ravi for the offences punishable under Section 447, 407 and 506 I.P.C.

vi) **Criminal Petition No. 4882 of 2020**:- The appellant has filed this petition against the State as respondent No.1 and Sri G. Ravi as respondent No.2, to quash Cr.No.501/2020. The Hon'ble High Court issued show cause notice before admission on 12.10.2020 and directed the Police not to take any coercive steps against the appellant herein.

vii) **W.P.No.17757 of 2020**:- The appellant has filed this Writ Petition against three respondents including G. Ravi as respondent No.3. The Hon'ble High Court issued show cause notice to the respondents on 13.10.2020.

viii) **W.P.No. 26643 of 2021** :- One Sri G. Ravi filed this W.P. against the licensee as respondent No.1 to 4 and the appellant as respondent No.5. The Hon'ble High Court issued a show cause notice in the Writ Petition on 26.10.2021.

CRUX OF THE MATTER

14. It is significant to note that there are several civil and criminal proceedings pending between the appellant and one Sri G. Ravi. They are all emanated from the dispute in respect of Plot No.254. Thus the origin for the entire dispute is in respect of Plot No.254 only. At this stage it is necessary to refer to Clause 2.37(a) of the Regulation which reads 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;”

As already stated, the main dispute between the appellant and Sri G.Ravi is in respect of ownership and possession of the Plot No.254. At the cost of

repetition, several proceedings are pending between them in respect of the disputed Plot. In fact, prima-facie, it appears that there is no fault on the part of the respondents. They are dragged into the litigation un-necessarily. Thus in view of these factors and in view of the Clause referred above, I hold that there are no sufficient grounds to direct the respondents to cancel the disputed Service Connection at Plot No.254 and the Award/Order of the learned Forum is not liable to be set aside. These points are accordingly decided against the appellant and in favour of the respondents.

POINT No. (iii)

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

RESULT

16. In the result, the appeal is rejected, without costs, confirming the Award/Order passed by the learned Forum.

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 17th day of October 2022.

Sd/-

Vidyut Ombudsman

1. Sri Koneru Srinivas Goud, s/o. Kistaiah, H.No.9-3-8, Sathya Enclave, Bandlaguda Jagir Municipal Corporation, Ranga Reddy District. - 500 086. Cell: 9848066285.
2. The Assistant Engineer / Operation / Keesara / TSSPDCL / Medchal-Malkajiri District.
3. The Divisional Engineer / Operation / Keesara / TSSPDCL / Medchal Malkajiri District.
4. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL / Medchal-Malkajiri District.

Copy to

5. The Chairperson, Consumer Grievances Redressal Forum- GHA,Erragadda, Hyderabad.

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