



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**

WEDNESDAY THE THIRTY FIRST DAY OF MAY
TWO THOUSAND AND TWENTY THREE

Appeal No. 05 of 2023-24

Between

Sri Bhandari Rajkumar, s/o. Bhandari Surya Narayana, H.No.10-6-40, Shiva
Shankar Nagar, Fathenagar, Hyderabad - 500 018. Cell: 9396838441.

.....Appellant

AND

1. The Assistant Engineer / Operation / Balanagar / TSSPDCL / Hyderabad.
2. The Assistant Divisional Engineer / Operation / Balanagar / TSSPDCL / Hyderabad.
3. The Assistant Accounts Officer / ERO / Bowenpally / TSSPDCL / Hyderabad.
4. The Divisional Engineer / Operation / Bowenpally / TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / Secunderabad Circle / TSSPDCL/Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 04.05.2023 in the presence of Sri G. Arvind Raj - authorised representative of the appellant and Ms. N. Mounika - AE/OP/Balanagar, Sri CH.Nageswara Reddy - AAO/ERO/Bowenpally 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 passed by the Consumer Grievances Redressal Forum - II, Greater Hyderabad Area,

Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.353/2022-23/Secunderabad Circle dt.09.03.2023, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that he is the owner of the premises bearing H.Nos.10-11-182/7 and 10-11-182/7/B situated at Fathenagar, Shivalayam Road, Balanagar. There are several electricity Service Connections in the premises, including S.C. No. S8010870 in his name. The respondents have installed one more Service Connection No. S8013057 (in short "the subject Service Connection") in the name of M/s. Devi Sri Enterprises in his shop without his knowledge in January 2022 in spite of earlier Service Connection. He gave written representation to respondent No.4 on 13.02.2022 and also requested respondent No.1 and 2 to remove the said illegal meter. They have not responded. Accordingly it was prayed before the learned Forum to direct the respondents to remove the subject Service Connection.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondent No.2, it is stated that on the basis of the application dt.01.12.2021 under TS-ipass the subject Service Connection of 13 HP load was released in the name of M/s. Devi Sri Enterprises at H.No.11-185, after following the necessary procedure. Meter was also installed on 04.01.2022. During the said process no objection was made.

4. In the written reply submitted by respondent No.3 also, it is stated that the subject Service Connection was released in the name of M/s. Devi Sri Enterprises on 04.01.2022 after following the required procedure and after verification of the documents.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint.

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the material on record properly and that in spite of making objections by the appellant not to release the subject Service Connection, the respondents have released the same. A Civil Suit in O.S.No.1300 of 2018 is pending on the file of the Hon'ble XV Additional District Judge at Kukatpally in respect of the house property where the subject Service Connection is installed. The act of the respondents in releasing the subject Service Connection is illegal, arbitrary and against the principles of natural justice.

WRITTEN SUBMISSION OF RESPONDENTS

7. In the written reply submitted by respondent No.2, it is reiterated that apart from O.S.No. 300 of 2018 one more suit in O.S.No.203 of 2019 is pending before the learned Hon'ble XV Additional District Judge at Kukatpally. The legal possession of the property in dispute of the parties will be decided by the Court of Law. At this stage any order in respect of the electricity Service

Connection will make the simple things complicated. Therefore the appellant has to wait till the final judgement is passed by the Civil Court.

8. In the written reply submitted by respondent No.3 also it is stated that on the basis of TS-ipass the subject Service Connection was released after perusing the necessary documents.

ARGUMENTS

9. Heard both sides.

POINTS

10. The points that arise for consideration are:-

- i) Whether the subject Service Connection is liable to be removed?
- ii) Whether the impugned Award passed by the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

11. It is an admitted fact that the respondents have released the subject Service Connection on 04.01.2022. It is also an admitted fact that two Civil Suits are pending before the learned Hon'ble XV Additional District Judge at Kukatpally in respect of the property where the subject Service Connection was installed.

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties have appeared before this Authority on different dates. 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

13. The present representation was filed on 20.04.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. It appears that the appellant filed a suit in O.S.No.1300 of 2018 against one B. Venkatesham and (3) others before a learned Additional District Judge at Kukatpally. Likewise the said B. Venkatesham has also filed a Civil Suit in O.S.No.203 of 2019 against the appellant herein and others before a learned District Judge at Kukatpally. It appears that both the suits are in respect of the immovable property including the premises where the subject Service Connection was installed by the respondents.

15. The respondents have relied on TS-ipass in order to support their claim in respect of releasing the subject Service Connection. As per the State Government Order Vide G.O.Ms.No.18 dt.04.11.2020 the time limit for DISCOMs for dealing with the applications registered under TS-ipass is as follows:-

Power Feasibility & Estimate Up to 33 KVA connection	2 days for feasibility 10 days for estimate
---------------------------------------------------------	------------------------------------------------

Normally the respondents are not supposed to delay the release of Service Connection in favour of any new consumer. That is what the respondents have done in the present case. The claim of the appellant is that in spite of his representation before the respondents well in advance, the respondents have proceeded further and released the subject Service Connection. As already stated, (2) Civil Suits are pending one filed by the appellant and another suit filed against the appellant. These (2) Civil Suits, as already stated, cover the property where the subject Service Connection was installed. As rightly argued by the respondents the final judgements in the Civil Suit will determine the rights of the parties in respect of the subject premises. When there is no order restraining the respondents, the respondents are not supposed to delay in releasing the subject Service Connection. Therefore, though the parties and the subject matter before the Civil Court and the present proceedings are not exactly similar, disputes are pending before the Civil Court. Thus at this stage it cannot be concluded that the respondents have released subject Service Connection without having any authority.

16. It is also submitted on behalf of the appellant that already one Service Connection is existing in the subject premises and in spite of the same, a new Service Connection was released in the very same premises. The respondents have emphatically denied the same and submitted that the photos shown by the appellant are in respect of the old Service Connection in the first floor of the same building and for a photograph purpose that meter

was kept in the subject premises. There is sufficient force in the argument of the respondents. Thus the arguments of the appellant cannot be accepted.

17. The learned Forum has considered all the points properly and came to the correct conclusion while passing the impugned Award. Therefore, I hold that the subject Service Connection is not liable to be removed by the respondents at this stage and the impugned Award passed by the learned Forum is not liable to be set aside. These points are decided accordingly against the appellant and in favour of the respondents.

POINT No. (iii)

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

RESULT

19. In the result, the appeal is rejected, confirming the Award 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 the 31st day of May 2023.

Sd/-

Vidyut Ombudsman

1. Sri Bhandari Rajkumar, s/o. Bhandari Surya Narayana, H.No.10-6-40, Shiva Shankar Nagar, Fathenagar, Hyderabad - 500 018. Cell: 9396838441.
2. The Assistant Engineer / Operation / Balanagar / TSSPDCL / Hyderabad.
3. The Assistant Divisional Engineer / Operation / Balanagar / TSSPDCL / Hyderabad.
4. The Assistant Accounts Officer / ERO / Bowenpally / TSSPDCL / Hyderabad.
5. The Divisional Engineer / Operation / Bowenpally / TSSPDCL / Hyderabad.
6. The Superintending Engineer / Operation / Secunderabad Circle / TSSPDCL/Hyderabad.

Copy to

7. 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.

