



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

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

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

MONDAY THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

Appeal No. 09 of 2022-23

Between

M/s. Prajay Engineers Syndicate, Regd. Office, 5th floor, Prajay Corporate House, Chikoti gardens, Hyderabad - 500 016, represented by its Director, Mr.D.Rohit Reddy.**Appellant**

AND

1. The Assistant Divisional Engineer / Operation / Shameerpet / TSSPDCL / Medchal District.
2. The Divisional Engineer / Operation / Medchal /TSSPDCL / Medchal District.
3. The Senior Accounts Officer / Operation / Medchal Circle / TSSPDCL / Medchal District.
4. The Superintending Engineer / Operation / Medchal Circle / TSSPDCL / Medchal District. **Respondents**

This appeal is coming on before me for final hearing on 02.08.2022 in the presence of Sri D Rohith Reddy, appellant and Sri B. Murali Krishna - SE/Commercial/TSSPDCL, Sri P. Krishna Reddy - GM/Revenue/TSSPDCL, Sri G. Madhusudhan Reddy - SAO/OP/Medchal and Sri M.V.Ramana Reddy - ADE/OP/Shameerpet representing the other respondents also 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, Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.94/2021-22 dated.18.12.2021.

CASE OF THE APPELLANT

2. The case of the appellant is that the appellant has applied for new Service Connection at its premises in Sy.No.41,42 and 43 situated at Muraharipally Village, Shamirpet. The Licensee-respondents have refused to release the said new electricity Service Connection to the appellant on the ground that one M/s. Anasuya Spinners Ltd., with HT SC No. MCL 675 was existing at the same place which fell due to an amount of Rs 20,76,728/- to the respondents. The appellant is nothing to do with the said M/s. Anasuya Spinners Ltd. Therefore, it is prayed to direct the respondents to release the new Service Connection to the appellant.

CASE OF THE RESPONDENTS

3. In the written submissions of respondent No.4, it is, inter-alia, submitted that the Licensee has every right to recover the electricity arrears due from the purchaser of the property in order to give new Service Connection.

AWARD OF THE FORUM

4. After hearing both sides and after considering the material on record, the learned Forum has rejected the complaint under Clause 2.37 of Regulation 3 of 2015 (in short 'the Regulation') mainly on the ground that W.P.No.16971 of 2021 is pending before the Hon'ble High Court.

GROUND OF THE APPEAL

5. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the Forum has not considered the material placed before it properly.

6. In the grounds of the appeal it is submitted by the appellant that its consumers are facing lot of problems with the temporary power supply at the project site. Therefore it is prayed to direct the respondents to release new Service Connection.

7. In the written submissions of respondent No.4, it is reiterated that they have every right to recover the arrears of electricity charges due from the present occupant of the property. It is also submitted that a Writ Petition is pending. Hence it is prayed to dismiss the appeal.

8. Heard both sides.

POINTS

9. The points that arise for consideration are:-
- i) Whether the appeal is maintainable in view of the Clause 2.37 of the Regulation?
 - ii) Whether the Award passed by the learned Forum is liable to be set aside? and
 - iii) To what relief.

SETTLEMENT BY MUTUAL AGREEMENT

10. Both the parties have appeared before this authority on 02.08.2022. 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.

POINTS (i) and (ii)

12. In view of the case put up by the parties, it is necessary to refer to Clause 2.37 of of the Regulation which reads as under:-

“The Forum may reject the grievance at any stage under the following circumstances:

- 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

13. It is not disputed about the pendency of W.P.No.16971 of 2021 filed by the appellant against the respondents, touching almost the same subject. Thus when once a Writ Petition is pending, between the parties touching the same subject, in view of Clause 2.37 of the Regulation, the Forum has no jurisdiction to entertain the Complaint. Like-wise this authority is also not having any jurisdiction to entertain the appeal. Therefore, I hold that the appeal is not maintainable and the Award passed by the 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)

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

RESULT

15. In the result, the appeal is rejected, without costs, confirming the Award passed by the Forum.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 8th day of August 2022.

Sd/-

Vidyut Ombudsman

1. M/s. Prajay Engineers Syndicate, Regd. Office, 5th floor, Prajay Corporate House, Chikoti gardens, Hyderabad - 500 016.represented by its Director, Mr.D.Rohit Reddy.
2. The Assistant Divisional Engineer / Operation / Shameerpet / TSSPDCL / Medchal District.
3. The Divisional Engineer / Operation / Medchal /TSSPDCL / Medchal District.
4. The Senior Accounts Officer / Operation / Medchal Circle / TSSPDCL / Medchal District.
5. The Superintending Engineer / Operation / Medchal Circle / TSSPDCL / Medchal District.

Copy to

6. The Chairperson, Consumer Grievances Redressal Forum -Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyderabad.