



**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 TWENTIETH DAY OF JUNE  
TWO THOUSAND AND TWENTY FOUR

**Appeal No. 11 of 2024-25**

Between

M/s. Umasri Developers, represented by Sri Y. Nayudamma (Managing Partner), H.No.8-3-229/23, Thaherville, Yousufguda Check Post, Hyderabad - 500 045. Cell: 9866013369.

**.....Appellant**

**AND**

1. The Assistant Engineer/Operation/Kondapur/TGSPDCL/Cyber City Circle.
2. The Assistant Divisional Engineer/Operation/Kondapur/TGSPDCL/Cyber City Circle.
3. The Assistant Accounts Officer /ERO/Kondapur/TGSPDCL/Cyber City Circle.
4. The Divisional Engineer/Operation/Kondapur/TGSPDCL/Cyber City Circle.
5. The Superintending Engineer/Operation/Cyber City Circle/TGSPDCL/Cyber City Circle.

**..... Respondents**

This appeal is coming on before me for final hearing today in the presence of the authorised representative of the appellant in person and Sri V. Rajashekar Reddy - AE/OP/Kondapur, Sri Ch. Kamalakar Reddy - ADEOP/Kondapur and Smt. G. Srilatha - JAO representing the respondents and having stood over for consideration till this day, this Vidhyut Ombudsman passed the following:-

## **AWARD**

This appeal is preferred aggrieved by the 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 'TGSPDCL') in C.G.No.301/2023-24/Cyber City Circle dt.22.04.2024, rejecting the complaint.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant is that the appellant had purchased an extent of 1200 Sq.yards of land vide Plot Nos. 27,28,34 and 35 (in short 'the subject plots') in Sy.No.41/11, Khanamet Village, Serilingampally Mandal vide registered sale deed dt.17.10.2022 from the legal heirs of one N. Mallaiah and his wife Anjamma and their family members. But the respondents have released S.C.No.12001 12996 (in short 'the subject Service Connection') in favour of M/s. Hatakeswara Groups basing on fake documents who are not at all owners of the property. Therefore it was prayed to order for disconnection of the said Service Connection.

### **WRITTEN SUBMISSIONS OF THE RESPONDENTS**

3. In the written reply filed by respondent No.1 before the learned Forum, it is, inter-alia, submitted that on the application of the consumer in CSC portal as per NR91522755774 dt.03.11.2022, and after uploading the necessary documents and also ID proof etc., the subject Service Connection

was released on 17.11.2022 by the Assistant Engineer/OP/Allapur. Subsequently the subject Service Connection was transferred to Kondapur Section.

4. In the written reply filed by respondent No.3 before the learned Forum, he too stated that basing on AADHAR card, copy of sale deed, meter photo and test report the subject Service Connection was released.

#### **AWARD OF THE FORUM**

5. After considering the material on record, and after hearing both sides the learned Forum has rejected the complaint relying on Clause 2.37 of Regulation 3 of 2015 issued by the Hon'ble Telangana State Electricity Regulatory Commission (in short 'The Regulation') on the ground that W.P.No.13721 of 2023 is pending before the Hon'ble High Court for the State of Telangana and also that basing on the documents filed by the applicant the subject Service Connection was released.

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred reiterating the contents made by it in the complaint before the learned Forum.

#### **WRITTEN SUBMISSION OF RESPONDENTS**

7. In the written reply filed by respondent No.1, it is, inter-alia, stated that basing on the documents submitted before the concerned, the subject

Service Connection was released.

## **ARGUMENTS**

8. It is submitted by the Authorised representative of the appellant that, in fact, the appellant is the owner and possessor of the plot Nos. 27,28,34 and 35 in Sy.No.41/11, Khanamet Village, Serilingampally Mandal having purchased the same from the lawful owners under registered sale deed. The appellant is entitled for release of new Service Connection and whereas the subject Service Connection was released in favour of M/s. Hatakeswara Groups who relied on fake documents. Therefore it is prayed to order to disconnect the subject Service Connection.

9. On the other hand, it is submitted on behalf of the respondents that basing on the relevant documents submitted by the consumer subject Service Connection was released. Therefore it is prayed to reject the appeal.

## **POINTS**

10. The points that arise for consideration are:-

- i) Whether the subject Service Connection is liable to be disconnected?
- 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 in favour of M/s. Hatakeswara Groups. It appears that after the release of subject Service Connection, now the jurisdiction of the subject Service Connection is transferred to Kondapur Section.

**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 appeal was filed on 05.06.2024. This appeal is being disposed of within the period of (60) days as required.

**CRUX OF THE MATTER**

14. The appellant claims that, in fact, it is the true owner and possessor of the four plot Nos. 24,25 and 34 and 35 in Sy.No.41/11, Khanamet Village, Serilingampally Mandal. The appellant claims that M/s. Hatakeswara Groups is not at all the owner of the said plots.

15. The learned Forum rejected the complaint of the appellant. One of the reasons given by the learned Forum is that the complaint is hit by Clause 2.37 (a) of the Regulation. Now it has to be seen, whether Clause 2.37(a) of the Regulation applies in this case or not. Clause 2.37 (a) of the Regulation 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

This Clause makes it quite clear that the complaint can be rejected if any matter between the same complainant and Licensee and with respect of same issue is pending before any Authority. No doubt the appellant filed W.P.No.13721 of 2023 before the Hon’ble High Court, but the parties in the said Writ Petition are as under:-

| CASE DETAILS        |                                      |                     |                                |
|---------------------|--------------------------------------|---------------------|--------------------------------|
| PRIMARY DETAILS     |                                      |                     |                                |
| Main Number         | WP 13721/2023                        | SR Number           | WPSR 19450/2023                |
| CNR No.             | HBHC010251802023                     |                     |                                |
| Petitioner          | M/s. Umasri Developers               | Respondent          | The State of Telangana         |
| Petitioner Advocate | RAMA MOHAN PALANKI                   | Respondent Advocate | GP FOR STAMPS AND REGISTRATION |
| Case Category       | NON-SERVICE                          | District            | HYDERABAD                      |
| Filing Date         | 05/06/2023                           | Registration Date   | 05/06/2023                     |
| Listing Date        | 05/07/2023                           | Case Status         | PENDING ( NBA )                |
| Purpose             | ADMISSION (STAMPS AND REGISTRATION ) |                     |                                |

| PETITIONER(S) |   |
|---------------|---|
| S.No          | Petitioner(S) Name  |
| 1             | M/s Umasri Developers<br>A Partnership Firm Rep by its Managing Partner Sri Y Nayudamma S/o Late Y Choudaramma Aged about 66 Years Occ<br>Busienss Office at H No 8229/23 2nd Floor Thaherville Yousufguda Check Post Hyderabad 500 045 |
| RESPONDENT(S) |   |
| R.No          | Respondent(S) Name  |
| 1             | The State of Telangana<br>Rep by its Principal Secretary Revenue Stamps and Registration Department Secretariat Hyderabad   |
| 2             | The District Collector<br>Ranga Reddy District Hyderabad  |
| 3             | The Dy Collector and Tahsildar<br>Ranga Reddy District Khanamet Village Serilingampally Mandal R R District   |
| 4             | The District Registrar<br>Rangareddy District   |
| 5             | The Joint SubRegistrarII<br>Rangareddy District   |

Thus, though the appellant filed the said Writ Petition, it is not against the respondents-licensee herein, but it is against the Principal Secretary, Revenue Telangana State and four others who are not at all respondents in this case. Apart from that Writ Petition was filed for registration of plots and not in respect of release of power supply. Therefore the learned Forum ought not to have applied Clause 2.37(a) of the Regulation for rejecting the complaint.

16. The appellant claims that it is the owner and possessor of the subject plots. It is relying on certain documents to that effect. It appears that the party in whose favour the respondents have released the subject Service

Connection also claimed the ownership and possession over the subject plots. Thus, both parties are claiming the right and title over the subject plots. The duty of the respondents is to release the electricity Service Connection to the applicant who applies for it as expeditiously as possible, of course, after prima-facie, examining the documents filed by the applicant. The respondents are not supposed to dig deep into the right, title and possession of the property of the applicant. It is the duty of the Civil Court to declare the right, title and possession of the party over the disputed property. In the present case, the appellant as well as M/s. Hatakeswara Groups have been claiming title and possession over the subject plots. It is the Civil Court which has to decide the right, title and possession of the party over the subject plots. At the cost of repetition, basing on the material available before the respondents the subject Service Connection was released in favour of the applicant property. Now the dispute arose between two parties, therefore they have to approach the Civil Court for proper relief. In view of these factors, I hold that at this stage the appellant is not entitled for relief directing to disconnect the subject Service Connection. Therefore the Award 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)**

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



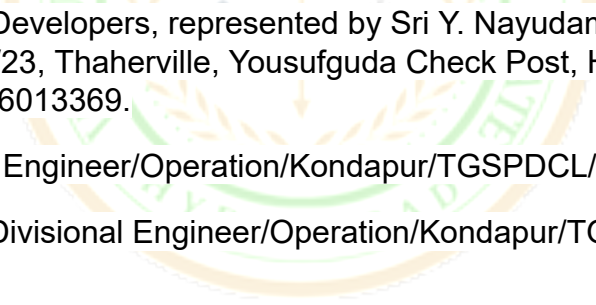
## RESULT

17. In the result, the appeal is rejected.

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 20th day of June 2024.

**Sd/-  
Vidyut Ombudsman**

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1. M/s. Umasri Developers, represented by Sri Y. Nayudamma, H.No.8-3-229/23, Thaherville, Yousufguda Check Post, Hyderabad - 500 045. Cell: 9866013369.
  2. The Assistant Engineer/Operation/Kondapur/TGSPDCL/Cyber City Circle.
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  4. The Assistant Accounts Officer /ERO/Kondapur/TGSPDCL/Cyber City Circle.
  5. The Divisional Engineer/Operation/Kondapur/TGSPDCL/Cyber City Circle.
  6. The Superintending Engineer/Operation/Cyber City Circle/TGSPDCL/Cyber City Circle.

### 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.