



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**

TUESDAY THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

Appeal No. 14 of 2021-22

Between

Mr. Younus Ahmed, s/o. Late Gulam Jeelani, R/o. H.No. 17-3-194/40, Madina Nagar, 'B' Block, Yakuthpura, Hyderabad - 500 023. Cell: 8885558862.

.....Appellant

AND

1. The Assistant Engineer / Operation / Bollarum / TSSPDCL / Hyderabad.
2. The Assistant Divisional Engineer / Operation / Lal Bazar /TSSPDCL / Hyderabad.
3. The Divisional Engineer / Operation / Secunderabad /TSSPDCL / Hyderabad.
4. The Superintending Engineer / Operation / Secunderabad Circle / TSSPDCL / Secunderabad.

..... Respondents

This appeal is coming on before me for final hearing on 03.08.2022 in the presence of Sri Syed Naseeb Faheem - Advocate for the appellant and Sri Naresh Reddy - AE/OP/Bolarum and Sri Nagaraju - ADE/OP/Lal Bazar 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.115/2020-21 dated.26.02.2021.

CASE OF THE APPELLANT

2. The case of the appellant is that he is the consumer of the Licensee-respondents in respect of Registration No. NR91620315590 dt.19.09.2020 under PR No. 19603003650 requested for Service Connection in the land Sy. No.582 of Alwal village. He also paid requisite charges. The respondents have not released the Service Connection. Therefore it is prayed to direct the respondents to release the Service Connection on the application of the appellant.

CASE OF THE RESPONDENTS

3. In the written submission of respondent No.2, it is, inter-alia, submitted that there are several Writ Petitions pending in respect of the land Sy. No.582. The Tahsildar, Alwal Mandal has also raised objection for releasing new Service Connection to the appellant.

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 issued by the Hon'ble Telangana State Electricity Regulatory Commission (in short 'the Regulation') on the ground that Writ Petitions are pending in respect of the land in Sy.No.582.

GROUND OF THE APPEAL

5. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the material on record properly.

6. It is also submitted in the grounds of appeal that the appellant sought the Service Connection in his own land Sy.No.582 and that the Tahsildar has no authority to object for the Service Connection in favour of the appellant. Hence it is prayed to set aside the Award impugned in this appeal and direct the respondents to release the Service Connection in favour of the appellant.

WRITTEN SUBMISSIONS OF RESPONDENT No.2

7. In the written submissions made by respondent No.2 before this Authority, it is reiterated that the new Service Connection is sought in Sy.No. 582 over which several disputes are pending.

ARGUMENTS

8. In the written arguments submitted by the learned counsel for the appellant it is contended that the appellant is seeking new Service Connection in his own land measuring Ac.0.14 guntas; that the Tahsildar has no role to play in releasing the new Service Connection to the appellant and that the respondents, under the influence of the Member of Legislative Assembly, are not releasing the new Service Connection to the appellant. Therefore it is prayed to direct the respondents to release the Service Connection in favour of the appellant.

9. On the other hand, it is submitted on behalf of the respondents that when there is litigation pending in respect of the land Sy.No.582, the appellant is not entitled to the new Service Connection.

POINTS

10. The points that arise for consideration are:-
- i) Whether the appellant is entitled for new Service Connection in Sy.No. 582 as prayed for?
 - ii) Whether the Award passed by the learned Forum is liable to be set aside? and
 - iii) To what relief.

SETTLEMENT BY MUTUAL AGREEMENT

11. 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

12. 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)

13. It is an admitted fact that the appellant has applied for new Service Connection in the land bearing Sy.No.582.

14. In view of the relief claimed in the present appeal, it is necessary to refer to Section 43 of the Electricity Act (in short 'the Act') which reads as under:-

Section 43. (Duty to supply on request): 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:

XXXXX
XXXXX

The above said provision makes it crystal clear that the Licensee is bound to give supply of electricity to the owner or occupant of any premises, within one month after receipt of the application requiring such supply. At the cost of repetition the appellant made such an application to the Licensee-respondents.

CRUX OF THE MATTER

15. The material on record shows that the respondents refused to release the Service Connection to the appellant on the ground that litigation is pending in respect of the land bearing Sy.No. 582, to which the appellant sought electricity Service Connection. This Authority will not venture to decide the title of any party in respect of their property. Section 43(1) of the Act makes it clear that the applicant must be owner of any premises or occupier of such premises. Admittedly, Writ Petitions are pending before the Hon'ble High Court in respect of Sy.No. 582 in W.P.No. 11724/2020. Though the appellant is not a party to the said proceedings, it is touching the same Sy.No. 582, to which the appellant sought Service Connection. The material on record prima-facie does not show

whether the appellant is owner, occupier or trespasser. At this stage it is necessary to refer to Clause 2.37 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

16. Clause 2.37 of the Regulation makes it clear that where any proceedings is pending in respect of the same matter or issue, between the parties herein, the appeal can be rejected. Though the proceedings in the Hon'ble High Court is not between the parties herein, it is touching the disputed land. That being the case, the appellant is not entitled for new Service Connection as prayed for. The learned Forum has considered all these aspects properly and came to a correct conclusion. Therefore, I hold that the Award in question is not liable to be set aside. These points are accordingly decided against the appellant 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, 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 16th day of August 2022.

Sd/-

Vidyut Ombudsman

1. Mr. Younus Ahmed, s/o. Late Gulam Jeelani, R/o. H.No. 17-3-194/40, Madina Nagar, 'B' Block, Yakuthpura, Hyderabad - 500 023. Cell: 8885558862.
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Copy to

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