



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**

TUESDAY THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

Appeal No. 14 of 2023-24

Between

Smt. Kapuram Narmada, w/o. Kapuram Venkatesh, [H.No.1-2-593/3/301](#),
Legend Khandari Apartments, Domalguda, Hyderabad - 500 029. Cell:
9160836033.

.....Appellant

AND

1. The Assistant Engineer/OP/Musheerabad/TSSPDCL/Hyderabad.
2. The Assistant Divisional Engineer/OP/VST/TSSPDCL/Hyderabad.
3. The Divisional Engineer/OP/Azamabad/TSSPDCL/Hyderabad.
4. The Superintending Engineer/OP/Hyderabad Central/TSSPDCL/Hyderabad

..... Respondents

This appeal is coming on before me for final hearing on 13.07.2023 in the presence of the appellant in person and Sri B.Santha Rao -AE/OP/Musheerabad and Sri V.Papaiah- ADE/OP/VST 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 - Greater Hyderabad Area (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited

(in short 'TSSPDCL') in C.G.No.402/2022-23, Hyderabad Central Circle dt.08.05.2023, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that she has applied for new Service Connection online to respondent No. 1 to her premises bearing H.No. 1-7-152/3, Bakaram, Musheerabad, Hyderabad. Her request was rejected on the ground that there is a single premises in the said property. Therefore she prayed to direct the respondents to release a new Service Connection on her application.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondent No.3, it is stated that there is a commercial shed in the subject premises wherein the activity of manufacturing the almirahs is going on. Already there is a Service Connection No. F1027777. Therefore the request of the appellant was rejected.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint holding that since there is already a Service Connection, another Service Connection cannot be granted to the appellant in respect of the said premises.

5. 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 the premises of the appellant is narrow in size and as such herself and her brother have leased out the premises to a common tenant. Since the appellant is owning her separate property, she requires her own Service Connection.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

6. In the written reply submitted by respondent No.1 he has stated that already there is a Service Connection No. F1027777 in the premises in question. Therefore another Service Connection in the said premises cannot be released.

ARGUMENTS

7. Heard both sides.

POINTS

8. The points that arise for consideration are:-
- i) Whether the appellant is entitled for a new Service connection to her premises as prayed for?
 - 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

9. It is an admitted fact that the respondents have already released the Service Connection No. F1027777 to the premises of the appellant and her brother. It is also an admitted fact that there is no separate compound wall to the premises of the appellant separating the property of her brother.

SETTLEMENT BY MUTUAL AGREEMENT

10. 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

11. The present representation was filed on 27.06.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

12. The appellant had applied for a new Service Connection to her premises at Bakaram, Musheerabad, Hyderabad. But the said request was rejected by the respondents on the ground that there is no separate portion of

the appellant. The record shows that the appellant and her brother are owning their separate premises, but without separate portions and the said premises was leased out to a common tenant. The brother of the appellant is already having a Service Connection. At this stage it is necessary to refer Clauses 3.5.1 and 3.5.2 of General Terms and Conditions of Supply (in short 'GTCS') to decide the present dispute. They read as under:-

"3.5.1 For the purpose of the GTCS, separate establishments shall include the following types of establishments:-

- i. Having distinct set-up and staff,
- ii. Owned or leased by different persons;
- iii. Covered by different licences or registrations under any law where such procedures are applicable; and
- iv. For domestic category, the households having a separate kitchen.

3.5.2 Each separate establishment will be given a separate point of supply."

As per the Clause 3.5.1 (ii) of GTCS even if the premises is leased out by two different persons the said premises is deemed as separate establishment. It appears that the appellant and her brother have leased out the premises of the appellant and also the premises of her brother to a common tenant. Therefore under this provision the appellant is termed that she is owning separate property or establishment. Now it is necessary to refer to Clause 3.5.3 of GTCS which reads as under:-

"Notwithstanding the above provisions, the Company reserves the right, where it is reasonably established, that the consumers of the same group or family or firm or company who are availing supply

under different service connections situated within a single premises by splitting the units, the Company may treat such multiple connections existing in the single premises as a single service connection and charge the total consumption of all the consumers at the appropriate tariffs applicable for a single service connection. Any officer authorised by the Company shall issue notices to the concerned consumers asking them to furnish a single application for all such services and to pay required charges for merging the services into a single service.”

This Clause gives discretion to the licensee-respondents whether to release a new Service Connection or not in a similarly situated case. Coming to the facts of the case, as admitted by the appellant, there is no dividing wall between the property of the appellant and the property of her brother. It is not the case of the appellant that she is going to give her property on lease to different tenant than the present tenant. Therefore, at present there is no necessity for the appellant to immediately obtain a new Service Connection as the premises of the appellant is not suitable to give it on lease to a different tenant. Thus considering this aspect, the respondents are correct in rejecting her petition for release of a new Service Connection. However it is made clear that whenever the property of the appellant is separated from the property of her brother or there is any change of circumstances she can again apply for a new Service Connection to the premises. In view of these factors the appellant is not entitled for a new Service connection to her premises as prayed for. These points are answered accordingly against the appellant and in favour of the respondents.

POINT No. (iii)

13. In view of the findings on point No. (i) and (ii), the appeal is liable to be rejected.

14. During the course of hearing the appellant has submitted that she paid Rs.15,571/- online for getting the new Service Connection. She requested for refund of the said amount. The respondents, who appeared virtually on the last date of hearing, have assured for refund of the said amount. Accordingly it is desirable to direct the respondents to refund the amount paid by her.

RESULT

15. In the result, the appeal is rejected confirming the Award passed by the learned Forum. However, whenever the property of the appellant is separated from the property of her brother or in a changed circumstance she can again apply for a new Service Connection to the premises. Further the respondents are directed to refund the amount paid by the appellant and report compliance within one month from the date of receipt of the copy of this Award.

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 1st day of August 2023.

Sd/-

Vidyut Ombudsman

1. Smt. Kapuram Narmada, w/o. Kapuram Venkatesh, [H.No.1-2-593/3/301](#), Legend Khandari Apartments, Domalguda, Hyderabad - 500 029. Cell: 9160836033.
2. The Assistant Engineer/OP/Musheerabad/TSSPDCL/Hyderabad.
3. The Assistant Divisional Engineer/OP/VST/TSSPDCL/Hyderabad.
4. The Divisional Engineer/OP/Azamabad/TSSPDCL/Hyderabad.
5. The Superintending Engineer/OP/Hyderabad Central/TSSPDCL/Hyderabad.

Copy to

6. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- II, H.No.8-3-167/E/1, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad, Pin code - 500045..

