



**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**

FRIDAY THE FOURTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY THREE

**Appeal No. 15 of 2023-24**

Between

Smt. P. Ujjwala Lakshmi Devi, d/o. Sri P. Sreedhara Babu, 1-4-169/47, Tirumala  
Enclave, Loyola College Road, old Alwal, Secunderabad - 500 010.  
Cell: 9908117418.

**.....Appellant**

**AND**

1. The Assistant Engineer / Operation / Yapral / TSSPDCL / Secunderabad.
2. The Assistant Divisional Engineer / Operation / Sainikpuri / TSSPDCL / Secunderabad.
3. The Assistant Accounts Officer / ERO / Sainikpuri / TSSPDCL / Secunderabad.
4. The Divisional Engineer / Operation / Sainikpuri / TSSPDCL / Secunderabad.
5. The Superintending Engineer / Operation / Habsiguda / TSSPDCL / Secunderabad.

**..... Respondents**

This appeal is coming on before me for final hearing on 03.08.2023 in the presence of Sri P. Sreedhara Babu - representative of the appellant and Sri B. Rama Naik - AE/OP/Yapral, Smt. P. Madhavi - ADE/DPE/Habsiguda, Sri P. Muthaiah - ADE/OP/Sainikpuri and Sri S. Subash - DE/OP/Sainikpuri for 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/Order passed by the Consumer Grievances Redressal Forum - II, Hyderabad (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in Lr.No. Chairperson/CGRF-II/Complaint Return - 23-24/D.No.139/2023 dt.15.05.2023 returning the complaint.

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

2. The appellant is a Non Resident Indian. The action initiated by the respondents is not in accordance with law. They have furnished the particulars of their tenant who has committed the alleged theft against whom the respondents have to proceed. They were forced to pay the compounding fee and amount of civil liability fixed by the respondents. The appellant is entitled for refund of the said amount with interest.

### **AWARD OF THE FORUM**

3. After perusing the material on record, the learned Forum has returned the complaint holding that the Forum has no jurisdiction in respect of the present grievance which falls under Sec. 135 of the Electricity Act (in short "the Act").

4. Aggrieved by the Award/Order passed by the learned Forum, the present appeal is preferred, contending among other things that she is the

consumer of the Service Connection No. 230303321, Kowkur Village in Yapral. The tenant of the consumer allegedly committed theft of electricity. The respondents have straight away fixed the civil as well as criminal liability on the appellant arbitrarily without giving any opportunity to her for submitting her explanation. At the most it is the tenant who allegedly committed the theft of electricity to face all the consequences. Accordingly it is prayed to Award damages of Rs.25,00,000/- for causing mental and physical sufferings as well as civil liability, Rs.25,00,000/- towards compensation for casting criminal liability and imposing fine etc., and also Rs.5,000/- towards costs.

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

5. In the written replies dt. 03.08.2023 of respondent No,2, it is, inter-alia, submitted that the respondents are proceeding against the appellant as per Rules. During the inspection by the ADE/DPE of the subject Service Connection it was observed that meter seals of the subject Service Connection in the premises of the appellant were found tampered. The meter was tested in the presence of the father of the appellant and as per the MRT report the meter body was damaged and both the meter seals were found in cut condition and were tampered etc., If the tenant occupies the premises of the landlord that person has to submit an indemnity bond drawn by the owner of the premises in favour of the licensee-respondents, whereby the owner must give undertaking to indemnify the loss if any caused to the respondents by the

applicant(tenant). Such indemnity bond or atleast rental agreement were not furnished in this case. Therefore the case was registered in the name of the consumer of the subject Service Connection.

## **ARGUMENTS**

6. The learned authorised representative of the appellant has submitted that the appellant is a Non Resident Indian; that at the most if the theft of electricity was committed by the tenant of the appellant it is for the respondents to catch hold of the said tenant and proceed against him and that for the acts of the tenant of the appellant the appellant is not responsible. It is accordingly prayed to award compensation and costs to the appellant.

7. Heard the respondents.

## **POINTS**

8. The points that arise for consideration are:-

- i) Whether the Forum has jurisdiction to entertain the present complaint?
- ii) Whether the appellant is entitled for compensation and costs etc., from the respondents as prayed for?
- iii) Whether the impugned Award/Order passed by the learned Forum is liable to be set aside? and
- iv) To what relief?

**POINT No. (i) to (iii)**

**ADMITTED FACTS**

9. It is an admitted fact that the respondents have released the Service Connection No. 23030332 to the appellant. There is also no dispute that the electricity bill is being paid for the subject Service Connection regularly.

**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 appeal was filed on 28.06.2023. This appeal is being disposed of within the period of (60) days as required.

**CRUX OF THE MATTER**

12. The written replies filed by respondent No.2, prima-facie, show that there was inspection of the subject Service Connection at the relevant time by the Detection of Pilferage of Energy wing of the respondents.

13. The claim of the appellant is that she was not occupying her premises during the period when the alleged theft was committed. According to the appellant, at the most it is her tenant who committed theft of electricity. At this stage it is necessary to mention that if the owner resides in the premises such owner is responsible for any theft of the electricity. Like-wise the occupier of the premises including the tenant is responsible for the theft of electricity during the relevant period. In the present case as argued by the respondents the appellant has not furnished any lease deed initially when the tenant took possession of the premises of the appellant to show the particulars of the tenant in order to find out and give notice to such tenant in case of theft. That being the case the respondents cannot be blamed for serving the notice on the appellant.

14. In view of the case put up by the parties, it is necessary to refer to Clause 2.37 of the Regulation 3 of 2015 of the Hon'ble Telangana State Electricity Regulatory Commission (in short ' 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;

- b. Where cases fall under Sections 126,127,135 to 139,152 and 161 of the Act;
- c. Where the grievance has been submitted two years after the date on which the cause of action arose or ceases to continue, whichever is later.
- d. In the cases, where grievances are:
  - Frivolous, vexatious, malafide;
  - without any sufficient cause; or
  - Where there is no prima facie loss or damage or inconvenience caused or to be caused to the Complainant or the consumers who are represented by an association or group of consumers.

Provided that no grievance shall be rejected in writing unless the Complainant or Association of persons has been given an opportunity of being heard.”

As per Clause 2.37(b) of the Regulation the Forum has no jurisdiction to entertain the complaint in respect of Sec.135 of the Act. Basing on the above Clause, the learned Forum has returned the complaint. This Clause makes it quite clear that the grievance falling under Sec.135 of the Act cannot be decided by the Forum. Thus the Award/Order passed by the learned Forum is correct. The appellant has to approach proper Forum for redressal of her grievance.

15. The learned representative of the appellant has relied upon the Award passed by the Consumer Grievance Redressal Forum, Nagpur Zone, Nagpur, Maharashtra State in CGRF No. (NZ) 91/2018 dt.01.10.2018. In the said case it was observed that the successor-in title having no knowledge about theft of electricity committed by his predecessor is not liable for such theft. This order is not helpful to the appellant for more than one reason. First

reason is that there was a change of ownership of the property in the said case where there was theft of electricity but in the instant case there is no such change of ownership of the property. Second reason is that the Forum which passed the order is not superior to this Authority as such it is not binding on this Authority. The third reason is that the case pertains to the State of Maharashtra, whereas in Telangana there are separate Regulation which is applicable in this case.

16. The learned representative of the appellant has relied upon the Award passed by the National Consumer Disputes Redressal Commission dt.11.09.2008 in Dakshin Haryana Bijli Vitran Nigam Ltd., & ors v. Meghraj & ors., wherein it is held that the licensee-respondents have to follow the procedure prescribed under Sec.126 of the Act in case of alleged unauthorised use of electricity. The case is not relevant in the present appeal because the Forum has no jurisdiction even in respect of Sec.126 of the Act. Therefore this order is also not helpful to the appellant.

17. The learned representative of the appellant has filed a paper cutting of the Times Of India English daily news-paper dt.05.08.2009 with a heading "Tenant steals electricity, made to pay the bill." The news reported in a newspaper is the effect of hear-say only. That apart, as already stated, in the present case Sec. 135 of the Act is involved for which the learned Forum has no jurisdiction to decide. Like-wise this Authority also cannot decide the



present grievance. In view of the above factors, I hold that the Forum has no jurisdiction to entertain the present complaint and as such it has returned the complaint properly, therefore the Award/Order of the learned Forum is not liable to be set aside. Since neither the learned Forum nor this Authority has jurisdiction to decide the dispute arising under Sec 135 of the Act, the question of awarding compensation or costs to the appellant does not arise. These points are decided accordingly against the appellant and in favour of the respondents.

**POINT No. (iv)**

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

**RESULT**

19. In the result, the appeal is rejected, without costs confirming the Award/Order 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 04 day of August 2023.

**Sd/-  
Vidyut Ombudsman**

1. Smt. P. Ujjwala Lakshmi Devi, d/o. Sri P. Sreedhara Babu, 1-4-169/47, Tirumala Enclave, Loyola College Road, old Alwal, Secunderabad - 500 010. Cell: 9908117418.
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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.

