



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

MONDAY THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

Appeal No. 19 of 2022-23

Between

Sri Komati Reddy Sridhar Reddy, s/o. Sri Rajeshwar Reddy, H.No.3-7-749/3,
3rd lane, Bank Colony, Karimnagar, Karimnagar District. Cell: 90306 06805.

.....Appellant

AND

1. The Assistant Engineer/ Operation/Choppadandi - 9440811446.
2. The Assistant Divisional Engineer / Operation/Gangadhara - 9440811419.
3. The Divisional Engineer / Operation/Rural/Karimnagar-7901093945.

..... Respondents

This appeal is coming on before me for final hearing on 28.02.2023 in the presence of Sri K.Sridhar Reddy, appellant in person and Sri E. Satyanarayana- ADE/OP/Gangadhara for 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 - I (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G.No 286/2021-22 of Karimnagar Circle dated 19.08.2022, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the Forum is that he is the owner of the land measuring Ac.0-03 guntas in Sy. 277/2 situated in Choppadandi town Karimnagar District. The appellant has obtained permission from Gram Panchayat, Choppadandi on 25.11.2021 for construction of a new house. The appellant has paid a sum of Rs 4536/- for the purpose of obtaining electricity connection. Accordingly the electricity Service Connection No. 20701-07957 was allotted and installed on 21.1.2022. But the said meter was removed as per the instructions of the Superintending Engineer, Karimnagar. Accordingly it was prayed to restore the electricity Service Connection.

CASE OF THE RESPONDENTS BEFORE THE FORUM

3. The letter filed by respondent No.3 before the Forum goes to show that the Hon'ble Addl. Senior Civil Judge Karimnagar granted an Interim Injunction in I.A No. 24/2022 in O.S. No.2/2022 in favour of one Siripuram Chandu against the appellant herein in respect of the plot in Sy.No. 277/2, measuring 363 sq.yds.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint under Clause 2.37 of the Hon'ble Telangana State Electricity Regulatory Commission (in short 'the Regulation') holding that the Forum has no jurisdiction to entertain the complaint in view of the pendency of the application and O.S. No.2/2022.

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. It is accordingly prayed to direct the respondents to restore the power supply of the Service Connection of the appellant.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written submission of respondent No 3, it is stated that in view of pendency of O.S.No 2/2022 the learned Forum has rejected the complaint. Therefore it is prayed to reject the appeal.

7. Heard both sides.

POINTS

8. 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 impugned Award of the learned Forum is liable to be set aside? and
- ii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

9. It is an admitted fact that the respondents have released Service Connection No. 20701-07957 in favour of the appellant but it was disconnected in view of orders in I.A.No 24/2022 in O.S.No 2/2022.

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. 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.

CRUX OF THE MATTER

12. The appellant's stand is that the new meter was installed at his premises but it was disconnected subsequently. The appellant has not disputed that there is an interim injunction order against him in I.A.No 24/2022 in O.S.No 2/2022 granted by the learned Addl Senior Civil Judge Karimnagar

in respect of house plot measuring 363 sq.yds in Sy.No 277/2. Now it is necessary to refer 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

As already stated a suit in O.S.No.2/ 2022 is pending before the learned Addl Senior Civil Judge, Karimngar, between the appellant and one Siripuram Chandu. Thus the main dispute is between the appellant and the said Chandu. It is not as if the respondents have disconnected the subject Service Connection without any reason. Therefore the appellant has to wait till the final order of the Civil Court. Hence, I hold that the appeal is not maintainable and the Award passed by the learned 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)

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

RESULT

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

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by the Private Secretary, corrected and pronounced by me on this the 20th day of March 2023.

Sd/-
Vidyut Ombudsman

1. Sri Komati Reddy Sridhar Reddy, s/o. Rajeshwar Reddy, H.No.3-7-749/3, 3rd lane, Bank Colony, Karimnagar, Karimnagar District. cell: 90306 06805.
2. The Assistant Engineer/ Operation/Choppadandi - 9440811446.
3. The Assistant Divisional Engineer / Operation/Gangadhara - 9440811419.
4. The Divisional Engineer / Operation/Rural/Karimnagar-7901093945.

Copy to

5. The Chairperson, Consumer Grievances Redressal Forum of TSNPDCL- I, H.No.2-5-58, Opp: Head Post Office, Nakkalagutta, Hanamkonda, Warangal District, Pin code - 506001.