



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 TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

Appeal No. 21 of 2024-25

Between

Sri Vishesh Anand, Anand Mirch-Masala Store, # 7-3-57, Sajjanlal Street,
Monda Market, Secunderabad - 500003. Mobile No. 9848885334.

.....Appellant

AND

1. The Assistant Engineer/Operation/Chatrinaka/TGSPDCL/Hyderabad.
2. The Assistant Divisional Engineer / Operation / Falaknuma / TGSPDCL /Hyderabad.
3. The Assistant Accounts Officer/ERO/Salarjung/TGSPDCL/Hyderabad.
4. The Divisional Engineer/Operation/Charminar/TGSPDCL/Hyderabad.
5. The Superintending Engineer/Operation/Hyderabad South / TGSPDCL / Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing today in the presence of Sri Ravinder Prasad Srivatsava - authorised representative of appellant and Sri Dastagiri - AE/OP/Chatrinaka, Sri K.Raju - ADE/OP/Falaknuma and Sri M.Ramana Murthy - AAO/ERO/Salarjung for the respondents and having stood over for consideration, 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), (in

short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL') in C.G.No 2/2024-25/Hyderabad South Circle dt. 30.05.2024, dismissing the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that he applied for non-domestic and commercial Service Connection for supply of electricity at premises No.18-7-445/2, Lalitha Bagh, Saraswathi Nagar, Gowlipura, Hyderabad (in short 'the subject premises') on 14.02.2024 by paying the required charges. His application was rejected.

3. There are other three Service Connections at the entire plot of land measuring 3546 square yards out of which 1000 square yards is the subject premises which belongs to the appellant. There is no existing Service Connection to the premises of the appellant. The three existing Service Connections are in the name of the brother of the appellant which are as under:-

- 1) X2009202 - Vinod Anand, D.No.18-7-447/91/D, Gowlipura.
- 2) X2008397 - Vivekanand, D.No.18-7-445/109, Gowlipura.
- 3) X290864 - M/s. Anand Udyog, IP 7-447/91/4, Gowlipura.

Therefore it is prayed to direct the respondents to release the new Service Connections to the appellant in the subject premises.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

4. In the written reply filed by respondent No.2, it is submitted that while applying for new (3) phase commercial service with a contracted load of 5 KW at the subject premises the appellant has not submitted any partition deed. There are three Service Connections existing in the same premises. Since Service Connection No. X2908641 is existing in the same premises, another service cannot be released. There is land dispute between the appellant and his family members vide I.A.No.1 of 2021 in C.R.P. No. 380 of 2021 before the Hon'ble High Court.

5. In the written reply filed by respondent No.3, before the learned forum, it is, inter-alia, submitted that two Service Connections are existing at the place where the appellant is seeking release of new Service Connections.

They are as under:-

S. No.	USC No.	SC No.	Name of the consumer	Address	Cat	Status	Billstop dt.
1.	100785294	X2008397	Vivekanand	18-7-445/109 Gowlipura	2	99	20.09.2004
2.	100785338	X2009202	Vinod Anand	18-7-447-91/D Gowlipura	2	99	22.08.2006

No amount was paid for dismantling the said Service Connections.

AWARD OF THE FORUM

6. After considering the material on record and after hearing both sides, the learned Forum has dismissed the complaint on the ground that the land dispute is pending in C.R.P.380 of 2021 before the Hon'ble High Court and also on the ground that there are no proper documents produced by the appellant to establish his lawful possession over the subject premises.

7. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that in the property tax receipt there is mistake in the name of the appellant but the door number of the property is correctly mentioned; that the details furnished by the respondents for the existing Service Connections do not belong to the appellant; that the appellant is not a party to C.R.P.No. 380 of 2021 and that the subject premises is not covered in the said C.R.P. Therefore it is prayed to set aside the impugned Award and to direct the respondents to release the new Service Connection of 5000 watts as per the application dt.14.02.2024 immediately.

WRITTEN SUBMISSION OF RESPONDENTS

8. In the written reply filed by respondent No.2, before this Authority, he has reiterated the contents of his written reply filed before the learned Forum.

ARGUMENTS

9. In the written arguments filed by the authorised representative of the appellant it is submitted that in the latest property tax receipt of the subject premises number is mentioned correctly but there is a typographical mistake in respect of the name of the appellant; that the subject premises is not covered in C.R.P. 380 of 2021; that in the rental agreement dt.01.08.1996 the subject premises number is mentioned and that the notice issued by the Municipal Corporation of Hyderabad No. 367, dt.23.09.1993 also there is mention of the number of the subject premises. Therefore it is prayed to direct the respondents to release new Service Connection to the appellant.

10. On the other hand, the respondents have supported the Award of the learned Forum and prayed to reject the appeal.

POINTS

11. The points that arise for consideration are:-

- i) Whether the appellant is entitled for release of new Service Connection 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 Nos. (i) and (ii)

ADMITTED FACTS

12. It is an admitted fact that the three Service Connections are existing in the total extent of the plot. Only one Service Connection X2908641 in the name of M/s. Anand Udyog at premises No.18-7-447/91/4, situated at Gowlipura is live out of the said three Service Connections.

SETTLEMENT BY MUTUAL AGREEMENT

13. Both the parties have appeared before this Authority virtually and physically. 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

14. The present appeal was filed on 07.08.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

15. The case of the appellant is that the respondents have rejected the application for release of new Service Connection of 5000 watts of Non-Domestic Category to his premises situated at door No.18-7-445/2 even though he paid an amount of Rs.19,139/- vide NR904243908160

dt.14.02.2024. On the other hand, the respondents have supported the Award of the learned Forum by submitting that the partition deed was not submitted etc., As seen from the records, there are two OSL Service Connections (SC.No.X2008397 and X2009202) existing at the subject premises with due amounts. Further one more live Service Connection X2908641 is existing with a due amount of Rs.2,39,270/- billed in the month of June 2024. In view of the above, respondent No.2 sought clarification from respondent No.5 who clarified that the new service cannot be released within the same premises as there is no separate establishment as per the Clauses of the General Terms and Conditions of Supply (in short 'GTCS') and also there is a Court case pending regarding the land dispute with the appellant's family members vide I.A.No. 1 of 2021 in CRP No. 380 of 2021 wherein Sri Vishesh Anand (appellant) is one of the respondents. Accordingly, release of non-domestic Service Connection in the name of the appellant has been rejected by the respondents. Though the appellant claimed that he is not a party to the proceedings before the Hon'ble High Court, the copy of order in IA No. 1 of 2021 in CRP No.380/2021 shows that he is shown as respondent No.3. However such pendency of case is not an obstacle in the present case for releasing the new Service Connection.

16. The appellant has submitted the following documents as a proof of ownership of subject premises in his name:-

1. The absolute agreement of sale dt.26.06.1987 between Sri Bandari Balkishan Rao s/o. Bandari Sayanna and Sri Visheshanand s/o. Anand Swarop.
2. Rental Agreement dt.01.08.1996.
3. GHMC property tax receipt paid receipt dt. 28.03.2024.

As regards the first document dt.26.06.1987 it is not a registered sale deed. Further no sale deed was executed after 26.06.1987. The second document is a rental deed allegedly executed on 01.08.1996 on Non-Judicial Stamp paper worth Rs.10/-. But the stamp paper was allegedly purchased on 16.08.1986. That means after writing the document the stamp paper was purchased which is not usual or possible. The third document is the GHMC Tax receipt. It is in the name of Vishwanand Agarwal, whereas the appellant's name is Vishesh Anand. Further the appellant has not produced original copies of any of the above documents. Basing on the material produced by the appellant ownership of the appellant over the subject premises or his lawful possession at this stage cannot be accepted.

17. It appears that in this appeal both parties went to the spot yesterday and appellant filed (3) photos, whereas respondents filed one photo. These photographs indicate the existence of machinery in the shed and also marks of electrical wire in the shed. These factors indicate the existence of power

supply earlier. It is not known through which Service Connection such power supply was given.

18. At this stage it is necessary to refer to Clause 5.2.3 of GTCS which is as under:-

“An applicant who is not the owner of the premises he occupies and intending to avail of supply shall submit an Indemnity Bond drawn by the owner of the premises in favour of the company whereby the owner of the premises undertakes to indemnify the company for any loss caused to the company by the applicant (who is the tenant/ occupant of the Premises) arising out of the release of service to the tenant/ occupant. Otherwise he shall be required to pay three times the normal security deposit apart from providing proof of his being in lawful occupation of the premises.”

At the cost of repetition, the documents submitted by the appellant prima facie, does not show that the appellant is in lawful possession of the premises. Further, in view of the Clause referred to above and in view of the documents filed by the appellant, the rejection of the application by respondents is correct. Accordingly, I hold that the appellant is not entitled for release of new Service Connection as prayed for and 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)

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

RESULT

20. In the result, the appeal is rejected by confirming the Award 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 12th day of September 2024.

**Sd/-
Vidyut Ombudsman**

1. Sri Vishesh Anand, Anand Mirch-Masala Store, # 7-3-57, Sajjanlal Street, Monda Market, Secunderabad - 500003. Mobile No. 9848885334.
2. The Assistant Engineer/Operation/Chatrinaka/TGSPDCL/Hyderabad.
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6. The Superintending Engineer/Operation/Hyderabad South / TGSPDCL / Hyderabad.

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum of TGSPDCL- 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.