



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: R. DAMODAR

Wednesday, the Twenty Fifth Day of October 2017

Appeal No. 24 of 2017

Preferred against Order Dt.22.06.2017 of CGRF In

C.G.No.108/2017-18/Hyderabad North Circle

Between

Sri. Kanneeti Venkateswarlu, H.No.LIG 134/1, 3rd Phase, KPHB Colony,
Hyderabad- 500 072. Cell : 9703322138.

... Appellant

AND

1. The ADE/OP/Jubilee Hills/TSSPDCL/Hyderabad
2. The AAO/ERO/Banjarahills/TSSPDCL/Hyderabad.
3. The DE/OP/Erragadda/TSSPDCL/Hyderabad.
4. The SE/OP/Hyd.North Circle/TSSPDCL/Hyderabad.
5. Gandyarapu Rajesham S/o. G. Shankariah, H.No.1-65/2/130/21/A,
Plot No. 21/A,Sy.No.32, Guttala Begumpet Village, Serilingampally.

... Respondents

The above appeal filed on 05.07.2017, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 27.09.2017 at Hyderabad in the presence of Sri. K. Venkateswarlu - Appellant, Sri. K.V.V.K.Prasad - GPA for the Appellant and Sri. P. Shiva Krishna Prasad - ADE/OP/Jubilee Hills, Sri. K. Chandra Mohith - AAO/ERO XI/ Banjara Hills and Sri. G. Rajesham - 5th Respondent for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant lodged a complaint with CGRF seeking dismantlement of SC No. A9063139 on the ground that the Appellant owns Plot No. 20 in Sy No.22, Guttala Begumpet Village having purchased the plot under Doc.No. 8625 of 2014. He alleged that the DISCOM officials have released the Service Connection in question on 30.4.2017 to H.No. 1-65/2/130/21/A, Guttala Begumpet in the name of the 5th Respondent Sri. Rajesham, who secured LRS and BRS based on forged documents.The Appellant

claimed that on his application, the Commissioner of GHMC through proceedings dt.20.5.2017 revoked the LRS and BRS permission issued for regularisation of Plot No.21/A, in Sy.No.32 of Guttala Begumpet, Serilingampally. The Appellant sought dismantlement of the Service Connection released in favour of the 5th Respondent.

2. The 1st Respondent/ADE/O/Jubilee Hills filed written submission stating that the 5th Respondent Sri.G.Rajesham filed an application for new Service Connection duly submitting a copy of sale deed bearing document No. 8702/2015 for his plot No. 21/A and later, the Appellant sent a letter dt.27.5.2017 seeking disconnection of power supply to the Service Connection located in plot No.20 in sy No.22 of Guttala Begumpet and based on the said complaint, he (R1) inspected the premises and found the building construction in progress and informed so to the 5th Respondent regarding the objection raised by the Appellant. He stated that the 5th Respondent then gave a representation stating that he is the absolute owner of Plot No.21/A admeasuring 260 Sq.Yards in Survey No.32 for which he has secured the service connection No. A9063139, along with the relevant documents.

3. Before the CGRF, the Appellant (along with his GPA K.V.V.K. Prasad) appeared and gave a statement to the effect that the Appellant purchased Plot No.20 under a regular sale deed dt.16.7.2014. Later, he stated that One V. Mayura in the year 2004 concocted Plot No. 21/A with forged and fabricated documents and encroached into his Plot No.20. He claimed that then he filed a CMA No.119/2015 and obtained Status Quo Orders and got a FIR registered in crime No. 2/2017 of Madhapur Police Station. He claimed that the RDO has issued proceedings No. LKSO/1376/2014. He further claimed that the 5th Respondent has concealed the above facts regarding the long pending civil litigations and other proceedings. He sought disconnection of the Service Connection obtained by the 5th Respondent illegally. He filed documents like order of the Courts and also copy of FIR in support of his claim.

4. The 1st Respondent/ADE/O/Jubilee Hills/TSSPDCL reiterated about the application made by the 5th Respondent seeking new Service Connection to Plot No.21/A, Guttala Begumpet, Hyderabad along with copy of regular sale deed document No. 8702/2015 and about releasing the Service Connection as per the procedure. He filed a copy of the regular sale deed of the 5th Respondent for premises No. 1-65/2/130/21/A in plot No.21/A with specific boundaries North: 30 feet wide road, South: neighbours plot, East:Plot No.21(Part of the house 1-94/1) West: Plot No. 20, along with copy of sketch and copy of Aadhar card of the seller and copy of judgement and decree passed in 820/2008 dt.2.6.2014 on the file of the Court of the

2nd Additional Senior Civil Judge, RR district at LB Nagar between the vendor of the Appellant Smt. Sunkara Amulya D/o. Sunkara Laxmana Rao and One Smt. Mayura in respect Plot No.20 to an extent of 240 Square Yards in Sy.No.32 for injunction. The Respondent No.5 filed a copy of WP No. 17379 of 2017 on the file of Hon'ble High Court filed by him against the Appellant and others where interim directions were in vogue till 10.6.2017 regarding revocation of LRS and BRS proceedings issued by the Commissioner in favour of the 5th Respondent.

5. After having noted the facts, the litigation pending between the Appellant and the 5th Respondent and others and the matter pending in the Court, the CGRF observed that the question raised is found not within the purview of the jurisdiction of the CGRF to decide the dispute under Clause 2.37 of Regulation 3 of 2015 and rejected the complaint through the impugned orders.

6. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal.

7. Both parties filed copies of regular sale deeds and copies of many documents in support of their respective claims. Only relevant documents necessary for disposal of the present matter are referred to in this order.

8. It has to be noted that during pendency of the matter before CGRF and in the Appeal filed by the Appellant, the 5th Respondent is not made a party and therefore, he has been added as a party in the Appeal and notice was served on him. The Respondent No.5 has Appeared and filed copies of documents in support of his claim in the Appeal. Pending Appeal, the 1st Respondent submitted a report dt.1.8.2017 stating that the 5th Respondent was released the Service Connection to plot No.21/A of Guttala Begumpet Hyderabad on his application accompanied by a copy of regular sale deed No. 8702/2015 and whereas, the Appellant gave a representation on 27.05.2017 seeking disconnection of power supply to the Service Connection in question located in Plot No. 20 in Sy No.32 of Guttala Begumpet. He (1st Respondent) inspected and found the Appellant as consumer of the Service Connection with the construction of building in progress in the plot. When he informed the objection raised by the Appellant, the 5th Respondent gave a representation and asserted that the Service Connection No. A9063139 is to his Plot No.21/A measuring 260 Square Yards in Sy.No.32 of Guttala Begumpet and submitted relevant documents.

9. Mediation efforts have not succeeded in view of nature of the dispute and pending civil and criminal matters.

10. On the basis of the material on record and rival contentions, the following issues arise for determination:

1. Whether the Appellant is entitled to dismantlement of Service Connection No. A9063139 issued in favour of the 5th Respondent for H.No.1-65/2/130/21/A in plot No.21/A of Sy.No.32 of Guttala Begumpet village?
2. Whether the Appellant is entitled to release of a fresh service connection to premises bearing No. Plot No.20 in Sy.No.32 of Guttala Begumpet?
3. Whether the subject matter is a civil dispute and therefore, under Clause 2.37(a) of regulation 3 of 2015, the CGRF and U/Clause 3.19(c) of Regulation 3 of 2015 the Vidyut Ombudsman cannot entertain the dispute?
4. Whether the impugned orders are liable to be set aside?

ISSUES 1 to 4

11. The Appellant is claiming that the 5th Respondent, with false documents, obtained the Service Connection No.A9063139 by wrongly noting the premises No.1-65/2/130/21/A in plot No.21/A in Sy.No.32 of Guttala Begumpet village, Serilingampally Mandal and in fact, he(Appellant) is the owner of plot No.20 in Sy.No.32 measuring 240 Square yards having purchased it on 16.7.2014 vide document No. 8625/2014. He claimed that while he has been in possession of the plot, One B. Mayura in the year 2004, created forged and fabricated documents for plot No.21/A and entered into his Plot No.20. He further stated that a criminal case has been pending in Madhapur police station regarding the property. It is alleged that in the year, 2003 One Narasimha died and later in the year 2004, the others got a regular sale deed for plot No. 21/A and when the death certificate was shown to the police, it was made subject matter of a crime registered and it was transferred to the RDO. The Appellant further alleged that the 5th Respondent, by playing fraud on GHMC officials, while the plot No.21/A was in the custody of RDO, obtained building permission and started construction in plot No. 20 and he has been continuing the construction in the plot for three floors. He stated that the LRS and building permission obtained by the Respondent No.5 were revoked by the Commissioner of GHMC by proceedings dt.20.5.2017.

He (Appellant) sought legal action against the 5th Respondent, removal of the Service Connection in question and issue of a fresh Service Connection to his plot No.20.

12. The record clearly shows that both the parties have been contesting the matter in the Civil Court as well as in the criminal case. The record further shows that the 5th Respondent has constructed the premises upto 3rd floor in the Plot No.21/A, according to the 5th Respondent and in Plot No.20 according to the Appellant and the premises is still under construction. The copies of sale deed of the 5th Respondent as well as the Appellant disclose the keen contest between the parties regarding the plot. The Appellant is claiming Plot No.20 admeasuring 240 Square Yards and whereas, the 5th Respondent is claiming Plot No.21/A admeasuring 260 Square Yards referring to the same plot but obviously with different boundaries. The Service Connection, it is clear, has been issued in favour of the 5th Respondent and so also the premises is under construction upto 3rd floor. There is a WP No.17379/2017 on the file of the Hon'ble High Court filed by the 5th Respondent against the Appellant and other Respondents herein seeking setting aside the order of the Commissioner of GHMC Dt.25.05.2017 by which the LRS and BRS secured by the 5th Respondent were set aside. It is also a fact that the civil suit OS No. 820/2008 on the file of II Additional Senior Civil Judge between the vendor of the Appellant and Smt. Sita, vendor of the Respondent No.5 who was stated to have been gifted the Plot No.21/A by Smt. V. Mayura, was filed for perpetual injunction and it was dismissed, which is significant.

13. The Appellant claimed that on the pretext that the Plot No. is 21/A belongs to him, the 5th Respondent has been constructing a three floored premises, which is in fact in Plot No.20 belonging to him (Appellant). The 5th Respondent claimed that the premises in question is in fact plot No. 21/A in Sy No. 32 of Guttala Begumpet and that there is a civil dispute between the parties. Thus when the matter is under serious contest between the parties regarding their title, the officials of the DISCOM cannot decide the matter and grant relief of dismantlement of the existing service and release of a new service connection. It is for the Appellant to take appropriate steps for getting suitable relief elsewhere, before approaching the CGRF for dismantlement of the Service Connection.

14. As far as the present dispute is concerned, the matter cannot be decided either in the CGRF or at the Appellate stage. Keeping in view the facts and circumstances of the case and the stand taken by the parties, no order can be passed for dismantling the Service Connection and release of a new Service Connection. It is for the parties to agitate their dispute on civil side to get suitable reliefs sought in this

proceedings. Thus the Appellant is found not entitled to any relief sought in this matter. The issues are answered accordingly. There are no grounds to interfere with the impugned orders, which are confirmed.

15. In the result, the Appeal is disposed of as follows:

1. The Appellant is found not entitled to dismantlement of the existing Service Connection in question or for release of a new Service Connection to the same premises in his (Appellant) name.
2. The subject matter falls under the category of a civil dispute and under Clause 2.37(a) of Regulation 3 of 2015, the CGRF and under Clause 3.19(c) of Regulation 3 of 2015 the Vidyut Ombudsman have no jurisdiction to decide the issues between the parties regarding title to the premises in controversy and grant relief sought.
3. The impugned orders are confirmed.

16. The licensee shall comply with and implement this order within 15 days for the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Clerk Computer Operator, Corrected, Signed and Pronounced by me on this the 25th day of October, 2017.

Sd/-

Vidyut Ombudsman

1. Sri. Kanneti Venkateswarlu, H.No.LIG 134/1, 3rd Phase, KPHB Colony, Hyderabad- 500 072. Cell : 9703322138.
2. The ADE/OP/Jubilee Hills/TSSPDCL/Hyderabad
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6. Gandyarapu Rajesham S/o. G. Shankariah, H.No.1-65/2/130/21/A, Plot No. 21/A,Sy.No.32, Guttala Begumpet Village, Serilingampally.

Copy to :

7. The Chairperson, Consumer Grievance Redressal Forum, Greater Hyderabad Area, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad - 500 045.
8. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapool,Hyd.