



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 TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

Appeal No. 25 of 2023-24

Between

Sri K. Sambasiva Rao, Plot No. 748, Prashanth Nagar, Vanasthalipuram,
Hyderabad - 500- 070, Cell: 9866746105.

.....Appellant

AND

1. The Assistant Engineer / Operation / Turkayamjal / TSSPDCL / Rangareddy District.
2. The Assistant Divisional Engineer / Operation / Turkayamjal / TSSPDCL / Rangareddy District.
3. The Assistant Accounts Officer / ERO / Ibrahimpatnam / TSSPDCL / Rangareddy District.
4. The Divisional Engineer / Operation / Ibrahimpatnam / TSSPDCL / Rangareddy District.
5. The Superintending Engineer / Operation / Saroor Nagar / TSSPDCL / Rangareddy District.

..... Respondents

This appeal is coming on before me for final hearing on 08.09.2023 in the presence of the appellant in person and Sri M. Vinod Reddy - ADE/OP/Turkayamjal representing 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 - (Greater Hyderabad Area), Hyderabad (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') vide Lr.No.Chairperson/CGRF-II/Complaint Return - 23-24/D.No.467/2023 dt.07.08.2023.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the appellant had purchased an extent of Ac. 0.25 guntas of land in Sy.No.62 situated at Munaganoor Village, Hayath Nagar Mandal under a registered sale deed dt.21.03.2005. He filed a suit in O.S.No.124 of 2017 against one M. Ramesh and another before the Hon'ble IX Additional Senior Civil Judge, R.R.Dist at L.B.Nagar for grant of perpetual injunction. The said M.Ramesh also filed a suit against the appellant and others in O.S.No.140 of 2008 before the Hon'ble Prl. District Judge, R.R. district at L.B. Nagar in respect of the same property for declaration etc., The appellant won the case. The said Mr. M. Ramesh lost the cases even in the Hon'ble High Court. The said Mr. M. Ramesh obtained electricity Service Connection from the respondents in the disputed property. Therefore it was prayed to dismantle the Service Connection of the said Mr. M. Ramesh.

AWARD OF THE FORUM

3. After considering the material on record, the learned Forum has returned the complaint relying on Clause 2.37 of Regulation 3 of 2015 issued by the Hon'ble Telangana State Electricity Regulatory Commission (in short 'The Regulation') on the ground that a final order has already been passed by the Court.

4. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred reiterating the contents made by him in the complaint before the learned Forum.

WRITTEN SUBMISSION OF RESPONDENTS

5. In the written reply filed by respondent No.2, it is stated that one M. Ramesh is residing in the disputed property. He submitted the copies of documents handed over by Mr. M. Ramesh to respondent No.2, in respect of Service Connection No. 2211 01873.

ARGUMENTS

6. Heard both sides.

POINTS

7. The points that arise for consideration are:-

- i) Whether the Service Connection of Mr. M Ramesh is liable to be dismantled?
- 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

8. It is an admitted fact that the respondents have released a Service Connection No. 2211 01873 to Mr. M. Ramesh. The material on record also shows that earlier Civil disputes were pending between the appellant and one Mr. M. Ramesh apart from a Criminal case lodged by the appellant to the police against the said Mr. M. Ramesh.

SETTLEMENT BY MUTUAL AGREEMENT

9. 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

10. The present appeal was filed on 16.08.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

11. The copies of documents filed by the appellant and also respondent No.2, it is clear that initially the appellant approached the Civil Court and there

were cases between the appellant and one Mr. M. Ramesh. The particulars of the said cases are as under:-

Sl.No.	Case No.	Filed by	Against	Court	Result
1	O.S.No.124/2008	Appellant	1. Sri M. Ramesh 2. Sri V. Praveen Kumar Reddy	IX Additional Senior Civil Judge, L.B.Nagar, R.R.District	Decreed on 30.11.2017 with costs
2.	O.S.No.140/2008	M. Ramesh	1. Smt. Manju Sri 2. Sri M. Sukha Jeevan Reddy 3. Sri K. Sambasiva Rao(appellant) 4. The Sub-Registrar 5. Sri C. Prakash	Principal District Judge, R.R.District, L.B.Nagar	Dismissed on 28.03.2016 with costs
3.	A.S.No.432/2016	M. Ramesh	-do-	Hon'ble High Court	Dismissed on 24.03.2021
4.	E.A. No.55/2020 in E.P.No.209/2020 in O.S.No.124/2008	Appellant	1.M. Ramesh 2.V. Praveen Kumar Reddy	IX Additional Senior Civil Judge, R.R.District at L.B.Nagar	Allowed on 28.12.2020

Apart from these cases, on the complaint of the appellant, the Police Hayathnagar have also filed a charge sheet against Sri M. Ramesh and another for the offences punishable under Sec.447, 427 and 506 IPC.

12. In view of the nature of the present dispute it is relevant 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;
- 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.”

The above Clause makes it clear that when a decree or final order was already passed, the Forum has no jurisdiction to entertain any complaint filed by the consumer. Normally when there are two authorities to any person to file any complaint for the redressal of his grievance proprietary demands that the complainant has to choose one and pursue the remedy till its logical end and he cannot be permitted to file a Civil Suit in the Civil Court and for the same relief file a complaint before the consumer Forum. In the present case, as already stated, the appellant has already approached the civil Court by filing O.S.No.124 of 2008 and he obtained decree in his favour against one

M.Ramesh and another. The material on record goes to show that the dispute is not merely dismantling the Service Connection issued in favour of Mr. M. Ramesh. Admittedly Mr. M. Ramesh is in the disputed property, though he lost the cases. When once the appellant has already obtained a decree and also filed an Execution Petition, the remedy of the appellant lies somewhere else for the redressal of the entire grievance and not before the Forum. The appellant has to approach proper Court for the redressal of his entire grievance. The appellant and also Mr. M. Ramesh went up to the Hon'ble High Court and all the Courts held in favour of the appellant. That being so now the appellant suddenly cannot approach the Forum seeking the present relief. More-over Mr. M. Ramesh is not before the Forum or before this Authority. In view of these factors, I hold that the Service Connection of Mr. M Ramesh is not liable to be dismantled in the present proceedings and the Award/Order passed by the learned Forum is not liable to be set aside. These points are answered accordingly against the appellant 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 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 12th day of September 2023.

**Sd/-
Vidyut Ombudsman**

1. Sri K. Sambasiva Rao, Plot No. 748, Prashanth Nagar, Vanasthalipuram, Hyderabad - 500- 070, Cell: 9866746105.
2. The Assistant Engineer / Operation / Turkayamjal / TSSPDCL / Rangareddy District.
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6. The Superintending Engineer / Operation / Saroor Nagar / TSSPDCL / Rangareddy District.

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.