



BEFORE THE VIDUYUT 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
VIDUYUT OMBUDSMAN**

SATURDAY THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

Appeal No. 29 of 2023-24

Between

Sri Bonthapally Satish, s/o. (Late) B. Sudershan, Skyy Sateesh Residency,
H.No.8-7-30, R.R.Nagar Colony, Road No.5, Old Bowenpally, Hyderabad - 500
011.

.....Appellant

AND

1. The Assistant Engineer/Operation/Old Bowenpally/TSSPDCL/Secunderabad.
2. The Assistant Divisional Engineer/Operation/Bowenpally/ TSSPDCL/
Secunderabad.
3. The Assistant Accounts Officer/ERO/Bowenpally/TSSPDCL/Secunderabad.
4. The Divisional Engineer/OP/Bowenpally/TSSPDCL/Secunderabad.
5. The Superintending Engineer/OP/Secunderabad Circle/ TSSPDCL/
Secunderabad.

..... Respondents

This appeal is coming on before me for final hearing on 15.09.2023 in the presence of the appellant and Ms. Pooja, representative of the appellant, virtually, Sri B. Krishna - ADE/OP/Bowenpally and Sri CH.Nageswara Reddy-AAO/ERO/Bowenpally for the respondents virtually and having stood over for consideration till this day, this Viduyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award 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') in C.G.No 412/2022-23, Secunderabad Circle rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the Service Connection No. BZ093286 (in short 'the subject Service Connection') was in the name of the appellant at Old Bowenpally, Secunderabad. Subsequently, the respondents have changed the said Service Connection in the name of Skyy Sateesh Residency without notice to the appellant and without his knowledge and without his No Objection Certificate (in short 'NOC'). Therefore it was prayed to change the said Service Connection to the name of the appellant.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondent No.2, it is stated that after obtaining an affidavit of title transfer and also indemnity bond apart from development agreement cum irrevocable General Power of Attorney, the name was changed in respect of the subject Service Connection.

4. In the written reply submitted by respondent No.3 also it is stated that on receipt of application for change of name of the subject Service Connection, he verified the development agreement cum irrevocable General Power of Attorney, indemnity bond and also affidavit submitted by Smt. S. Padmavathi (President of the above said Residency Welfare Association), the change of name was effected after inspection of the service on 15.04.2023 by respondent No.1. Further the subject Service Connection is being used for the common purpose of the apartment.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint.

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the flat owners have created some fake documents and without notice to him and without obtaining NOC from him, the name was changed in respect of the subject Service Connection. Therefore it was prayed to restore the name of the appellant in respect of the subject Service Connection.

WRITTEN SUBMISSION OF RESPONDENTS

7. In the written reply filed by respondent No.3, he has reiterated the contents of the written submissions of respondent No.2 and 3 before the learned Forum. It is accordingly prayed to dispose of the appeal.

8. The appellant has filed a copy of application sent to the Hyderabad Metropolitan Water Works and Sewerage Board, Hasmathpet, Secunderabad Division, sent by Skyy Sateesh welfare Association. The respondents have submitted the copies of relevant documents.

ARGUMENTS

9. Heard both sides.

POINTS

10. The points that arise for consideration are:-

- i) Whether the name of the subject Service Connection is to be changed again in the name of the appellant ?
- 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

11. It is an admitted fact that earlier the subject Service Connection was standing in the name of the appellant. It is also an admitted fact that the subject Service Connection is not for the exclusive use of any individual but for the usage of common purpose.

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties have appeared before this Authority on different dates, physically and virtually. 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

13. The present appeal was filed on 26.08.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. The grievance of the appellant is that earlier the subject Service Connection was standing in his name and at present it is changed in the name of the Skyy Steesh Residency without his knowledge and consent etc., The material on record goes to show that the subject Service Connection is for common usage in the Skyy Sateesh Residency. There is no dispute about this. It is the argument of the respondents that the licensee has simplified the procedure for change of name of any Service Connection and in the said process NOC was also not required from the earlier consumer.

15. It is not disputed by the appellant that the subject Service Connection is for the common usage. It is also not in dispute that he is a land owner where at present the Skyy Sateesh Residency was constructed. At present he is residing in one of the flats in the said residency. Like-wise on the request of the other inmates of the flats of the said residency, the respondents

have changed the name from the appellant to Skyy Sateesh Residency. With this change, prima-facie, there is no loss or damage caused to the appellant. At this stage it is necessary to refer to Clause 2.37 of the Regulation 3 of 2015 of 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."

Clause 2.37(d) of Regulation makes it clear that if there is no prima-facie loss of damage etc., the grievance of the consumer can be rejected. It applies in the

present case for the nature of the usage of the subject Service Connection. The copy of the document dated 07.07.2020 filed by the appellant is not useful to him.

16. The learned Forum has rejected the complaint basing on Clause 2.37(a) of the Regulation, on the ground that W.P.No.6387 of 2023 is pending before the Hon'ble High Court. Admittedly, the said Writ Petition is not between the appellant and the respondents herein to fulfil the said Clause of the Regulation. Apart from that, the record shows that the said Writ Petition was filed to declare a particular notice issued by the Greater Hyderabad Municipal Corporation authorities on 02.02.2023 as illegal and arbitrary etc., Even during the course of arguments, the appellant has submitted that the Writ Petition is not in respect of the grievance involved in the present case. That being the case, the application of Clause 2.37(a) of the Regulation by the learned Forum is not correct. The respondents have changed the name of the subject Service Connection after satisfying with the copies of documents filed by the proper party. If really any fake document was submitted there is proper remedy before the appropriate Authority. However, in view of the reasons stated above, the appeal is liable to be rejected. In view of these factors, I hold that the name of the subject Service Connection is not liable to be changed again in the name of the appellant and the Award of the learned Forum is not liable to be set aside but for different reasons. These points are accordingly decided against the appellant and in favour of the respondents.

POINT No. (iii)

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

RESULT

18. In the result, the appeal is rejected, confirming the Award passed by the learned Forum, but for different reasons.

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 16th day of September 2023.

**Sd/-
Vidyut Ombudsman**

1. Sri Bonthapally Satish, s/o. (Late) B. Sudershan, Skyy Sateesh Residency, H.No.8-7-30, R.R.Nagar Colony, Road No.5, Old Bowenpally, Hyderabad - 500011.
2. The Assistant Engineer/Operation/Old Bowenpally /TSSPDCL/ Secunderabad.
3. The Assistant Divisional Engineer/Operation/Bowenpally/ TSSPDCL/ Secunderabad.
4. The Assistant Accounts Officer/ERO/Bowenpally/TSSPDCL/Secunderabad.
5. The Divisional Engineer/OP/Bowenpally/TSSPDCL/Secunderabad.
6. The Superintending Engineer/OP/Secunderabad Circle/ TSSPDCL/ Secunderabad.

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.