



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**

FRIDAY THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

Appeal No. 35 of 2022-23

Between

Mr.Mohammad Abdul Basith, H.no.18-7-316/8, Rangeli Khidki, Dareecha Ran
Ali Shah, Hyderabad - 500 002.

.....Appellant

AND

1. The Assistant Engineer / Operation / TSSPDCL / Yakutpura / Hyderabad.
2. The Assistant Divisional / Operation / TSSPDCL / Santosh Nagar / Hyderabad.
3. The Divisional Engineer / Operation / TSSPDCL / Asmangadh / TSSPDCL / Hyderabad.
4. The Superintending Engineer / Operation / TSSPDCL / Hyd.South Circle / TSSPDCL / Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 09.02.2023 in the presence of Sri M.A.Momin, representative of the appellant and Sri M.Vinod Kumar - ADE/OP/Santosh Nagar 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 - Greater Hyderabad Area (in short

'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') against Lr.No.Chairperson/CGRF-II/Complaint Return - 22-23/TSSPDCL/D.No.519/2022 dt.31.10.2022 returning the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the Forum is that the father of the appellant was the tenant of H.No 18-7-316/8 situated Rangeli Khidki, Yakutpura, Hyderabad for (40) years. The appellant entered into an agreement of sale of the premises referred to above. A new electricity meter was installed in-spite of existing old Service Connection. Therefore it is prayed to take action against the authorities of the electricity department.

AWARD OF THE FORUM

3. After considering the material on record, the learned Forum has returned the complaint under Clause 2.37 of Hon'ble Telangana State Electricity Regulatory Commission (in short 'Regulation') holding that the Forum has no jurisdiction to entertain the complaint in view of the pendency of I.A.No. 531/2022 in O.S. No.655/2022.

4. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending that the new electricity meter was installed in the premises in his possession.

WRITTEN SUBMISSION OF THE RESPONDENTS

5. In the written submission of respondent No 2, it is stated that one Mohd Abdul Raof Jani submitted an online application for new domestic

service connection in respect of H.No 18-7-316/8. He agreed to pay the entire dues of the old Service Connection No. R2005330. Accordingly the new Service Connection was released on 19.10.2022.

6. Heard Both Sides.

POINTS

7. 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/return order of 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 Service Connection No. R2005330 H.No. 18-7-316/8. It is also not disputed that the appellant instituted a suit in O.S .No 655/2022 and obtained interim injunction order in I.A .No 531/2022 against the one Ramesh Prasad, Mukesh Prasad, Sandesh Prasad and Taruna restraining them from interfering with the possession and enjoyment of the appellant in respect of the house bearing H.No 18-7-316/8 and another house on 13.10.2022.

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. 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

11. The present appeal is filed by Mr. Mohammed Abdul Basith towards dismantling of domestic Service Connection No. R2059535 at H.No. 18-7-316/8, Rangeli Khidki, Hyderabad. The appellant's stand is that the new meter installed is illegal, which was released in the name of one Mohammed Abdul Raof Jani. The record shows that the said meter was released on 19.10.2022, applied by Sri Mohammed Abdul Raof Jani alongwith the documents such as notarised document, indemnity bond and Aadhar Card. The appellant claims that in spite of Under Disconnection (UDC) Service Connection No. R2005330, the respondents have released the new Service Connection in the premises having arrears.

12. On the other hand respondent No.3 ADE/OP/Santoshnagar submitted that the entire arrears pending against the Service Connection No. R2005330 of Rs. 1,50,000/- was paid vide PR No. 96395130535

on.13.10.2022. On payment of pending arrears, after inspecting the premises and verification of documents the new service R259535 was released.

13. A perusal of the available records goes to show that there is civil dispute in respect of the land measuring 500 Sq. yards in the premises 18-7-316/8. Presently it appears that the appellant is in possession of the subject premises.

14. Apart from filing the present appeal, the appellant filed a suit in O.S. No. 635 of 2022 before the Hon'ble VII Senior Civil Judge, City Civil Court, Hyderabad and obtained Ad-Interim Injunction in I.A.No.531 of 2022, wherein the opposite parties are Ramesh Prasad and (2) others who were directed not to interfere with the possession and enjoyment of the petitioner (appellant) in respect of the suit schedule property till filing of counter by the respondents in the petition. The said petition is pending before the Civil Court, Hyderabad. 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;”

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As already stated a suit in O.S.No.655 of 2022 is pending before the Hon'ble City Civil Court, Hyderabad, though not between the same parties herein in the civil suit the legal possession of the party will be decided. At this stage any order in respect of electricity connection will make the simple things complicated. Therefore the appellant has to wait till the final order are given by the Civil Court. Therefore, I hold that the appeal is not maintainable and the Award passed by the Forum/return order is not liable to be set aside. These points are decided accordingly against the appellant and in favour of the respondents.

POINT No. (iii)

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

RESULT

16. 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 3rd day of March 2023.

Sd/-
Vidyut Ombudsman

1. Mr.Mohammad Abdul Basith, H.no.18-7-316/8, Rangeli Khidki, Dareecha Ran Ali Shah, Hyderabad - 500 002
2. The Assistant Engineer / Operation / TSSPDCL / Yakutpura / Hyderabad.
3. The Assistant Divisional / Operation / TSSPDCL / Santosh Nagar / Hyderabad.
4. The Divisional Engineer / Operation / TSSPDCL / Asmangadh / TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / TSSPDCL / Hyd.South Circle / TSSPDCL / Hyderabad.

Copy to

6. 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.

