



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

**:: Present:: Smt. UDAYA GOURI**

Wednesday the Twenty Eighth Day of November 2018

Appeal No. 39 of 2018

Preferred against order dt. 14.06.2018 in C.G.No.38/2018-19  
of Siddipet Circle

Between

Sri. Gurram Pochaiah, S/o. Late Sri. Narsaiah, H.No.10-4-191,  
Siddipet Dist - 502 103. Cell: 9652047645.

**... Appellant**

**AND**

1. The AE/OP/Siddipet Town - II/TSSPDCL/Siddipet Dist.
2. The ADE/OP/Siddipet Town/TSSPDCL/Siddipet Dist.
- 3 The AAO/ERO/Siddipet/TSSPDCL/Siddipet Dist.
4. The DE/OP/Siddipet/TSSPDCL/Siddipet Dist.
5. The SE/OP/Siddipet Circle/TSSPDCL/Siddipet Dist.

**... Respondents**

The above appeal filed on 08.08.2018, coming up for final hearing before the Viduyut Ombudsman, Telangana State on 14.11.2018 at Hyderabad in the presence of Sri. Gurram Pochaiah - Appellant and Sri. T. Prashanth - ADE/OP/Siddipet Town and Sri. R. Ramesh - AAE/OP/Siddipet Town -II for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

**AWARD**

This is an Appeal filed against the orders of the CGRF Siddipet in CG No. 38/2018-19 dt.14.06.2018.

2. The Appellant namely Sri. Gurram Pochaiah stated that he filed a complaint before the CGRF/Siddipet vide CG No. 38/2018-19 stating that his service connection bearing No. 000101959 which is located in his agricultural land since December 1972 is disconnected without his knowledge in spite of his paying the consumption charges upto 10.11.2017. He also stated before the CGRF that he has not asked the

Respondents to dismantle the same, yet the same was done without his knowledge and sought for restoration of the said service connection as he is ready to pay the arrears of the charges from 10.11.2017, but the Hon'ble CGRF disposed his complaint without appreciating the facts and hence he filed the present Appeal.

3. The Appellant i.e. Gurram Pochaiah who is the resident of H.No. 10-4-191, Siddipet District claiming to be the owner of the service connection No. 000101959 stated that he possessed land to an extent of 2 acres 20 guntas in Sy No. 530, 2 acres in Sy No. 529/AA and 1 acre 20 guntas in Sy No. 531/AAA at Siddipet town in Siddipet District of Telangana State and hence obtained service connection No. 000101959 for the purpose of cultivating his agricultural lands and has been cultivating the same from 04.12.1972 to 10.11.2017 continuously. He stated that he did not seek for any dismantling of his service connection to the electricity authorities, but the same was disconnected without his knowledge in spite of the fact that he has paid the electricity bills from 04.12.1972 to 2013, he also stated that he is ready to pay the arrears of the electricity charges from 2013 to till date. Hence sought for direction to the Respondents to restore the dismantled service connection bearing No. 000101959.

4. The Respondents on the other hand contended that the service connection No. 000101959 under Category V of Siddipet Town -II, which the Appellant is claiming his right has already been dismantled and deleted from the records after following the procedure of dismantling on the application of the actual owner i.e. Sri. K. Pochaiah who also paid the arrears of Rs 1,447/- vide PR No. 35002279643 on 27.05.2013 and again paid Rs 180/- on 05.07.2013 vide PR No. 37119051741. And as such contended that the question of restoring a dismantled and deleted service connection by the Appellant cannot be entertained.

5. The Respondents further contended that on their inspection it was found that the Appellant had 2 agriculture service connections in his name vide SC No. 00012530, 000172104 and Domestic service number 000108052 Category I in Siddipet Town -II Section and denied that there is any agricultural service connection No. 000101959 in the name of the Appellant as claimed by the Appellant. They pointed out that the service connection No. 000101959 stood in the name of One K. Pochaiah and the same was dismantled on his application as such was deleted from their records, but the Appellant is trying to claim his authority over the said service connection taking advantage of the name of the actual owner which is similar to his except the difference in the initial i.e. "G" & "K".

6. In the face of the said reply of the Respondents the Appellant filed rejoinder as follows:

- a. That Appellant father by name Late G. Narsaiah S/o. Late G. Mallaiah and his maternal uncle namely Marka Lachapeta Lakshmaiah S/o. Nagaiah have purchased agricultural land measuring Acrs 2-20 gts in total jointly in Sy.No. 530 in the year 1956 in Lingareddy Palli village, Siddipet Mandal, whose names were also entered in Kasara Pahani of 1954-55 namely Marka Ramadasu and Mark Lakshmaiah, both are the sons of Marka Chandriah from the date of purchase they were in peaceful possession of the land.
- b. That the Hon'ble High Court of AP passed orders in his favour thereby confirming his possession over the land.
- c. That he has obtained an agriculture electricity connection on 4.12.1972 vide consumer service No. 0001 01959 the and fixed a 5 HP motor pump to draw water from the well and as per all the records of the service connection and the bills he has paid to the department, it was stated that the then Additional Assistant Engineer, Assistant Accounts Officer, ERO, Siddipet issued certificate on 27.11.2012 in his favour after duly verifying the physical existence of borewell connection and another certificate over the same was issued on 21.07.2017 which was issued for obtaining bank crop loan while he was doing agriculture, over his land for continuously over a period of 46 years he stated that he could not understand how he can give representation to the department to dismantle the service connection in the year 2013.
- d. That he has never given representation to the department for dismantlement. The letter for dismantlement representation does not has his signature and also department has not given any notice for such issue.
- e. That the Clause 5.6.9 of dismantlement is not applicable to the present case due to anti social persons illegal activities, he is suffering a lot. My request for accepting the payment was not given acceptance.
- f. That his wife submitted application for transfer of electricity connection in her name, the application was not considered under the pretext that there were pending bills and that they were ready to pay all the arrears, hence requested to direct the concerned authority to transfer the electricity connection in his wife's name and revoke the supply.
- g. In support of his claim the Appellant produced photographs taken on 04.11.2018 showing the existence of borewell.

7. The Appellant submitted a another rejoinder dt. 14.11.2018, that the photographs submitted herein are clearly showing about the existence of the Borewell with delivery pipe. The complaints got conducted a licensed surveyor survey, he conducted a Panchnama on 4.11.2018. The copy of Panchanama is filed herein for the perusal of this Hon'ble authority. These complainant relying on the following judgement of Hon'ble Kerala High court.

- I. AIR 2001 Ker.51,
- II. AIR 1998 Ker.343.

Hence it was requested to consider all the record submitted by the Appellants and allow the appeal, in the interest of justice.

8. In view of the said rejoinder of the Appellant consisting of photographs the Respondents produced photographs and video through a Pendrive vide their letter dt.14.11.2018 claiming that the borewell, for which the Appellant is claiming to have obtained the service connection bearing No. 000101959, did not exist on their physical inspection of the lands of the Appellant and found that the Appellant has submitted the photographs to support his contention that there was a borewell by fabricating the alleged existence of a borewell. They claimed that their physical verification showed that no borewell existed in the place where the Appellant is claiming the service connection.

9. Heard both sides.

#### **Issues**

10. On the basis of the said averments by both sides the following issues are framed:

1. Whether the service connection No. 000101959 existed in the name of the Appellant and if so whether the same was dismantled by the Respondents without his knowledge? and
2. To what relief?

#### **Issue No. 1**

11. The contention of the Appellant is that he is the absolute owner of 2 acres 20 guntas in Sy No. 530, 2 acres in Sy No. 529/AA and 1 acre 20 guntas in Sy No. 531/AAA of Siddipet town, Siddipet District of Telangana State. He further stated that his father Late Sri. G. Narsaiah and his maternal uncle namely Marka Lachapeta Lakshmaiah have

originally purchased lands in Sy No. 530 of Lingareddypally Village, Siddipet Mandal in the year 1956 and as such their names were also entered in the Kasara Pahanis of 1954-55 and as such the sons of Marka Chandraiah by name Marka Ramadasu and Marka Lakshmaiah were in peaceful possession and enjoyment of the said land. Later the Hon'ble High Court of AP passed orders in his favour confirming his possession over the land, as such he obtained agricultural electricity service connection bearing No. 000101959 on 04.12.1972 in the said land, as such fixed a 5 HP motor pump to draw water from the well and the same is also entered in the records of the Additional Assistant Engineer, Assistant Accounts Officer, ERO Siddipet, who have issued a certificate to that effect on 27.11.2012 and also on 21.07.2017. He also stated that he has taken crop loans on the said certification and cultivated the same for 46 years, but ultimately in the year 2013 the Respondents have dismantled the said service connection without his application for dismantling and without a notice to him. He claimed that he has not sought for such dismantling and claimed that he has been paying the electricity charges for the said connection till 10.11.2017 and he is also ready to pay the balance as and when the Respondents give him a demand notice for the said amount. He also stated that he has been suffering from illegal activities of anti social elements and as such Clause 5.6.9 is not applicable to him, and hence his request for not accepting payment is illegal. He pointed out that the said land in Sy No. 530 was settled in the name of his wife Smt. Gurram Prameela under a Registered gift settlement deed vide document No. 20151/2019 dt.31.07.2009 under the family settlement. And as such her application for transferring the said service connection No. 000101959 requires to be accepted by the Respondents. He has also stated that he filed the photographs showing the existence of the borewell in the said land to support his contention that service connection existed for the usage of the water from the said borewell. He further pointed out that the rulings laid down in (I) AIR 2001 Kerala Page 51 and (II) AIR 1988 Kerala Page 343 clearly supports his contention. On the other hand the Respondents contended that the service connection No. 000101959 existed in the name of One K. Pochaiah and not the Appellant i.e. G. Pochaiah and that the same has been dismantled on the application of K. Pochaiah and hence the same was deleted from their records and the same is supported by their photographs and the video.

12. Admittedly service connection No. 000101959 existed in the year 1972 and it is also admitted that the said connection has been dismantled in the year 2013. The contention of the Appellant is that the said service connection belonged to him, while

the contention of the Respondents is that the same belong to One K. Pochaiah and not the Appellant i.e. Gurram Pochaiah. The Respondents in support of their contention that the said service connection stood in the name of K. Pochaiah and has been dismantled on his application have supported their contentions by filing the application filed by K. Pochaiah seeking for dismantling of the said service connection. They have also filed documents to show that the arrears on the said service connection have been paid by K. Pochaiah under two bills dt.27.05.2013 and 05.07.2013 bearing PR Nos. 35002279643 and 37119051741 respectively.

13. The Appellant who is claiming to be the original owner of the service connection No. 000101959 neither filed any document to show that the said service connection has been issued in his name nor has he filed any bills to show that he has been continuously paying the electricity charges regularly during the period of his alleged usage of the said service connection till 2013. All that he claimed is he paid the arrears till 2013 and the Respondents have admitted that the Appellant paid an amount of Rs 1684/- on 31.01.2009 vide PR No. 877002 dt.31.01.2009 and since the service connection to whose credit he has paid the same did not exist in the name of the Appellant, they kept the said amount in the mismatch account. The Appellant who claimed that he paid arrears till 2013 for the service connection failed to explain to the Court as to why he has not paid the electricity charges from 2009 when he was utilising the said service connection. He has also not given any explanation as to why he has not approached the Respondents or the CGRF till 2018 on the said aspect.

14. The Appellant contended that he has been using the service connection 000101959 for utilising the water from the borewell for his agricultural lands. The Respondents on the other hand contended that no borewell existed in the place where the alleged service connection existed. Both the Appellant and the Respondents have filed photographs respectively. And a perusal of the said photographs do not show any tell-tale marks of the existence of the service connection at the said place. The Respondents on the other hand filed a video of the alleged borewell of the Appellant and the same clearly shows that no borewell existed at the said place and the articles that are placed at the said place clearly show that some pipes and stones are placed to create an impression as if a borewell existed. It is not the case of the Appellant that the Respondents have dismantled his borewell as well, hence the question arises is what happened to the borewell and why some temporary structures are created to give an impression that a borewell existed. Even the photographs and the video filed by the Appellant and the Respondents do not show that the said land in question has

been cultivated with the water from the borewell, in fact the land in question looks like a barren land. There are no signs of cultivation in the recent past over the said land.

15. A perusal of the application seeking for dismantlement of the service connection bearing No. 000101959 shows that the signatures of the applicant for dismantling i.e. K. Pochaiah are in no way similar to that of the signatures of the Appellant on record before this office. The Appellant contended that he is also known as Current Pochaiah having worked in the Electricity Department and so the name K. Pochaiah is mentioned in the records pertaining to the ownership of the service connection bearing No. 000101959 but I am of the view that if the Appellant was also known as Current Pochaiah then his initial should have been "C". Pochaiah and not "K". Pochaiah as claimed by the Appellant. To summarise the Appellant failed to file any document to support his contention that he has obtained the service connection No. 000101959 in the year 1972 and that he has been using the same till 10.11.2017. He also failed to show the existence of a borewell to support his contention that he had been drawing water to his agricultural lands from the said borewell. The Appellant instead of proving the existence of the service connection in his name and the existence of the borewell to support his contention that he has been drawing water through the said service connection from the borewell filed different documents and affidavits apart from referring to the rulings of the Hon'ble High Court which do not have any bearing to his contentions and a few of his averments before this office are beyond the pleadings made by him before the CGRF and as such cannot be entertained. Hence in the said circumstances decides this issue against the Appellant.

#### **Issue No.2**

16. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 28th day of November, 2018.

Sd/-  
**Vidyut Ombudsman**

1. Sri. Gurram Pochaiiah, S/o. Late Sri. Narsaiah, H.No.10-4-191,  
Siddipet Dist - 502 103. Cell: 9652047645.
2. The AE/OP/Siddipet Town - II/TSSPDCL/Siddipet Dist.
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5. The DE/OP/Siddipet/TSSPDCL/Siddipet Dist.
6. The SE/OP/Siddipet Circle/TSSPDCL/Siddipet Dist.

**Copy to :**

7. The Chairperson, CGRF- I, GTS Colony, Vengal Rao Nagar,  
Erragadda,Hyderabad.
8. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.