



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

FRIDAY THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

Appeal No. 43 of 2020-21

Between

M/s. Sri Raghavendra Rice Mill, through its Proprietor, Smt. V. Anitha,
w/o. V. Raj Kumar, H.No.03-58, College Road, Pebbair Town, Wanaparthy
District - 509104. Cell: 9440282038.**Appellant**

AND

1. The Assistant Engineer / Operation /Pebbair / TSSPDCL / Wanaparthy District.
2. The Assistant Divisional Engineer / Operation / Kothakota / TSSPDCL / Wanaparthy District.
3. The Assistant Accounts Officer / ERO / Wanaparthy / TSSPDCL / Wanaparthy District.
4. The Divisional Engineer / Operation / Wanaparthy / TSSPDCL / Wanaparthy District.
5. The Superintending Engineer / Operation / Wanaparthy Circle / TSSPDCL / Wanaparthy District. **Respondents**

This appeal is coming on before me for final hearing on 28.07.2022 in the presence of Sri V. Vijayakumar representing the appellant and Sri M. Shivakumar - AE/OP/Pebbair and Sri A. Chandra Shekar - AAO/ERO/Wanaparthy representing the other respondents also 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 - I (Rural), Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') vide C.G.No.69/2020-21 / Wanaparthi Circle Dated 27.02.2021.

CASE OF THE APPELLANT

2. The case of the appellant is that the appellant and one V. Yadamma sold away M/s. Raghavendra Rice Mill situated at Kanchiraopalli village, Pebbair Mandal, Wanaparthi District to one G. Vamshidhar (Proprietor of M/s. Kanaka Durga Industries). The appellant has not transferred the Service Connection No. 0811 00852 Category - IIIA with 98 HP existing in the said rice mill in Sy No. 158/A to the said purchaser, but the respondents, basing on the forged documents allegedly signed by the appellant transferred the said Service Connection to M/s. Kanaka Durga Industries (Proprietor G. Vamshidhar) along-with a Security Deposit of Rs 62,880/-. Therefore, it is prayed to change the Service Connection No.0811 00852 from M/s. Kanaka Durga Industries to M/s. Sri Raghavendra Rice Mill and return the Security Deposit amount of Rs 62,800/- in respect of Service Connection No. 0811 00852 to the appellant.

CASE OF THE RESPONDENTS

3. In the written submissions filed by respondent Nos. 1 and 3, it is submitted that the transfer of Service Connection No.0811 00852 was effected as per the existing departmental Rules.

AWARD OF THE FORUM

4. After hearing both sides and after considering the material available on record, the learned Forum has rejected the complaint stating that it is not maintainable.

5. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that though the appellant sold away only the rice mill to M/s. Kanaka Durga Industries, the respondents have transferred the Service Connection No.0811 00852 in favour of M/s. Kanaka Durga Industries to which G. Vamshidhar is the proprietor, along-with Security Deposit, illegally. Therefore it is prayed to retransfer the said Service Connection in favour of the appellant.

GROUND OF THE APPEAL

6. In the grounds of the appeal it is submitted that since the appellant has not transferred the Service Connection in question to the purchaser of rice mill it be transferred to her.

7. In the written submissions filed by respondents 1 and 3, it is, inter-alia, submitted that the transfer of Service Connection No.0811 00852 is based on

the following documents:-

1. ROR Patta change certificate issued by Tahsildar Pebbair
2. No Objection Affidavit with Notary furnished by Smt. V. Anitha
3. Statement of Encumbrance on property
4. Copy of sale deed

ARGUMENTS

8. One V. Vijay Kumar, representing the appellant has submitted that though the appellant has not transferred the Service Connection No.0811 00852 of M/s. Raghavendra Rice Mill in favour of M/s. Kanaka Durga Industries, the respondents have transferred the said Service Connection based on forged documents. Therefore, it is prayed to cancel the said transfer and direct the proprietor of M/s. Kanaka Durga Industries to pay the Security Deposit amount.

9. On the other hand, it is submitted on behalf of the respondents that basing on the relevant documents and following the Rules, the transfer of Service Connection in question was effected. Therefore, it is prayed to reject the appeal.

POINTS

10. The points that arise for consideration are:-
- i) Whether the appellant is entitled for re-transfer of Service Connection No.0811 00852 in favour of M/s. Sri Raghavendra Rice Mill or to refund the Security Deposit of Rs 62,880/-?
 - ii) Whether the Award passed by the Forum is liable to be set aside?
and
 - iii) To what relief.

SETTLEMENT BY MUTUAL AGREEMENT

11. Both the parties have appeared before this authority on 28.07.2022. 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

12. 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.

POINTS (i) and (ii)

ADMITTED FACTS

13. It is an admitted fact that M/s. Kanaka Durga Industries represented by Sri G. Vamshidhar purchased the rice mill in the name of M/s. Raghavendra Rice Mill from the appellant and also one Smt. V. Yadamma under a sale deed dt.28.03.2016. The said G.Vamshidhar is running the rice mill at present.

CRUX OF THE CASE

14. The appellant is not denying the sale of M/s. Raghavendra Rice Mill to M/s. Kanaka Durga Industries, but she only disputes about the transfer of electricity Service Connection installed in the said rice mill. The respondents have submitted that basing on the relevant documents, the transfer of Service

Connection involved in this case was effected. Their specific case is that the appellant herself gave a notary affidavit confirming the sale of the rice mill located at Kanchiraopalli village to Sri G. Vamshidhar (Proprietor of M/s. Kanaka Durga Industries) under a sale deed dated 28.03.2016 and also declaring that she has no objection for transfer of Service Connection No. 0811 00852 by deleting her name in records in favour of the purchaser. This factum goes to show that the respondents based on the relevant documents and also following the Rules existing transferred the Service Connection in question. This authority will not go into any title dispute and it will not investigate whether the transfer of Service Connection involved in this case is based on the forged documents as long as those documents are existing without cancellation. This authority only verifies the prima-facie case of the parties in respect of the transfer of Service Connection in this case. At the cost of repetition it is clear that basing on the relevant material only including the notary affidavit of the appellant, the respondents effected the transfer of Service Connection in favour of M/s. Kanaka Durga Industries for which G. Vamshidhar is the proprietor. Accordingly, I hold that the Service Connection already transferred in favour of M/s. Kanaka Durga Industries cannot be retransferred in favour of M/s. Sri Raghavendra Rice Mill and the appellant is not entitled for refund of security deposit of Rs 62,880/- and the Award passed by the Forum is not liable to be set aside. These points are accordingly decided 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.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 5th day of August 2022.

Sd/-

Vidyut Ombudsman

1. M/s. Sri Raghavendra Rice Mill, through its Proprietor, Smt. V. Anitha, w/o. V. Raj Kumar, H.No.03-58, College Road, Pebbair Town, Wanaparthy District - 509104. Cell: 9440282038.
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6. The Superintending Engineer / Operation / Wanaparthy Circle / TSSPDCL / Wanaparthy District.

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum -Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyderabad.