



**BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA**

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

**PRESENT : SRI MOHAMMAD NIZAMUDDIN  
VIDYUT OMBUDSMAN**

MONDAY THE THIRD DAY OF OCTOBER  
TWO THOUSAND AND TWENTY TWO

**Appeal No. 44 of 2021-22**

Between

Sri S. Mohan Rao, H.No.11-3-377/4/A/16, Srinivas Nagar, Padma Rao Nagar,  
Secunderabad - 500 016. Cell: 8500116830 .  
**.....Appellant**

**AND**

1. The Assistant Engineer / Operation / Balaji Nagar / TSSPDCL /  
Medchal-Malkajgiri District.
2. The Assistant Divisional Engineer / Operation / Keesara / TSSPDCL /  
Medchal Malkajgiri District.
3. The Divisional Engineer / Operation / Keesara / TSSPDCL / Medchal  
Malkajgiri District.
4. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL /  
Medchal-Malkajgiri District.  
**..... Respondents**

This appeal is coming on before me for final hearing on 03.09.2022  
in the presence of Sri S.Mohan Rao, appellant in person and Sri V.Kishan -  
ADE/OP/Keesara representing 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 / Order passed by  
the Consumer Grievances Redressal Forum - Greater Hyderabad Area,  
Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power

Distribution Company Limited (in short 'TSSPDCL') vide Lr.No.Chairperson/CGRF-II/TSSPDCL/D.No.348/2021 dated.25.09.2021 rejecting the complaint on the ground that it has no jurisdiction.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant is that he is the owner of the house bearing No. 8-134, Jyothi Nagar in Balaji Nagar and paying property tax for the said house. Electricity Service Connection No. 231423128 was released to the said house in the name of one Smt. Sreepathi Padma Rani without his knowledge. In spite of giving complaints to the respondents for disconnection and dismantling the said Service Connection, no action was taken by them. Therefore it is prayed to disconnect and dismantle the Service Connection stated above.

### **AWARD OF THE FORUM**

3. The learned Forum has rejected the complaint on the ground that it has no jurisdiction to entertain the complaint since it falls under civil dispute.

4. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the learned Forum has wrongly held that the grievance comes under civil dispute.

### **GROUND OF THE APPEAL**

5. In the grounds of the appellant it is submitted that Smt. Sreepathi Padma Rani has no right to obtain Service Connection to the house involved in

this case and that he is the owner of the plot measuring 200 sq.yds where the subject Service Connection is existing. Therefore it is prayed to disconnect and dismantle the Service Connection No. 231423128.

#### **WRITTEN SUBMISSION OF THE RESPONDENTS**

6. In the written submissions of respondent No.2, it is, inter-alia, submitted that on the request of Smt. Sreepathi Padma Rani power supply was released on 17.04.2021 vide Service Connection No.231423128 to the premises bearing H.No.8-134, Jyothi Nagar in Balaji Nagar as she submitted notary document. Smt. Sreepathi Padma Rani is residing in the house bearing No. 8-134 along-with her daughter. The Service Connection is not in the name of the appellant. It is accordingly prayed to take necessary action.

#### **ARGUMENTS**

7. The appellant has submitted that he is the owner of the plot where the present Service Connection is existing; that Smt. Sreepathi Padma Rani has no right over the said property and therefore it is prayed to disconnect and dismantle the Service Connection involved in this case.

8. On behalf of the respondents, respondent No.2 has argued that there is dispute between the appellant and Smt. Sreepathi Padma Rani. The Service Connection involved in this case was released in the name of Smt. Sreepathi Padma Rani and therefore unless she applies for disconnection and dismantling, no action can be taken on the application of

the appellant. He accordingly prayed to reject the appeal.

## **POINTS**

9. The points that arise for consideration are:-

- i) Whether the Service Connection No.231423128 can be disconnected and dismantled by the respondents as prayed for ?
- ii) Whether the impugned Award / Order is liable to be set aside? and
- iii) To what relief?

### **POINT No. (i) and (ii)**

## **SETTLEMENT BY MUTUAL AGREEMENT**

10. Both the parties have appeared before this Authority on 03.09.2022. 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**

11. 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.

## **ADMITTED FACTS**

12. It is an admitted fact that S.C.No. 2314 23128 is existing at the premises bearing H.No.8-134, Jyothi Nagar in Balaji Nagar where Smt. Sreepathi Padma Rani is residing. Admittedly the said

Smt. Sreepathi Padma Rani has not given any application to the respondents for disconnection or dismantling the Service Connection involved in this case.

### **CRUX OF THE MATTER**

13. As already stated, the learned Forum has rejected the complaint on the ground that the grievance is of civil nature.

14. In view of the dispute involved in this case it is necessary to find out as to who can be termed as “complainant”. Under Clause 1.5(c) of the Regulation 3 of 2015 of Telangana State Electricity State Commission (in short ‘Regulation’) “complainant” is a person who has a grievance and includes the following:-

- i) A consumer as defined in sub-section (15) of Sec. 2 of the Electricity Act (in short ‘the Act’);
- ii) An applicant for a new connection;
- iii) Any registered consumer association under any law;
- iv) Any unregistered association or a group of consumers, where the consumers have a common of similar interests;
- v) Legal heir(s) or representative(s) of a deceased consumer; or
- vi) Any person who is a tenant or a lessee of a premises, or any person who is in occupation of any premises, where the Service Connection is in the name of owner of the premises and the electricity supplied by the licensee through that Service Connection is consumed by the tenant, lessee or person in occupation, as the case may be.

The meaning of consumer is also defined in Sub-Sec. 15 of Sec. (2) of the Act which reads as under:-

“Consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

15. Admittedly the appellant is not using the electricity for his own use through the Service Connection involved in this case. Admittedly the said electricity Service Connection is not being used by the person engaged by the appellant. The appellant has not produced any document to show that the premises involved in this case, prima-facie, belongs to him, for the purpose of receiving electricity. In view of these factors, the appellant doesn't fit in the definition of the consumer as described in Sec.2(15) of the Act.

16. Coming to Clause 1.5(c)(ii) of the Regulation, in order to come under the definition of the complainant the appellant must have made an application for a new connection. Admittedly the appellant has not made such an application to the respondents. Apart from that the appellant doesn't come under Clause 1.5(c)(iii) and (iv) of the Regulation. Similarly the appellant is not claiming any relationship as mentioned under Clause 1.5(c)(v) of the Regulation. Further the appellant is not claiming as a tenant of the house involved in this case or any person who is in occupation of any premises,

where the Service Connection is in the name of owner of the premises and the electricity supplied by the licensee through that Service Connection is consumed by the tenant, lessee or the person in occupation, as the case may be. Thus the appellant doesn't fit in any of the definitions mentioned in Clause 1.5(c) of the regulation.

17. When once the Service Connection involved in the present case is not in the name of the appellant, he cannot apply for disconnection or dismantling the Service Connection which is in the name of one Smt. Sripathi Padma Rani. More-over if the Service Connection is continued in the name of the existing consumer viz. Smt. Sripathi Padma Rani, prima-facie, no loss, damage or inconvenience is caused to the appellant. At this stage it is necessary to refer Clause 2.37(b) 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."

In Clause 2.37 of the Regulation different circumstances were given as to when the learned Forum may reject the grievance. Under Clause 2.37(d) when there is no prima-facie, loss or damage or inconvenience caused or to be caused to the complaint, the complaint can be rejected. In the instant case prima-facie no loss or damage or inconvenience is caused to the appellant in continuing the present Service Connection in the name of the present consumer Smt. Sripathi Padma Rani. That apart, the appellant has no locus standi to file the present complaint. Thus, the complaint of the appellant can be rejected for two reasons infra:-

- i) The appellant doesn't fit in the definition of the complainant or consumer and
- ii) Even if the appellant is a complainant or a consumer, there is no prima-facie, loss or damage or inconvenience caused or to be caused to the appellant.

In view of the above circumstances, the Service Connection No.231423128 standing in the name of Smt. Sreepathi Padma Rani is not liable for disconnection or dismantling as prayed for. The complaint of the appellant is liable to be rejected. Further the appeal is liable to be rejected for the reasons stated above. These points are decided accordingly against the appellant and



in favour of the respondents.

**POINT No. (iii)**

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

**RESULT**

19. In the result, the appeal is rejected, without costs, confirming the Award passed by the learned Forum but for the reasons stated above.

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 this the 3rd day of October 2022.

Sd/-

**Vidyut Ombudsman**

1. Sri S. Mohan Rao, H.No.11-3-377/4/A/16, Srinivas Nagar, Padma Rao Nagar, Secunderabad - 500 016. Cell: 8500116830.
2. The Assistant Engineer / Operation / Balaji Nagar / TSSPDCL / Medchal-Malkajgiri District.
3. The Assistant Divisional Engineer / Operation / Keesara / TSSPDCL / Medchal Malkajgiri District.
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5. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL / Medchal-Malkajgiri District.

**Copy to**

6. The Chairperson, Consumer Grievances Redressal Forum- GHA,Erragadda, Hyderabad.

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