



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**

TUESDAY THE SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

Appeal No. 52 of 2024-25

Between

Sri Harshit Agarwal s/o. Radha Kishan Agarwal, aged about 37 years,
(Beneficiary for SC Nos.5561001281,5561001282,5561001283) Sy.No.460/U,
Alair, Bhongir, Yadadri Bhongir Dist - 508 101.

..... Appellant

AND

1. The Assistant Engineer /Operation/Alair/TGSPDCL/TGSPDCL/Yadadri District.
2. The Assistant Divisional Engineer/Operation/Alair/TGSPDCL/Yadadri District.
3. The Accounts Assistant Officer/ERO/Alair/TGSPDCL/Yadadri District.
4. The Divisional Engineer/Operation/Bhongiri/TGSPDCL/Yadadri District.
5. The Superintending Engineer/Operation/Yadadri Circle/TGSPDCL/Yadadri District.

.....Respondents

This appeal is coming on before me for final hearing on 29.03.2025 and today in the presence Sri Ravinder Prasad Srivatsava - authorised representative of the appellant and Sri M. Venkatesh - AE/OP/Alair, Sri T. Raja Shekar - ADE/OP/Alair, Sri K. Vinod Kumar - AAO/ERO/Alair and Sri S.Venkateshwarlu - DE/OP/Bhongir for the respondents and having stood over for consideration, this Vidhyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award in C.G.No C.G.No.284/2024-25/Yadadri Circle dt. 7.03.2025 passed by the Consumer Grievances Redressal Forum - I (Rural) (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL'), rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the learned Forum is that the respondents have released agriculture Service Connection Nos.5561001281, 5561001282 and 5561001283 (in short 'the subject Service Connections') at Sy.No.460/U, Sharajipet, Alair Bhongir District in the name of one Shyam Sunder Agarwal. The appellant-Harshit Agarwal purchased the agriculture land measuring Ac.0-22 guntas in the above said land under a registered sale deed bearing document No. 1475 of 2021 on 23.07.2021. Thereafter the appellant has paid the arrears of Rs.550/-, in all, as in December 2024. Since the subject Service Connections were disconnected earlier, the appellant prayed to restore power supply to the subject Service Connections, but in vain. It was accordingly prayed to direct the respondents to restore the power supply to the subject Service Connections and to Award compensation @ Rs.200/- per day for the delay caused.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply filed by respondent No.1, before the learned Forum, it is, inter-alia, submitted that one HT Service Connection in the name of M/s. Sheetal Shipping and Metal Processors limited is existing at Sharajipet Village with Service Connection No. YDD 557 and due to non-payment of usage charges of an amount of Rs.3.5 crores, the said Service Connection went under disconnection status in January 2017.

4. In the written reply filed by respondent Nos.2 to 4, before the learned Forum, separately, they have mentioned the similar facts like respondent No.1. They have also submitted that though the subject Service Connections were released for agriculture purpose, the consumer was using them for containers and cold storage etc., Therefore the 25 KVA DTR was removed and kept under department custody. There is no cultivation or borewells in the said field. The subject Service Connections were disconnected in 2018. The last payment was made on 02.01.2025 by cash at the Electricity Revenue Office, Alair.

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, present appeal is preferred reiterating the contents of the complaint filed before the learned Forum. It is accordingly prayed to set aside the impugned Award and to direct the respondents to restore power supply to the subject Service Connections and also to direct the respondents to pay compensation @ Rs.200/- per day w.e.f., 03.01.2025 till the date of restoration of power supply etc.,

WRITTEN SUBMISSION OF THE RESPONDENTS

7. No written reply is filed by the respondents before this Authority.

8. After receipt of the written replies of respondent No.2 dt.17.02.2025 and respondent No.4 dt.28.01.2025 before the learned Forum, the appellant has filed a memo before this Authority, denying the material averments made therein.

ARGUMENTS

9. The authorised representative of the appellant has submitted that the appellant has purchased (22) guntas of land in Sy.No.460/U from its owner Sri Shyam Sunder Agarwal at Sharajipet Village, where the three subject Service Connections were existing and when he requested the respondents after payment of arrears on the said Service Connections, no power supply was given; that since the appellant is a consumer of respondents, the respondents

are bound to release the power supply to the appellant immediately and that the appellant is also entitled for compensation. It is accordingly prayed to direct the respondents to restore power supply to the subject Service Connections and also to direct the respondents to pay compensation of Rs.200/- per day w.e.f., 03.01.2025 till the date of restoration of power supply by setting aside the impugned Award.

10. On the other hand, the respondents, while supporting the Award passed by the learned Forum, have prayed to reject the appeal on the ground that a huge amount of more than (3) crores of rupees is due from M/s. Sheetal Shipping Company to which one Radha Kishan Agarwal, father of the appellant is the Managing Director and the vendor of the appellant, namely, Shyam Sunder Agarwal is the Director of the said company and it is the link service.

POINTS

11. The points that arise for consideration are:-
- i) Whether the appellant is entitled for restoration of power supply to the subject Service Connections as prayed for?
 - ii) Whether the appellant is entitled for compensation @ Rs.200/- per day from 03.01.2025 till restoration of power as prayed for?
 - iii) Whether the impugned Award passed by the learned Forum is liable to be set aside? and
 - iv) To what relief?

POINT Nos. (i) to (iii)

ADMITTED FACTS

12. It is an admitted fact that the respondents have released the three subject Service Connections for agriculture purpose at Sharajipet Village. It is also an admitted fact that at present the power supply to the said Service Connections is disconnected.

SETTLEMENT BY MUTUAL AGREEMENT

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

14. The present appeal was filed on 18.03.2025. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

15. The appellant claims that he is consumer of the respondents in respect of the subject Service Connections and he has paid the arrears after

he purchased the land where the subject Service Connections are released and as such he is entitled for restoration of power supply. He has relied upon Clause 7.2 of Schedule-I of Regulation 5 of 2016 of Hon'ble Telangana Electricity Regulatory Commission (in short 'the Commission'). The said Clause reads as under:-

“The Licensee shall restore the power supply to a consumer, whose supply has been disconnected due to non-payment of electricity bills, within four(4) working hours of receipt of production of proof of payment by the consumer in towns and cities, and within Twelve(12) working hours of production of proof of payment by the consumer in rural areas.”

On the other hand the respondents claimed that, in fact, a sum of Rs.3.5Cr is pending towards utility charges payable by M/s. Sheetal Shipping and Metal Processors Ltd., and in the land of the said company, the subject Service Connections are released and hence, the subject Service Connections are link services.

16. Under Clause 7.2 of the above said Regulation relied on by the appellant the word 'consumer' is mentioned. Basing on this word the authorised representative of the appellant has argued that the appellant is the consumer of the respondents. The learned authorised representative of the appellant has also referred Sec.2(15) of the Electricity Act 2003 wherein the consumer is defined.

RELATIONSHIP OF CONSUMER AND LICENSEE

17. When once the appellant claims that he is the consumer of the respondents it is desirable to analyse the said argument. The authorised representative of the appellant has submitted during the course of arguments that the appellant is in possession of the (22) guntas of land including the subject Service Connections and also he is the owner of the said property under the registered sale deed. To illustrate this, it is necessary to give some examples. Normally the Permanent Account Number (PAN) is issued by the Central Government for reference in the tax matters and also identity of the said person. Like-wise Property Tax Identification Number (PTIN) is issued by the Greater Hyderabad Municipal Corporation (GHMC) for the purpose of identification of the property and also the owner etc., and also for the purpose of tax related matters. Similarly Consumer Account Number (CAN) is issued by the department concerned for the dual purposes of identifying the property and its owner and also for payment of water bills etc., These illustrations only demonstrate that the connection of consumer or owner of the property with the Government machinery is mandatory to deal with the subject. In the present case at this stage the appellant can claim normally either owner of the property or occupier of the property in question. However he can also claim as owner and occupier of the property. When he claims occupier of the property he cannot claim owner cum occupier of the property normally. The respondents made two serious allegations against the original Service Connection holder of

the subject Service Connections Mr. Shyam Sunder Agarwal, vendor of the appellant, that he is the Director of M/s. Sheetal Shipping Company for Service Connection No. 557 and a whopping sum of Rs.3 crores is due to the respondents and the subject Service Connections are used for other than the agriculture purpose for which the said subject Service Connections were obtained. In view of these factors, now it is essential for the appellant to mutate his name in respect of the subject Service Connections with the respondents by following the procedure. This was not done by the appellant.

18. Now it is necessary to refer to the observation of the Independent Member of the learned Forum:-

a. Clause 1.5 (C) (VI) of TGERC (Establishment of mechanism for Redressal of Grievances of the Consumers) Regulation, 2015 i.e., Regulation 3 of 2015 defines the Complainant as follows:-

"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."

b. In the instant case, the complainant is not a registered customer with respondent and declared himself as occupier of the premises to file the current grievance. However, when the occupier is filing the grievance the service connection shall be in the name of the owner of the premises as per the above mentioned clause. In the instant case, the service connection is not in the name of owner of the premises. Therefore, in my opinion the complainant does not have locus standi to file the grievance. He may file the grievance after getting the service connection name transfer done on his name.

c. In addition, it is quite unfortunate that the respondent officers have released these services under Agricultural Category without the presence of bore wells in the field. Such an act is a manifestation of misuse of the authority given to concerned field officers of

respondents. In my opinion, appropriate disciplinary action should be initiated on the officer's responsible for such an irregularity.

The learned Member has clearly identified the issue involved in the present case. Thus when once the appellant has not connected with the respondents by way of mutating his name with the records of the respondents he cannot be identified by the respondents as their consumer. For these reasons, the question of claiming compensation from the respondents does not arise. The learned Forum has discussed the issues involved properly and came to the correct conclusion. Therefore, I hold that the appellant is not entitled for restoration of power supply to the subject Service Connections as prayed for and the appellant is also not entitled for compensation @ Rs.200/- per day from 03.01.2025 till restoration of power as prayed for and that the impugned Award is not liable to be set aside. These points are accordingly decided against the appellant and in favour of the respondents.

POINT No. (iv)

19. In view of the findings on point Nos. (i) to (iii), the appeal is liable to be rejected by confirming the impugned Award.

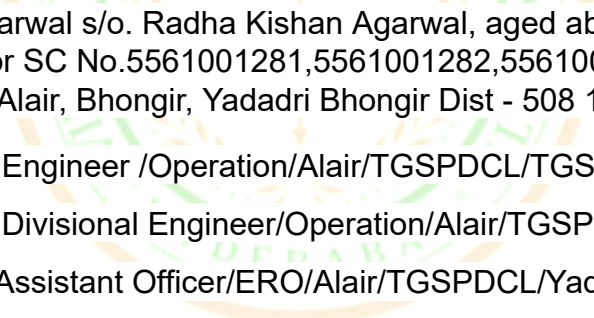
RESULT

20. In the result, the appeal is rejected by confirming the Award passed by the learned Forum.

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 2nd day of April 2025.

**Sd/-
Vidyut Ombudsman**

- 
1. Sri Harshit Agarwal s/o. Radha Kishan Agarwal, aged about 37 years (Beneficiary for SC No.5561001281,5561001282,5561001283) Sy.No.460/U, Alair, Bhongir, Yadadri Bhongir Dist - 508 101.
 2. The Assistant Engineer /Operation/Alair/TGSPDCL/TGSPDCL/Yadadri Dist.
 3. The Assistant Divisional Engineer/Operation/Alair/TGSPDCL/Yadadri Dist.
 4. The Accounts Assistant Officer/ERO/Alair/TGSPDCL/Yadadri Dist.
 5. The Divisional Engineer/Operation/Bhongiri/TGSPDCL/Yadadri Dist.
 6. The Superintending Engineer/Operation/Yadadri Circle/TGSPDCL/Yadadri Dist.

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.