



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**

MONDAY THE FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

Appeal No. 56 of 2023-24

Between

Smt. S. Nirmala Devi, [H.No.28-5-39/1/A](#), Pegadapally Village, Hasanparthy Mandal,
Hanamkonda District. Cell:8500184312. **.....Appellant**

AND

1. The Assistant Engineer / Operation/Rural/Chinthagattu-9440811358.
2. The Assistant Divisional Engineer /Operation /Hasanparthy-8985141184.
3. The Assistant Accounts Officer / ERO/Rural /Hanamkonda-9490959556.
4. The Divisional Engineer / Operation / Hanamkonda-7901678137.

..... Respondents

This appeal is coming on before me for the final hearing on 28.02.2024 in the presence of Sri P. Prabhakar, authorised representative of the appellant, virtually and Sri T. Tharun Kumar - AE/OP/Chinthagattu, Sri J.Ganga Reddy - ADE/OP/Hasanparthy, for the respondents, virtually, and having stood over for consideration till this day, this Vidhyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - I, Warangal (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G.No. 350/2023-24, Hanamkonda Circle dt.08.12.2023,

closing the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the Forum is that the Service Connection No.12326-02043, (in short 'the subject Service Connection') LT Category-I at Pegadapally village, Hasanparthy Mandal, Hanamkonda District released in favour of the appellant was dismantled by respondent No.1 in spite of paying the regular bills. It was accordingly prayed to direct the respondents to reconnect the power supply to the said service.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply filed by respondent No. 2, before the learned Forum, it is, inter-alia, submitted that the subject Service Connection was released in the name of the appellant at Pegadapally Distribution of Chintagattu Rural Section. One more Service Connection No. 12326-02046 (2042) was released in the name of one Vamshi Krishna Porandla at the same distribution referred to above. Since the above two Service Connections were under billstop status for a long period they were dismantled. If the power supply is required the consumer has to make a fresh application through mee-seva by enclosing the relevant documents.

AWARD OF THE FORUM

4. After considering the material on record, the learned Forum has advised the appellant herein to file fresh application for the purpose of power

supply with necessary documents and closed the complaint.

5. Aggrieved by the said Award of the learned Forum, the present appeal is preferred, contending among other things, that in spite of payment of regular bills, the subject Service Connection and the Service Connection in the name of Sri Vamshi Krishna were dismantled. It was accordingly prayed to direct the respondents to restore their Service Connections.

WRITTEN SUBMISSION OF RESPONDENTS

6. In the written submission of respondent No. 2, before this Authority, it is, inter-alia, submitted that the appellant has applied for new Service Connection on 19.11.2019 at Pegadapally Village for temple and school. Like-wise on the same day Sri Porandla Vamshi Krishna has also applied for a new Service Connection for domestic purpose. Both the services were released on 27.11.2019. Thereafter, on the representation of the appellant on 20.06.2020, her Service Connection was dismantled. Further it was under “billstop” status since June 2020. Like-wise the Service Connection in the name of Sri Vamshi Krishna was also under billstop status from February 2021. If the appellant wants power supply now she has to apply again through mee-seva by submitting relevant documents.

ARGUMENTS

7. It is submitted on behalf of the appellant that the appellant was paying the regular bills of the subject Service Connection and also another Service Connection No. 12326-02046; that the Assistant Engineer gave false information to the learned Forum due to vengeance; that without their consent the DTR existing at that time was dismantled and hence it is prayed to restore subject Service Connection and another service.

8. On the other hand, it is submitted by the respondents that the subject Service Connection and another Service Connection referred to above was released earlier; that since the said services were under billstop status since June 2020 and February 2021, they were dismantled and hence for obtaining fresh Service Connection, they have to make fresh applications for the same.

POINTS

9. The points that arise for consideration are :-
- i) Whether the appellant is entitled for release of new Service Connection as prayed for?
 - ii) Whether the Award of the learned Forum is liable to be set aside? and
 - iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

10. It is an admitted fact that earlier the respondents have released the subject Service Connection in favour of the appellant. It is also an admitted fact that the subject Service Connection and another service connection was dismantled by the respondents.

SETTLEMENT BY MUTUAL AGREEMENT

11. Both the parties have appeared before this Authority virtually. 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. The present appeal was filed on 27.01.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

13. The present appeal is filed by the complainant before the learned Forum. The name of one P. Vamshi Krishna is also mentioned in the present appeal. A perusal of the Award passed by the learned Forum it appears that only the present appellant was the complainant there. Therefore the present appeal is confined only in respect of the premises of the appellant. The

address of Service Connection of the appellant as per the EBS is as follows:-

NORTHERN POWER DISTRIBUTION COMPANY OF TS LIMITED
ENERGY BILLING SYSTEM, ERO: 2123 ERO/RURAL/HANAMKONDA
CONSUMPTION, BILLING, COLLECTION AND ARREARS HISTORY
DURING THE PERIOD February, 2018 TO February, 2021

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Service Number/UAN : 12326-02043 /16138984      Last Pay Date : 30-JUN-20
Name               : NIRMALA DEVI PORANDLA      Section Code  : 61
Address           : 28-5-378                    Area Code     : 12326
                  PEGADAPALLY                   Category      : 1
                  PEGADAPALLY                   Sup.Con.Date  : 27-NOV-19
                  CHINTAGATTU (RURAL)-0
Consumer Type     : LT                          Meter Number   : 4589550
Contracted Load  : 1.00                        Connected Load : 1.00
Multiplying Factor : 1.00                       Meter Phase/Cyc : 1/M1
Feeder Code      : 0                            Feeder Name    : NONAME
DTR Code         : 0                            DTR Name      : NULL
SD Available     : 200                          SD Required    : 0
File Name        : NONAME                       Pole No.       : 0
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14. The appellant claims that without her consent, the respondents have dismantled the subject Service Connection in spite of payment of regular electricity bills. In order to substantiate this claim the alleged payment receipts are not produced before this Authority. Further under Clause 5.9.4.3 of General Terms and Conditions of Supply (in short GTCS') the respondents have power to disconnect the power supply if the consumer fails to pay the dues and fails to regularise the account within three months from the date of disconnection. Further they also have power to terminate such connections after giving one month's notice. However where the company fails to issue notice, the consumer shall not be liable to pay the minimum charges for the period beyond four months from the date of disconnection and the agreement shall be deemed to have been terminated at the end of four months from the date of disconnection. Like-wise under Clause 5.9.6 of GTCS, the respondents

are also entitled to dismantle the service line under certain conditions. However the consumers have to apply for a new connection thereafter, after disconnection, as fresh applicants. In this case as held by the learned Forum the respondents are not at fault in dismantling the subject Service Connection. Therefore the Award of the learned Forum to the extent of applying fresh application for the purpose of power supply is correct.

WHETHER THE APPELLANT IS ENTITLED FOR A NEW SERVICE CONNECTION.

15. The Hon'ble High Court of Himachal Pradesh has held that water and electricity supply form a right to life under Article 21 of the Constitution of India (Madanlal v. State of Himachal Pradesh 2018 SCC Online HP 1495 DB) apart from that this factum makes it quite clear that every person has right to obtain electricity Service Connection and the licensee shall act in favour of giving the said power supply with necessary documents.

16. Respondents have submitted that now the appellant has registered three applications for new Service Connections through mee-seva as follows:-

Sl. No.	Name of the consumer	Address of the consumer	Mee-seva application No.	Remarks
1.	Sri Porendla Prabhakar	Prardhana Mandiram at 28-5-391/1/B, Jyothirlingala Nagar, Pegadapally Village	NC022101610 272	Application rejected
2.	Smt. S. Nirmala Devi S/o.Ramulu@ Alias Porandla Nirmala Devi W/o Porandla	Sri Venkateswara Educational Society at H.No.28-5-378, Sri Mahankali Kedaeswari Colony, Pegadapally Village	NC024022648 96 dt.08.02.2024	Application rejected
3.	Sri Porendla Prabhakar	Prayer Hall at Dwadasha Jyotirlinga Prabhakar temple at H.No.28-5-391/1/B, Pegadapally Village	NC022402261 962 DT.08.02.2024	Application rejected

But at present we need to discuss only about the New Service Connection applied at Sl.No.2 as the above address is matching with the earlier service premises of Smt.Nirmala Devi.

17. In the present case, the argument advanced by the respondents is that the appellant has not submitted any ownership document of her property. The respondents have no right to decide the ownership of the property of the consumers. They have to inspect the property where the applicant is in possession of the said property and confirm about the nature of the activity applied. Such Service Connection shall be released after obtaining necessary indemnity bond and undertaking from the consumer that the Licensee will

terminate such service for any proper reason. However this should be done after giving proper notice enabling the appellant to approach the learned Forum. In the instant case admittedly earlier the respondents have released the subject Service Connection. That being the case now they cannot decline to give new Service Connection in the said premises. In view of these reasons, I hold that the respondents shall release a new Service Connection on application from the appellant in the premises of the appellant's earlier Service Connection at Pegadapally Village, Hasanparthy Mandal after taking necessary documents. Therefore I hold that the appellant is entitled for new Service Connection. These issues are accordingly decided in favour of the appellant and against the respondents.

Point No.(iii)

18. In view of the findings on point No.(i) and (ii), the appeal is liable to be allowed to the extent indicated above.

RESULT

19. In the result, the appeal is allowed in part, confirming the Award passed by the learned Forum. The respondents are directed to release new Service Connection to the appellant's premises where earlier Service Connection No.12326-02043 was released in her favour at Pegadapally Village, Hasanparthy Mandal, on her application through mee-seva and on payment of necessary charges and after obtaining indemnity bond etc., but

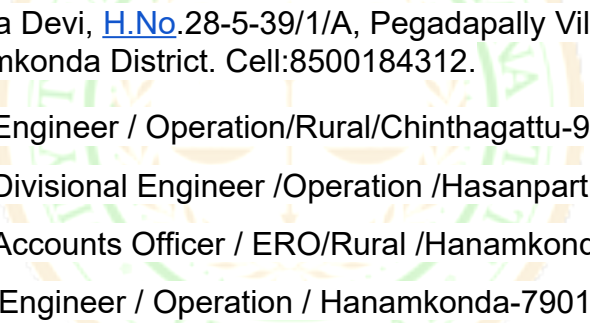
without strictly insisting for the ownership document and report compliance within one month from the date of application received from the appellant.

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 04 th day of March 2024.

Sd/-

Vidyut Ombudsman

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1. Smt. S. Nirmala Devi, [H.No.28-5-39/1/A](#), Pegadapally Village, Hasanparthy Mandal, Hanamkonda District. Cell:8500184312.
 2. The Assistant Engineer / Operation/Rural/Chinthagattu-9440811358.
 3. The Assistant Divisional Engineer /Operation /Hasanparthy-8985141148.
 4. The Assistant Accounts Officer / ERO/Rural /Hanamkonda-9490959556.
 5. The Divisional Engineer / Operation / Hanamkonda-7901678137.

Copy to

6. The Chairperson, CGRF, TSNPDCL, Nakkalagutta, Hanamkonda, Warangal-506001.