



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

:: Present:: R. DAMODAR

Saturday, the Twelfth Day of November 2016

Appeal No. 57 of 2016

Preferred against Order Dt. 30-07-2016 of CGRF In

CG.No: 140/2016-17 of Hyderabad Central Circle

Between

Sri. Bhanuka Naveen Kumar, Flat No. 202 & 203, H.No.2-2-3/222 to 225,
PPR Nirmala Nilayam Apartment, Vidya Nagar, Hyderabad.
Cell: 9948464846 & 9848709950

... Appellant

AND

1. The ADE/OP/Amberpet/TSSPDCL/Hyderabad.
2. The AAO/ERO/Azamabad/TSSPDCL/Hyderabad.
3. The DE/OP/Azamabad/TSSPDCL/Hyderabad.
4. The SE/OP/Hyd.Central Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 26.09.2016 coming up for hearing before the Vidyut Ombudsman, Telangana State on 04.11.2016 at Hyderabad in the presence of Sri. B. Naveen Kumar- Appellant and Sri. P.Laxman - ADE/OP/Amberpet, Sri. M.S.Srinivasan - AAO/ERO/Azamabad for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant is claiming that he is a tenant in the premises bearing Flat Nos. 202 and 203 and has lease agreement with the owner/landlord Sri. Lakshmi Kesari Reddy with the premises having SC.No.V1096818 since June 2014. It is stated that the Appellant has been regularly paying the electricity bills. He claimed that the Electricity officials have disconnected the service on the request of Sri. Voladri Srinivasa Reddy, the purchaser from the landlord of the house in question who gave a false request to the Respondents for dismantling the service connection stated to be for the purpose of renovation of the house. The Appellant claimed that there is a civil dispute between

him and Sri. Voladri Srinivasa Reddy who filed OS No. 513 of 2015 pending in the Court of V Addl. Senior Civil Judge.

2. The Appellant claimed that though he has been paying the electricity bills regularly, the DISCOM officials have disconnected the service connection and that he has been living without electricity, which is against the fundamental right to live and that by disconnecting the service connection, the Respondents have violated his rights guaranteed under the constitution. The Appellant sought the CGRF to enquire into the matter to note whether title transfer has been made by the officials by following the correct procedure or else the electricity supply may be restored to his premises, which is denied to him for the last 11 months.

3. Before the CGRF, the AAO/ERO/Azamabad/R2 through letter dt.24.6.2016 stated that the 1st Respondent/ADE/O/Amberpet sent proposals to effect the title transfer of the service connection based on the sale deed executed by Sri. Lakshmi Kesari Reddy in favour of Sri. Voladri Srinivas Reddy under document No. 784/2015 and on its basis, name transfer was effected in June,2015 and later the AAE/OP/Ramalayam sent proposals for dismantlement of the service connection furnishing the final reading, meter particulars and date of disconnection as 25.6.2015 further informing that a final bill has been prepared for Rs 800.50 which has been adjusted from out of the security deposit of Rs 1000/- available against the service.

4. Before the CGRF, the Appellant claimed that he is a tenant in occupation of the premises under a lease deed since June,2014 from Sri. Lakshmi Kesari Reddy, the landlord and the landlord has not signed on any letter for change of his name in favour of Sri.V. Srinivas Reddy and that even though the Appellant has been paying the bills regularly, without any intimation, the electricity officials have disconnected the service and that his landlord filed a Writ Petition in the High Court which was dismissed for default.

5. The AE/O/Ramalayam stated before the CGRF to the effect that on the request dt.3.6.2016 of the original owner of the premises Sri.V.Srinivasa Reddy, the service connection to the premises was disconnected on 25.6.2016 and that the dismantlement of the service is pending in the ERO for want of N.O.C.

6. The CGRF, on the basis of the record and also finding that a civil case is pending between the Appellant and his landlord Sri. V. Srinivasa Reddy who is the purchaser of the flats on the file of the court of V Addl. Senior Civil Judge, Hyderabad,

opined that the Appellant ought to seek the relief of restoration of service connection in the civil suit and when a civil case is pending in the matter, the forum cannot direct the Respondents to restore the service connection. The CGRF further opined that though the grievance of the Appellant is a genuine one, since the civil suit is pending, no order can be passed in the matter while advising the appellant to approach a competent court for his grievance, through the impugned orders.

7. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the Present appeal claiming that he is the tenant of the original land lord Sri. Lakshmi Kesari Reddy based on a lease deed and that he has been paying the bills regularly and that on the false request of Sri. Voladri Srinivas Reddy, who posed as a buyer of the flats, sought dismantlement of the service for house renovation. The Appellant further pleaded that he has a civil dispute with Sri. Voladri Srinivas Reddy and the Respondents have arbitrarily disconnected the service connection violating his fundamental rights guaranteed under the constitution and that his basic amenities like electricity connection has been denied.

8. In the Appeal the 2nd Respondent/AAO/ERO IV/Azamabad submitted a written statement dt.14.10.2016 stating that the 1st Respondent ADE/O/Amberpet has submitted a proposal to effect the title transfer based request at the Consumer Service Center (CSC) on 26.5.2015 and based on the sale deed executed by Sri. Lakshmi Kesari Reddy in favour of Sri. Voladri Srinivas Reddy, the transfer has been effected in the office records. He further stated that AAE/OP/Ramalayam has submitted proposal for dismantlement of service on 03.06.2015 informing the date of disconnection as 25.6.2015 after noting the meter reading, units and after collecting the amount due by way of adjustment from the existing security deposit. Thereafter, the AAE has reproduced the operative portion of the order of the CGRF as part of the written statement.

9. The Appellant filed 2 documents, one dt.22.6.2015 addressed to one Mr.Govardhan, AAO/ERO/Azamabad/R2 by Sri.Lakshmi Kesari Reddy informing that he executed a sale deed in favor of Sri.V.Srinivas Reddy but had not handed over the property and that the total sale amount is not paid and that he has been still in possession of the property and that he has not signed on any papers given to the electricity officials and therefore, he sought prior notice to him before disconnection of the service, further informing that he would hand over the possession to the buyer and close the service connection immediately on that day and sought restoration of

power supply. He filed another document which is the pro forma transfer application for change of title stated to have been signed by Sri. Lakshmi Kesari Reddy in favour of Voladri Srinivasa Reddy and another copy of receipt printed on the same paper signed by Sri.V.Srinivas Reddy regarding Security deposit etc.

Mediation failed to succeed and hence the matter is being disposed of on merits:

10. On the basis of the material placed on record and also contentions, the following issues arise for disposal:

1. Whether the Appellant is entitled to restoration of power supply to the flats in his occupation?
2. Whether the impugned orders are liable to be set aside?

Arguments heard.

Issues 1 & 2

11. The material on record discloses that the Appellant is a tenant in flat Nos.202 and 203 in PPR Nirmal Nilayam Apartment, Vidya Nagar, Hyderabad having taken the premises on rent from the original owner Sri.Lakshmi Kesari Reddy along with electricity connection and that he has been paying the CC bills regularly. It is also on record that the original landlord Sri.Lakshmi Kesari Reddy sold his flats to one Sri. V.Srinivas Reddy under a regular sale deed. Further on request from the purchaser Sri. V. Srinivas Reddy, on submission of title transfer letter from Sri. Lakshmi Kesari Reddy, the Respondents have transferred the service connection in the name of the purchaser of the property, who it appears has applied for dismantling the service connection on the ground of renovation of the property. The Respondents after following the procedure under Clause 8.4 of GTCS for transfer of service connection and the general practice for dismantlement of service connection have dismantled the service connection on 25.6.2016 as per their version. The Appellant contended that his landlord Sri.Lakshmi Kesari Reddy addressed a letter dt.22.6.2015 to AAO/ERO/Azamabad informing him that no doubt he sold the properties in question in favour of Sri. V. Srinivasa Reddy under a regular sale deed, but he has not handed over the property to the vendee as the total sale amount has not been paid and that he is still in possession of the property and that he has not signed on any papers in favour of the electricity company and therefore, the request of the new landlord to dismantle the service connection is not legal and that the service connection has to be restored with supply.

12. The Respondents, on the other hand, contended that the disputes between the vendor and vendee are not within their knowledge and based on the sale deed executed by Sri. Lakshmi Kesari Reddy in favour of Sri. V. Srinivas Reddy and on the request of Sri. Lakshmi Kesari Reddy on transfer application form, the title of the premises was transferred in favor of Sri. V. Srinivas Reddy and therefore, the Respondents on the request of Sri. V.srinivas Reddy disconnected the power supply on 25.6.2015 and further steps for recovery of the final bill and adjustment of the security deposit were carried out which are according to the rules of procedure. The Appellant contended that in view of the letter of Sri. Lakshmi Kesari Reddy dt.22.6.2015, the service connection may be restored as the vendee has not paid the total consideration and the vendor sought prior notice before disconnection of the service connection.

13. Once the landlord Sri. Lakshmi Kesari Reddy transferred the properties in question by way of a regular sale deed in favour of Sri. Voladri Srinivas Reddy, the Respondents have, by following the procedure, transferred the service connection also in the name of Sri.V.Srinivasa Reddy and on his request to dismantlement the service connection allegedly for renovation, they have taken further steps. The Appellant stated to be a tenant in the premises and when asked during the hearing, he has not filed any record to show that he has paid rents or that he has been in possession of the property. Further there is a civil suit pending even according to the Appellant in OS No. 513 of 2015 on the file of the V Senior Civil Judge between him and Sri. Voladri Srinivas Reddy who stated to have filed the suit.The CGRF has properly advised the Appellant to seek relief in a civil court regarding restoration of the service connection, in view of the totality of the circumstances of the case.

14. The contention of the Appellant that his original landlord Sri. Lakshmi Kesari Reddy gave a letter dt.22.6.2015 to AAO/ERO/Azamabad/Ramalayam informing that the power should not be disconnected without prior notice to him on the ground that he has not received the total sale consideration under the sale deed, is of no help to the Appellant because there is no mention of existence of a tenant in the premises in the letter. The Appellant suffered without electricity because of the machinations of the original landlord and the subsequent purchaser of the property and has been suffering with no electricity supply. As far as the DISCOM is concerned, under the circumstances there is no relief that can be granted either under GTCS or under the Regulations. There is nothing wrong with the detailed orders passed by the CGRF

which have to be confirmed and they are accordingly confirmed. Both the issues answered accordingly.

15. In the result, the Appeal is disposed of with the following directions:

1. The Appellant is found not entitled to restoration of power supply on the basis of the material placed on record.
2. There is a civil dispute pending between the Appellant and Sri.V. Srinivasa Reddy and the present matter has to be adjudicated only in the civil court and the Appellant cannot agitate for the relief in view of Clause 3.19(c) of Regulation 3/2015 of TSERC before the Vidyut Ombudsman.
3. The impugned orders are confirmed.

16. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in Clauses 3.38, 3.39 and 3.42 of the Regulation No. 3/2015 of TSERC.

TYPED BY CCO, Corrected, Signed and Pronounced by me on this the 12th day of November, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri. Bhanuka Naveen Kumar, Flat No. 202 & 203, H.No.2-2-3/222 to 225, PPR Nirmala Nilayam Apartment, Vidya Nagar, Hyderabad.
Cell: 9948464846 & 9848709950.
2. The ADE/OP/Amberpet/TSSPDCL/Hyderabad.
3. The AAO/ERO/Azamabad/TSSPDCL/Hyderabad.
4. The DE/OP/Azamabad/TSSPDCL/Hyderabad.
5. The SE/OP/Hyd.Central Circle/TSSPDCL/Hyderabad.

Copy to:

6. The Chairperson, CGRF, Greater Hyderabad Area, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.