



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

:: Present:: Smt. UDAYA GOURI

Monday the Twentieth Day of May 2019

**Appeal No. 58 of 2018**

Preferred against Order dt:17.12.2018 of CGRF in  
CG No.533/2018-19 of Hyderabad Central Circle

Between

Sri. Md. Naseer Uddin Atif, #2-4-639, Sunder Nagar, Hyderabad.  
Cell: 9154848182.

... Appellant

**AND**

1. The AE/OP/Kacheguda/TSSPDCL/Hyderabad.
2. The ADE/OP/Barkatpura/TSSPDCL/Hyderabad.
3. The DE/OP/Azamabad/TSSPDCL/Hyderabad.
4. The SE/OP/Hyderabad Central Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 19.01.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 04.04.2019 at Hyderabad in the presence of Sri. Dinesh Srivastava - on behalf of the Appellant and Sri. M. Venu - AAE/OP/Kacheguda and Sri. Pavan Kumar - ADE/OP/Barkatpura for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

**AWARD**

This is an Appeal filed against the orders of the CGRF- Greater Hyderabad Area in CG No. 533/2018-19 Hyderabad Central Circle dt.17.12.2018.

2. The averments made in the Appeal are that the Appellant filed a complaint before the CGRF seeking for directions to the Respondents for the release of two domestic service connections in the premises bearing No. 2-4-639 admeasuring 626.66 Sq yds, Sunder Nagar, Hyderabad. And the learned CGRF failed to appreciate his

contentions and rejected the same. Hence aggrieved by the same the present appeal is filed.

3. The contents of the Appeal shows that the Appellant Sri. Mohammed Naseeruddin Atif, R/o. H.No.2-4-639, Sunder Nagar, Hyderabad sought for the release of two new domestic service connections for the two penthouses in the above premises on the basis of his application bearing No. NR90111163211 and NR90111163200 which were rejected by the Respondents in spite of his complying the required formalities in ICSC on 02.12.2011, on the ground that a civil dispute vide OS No. 1868 of 2012 was pending.

4. The Appellant in support of his contentions has submitted the following written submissions:-

- a. The civil dispute which is pending before the Hon'ble Junior Civil Judge, City Civil Court, Hyderabad bearing O.S.No.1868 of 2012 is no way connected with the complainant. More specifically the Respondents are not binding to stop release of new service connection in view of the said civil dispute.
- b. The Respondent No.1, the AE/OP/Kacheguda ignored that the GHMC is collecting the property tax for Penthouse 1 and Penthouse 2 every year. A copy of Property Tax History of GHMC from 2016-17 to 2018-19 is enclosed.
- c. The Respondent No.1, the AE/OP/Kacheguda ignored that the CSC, Azamabad would not have registered the application for release of two new service connection of appellant unless the Appellant submit all the required documents along with the application mentioned in the check list of the Respondents. Accordingly, as the Appellant has filed all the required documents at the time of registration before CSC, Azamabad then only the CSC has issued the acknowledgement vide NR 9011163211 and NR 9011163200 dt.02.12.2011. He further stated that complete set of application filed by the Appellant in CSC, Azamabad on 02.12.2011 is not available with the Appellant as the same is misplaced, hence the Appellant prayed to direct the Respondents to file a copy of the said application.
- d. The SE/OP/Hyderabad central circle vide his letter No.

SE/OP/CC/Comml./D.No.6376/2010 dt.03.02.2011 issued the approval for release of 130 KW power supply to the Appellant.

- e. The Appellant and other occupants of the said premises are having power supply connection totalling to 26 Nos. out of which 17 connections are in the name of the Appellant.

In view the above stated facts, the Appellant prayed to pass an order directing the Respondents:

- a. To set aside the order dt.17.12.2018 passed by Respondent No.1 in CG No.533 of 2018-19/Hyderabad Central Circle.
- b. To issue new two domestic service connections registered vide NR 9011163211 and NR 9011163200 dt.02.12.2011 to the Appellant immediately: and
- c. Any such other order or orders as may deem fit by the Hon'ble Vidyut Ombudsman in the circumstances of appeal in the interest of justice and fair play.

5. In view of the said averments the Respondents submitted the following written submissions:-

The Respondent No.2 ADE/OP/Barkatpura filed his reply vide Lr.No.ADE/OP/BKTP/D-VII/C-II/CC/D.No.528/18-19 dt.15.02.2019 stating that the Appellant applied for 2 Nos service connections to the penthouse Vide Nr. No.90111163211 and NR9011163200 dt.02.12.2011 in ICSC azamabad. As per available records the new service connections were rejected since the pent house constructed on 5th floor without GHMC permission.

He further stated that a consumer (claimed as owner) by name Mr. Syed Salahuddin S/o. Late S.A.Nehri resident of Plot No.G4, H.No.2-4-639, KJ Prime residency (same house) approached this office stating that the 2 Nos. pent house illegally constructed by the builder without municipal permission and requested not to extend new service/supply as the case is still pending before the Consumer Redressal Dispute Forum vide Case No. 72/2012.

6. The Appellant filed a rejoinder alleging that the GHMC is collecting the property tax for the 2 nos penthouse every year under PTI No. 1090230896 for penthouse No.1 and PTI No. 1090230897 for penthouse No.2 of the premises No.

2-4-539, Circle No.16, Amberpet. That as per the statutory requirement for release of new power supply connection either GHMC copy or property tax is to be submitted. As they have complied with the stipulated condition by submitting the copy of property tax, the rejection of the Respondent is illegal and not maintainable.

7. In the face of the said averments of both sides the following issues are framed:-

1. Whether the Appellant is entitled for the release of two new domestic service connections for his two penthouses in the premises bearing No. 2-4-639, Sunder Nagar, Hyderabad? And

2. To what relief?

**Heard Both sides.**

**Issue No.1**

8. The averments of the Appeal admittedly show that the premises bearing No. 2-4-639 belonged to Mrs. Khursheed Jehan W/o. Syed Allauddin Nehri and that she acquired the same under a gift deed from her mother and entered into a development agreement-cum-Irrevocable General Power of Attorney with One Mohammed Naseeruddin Atif i.e. the Appellant herein for building multi storied residential complex as per the terms of their agreement and subsequently the said Residential complex was constructed under the name and style of KJ Prime Residency Apartments after taking the required permission from the Commissioner GHMC, Hyderabad. The said averments of the Appellant is not denied by the Respondents.

9. The further contentions of the Appellant that he has obtained permission and constructed two penthouses in the said premises on the 5th floor is denied by the Respondents in spite of the fact of contention of the Appellant that he is also paying the property tax for the said two penthouses and supported the same with the property tax receipts. The Appellant also contended that the Respondents have also taken into consideration different litigations pending vide CC No. 72/2012 in AP State Consumer Dispute Redressal Commission between One Mohammed Naseeruddin Atif and the Appellant, OS No. 1868/2012 between Azam Khan and Dr. Amrutha & others on the file of the Junior Civil Judge Court, Hyderabad, though the said disputes have nothing to do with the penthouses in question or the release of domestic service connection to the same. He contended that the said litigations are pertaining to the

disputes between the Apartment association and the developer with regarding to pending internal and external works and also with regarding to the possession of Flat No. 401.

10. A perusal of the documentary evidence adduced by both sides admittedly show that CC 72 of 2012 on the file of the AP State Consumer Dispute Redressal Commission and OS No. 1868 of 2012 on the file of the Junior Civil Judge, Hyderabad has nothing to do with the development agreement of the premises bearing No. 2-4-639 pertaining to the Appellant or the owner of the said premises and as such if the Respondents have taken the same into consideration and rejected granting of two new domestic service connections as required by the Appellant is without any basis.

11. But a perusal of the evidence on record clearly shows though the Appellant adduced evidence to show that he has taken permission from the GHMC vide permit No. 179 of 29 in file No. 008/TP/C9/CZ/GHMC/2008 dt.05.08.2008, the Appellant has not adduced any evidence to show that the said permission sought by him for the said construction includes permission for construction of two penthouses in the premises bearing No. 2-4-639. The contention of the Appellant that since he is paying property tax for the said two penthouses, the Respondents cannot reject his application for grant of two domestic service connections cannot be accepted in view of the fact that merely paying tax does not mean that the Appellant has the permission to construct penthouses in the premises bearing No. 2-4-639 under the permission obtained by him vide permit No. 179/29. The Appellant though filed document to show that he has paid taxes in the name of the said two penthouses failed to file any document supporting his contention that the GHMC has permitted him to construct the penthouses. What is also peculiar in this case is though the Appellant mentioned the permit number and the file number under which he sought permission for construction failed to file even the said document before this office and failed to explained as to why the same is not filed. The same goes to show that it can be presumed that no such permission for construction of penthouses has been obtained by the Appellant and that the construction of penthouses is without any permission and hence without any legality and hence is seeking for permission almost 7 years after construction of the penthouses. The said documentary evidence adduced by the Appellant show that the property tax is paid for the said two penthouses in the name of the original owner namely Mrs. Khursheed Jahan and not the Appellant. Hence it can be concluded that the construction of the penthouses by the Appellant in the above premises is without

any permission or legality. Hence is not entitled for seeking for two domestic connections for the said illegally constructed penthouses. Hence decides this issue against the Appellant.

**Issue No.2**

12. In the result the Appeal is dismissed and the orders of the CGRF in CG No. 533/2018-19 dt.17.12.2018 is herewith confirmed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 20th day of May, 2019.

**Vidyut Ombudsman**

1. Sri. Md. Naseer Uddin Atif, #2-4-639, Sunder Nagar, Hyderabad.  
Cell: 9154848182.
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5. The SE/OP/Hyderabad Central Circle/TSSPDCL/Hyderabad.

**Copy to :**

6. The Chairperson, CGRF-GHA, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyderabad.
7. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.