



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**

THURSDAY THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

Appeal No. 61 of 2023-24

Between

Sri C. Manik Rao, s/o. Late Srinivas Rao, H.No.19-1-761, Mahaveer Nagar,
Outside Dood Bowli, Hyderabad - 500 264. Ph.No.9440712845.**Appellant**

AND

1. The Assistant Engineer/Operation/Hussaini Alam/TSSPDCL/Hyderabad.
2. The Assistant Divisional Engineer / Operation / Charminar / TSSPDCL / Hyderabad.
3. The Divisional Engineer/Operation/Charminar/TSSPDCL/Hyderabad.
4. The Superintending Engineer/Operation/Hyderabad South / TSSPDCL / Hyderabad.
5. The Chief General Manager/Commercial/TSSPDCL/Corporate Office / Hyderabad.

..... **Respondents**

This appeal is coming on before me for the final hearing on this day in the presence of the appellant in person and Sri Y. Vijaya Shekar - AAE/OP/Hussaini Alam, Sri K Vijay Kumar - ADE/OP/Charminar, Sri Pothuraju John - DE/Commercial and Sri T. Lingaiah - DE/OP/Charminar for the respondents and having stood over for consideration, this Vidut Ombudsman passed the following:-

INTRODUCTION

WATER AND ELECTRICITY SUPPLY FORM A
PART OF RIGHT TO LIFE UNDER ARTICLE 21
OF THE CONSTITUTION OF INDIA

(Madanlal v. State of Himachal Pradesh
2018 SCC On Line HP 1495 DB)

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum (Greater Hyderabad Area) (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.230/2023-24/Hyderabad South Circle dt.08.02.2024, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the Forum is that the appellant has approached respondent No.1 for release of three additional Service Connections to H.No.19-1-761 (in short "the subject house"), where four Service Connections were existing. There are two other portions in the said house. One Service Connection out of the said Service Connections is for common use. Respondent No.1 rejected his application on the ground that there was no municipal permission to the said house. Thereafter the appellant approached respondent No.3. He too demanded municipal permission for the house. The appellant has also approached the superiors of the respondents for the same but he did not get the desired relief. Finally he approached the learned Forum for directing the respondents to release three additional Service Connections to the house bearing No.19-1-761.

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 the appellant has applied for three new

Service Connections to the subject house. The subject house is in the name of one Srinivas Rao son of Venkata Rajaiah. Since the appellant has not submitted proper documents he has rejected the prayer of the appellant twice.

4. In the written replies filed by respondents 2 and 3 separately, they too mentioned the similar facts like respondent No.1 while rejecting the claim of the appellant. In the additional written reply of respondent No.2, he has also submitted the connected load and occupier details of the existing four Service Connections of the subject house.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint on the ground that the property (sale deed) must be in the name of the applicant and Greater Hyderabad Municipal Corporation (in short "GHMC") building permission copy or property tax are essential for release of new Service Connections.

6. Aggrieved by the impugned Award of the learned Forum, the present appeal is preferred, contending among other things, that the contractors/mediators openly quoted Rs.1,00,000/- in the form of bribe for getting approval for the panel board in the subject house. It is against his conscience. The appellant has also submitted a family members certificate issued by the Revenue authorities along-with other notarised documents. According to him, the finding of the learned Forum is not correct.

WRITTEN SUBMISSION OF THE RESPONDENTS

7. In the common written reply filed by respondent Nos. 1 to 3 before this Authority, it is inter-alia, submitted that as per Clause 5.2.1 of General Terms and Conditions of Supply (in short "GTCS") for supply of a new Service Connection or additional load for supply of electricity at LT, as per Appendix-I, the following documents are to be furnished:-

1. **Completed and Signed Application form** along-with the signed declaration.
2. **Proof of ownership** (Sale Deed, Allotment/Possession letter/Lease/Rental deed with landlord, Electoral, identity card or passport or PAN card along-with proof of ownership of landlord).
3. **Indemnity Bond** (Letter of consent from landlord to tenant/lessee/occupier).
4. **Wiring Completion Report** (from a licensed electrical contractor).
5. Test Report.
6. **Demand Draft** for new connection charges

The sale deed No.385/1962 produced by the appellant is in the name of one Srinivas Rao. Like-wise no document is in the name of the appellant. The application of the appellant was rejected for not submitting the relevant documents.

8. In the rejoinder filed by the appellant, it is, inter-alia, submitted that he is one of the Class-I legal heirs of late Srinivas Rao who left the subject house intestate. He is no other than the father of the appellant. The respondents have not correctly interpreted the clauses of GTCS.

ARGUMENTS

9. It is argued by the appellant that the subject house was purchased by his father in 1962; that his father is no more; that his mother also died long back; that he has six sisters; that they do not want to change the name of the subject house for their sentiment and, in fact, there is no dispute or litigation in respect of the ownership of the subject house. Accordingly he prayed to direct the respondents to release the three Service Connections.

10. On the other hand, it is submitted on behalf of the respondents, that the appellant has not submitted relevant documents to substantiate his claim that he is the owner of the subject house and the documents submitted by the appellant are mismatching and hence they prayed to reject the appeal.

POINTS

11. The points that arise for consideration are :-
- i) Whether the appellant is entitled for release of three additional Service Connections to the portions of the subject house as prayed for?
 - ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
 - iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

12. It is an admitted fact that at present four Service Connections are existing in the subject house. They are as under:-

Sl. No.	Service No.	Name of the consumer	Date of release	Meter Particulars	Reading Dt.30.12.2023
1.	M1008211	Sri C. Srinivas Rao H.No.19-1-761, Maharaj Gunj	26.04.2022	M.No.0111027896 Make: Saame, Cap.10-60A	17151
2.	M3001016	Sri C. Srinivas Rao H.No.19-1-761, Doodh bowli	01.10.1988	M.No.0109015629 Make: Saame, Cap.10-60A	29361
3.	M3013249	Sri C. Srinivas Rao H.No.19-1-761, Doodh bowli	28.01.1995	M.No.2994722 Make: Capital, Cap.5-20A	38716
4.	M1012340	Smt. Chiluka Laxmi Bai, H.No.19-1-761, Hussaini Alam	10.01.2009	M.No.3872178 Make: Avon Cap. 5-30A	2907

It is also an admitted fact that the existing Service Connections are not in the name of the appellant.

SETTLEMENT BY MUTUAL AGREEMENT

13. Both the parties have appeared before this Authority. 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 04.03.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

15. The appellant requires two new Service Connections for the two portions of the subject house and third new Service Connection in the said house for common use. The reason for rejection of the request of the appellant for release of the said new Service Connections by the respondents is that there is no sale deed and municipal permission to the said house. Like-wise the learned Forum has rejected the complaint on the ground that the sale deed in respect of the subject house is not in the name of the appellant and the applicant must produce building permission or copy of property tax etc., from GHMC. Now it is necessary to see as to whether those documents are required in the present case.

16. For releasing new Service Connection the relevant provision is Sec.43 of the Electricity Act 2003 (in short "the Act"). It reads as under:-

Section 43. (Duty to supply on request): --- (1) 1[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the

application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

1[Explanation.- For the purposes of this sub-section, "application" means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1) :

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

The above said provision makes it quite clear that upon submission of an application with relevant documents and prima-facie proof of occupation or ownership the applicant is entitled for new Service Connection or additional Service Connection. In this case the respondents are demanding municipal permission, tax receipts and sale deed in the name of the appellant. The respondents are not supposed to dive deep into the title or ownership or possession of the applicant. They have to see the prima-facie case put up by

the applicant in respect of the subject house. More-over if the Licensee fails to supply electricity within the period specified in Sub-section (1) of Section 43 of the Act penalty is also provided on the erring officials of the Licensee under Sub-section 3 of Section 43 of the Act. Now it is desirable to examine as to whether the appellant has proved his prima-facie ownership and possession over the subject house, basing on the documents filed by him.

17. The appellant has filed a copy of registered sale deed dt.19.05.1962. This document goes to show that one Srinivas Rao purchased the subject house for valid consideration as long back as in 1962. The appellant claims that the vendee in the said document viz., Srinivas Rao is his father. This document is sufficient to prima-facie establish the ownership and possession of the appellant over the subject house. When the said sale deed is in the name of the father of the appellant again the respondents are not supposed to demand the sale deed in the name of the appellant. Further, since the sale deed pertains to the year 1962, they are not justified in demanding municipal permission. More-over mutation of property in the name of the appellant in this case is not so important in view of the other material submitted by the appellant.

18. According to the appellant, his father is no more and his mother also died and he has six sisters. The appellant has also submitted a copy of No Objection cum Consent letter from his six sisters under a notarized document, under which he is authorised to apply for new Service Connection. This document also establishes the claim of the appellant that the appellant and his six sisters are Clause (I) legal heirs of their father who died intestate and the six sisters of the appellant have no objection for releasing the new Service Connections in favour of the appellant. This document further strengthens the case of the appellant.

19. The appellant has also produced a copy of the family members certificate from the Revenue Department. This document shows that one Lakshmi Bai died on 25.04.2021 and the appellant herein and six others are her children. In this document also the husband's name of the said Lakshmi Bai is mentioned as Srinivas Rao. The said Srinivas Rao is no other than the owner of the subject house and father of the appellant and his six sisters.

20. The appellant has also produced the latest property tax receipt dt.18.03.24 in respect of the subject house showing payment of property tax. Like-wise he has also produced a copy of receipt showing payment of electricity bill in respect of Consumer No. 100710123. This consumer number is in respect of the meter mentioned at Sl.No.1 in the table at Para No.12 of this Award. The copy of the consumer details from the Electronic Billing

System are extracted as under:-

SOUTHERN POWER
DISTRIBUTION COMPANY OF TG LIMITED

User : REPORTS LOGIN Circle : HYDERABAD SOUTH ERO : 3 SALAR JUNG Date :

Home **Consumer Details** Sign Out

		Service Particulars							
Pre-Paid	Service Number	M1008211	Sub Division	216	Section Code - Name	180-HUSSAINI ALAM			
AGL Integration	Unique SCNo	100710123	Category/SubCat	1 / 0	Structure Code	1811080067			
AAQ/ERO Review Reports	Consumer Name	C SRINIVAS RAO	Area Code	190106	Pole No.	000			
Consumer Deposits	Address	19-1-761	Group / Cycle	M / B1	Supply Date	26/04/2002			
Bill Processing		MAHARAJ GUNJ DOOD BOWLI	Consumer / Service Type	LT / NG	Bill Stop Date	00/00/0000			
Check Rending			Advance Payment Flag	YES	Cheque Bounce	0			
Operation Reports	Pin Code	0	Contracted Load	1.00	Capacitor Surcharge	0.00			
Billing Reports	Phone	9440712845	Deposit Required	0.00	Connected Load	1.00			
Journal Details	Gruha Jyothi Scheme	No	MATS(Theft) Amount		Deposit Available	100.00			
Collection Reports			Last Paid Date	19/02/2024	Social Group				
UDC/OSL Management			Sur-Charge	0.00	ED Interest	0.00			
		To Be Levied Amount							
		Meter Particulars				Payment Particulars			
Spot Billing / Collection Information	Meter Number	0111027896	Make	HPL - SOCOMEC	IR Status	Non-IR Meter	Arrears	0.00	
LT R & C	M.Factor	1.00	Phase	1	MRB No. / MRB Page No.	/ 0	Current Demand	279.00	
CAT 3A & 3B	CT Meter	No					Govt Subsidy	0.00	
Ledger Reports	OPN Rdg KWH	17203	Exp-0	Date	13-FEB-24	Status	01	Payments	279.00
SAP Data	CLS Rdg KWH	17283	Exp-0	Date	11-MAR-24	Status	01	Journal Adj.	0.00
Corporate Reports	Bill No.	21799		Bill Date	11-MAR-24	Billed Units	80	Total Due	0.00
Reports	KWH Units	80		Bill Month1	MAR-2024	Bill Month2	MAR-2024	ACD DUE AMT	0.00
	Net Meter	No		HT Flag	No	Reading Mode	SPOT-Manual	Linked AGL Arrears	0.00
	Prepaid/Smartgrid	No	Common Service	No		Clubing Details		Total(with ACD,AGL)	0.00

← Back

The payment is made through mobile phone of the appellant. Unless the appellant is owner and possessor of the subject house, normally, there is no scope to provide the receipt of payment of electricity bills in respect of one of the Service Connection in the subject house. Thus there cannot be any doubt about the claim of the appellant.

21. The material on record, prima-facie, establishes that the appellant and his sisters are owners and possessors of the subject house and the appellant is authorised to apply for the required new additional Service Connections to the two portions of the subject house and one Service Connection for common use. There is no reason to reject the prayer of the appellant for the release of three Service Connections. Thus the claim of the respondents that as per Clause 5.2.3 the appellant is not a lawful occupier of

the premises cannot be accepted. At the cost of repetition the respondents have only to see the prima-facie ownership or possession of the subject property which the appellant has established successfully. The respondents are not supposed to examine the ownership and possession of the appellant over the subject house with hair-splitting technicalities. That apart registered document itself is not the criterion to prove the ownership, title and possession of any person. There are several other modes to prove them. In view of these factors I hold that the appellant is entitled for release of three additional Service Connections to the portions of the subject house with panel board etc., and the Award of the learned Forum is liable to be set aside. These points are decided in favour of the appellant and against the respondents.

Point No.(iii)

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

RESULT

23. In the result, the appeal is allowed setting aside the Award of the learned Forum. The respondents are directed to release three new Service Connections to the appellant to the portions of the subject house by following the due procedure without insisting for any new document than the documents already submitted by the appellant. If it is found in future that any misrepresentation is made by the appellant or any litigation is pending, the

respondents are at liberty to disconnect the present Service Connection after giving notice.

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 21st day of March 2024.

Sd/-

Vidyut Ombudsman

1. Sri C. Manik Rao, s/o. Late Srinivas Rao, H.No.19-1-761, Mahaveer Nagar, Outside Dood Bowli, Hyderabad - 500 264. Ph.No.9440712845.
2. The Assistant Engineer/Operation/Hussaini Alam/TSSPDCL/Hyderabad.
3. The Assistant Divisional Engineer / Operation / Charminar / TSSPDCL / Hyderabad.
4. The Divisional Engineer/Operation/Charminar/TSSPDCL/Hyderabad.
5. The Superintending Engineer/Operation/Hyderabad South / TSSPDCL / Hyderabad.
6. The Chief General Manager/Commercial/TSSPDCL/Corporate Office / Hyderabad.

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