



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

Wednesday the Twelfth Day of June 2019

Appeal No. 70 of 2018

Preferred against Order dt:27.02.2019 of CGRF in
CG No. 628/2018-19 of Banjara Hills Circle

Between

Smt. G. Aruna Bai, #8-3-168/E/100, Rajeev Nagar, Yousufguda, Hyderabad - 45
Cell: 9676986775, 9550043057.

... Appellant

AND

1. The AE/OP/S.K.Nagar/TSSPDCL/Hyderabad.
2. The ADE/OP/Ameerpet/TSSPDCL/Hyderabad.
3. The DE/OP/Banjara Hills/TSSPDCL/Hyderabad.
4. The SE/OP/Banjara Hills Circle/TSSPDCL/Hyderabad.
5. Sri. E. Srinivas Rao, H.No.8-3-228/990, Rahmath Nagar, Yousufguda,
Hyderabad - 45

... Respondents

The above appeal filed on 08.03.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 22.05.2019 at Hyderabad in the presence of Smt. E. Rekha - On behalf of the Appellant and Sri.G. Hari Krishna - ADE/OP/Ameerpet and Sri. E- Srinivas - 5th Respondent 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 preferred against the orders of the CGRF/Banjara Hills Circle in CG No. 628/2018-19 Dt.27.02.2019.

2. The averments made in the Appeal are that the Appellant contended that she is the resident of the premises No. 8-3-168/E/100, Rajiv Nagar, Yousufguda,

Hyderabad and that she has lodged a complaint before the CGRF seeking the transfer of title of service connection numbers S2006941, S2016688, S2018406 and S2018407 from the name of One E. Srinivas, who is her Son-in-law, with whom she is having disputes, into her name in the premises bearing No.8-3-228/967/A, Rahmath Nagar, Hyderabad and that the learned CGRF failed to appreciate her averments and rejected her complaint. As such aggrieved by the same the present Appeal is filed.

3. The averments in the Appeal show that the Appellant i.e. Smt. G. Aruna Bai is the owner of the premises bearing H.No. 8-3-228/967/A, Rahmath Nagar, Hyderabad and that there are four service connections bearing Nos. S2018406, S2018407, S2016688 & S2006941 in the said premises and are standing in the name of One E. Srinivas, who is her Son-in-law i.e. the Husband of her daughter namely Smt. E. Rekha. And that the said Sri. E. Srinivas acquired the said service connections in his name by using fake documents and hence claimed that she is entitled for the transfer of the said service connections into her name being the owner of the premises where the said service connections are located.

4. The Appellant in support of her above contentions submitted that the property bearing H.No.8-3-228/967/A, Rahmath Nagar, Hyderabad was given as gift by her husband Sri. D. Satyanarayana by executing a gift deed. The premises was given to her daughter for residing, whereas her Son-in-law Sri. E. Srinivas silently without informing her executed change of name against the said services. During that time her Son-in-law along with her daughter and two children, used to stay without any dispute. Now since 3 years, her Son-in-Law Sri. E. Srinivas let the responsibility of his family thereby, she has taken care of her daughter and her childrens. Consequent to this she has applied for name change of the said meters but the Respondents denied her request since one year. The Respondents in order to change the name of the meters requested to submit link document of the property and No Objection Letter from E. Srinivas. She has held that Sri. E. Srinivas is nowhere connected with the property and hence there are no link documents existing with the name of E. Srinivas. She has applied under RTI Act and learnt that Sri. E. Srinivas has produced fake documents and obtained meters. The CGRF has rejected her Appeal stating that the dispute is civil in nature thereby she was directed to approach civil court for her grievance. She has urged that in spite of showing the documents of the property received as a gift from her husband, her request was rejected. That it was requested to verify the fake documents submitted by Sri. E. Srinivas and their registered gift deed document and

disconnect the meters existing under the name of Sri. E. Srinivas. She has given the date of release particulars of the 4 service connections as following:-

S2018406	:	10/07/2010
S2018407	:	10/07/2010
S2016688	:	01/08/2008
S2006941	:	01/11/1999

In support of her claim she has produced the following documents:-

1. Register documents
2. Tax papers
3. Encumbrance Certificate
4. Fake documents produced by E. Srinivas
5. Four meters current bill
6. Document provided by CGRF
7. Document provided by ADE/OP/Ameerpet

Written submissions of the Respondents

5. Smt. G. Aruna Bai, #8-3-168/E/100, Rajeev Nagar, Yousufguda, Hyderabad - 45 had registered a complaint regarding Title Transfer of 4 No.s Electricity services Nos. S2018406, S2018407, S2016688 and S2006941 of Category -1 applied vide CSC No. CC902181411374, CC9021814113745, CC902181411378 and CC902181411380 on 16.10.2018 from Sri. E. Srinivas to Smt. G. Aruna Bai.

That in order to change the title transfer from one name to another name it is necessary to submit the link documents between the person whose name is present on existing electricity bills and the person whose name is to be changed, but the link documents between the concerned persons has not been submitted even though it was orally informed so many times to the consumer and further informed the consumer to submit the No Objection Consent from the previous consumer Sri.E.Srinivas on Rs 100/- Non Judicial Stamp making notary duly enclosing the previous consumer I.D.Proof.

Further that it is informed by the consumer that her Son-in-Law, Sri. E. Srinivas H/o. E. Rekha has applied for 4 Nos. electricity connections by providing the fake documents in the years 1999,2008 and 2010 which was not even intimated by the complainant to the TSSPDCL department till 16th October,2018.

Hence it is to submit that the above said 4 Nos. applications are rejected due to non submission of the link documents of the concerned property H.No.8-3-228/967/A, Rahmath Nagar, Hyderabad from E. Srinivas to Smt. G. Aruna Bai.

Written submission of Sri. E. Srinivas Respondent No.5 dt.22.05.2019

6. Sri. E. Srinivas has stated that he has constructed the house at H.No. 8-3-228/967/A and the Appellant Smt. Aruna Bai is trying to change the name of the electricity service connections illegally. That on 31.08.2007 he has taken Rs 50,000/- loan from Spandana Sphoorty Financial Limited. The Applicant for the loan was E. Srinivas and co applicant was Mother-In-Law of E. Srinivas Smt. G. Aruna Bai and his wife Smt. E. Rekha being the nominee. The very document which the Appellant has alleged that is a fake document, has produced the same document as a supporting document for taking the loan which was sanctioned on 31.08.2007 vide Cheque No. 733423 of Rs 50,000/-

In the year 1999 when he has constructed the house, has availed the electricity connection bearing No. S006941 under his name and also water meter connection bearing No. 163106964 was taken in the year 2007. During the year 2008 and 2010 he has taken three more electricity connections and questioned that when he has taken loan and electricity connections with the same document which was alleged to be fake documents, how it can be possible. That since 1999 he was using the xerox copy of the documents for various transactions and also his wife Smt. E . Rekha acknowledgement has signed the xerox copy of the document, he being the owner of the premises. Recently on 05.08.2017, through a mortgage deed they have taken a loan of Rs 2 lakhs, on his signatures as an owner. Now they have driven me into debts and after the documents are now alleging it as a fake documents.

7. On the basis of the said averments on both sides the following issues are framed:-

1. Whether the Appellant is entitled for change of title into her name of the four service connections standing in the name of Sri. E. Srinivas in the premises bearing No. 8-3-228/967/A, Rahmath Nagar, Hyderabad ? and
2. To what relief?

Heard both sides

Issue No.1

8. The contention of the Appellant is that the premises bearing H.No. 8-3-228/967/A, Rahmath Nagar, Hyderabad consists of Ground + 2 floors, with 4 numbers service connections S2018406, S2018407, S2016688 and S2006941 under the name of Sri. E. Srinivas. The Appellant Smt. Aruna Bai claiming to be as owner of the premises applied for change of name for the said electricity connections in the ICSC Ameerpet vide Ref No. CC902181411374, CC902181411375, CC902181411378 and CC902181411380 on dt.16.10.2018, by enclosing registered gift deed dt 28.12.2017 under her name. The Respondents rejected the request for name change for want of link documents from Sri. E. Srinivas to Smt. Aruna Bai and No Objection Certificate from Sri. E. Srinivas for change of name to Smt. G. Aruna Bai. Hence the Appellant filed this appeal against the action of the Respondents over rejecting the Application for change of name of the subject service connections.

In support of her claim, Appellant has produced

- a. Registered gift deed document No. 7838/2017 dt. 08.12.2017, wherein Sri. Dandothkar Satyanarayana executed the gift deed to his wife Smt. Gamal Puri Aruna Bai(Appellant) in regard to the property bearing No. 8-3-228/967/A, measuring 67 Sq Yards at Rahmath Nagar, Yousufguda, Hyderabad. The said property was reported to be acquired from ancestral property (as per the gift deed).
- b. GHMC Property tax assessment notice dt.02.01.2018, against the subject premises under her name Gamal Puri Aruna Bai.
- c. The Encumbrance Certificate dt.15.09.2018, for 29 years from 01.01.1989 to 14.09.2018 of the said property wherein Dandothkar Satyanarayana vide document No. 7837/2017 executed gift deed to Smt. Gamal Puri Aruna Bai.
- d. Documents acquired through RTI of Sri. E. Srinivas for availing electricity service connection S2016688, a 100 Rs Non Judicial notary towards of gift settlement deed dt. 23.07.2007, from D Satyanarayana to E. Srinivas, for the property bearing 8-3-228/967/A, Rahmath Nagar, Yousufguda, Hyderabad

measuring 70 sq yards consisting of Ground floor, One bedroom, dining room cum hall, living room and kitchen. The Appellant claimed that this document is fake.

9. The Appellant held that the originally the property belongs to her husband Sri. D. Satyanarayana, who has given the premises to her daughter E. Rekha and Son-in-Law Sri. E. Srinivas for residing with family. She has alleged that without informing them, her Son-in-Law, Sri E. Srinivas executed change of name against the said services. The dispute started between Smt Aruna Bai and her Son-in-Law E.Srinivas, since last three years over not taking responsibility of the family i.e daughter of the Appellant E.Rekha and her children by Sri. E. Srinivas. Supposedly consequent to the dispute, Appellant has taken care of her daughter E.Rekha and her children's and under the drawback of the dispute, the gift deed was executed by Sri. D. Satyanarayana under her name during the year Dec,2017. Now surrounding the dispute the appellant on the strength of registered gift deed, Encumbrance Certificate and tax assessment of the GHMC claims the title of the property and hence placed the request for the change of name of the electricity bills.

10. The Son-in-law of the Appellant i.e. E. Srinivas in whose name the service connections are obtained opposed the change of the name of electricity bills to the appellant's name, claiming that he has constructed the subject house at H.No 8-3-228/967/A. That he and his mother-In-Law Smt.G.Aruna Bai, being applicant and co-applicant, availed loan of Rs 50000/- on 31-08-2007, from Spandana Sphoorty Financial Limited, by producing the same gift settlement deed, notary, executed between D.Satyanarayana, (husband of the appellant) and E.Srinivas (son-in-law of the appellant) Which is claimed as fake document now. That since 1999 when he has constructed the house, he has availed electricity connection bearing No S006941 subsequently got three more connections during the year 2008-2010 and also water connection bearing no 163106964 in the year 2007 by producing the copy of the same gift settlement deed. He has executed the various transactions duly signed by his wife E.Rekha on the xerox copy of the same documents. More recently on 5-8-2017 availed Rs 2,00,000/- through the mortgage with his signature as owner of the property. He has claimed that the appellant and her family had driven him into debts and now, after utilizing the documents for the purpose of loans, she is claiming the said documents are fake.

E.srinivas has produced the following documents in support of his claim.

- a) Mortgage with the possession Rs 3,50,000/- between E.Srinivas and D.Gangadhar for the 1st floor of the premises bearing H No.8-3-228/967/A on Rs 100/- non judicial stamp paper on 30-6-2013. This document is having only E.Srinivas signature, none of the other party i.e D Gangadhar has signed on it.
- b) Mortgage with the possession Rs 1,20,000/- between E.Srinivas and Mohammed Habeeb for the ground floor portion of the premises bear H No.8-3-228/967/A on Rs 100/- non judicial stamp paper on 25-3-2011. This document is having signature of E.srinivas as mortgagor with witness signature as Smt.Rekha. There is no signature of Mohammed Habeeb.
- c) Mortgage with the possession Rs 2,70,000/- between E.Srinivas and Abdul Aziz for the 1st floor portion of the premises bearing H No.8-3-228/967/A on Rs 100/- non judicial stamp paper on 20-11-2015. This document is having signature of E.srinivas as mortgagor with witness signature as Smt.Rekha. There is no signature of Abdul Aziz.
- d) Mortgage deed for Rs 2,00,000/- between E.Srinivas and Mohammed Zaki for the one room and kitchen and toilet and bathroom separately premises bearing H No.8-3-228/967/A on Rs 100/- non judicial stamp paper on 05-08-2017. This document is having signature of E.srinivas as mortgagor and Mohammed Zaki as mortgagee with witness signature of Smt.Rekha and M.Jitender as witness .

The mortgage documents stated above at serial no a,b and c, has no relevance, since the documents are not mutually signed by the opposite party i.e Mortgagee. Whereas the mortgage deed executed on 5.8.2017, for availing 2 Lakhs of loan, wherein Sri.E.Srinivas was stated to be obsolete owner of premises has the witness signature of Smt E.Rekha daughter of the appellant. It seemed that the dispute between the parties has raised after this agreement. Where after three months i.e, in Dec'2017 gift deed in the name of Smt Aruna Bai was executed.

11. In the meanwhile, Smt.G Aruna bai W/o D.Satyanarayana registered an FIR, vide FIR No 256 on dated 16.04.2019, in jubilee hills police station complained that her son-in-law E.Srinivas forged signature of her husband in the gift deed. Hence requested to necessary action against her son-in-law E.srinivas as per law. The case is under investigation.

12. Respondent No 2, ADE/OP/Ameerpet, Vide Lr.No 2112/18, Dt 13.2.2019, submitted that to change the title transfer from one name to another name, it is mandatory to submit the link documents between the person whose name is present on existing electricity bills and the person whose name is to be changed, but the link documents were not produced by the appellant. In addition to this the appellant was informed to submit the no objection consent from the previous consumer Sri.E.Srinivas on Rs 100/- non judicial stamp through notary, enclosing the previous consumer ID proof. Further he has stated that the consumer Sri.E.Srinivas Son-In-Law of the appellant and husband of Smt.E.Rekha, has applied for four numbers electricity connections by providing the fake documents in the year 1999, 2008 and 2010, this was not intimated by the appellant to the respondents until 16-10-2018. The four numbers applications for the change of name were rejected due to non submission of the link documents of the subject property and NOC of Sri.E.Srinivas.

13. The said averments and the documentary evidence as referred above clearly shows that the premises bearing No. 8-3-228/967/A, Rahmath Nagar, Hyderabad originally belong to Sri. D. Satyanarayana i.e. the Husband of the Appellant and that the said D. Satyanarayana has executed a registered gift deed in favour the Appellant Smt.G. Aruna Bai. The said document legally overweighs the document filed by E. Srinivas, who is claiming to be the owner of the said premises as the document under which he is claiming title i.e. the title deed alleged to be executed by D. Satyanarayana in his favour is an unregistered document and hence has no legal sanctity.

14. In the face of the documents filed by the Appellant, the documents filed by E. Srinivas do not give him any authority to claim the title of the premises bearing No. 8-3-228/967/A, Rahmath Nagar, Hyderabad but admittedly it is Mr. E. Srinivas who is residing in the said premises, though the Appellant has questioned the said right of residence of the said E. Srinivas through the criminal complaint lodged by her vide crime No. 256 of 2019 on the file of Jubilee Hills Police Station, basing on the forged documents and the matter is yet to be investigated. A perusal of GTCS Clause 5.2.3 permits an occupier/tenant of a premises to obtain service connection and as such now the point is whether the transfer of title can be executed on the basis of a registered gift deed, EC and GHMC tax assessment produced by the appellant of the property. There are

internal circulars of TSSPDCL providing guidelines for title transfer and as per the mandatory documents required for title transfer, link documents of the premises is to be submitted to establish the connection between previous consumer and the present consumer and the Encumbrance certificate showing the link between previous consumer and the present consumer is to be submitted, though the appellant has produced the registered gift deed and encumbrance certificate but could not established mandatory provision of link between both the parties. Particularly in view of one of the guidelines given by the General Manager (Customer Services) vide Lr.No GM(CS)/D.No 19/05 Dt 5.2.2005, under clause (K) is relevant in the present issue, which is reproduced hereunder:

“Title transfer/Name change shall not be allowed in case the consumer service is under litigation or any court cases are pending against the services”

15. Hence in the above mentioned circumstances though the Appellant has filed documents supporting her title over the premises bearing No. 8-3-228/967/A, Rahmath Nagar, Hyderabad, in view of the admission of the Appellant that Mr. E. Srinivas who is residing at the said premises and who is alleged to have obtained the said four service connections, the transfer of title of the four connections bearing Nos. S2018406, S2018407, S2016688 & S2006941 cannot be affected unless the mandatory requirement of providing documents establishing the link between the previous owner and the Appellant is provided by the Appellant. Hence decides this issue against the Appellant.

Issue No.2

16. In the result the Appeal is dismissed confirming the orders of the CGRF dt. 27.02.2019 in CG No. 628/2018-19 of Banjara Hills Circle.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this, the 12th day of June, 2019.

Sd/-
Vidyut Ombudsman

1. Smt. G. Aruna Bai, #8-3-168/E/100, Rajeev Nagar, Yousufguda, Hyderabad - 45. Cell: 9676986775, 9550043057.
2. The AE/OP/S.K.Nagar/TSSPDCL/Hyderabad.
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5. The SE/OP/Banjarahills Circle/TSSPDCL/Hyderabad.
6. Sri. E. Srinivas Rao, H.No.8-3-228/990, Rahmath Nagar, Yousufguda, Hyderabad - 45

Copy to :

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