



**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**

SATURDAY THE TWENTY SECOND DAY OF MARCH  
TWO THOUSAND AND TWENTY FIVE

**Appeal No. 50 of 2024-25**

Between

M/s. Chakkilam Constructions, Panjagutta x roads,  
Hyderabad - 500 082, represented by its Managing Director, Mr. Chakkilam  
Sudhakar, Cell: 9553482271, 7382083836.

..... **Appellant**

**AND**

1. The Assistant Engineer/Operation/Allwyn Colony/TGSPDCL/Medchal Circle.
2. The Assistant Divisional Engineer/Operation/Kukatpally/TGSPDCL/Medchal Circle.
3. The Assistant Accounts Officer/ERO/Kukatpally/TGSPDCL/Medchal Circle.
4. The Divisional Engineer/Operation/Kukatpally/TGSPDCL/Medchal Circle.
5. The Superintending Engineer/Operation/Medchal Circle/TGSPDCL/Medchal Circle.

.....**Respondents**

This appeal is coming on before me for final hearing on this day in the presence Sri T. Dattatreylu - authorised representative of the appellant and Sri B. Prasad - ADE/OP/Kukatpally for the respondents and having stood over for consideration, this Vidyut Ombudsman passed the following:-

**AWARD**

This appeal is preferred aggrieved by the Award in C.G.No  
C.G.No.136/2024-25/Medchal Circle dt. 14.02.2025 passed by the Consumer

Grievances Redressal Forum - Greater Hyderabad Area (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL'), rejecting the complaint.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant before the learned Forum is that the appellant has entered into a development agreement with Mrs. A. Sharada, resident of 193/D, Vengal Rao Nagar Colony, Hyderabad for developing her plot No. 22, H.No.22-94, Road No.2, Vijayanagar Colony, Kukatpally, Hyderabad (in short 'the subject premises') in 2007. The said Mrs. A. Sharada, gifted the plot referred to above to her son viz., Mr. A. Shiva Kumar in 1999. Subsequently she cancelled the said gift deed in 2007.

3. The respondents have released electricity Service Connection to the occupants of the building in the premises referred to above. The Service Connection Nos. 3703 06787 and 2202 406800 (in short 'the subject Service Connections') were not allotted to anybody and they were in the name of the appellant. But the respondents, without the knowledge and consent of the appellant, have mutated the subject Service Connections in the name of Mr. A. Shiva Kumar on improper documents. Therefore it was prayed to direct the respondents to mutate the subject Service Connections in the name of the appellant.

#### **WRITTEN SUBMISSIONS OF THE RESPONDENTS**

4. In the written reply filed by respondent No.2, before the learned Forum, it is, inter-alia, submitted that basing on the registered gift deed and encumbrance certificate the subject Service Connections were mutated in the name of Mr. A. Shiva Kumar.

5. In the written reply filed by respondent No.3 before the learned Forum, he too mentioned the facts similar to respondent No.2.

#### **AWARD OF THE FORUM**

6. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint.

7. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred reiterating the contents of the complaint filed before the learned Forum. It is accordingly prayed to do justice to the appellant.

#### **WRITTEN SUBMISSION OF THE RESPONDENTS**

8. In the written reply filed by respondent No.2, before this Authority, he has reiterated the contents of the written reply filed by him before the learned Forum.

## **ARGUMENTS**

9. It is submitted on behalf of the appellant that though the subject Service Connections were in the name of the appellant, they were mutated in the name of one Mr. A. Shiva Kumar without the consent of the appellant and that in fact separate specific shares were also allotted to the builder (appellant) and the landlord and hence it is prayed to mutate the name of the appellant of the subject Service Connections from the name of Mr. A. Shiva Kumar.

10. On the other hand, the respondents have supported the Award passed by the learned Forum.

## **POINTS**

11. The points that arise for consideration are:-
- i) Whether the appellant is entitled for mutation of the subject Service Connections in the name of the appellant as prayed for?
  - ii) Whether the impugned Award passed by 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 the respondents have released the subject Service Connections in the name of the appellant initially. It is also an admitted fact that now the said subject Service Connections were mutated in the name

of Mr.A. Shiva Kumar.

### **SETTLEMENT BY MUTUAL AGREEMENT**

13. Both the parties have appeared before this Authority on different dates virtually and physically. 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 11.03.2025. This appeal is being disposed of within the period of (60) days as required.

### **CRUX OF THE MATTER**

15. As already stated the grievance of the appellant is that the subject Service Connections were in the name of the appellant but they were mutated in the name of one Mr. A. Shiva Kumar without their consent and without proper verification of the documents. At this stage it is necessary to refer to the procedure for effecting mutation of the similar Service Connections. Recently fresh directions were issued by the Chairman and Managing Director of the respondents on 17.03.2022 in respect of the documents required for title

transfer which are reproduced here under:-

\*\*\*Amendment as per the note approval of the CMD/TSSPDCL dated:17.3.2022\*\*\*

**Documents to be collected from consumers for Title Transfer/Name Change:**

- a) ID proof of the applicant with self attestation.
- b) Indemnity bond in a prescribed format on a Non-Judicial stamp paper worth Rs.100/- **with photo of the applicant.**
- c) Self attested Copy of registered sale deed (or) partnership deed (or) will deed (or) any other registered ownership document in the name of present applicant.
  - ❖ Condition 1: In case of a Company, Memorandum of Understanding & Articles of Association/ Partnership deed along with Company authorization letter to the applicant is to be uploaded additionally.
  - ❖ Condition 2: In case of Joint ownership of the property (or) partnership in the Company, No-Objection Consent (NOC) in a prescribed format on a Non-judicial stamp paper worth Rs.10/- is to be uploaded additionally.
  - ❖ Condition 3: In case of transfer to any legal heir is required, self attested copies of death certificate of previous owner and legal heir certificate are to be uploaded.
- d) Payment mode as per the prevailing rates of application fee inclusive of GST through online/DDs/payment receipt at ERO counters.

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The above said directions doesn't speak about the requirement of the consent of the earlier owner of the Service Connections for mutation of the said Service Connections. Now the claim of the respondents is that the respondents have mutated the subject Service Connections in the name of Mr. A. Shiva Kumar basing on the registered gift deed and encumbrance certificate. The respondents are not supposed to dig deep into the ownership of the property etc., at the stage of mutation. At the most the respondents have to, prima-facie, satisfy themselves about the documents produced before them. After satisfying about the said documents the respondents have to necessarily mutate the Service Connections. These factors indicate that even the enquiry

with the erstwhile Service Connection holder is also not required. The effort of the Licensee in this regard is only to expedite the process of mutation of Service Connections smoothly. If there is any iota of dispute between the contesting parties they are at liberty to approach the Civil Court and ventilate their grievance before it. Today the authorised representative of the appellant has filed a note in respect of the present appeal. This document doesn't help the appellant.

16. The learned Forum while rejecting the complaint has also held that the appellant has not submitted the registered Development Agreement cum General Power of Attorney showing floor wise/unit wise allotment and release date after completion of building. This means the appellant has not submitted any material before the learned Forum as to which property fell to the share of the appellant etc., The analysis of the learned Forum in this regard is correct. Further the appellant has filed an agreement and a sketch map dt.23.04.2012 in order to show that specific property was allotted to the builder and the landlord. These documents are not of much help to the appellant for two reasons. The first reason is that the property involved in this case is immovable one and as such registration of document allotting specific shares to them is mandatory. The second reason is that it appears that a dispute arose between them.

### **IOTA CIVIL DISPUTE**

17. According to the appellant Mr.A. Shiva Kumar is the son of one Mrs.A. Sharada referred to above. As already stated, there is no allotment of specific floor/flat in the names of the appellant-builder and the landlord. Thus there is no clarity as to which property fell to the appellant in the subject premises. When there is dispute between the appellant and the landlord, necessarily the proper Forum is the Civil Court to decide the issue, including the subject Service Connections.

### **AFFECTED PARTY**

18. The grievance of the appellant is that the subject Service Connections were mutated in the name of one Mr. A. Shiva Kumar. It is significant to note that the said Mr. A. Shiva Kumar is not a party before the learned Forum. No adverse orders can be passed by any Authority when the affected party is not before it.

### **REAL DISPUTE**

19. Having regard to the facts and circumstances of the case, prima-facie, it appears that the real dispute is in respect of the allotment of specific share in the subject premises. Even if the Service Connection is mutated in the name of anybody it does not affect the ownership of the property. At the cost of repetition, when there is dispute in respect of property



naturally it is the Civil Court which has to resolve it. Accordingly I hold that the appellant is not entitled for mutation of the subject Service Connections in the name of the appellant as prayed for. These points are accordingly decided against the appellant and in favour of the respondents.

**POINT No. (iii)**

20. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

**RESULT**

21. In the result, the appeal is rejected confirming the Award passed by the learned Forum.

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 the 22nd day of March 2025.

**Sd/-  
Vidyut Ombudsman**

1. M/s. Chakkilam Constructions, Panjagutta x roads, Hyderabad - 500 082, represented by its Managing Director, Mr. Chakkilam Sudhakar, Cell: 9553482271, 7382083836.
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6. The Superintending Engineer/Operation/Medchal Circle/TGSPDCL/Medchal Circle.

**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 - 45.

