



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

Tuesday, the Twenty Second Day of August 2017

Appeal No. 22 of 2017

Preferred against Order Dt.01.06.2017 of CGRF In
Hyderabad Central Circle

Between

Sri.C.Somaiah, S/o. C. Illaiah, H.No.1-7-1044/3/A, Sy.No. 179 , Ramnagar,
Musheerabad, Hyderabad, Telangana. Cell : 9948008905.

... Appellant

AND

1. The AAE/OP/Musheerabad/C-II/Hyderabad.
2. The ADE/OP/Azamabad/Hyderabad.
3. The DE/OP/Azamabad/Hyderabad.
4. The SE/OP/Hyd.Central Circle/Hyderabad.

... Respondents

The above appeal filed on 15.06.2017, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 02.08.2017 at Hyderabad in the presence of Sri. Ch. Srinivas on behalf of the Appellant and Sri. K. Arjun Kumar - AAE/OP/Azamabad, Sri. P. Surya Prakash - ADE/OP/Azamabad for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant has applied for release of a Service Connection under LT category II to the premises No. 1-7-044/3/A, Azamabad, Ram Nagar, Hyderabad. He claimed that he has paid the requisite connection charges Rs 7250/- by way of DD No.564011 drawn on the State Bank of Hyderabad, Chikkadapally Branch.

2. The Appellant stated that his application for release of Service Connection was rejected on the ground that One person by name Y. Veerabhadra Reddy has filed written objections on 14.03.2017 stating that there is a civil dispute pending in respect of H.No.1-7-1044/3/A and also on the ground that there is a "Status Quo" order

dt.03.03.2017 and passed in I.A. No.234/2017 in O.S. No.240 of 2017 on the file of the Hon'ble V Additional Senior Civil Judge, City Civil Court, Hyderabad.

3. The Appellant claimed that the suit filed is not concerned with any title dispute and it arose in view of some internal disputes between himself and Sri. Veerabhadra Reddy and others and he obtained "Status Quo" orders from the Court. He stated that the officials of the DISCOM are not parties to the Civil Suit.

4. The CGRF, after going through the record, and without hearing the Appellant as required under Clause 2.37 of Regulation 3 of 2015 has returned the complaint of the Appellant through the impugned orders dt.1.6.2017 with the following objections:

- a. When the premises bearing door No. 1-7-1044/3/A, Azamabad, Ram Nagar, Hyderabad for which new Service Connection applied by the complainant is the subject matter in a civil case in I.A.No.234 of 2017 in O.S.No. 240 of 2017 on the file of V Additional Senior Civil Judge Court, City Civil Court, Hyderabad and in I.A.No. 234 of 2017 the Hon'ble Court has passed "Status Quo" order with the main suit is pending trial and disposal, this forum will not entertain such grievances as per Clause 2.37(a) of Regulation 3 of 2015.
- b. The complainant in his complaint stated that the "Forum has not considered the following points," without mentioning the details/name of the particular forum and he has not even filed a copy of the Order of the said forum
- c. The Complainant has not mentioned whether there is any existing Service Connection in the said premises in his letter.

5. Aggrieved and not satisfied with the impugned orders dt.01.06.2017, the Appellant preferred the present Appeal stating that merely on the ground that the DE and AE stated that there is a Court Order to maintain "Status Quo" in I.A.No.234 of 2017 in O.S.No.240 of 2017 on the file of the Court of V Additional Senior Civil Judge, City Civil Court, Hyderabad, the impugned orders were passed without considering the protection given to the Appellant from the hands of the Respondents in the I.A, Y. Ramakrishna Reddy, Y. Sadashiva Reddy and Y. Veerabhadra Reddy from interfering with peaceful possession of the property H.No1-7-1044/3/A measuring 400 Sq Yards out of 8 acres in SY No.179, Azamabad, Musheerabad, Hyderabad pending disposal of the main suit. There is no order against the DISCOM and therefore, the order of CGRF is unjustified and contrary to the principles of natural justice and the Appellant

has been unjustly denied a basic amenity and thus the impugned orders are liable to be set aside. The Appellant further claimed that he is the owner of the premises and he has applied for a service connection on 07.03.2017 by depositing a Demand Draft for Rs 7,250/- and his request for release of the Service Connection is rejected on the ground that there is a civil dispute pending.

6. The 2nd Respondent/AE/OP/Azamabad filed a reply dt.10.07.2017 stating that one person by name Y. Veerabhadra Reddy filed objections dt.14.03.2017 alleging that there is a civil dispute pending in respect of the premises in question and that the service connection should not be released in favour of the Appellant and that in view of the "Status Quo" order in I.A. No. 234 of 2017 in O.S.No.240 of 2017, the Application of the Appellant has not been considered and that in view of Clause 2.37 of Regulation 3 of 2015 the impugned orders have been passed.

7. The 2nd Respondent filed a copy of objection dt.31.03.2017 filed by the said Sri. Veerabhadra Reddy stating that the House Number provided by the Appellant is not in any record, that there is a Civil Case pending in the Civil Court, the sale deed in possession of the Appellant does not bear GHMC door number and that there is a trespass case pending in the Chikkadapally Police station and therefore, the Appellant is not entitled to release of any Service Connection.

8. The Appellant filed a reply on 02.08.2017 stating that the DISCOM is not a party to the Civil Suit and it is not prevented from releasing the Service Connection to him and the reply filed by the AE/OP/Azamabad/R1 is not correct and the Status Quo order does not prevent the DISCOM from releasing the Service Connection and that the denial of the Service Connection is totally unjustified as he is being denied a basic amenity.

9. In view of the nature of allegations and facts, mediation failed. Hence the matter is being disposed of on merits.

Arguments heard.

10. The points for determination are:

- a. Whether the Appellant is entitled to release of a new service connection?
- b. Whether the pending suit prevents the DISCOM from releasing a new service connection?
- c. Whether the impugned orders are liable to be set aside?

Issues a to c.

11. The Appellant filed a copy of enquiry report sent by the Assistant Commissioner of Police, Division - Chikkadpally to AP Human Rights Commission wherein the Appellant alleged that One Sri. Sadashiva Reddy and two others pulled down tin sheets of the premises and tried to occupy the property illegally and that there was a Criminal trespass case and scuffle between the two groups and a case under SC and ST (POA) Act was registered at the instance of the Appellant on 20.06.2016 and that another crime under IPC was registered against the Appellant and his family members and thus the matter is under investigation.

12. It is clear from the allegations and counter allegations made on record that there is a dispute about the premises in which the Appellant claimed possession and sought release of the service connection. There is a civil case pending between the Appellant and his rival party and there are pending counter criminal cases.

13. For releasing Service Connections, Clauses 5.2.2 of GTCS and 5.2.3 of GTCS guide the DISCOM. It is necessary to reproduce the Clauses for clarity in the matter:

Clause 5.2.2 of GTCS: The requisition shall be made by the owner or occupier of the premises for which supply is required. The application form complete in all respects and accompanied with the undertaking and prescribed fees, charges and security, shall be submitted at the office of the Officer specified in the Designated Officers' Notification. The Company shall verify the application and the enclosed documents at the time of receipt of application, and shall issue a written acknowledgement.

Clause 5.2.3 of GTCS: An applicant who is not the owner of the premises he occupies and intending to avail of supply shall submit an Indemnity Bond drawn by the owner of the premises in favour of the company whereby the owner of the premises undertakes to indemnify the company for any loss caused to the company by the applicant (who is the tenant/ occupant of the Premises) arising out of the release of service to the tenant/ occupant. Otherwise he shall be required to pay three times the normal security deposit apart from providing proof of his being in lawful occupation of the premises.

14. From a reading of the Clauses 5.2.2 and 5.2.3 of GTCS, it is clear that if the Applicant is a owner of the premises, he has to submit documents relating to his ownership and in case he is an occupier like a tenant, then his application should bear

an undertaking and also indemnity bond by the owner of the premises in favour of the DISCOM. It appears that the Appellant has not filed any record regarding his title and possession of the premises in question for getting the Service Connection. If he is living in the premises, he must submit an Occupancy Certificate or Municipal Tax Receipt etc in support of his possession and ownership and apply to the DISCOM for release of the Service Connection along with the relevant documents. The Status Quo order of the Court does not prevent the DISCOM from releasing the service connection in view of the fact that it was the Appellant who filed the suit and obtained the order regarding the possession of the property. The CGRF passed the impugned orders merely on the ground that there is a civil case pending in respect of the house in question, ignoring the fact that it was the Appellant who filed the suit and obtained the Status Quo order regarding possession against others.

15. It is clear from the impugned orders that there is no mention about the documentary support produced by the Appellant regarding his ownership or possession of the premises to which he sought Service Connection as required under Clauses 5.2.2 and 5.2.3 of GTCS for processing the Application for release of a new service connection. The impugned orders are thus incomplete and does not answer the request of the Appellant for release of a new service connection. The impugned orders are thus liable to be set aside. The issues a to c are answered accordingly.

16. The matter on hand is remanded to the CGRF for disposal of the CG afresh in the lines discussed supra on merits, after giving an opportunity to the Appellant to produce record to show that he is either the owner or the occupier of the premises bearing Municipal Door No.1-7-044/3/A,Azamabad, Hyderabad in support of his claim for release of a new service connection.

17. The licensee shall comply with and implement this order within 15 days for the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Clerk Computer Operator, Corrected, Signed and Pronounced by me on this the 22nd day of August, 2017.

Sd/-

Vidyut Ombudsman

1. Sri.C.Somaiah, S/o. C. Illaiah, H.No.1-7-1044/3/A, Sy.No. 179 , Ramnagar, Musheerabad, Hyderabad, Telangana. Cell : 99480008905.
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4. The DE/OP/Azamabad/Hyderabad.
5. The SE/OP/Hyd.Central Circle/Hyderabad.

Copy to :

6. The Chairperson, Consumer Grievance Redressal Forum, Greater Hyderabad Area, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad - 500 045.
7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapool,Hyd.