



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 Twenty Ninth Day of October 2018

Appeal No. 41 of 2018

Preferred against order dt. 06.07.2018 in C.G.No. 249/2018-19
of Banjara Hills Circle

Between

Sri. K. Sundar, Sy.No.45, Vengal Rao Nagar, Yousufguda Village, Khairatabad
Mandal, Hyderabad - 500 045. Cel: 9553958475.

... Appellant

AND

1. The AE/OP/S.K.Nagar/TSSPDCL/Hyderabad.
2. The ADE/OP/Ameerpet/TSSPDCL/Hyderabad.
3. The DE/OP/Erragadda/TSSPDCL/Hyderabad.
4. The SE/OP/Banjarahills Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 13.08.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 24.10.2018 at Hyderabad in the presence of Sri. K. Sundar - Appellant and K. Vaishnavi Devi - AE/OP/S.K.Nagar and Sri. G. Hari Krishna - ADE/OP/Ameerpet 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 in CG No. 249/2018-19, Banjara Hills Circle dt.06.07.2018. The averments made in the Appeal are that, the Appellant stated that he filed a complaint before the CGRF seeking for release of new domestic service connection to the premises in Sy No. 45, Vengal Rao Nagar Colony, Yousufguda, having paid all the necessary charges for the release of the new service connection, but the learned CGRF disposed the said complaint without appreciating the facts submitted by him and on the ground that there is a land litigation over the property on which the service connection is sought. Hence, aggrieved by the same the present

Appeal is filed.

2. The averments in the Appeal show that the Appellant contended that he i.e. K.Sundar is the Joint Secretary of Indira Nagar Hut Dwellers Association and that their members are settlers in the land in Sy No. 45 of Vengal Rao Nagar Colony, Yousufguda. As such they started a registered association with the registration No. 3130 of 1990 under the Registrations Act of the Government of Telangana, Hyderabad. He also contended that their association office is an extension along the compound wall of the said land wherein the activities for the benefit of the members are conducted and hence, they sought for a new service connection to their association room, but neither the CGRF nor the Respondents have responded favourably to their request. Hence the present appeal is filed seeking for release of the new service connection to their association room belonging to the Hut Dwellers Association situated in Sy No.45, Vengal Rao Nagar Colony, Yousufguda, Hyderabad.

3. The Respondents through the Respondent No.2 i.e. ADE/OP/Ameerpet filed a report stating that the land on which the service connection is sought by the Appellant is in TS No.11 Block-0, Ward No.7 which is co related to Sy No. 45/p, 47/p, 75/p of Yousufguda Village as per TSLR record Melwa Parandulla in Col. No.10 and Fareedulla S/o. Raheethulla in Col.No.20 as per the report of the Tahsildar, Revenue Department, Khairatabad, who also submitted that as per 10 (6) the survey number in question does not fall under the Urban Land Ceiling Act and further reported that there is a chronic dispute existing between the private parties and FIRs are registered in SR Nagar Police Station vide 668 of 2014 dt.17.07.2014.

4. On the basis of the said averments by both sides the following issues are settled:-

Issues

1. Whether the Appellant is entitled for new service connection to their association room in Sy No. 45, Vengal Rao Nagar Colony, Yousufguda, Hyderabad? and
2. To what relief?

Issue No.1

5. A perusal of the records filed by the Appellant K. Sundar shows that he claims to have filed the present Appeal in the capacity of Joint Secretary of Indira Nagar Hut Dwellers Association situated at Vengal Rao Nagar Colony, Yousufguda,

Hyderabad. He has also filed documents to show that there is a Hut Dwellers Association located in Sy No. 45 Vengal Rao Nagar Colony, Yousufguda, Hyderabad, apart from filing documents to show that he is presently the Joint Secretary of the said Association and his averments show that he is claiming for new service connection to the association room for having paid the required charges.

6. A perusal of the Electricity Act shows that a person claiming for new service connection has to submit documents to show that they have authority over the premises in which they are seeking the new service connection. Admittedly the contention of the Respondents show that there are title disputes over the property on which the Association room is constructed. The Appellant failed to file any documents to show that they have mastered any authority or acquired title over the said land in the name of their association. The Appellant himself admitted through his records that the litigations are pending on the property in question and the contentions of the Appellant show that the Lok Adalat has decided in favor of the Appellant and others vide case No. 47 of 2006, but there is no order whatsoever to show that any land is acquired by Indira Nagar Hut Dwellers Association. The Appellant has also not filed any document to show that the Association room that is alleged to be existing has been given any municipal number by the municipal authority recognising the existence of any association room in the said premises. Hence when there is no land in the name of the association nor any municipal number to the association room the question of granting a service connection to the said property in question does not arise. Particularly in view of Clause 5.2.2 of the provisions of GTCS.

7. A perusal of the records also show that the Appellant though claimed that he is seeking for a service connection to the association room in Sy No. 45 of Vengal Rao Nagar Colony, Yousufguda, the application filed by him before the CGRF and Ombudsman shows that he has filed the same in his own name. The cause title either before the CGRF or before this office does not mention that the application is made in the name of Indira Nagar Hut Dwellers Association. The cause title mentions the name of the applicant as K. Sundar, but the relief sought is in favor of the Indira Nagar Hut Dwellers Association. The Appellant though filed document showing that he is the Joint Secretary of Indira Nagar Hut Dwellers Association he has not filed any document to show that any resolution is passed by the association, authorising K. Sundar to file an application on behalf of the association seeking for new service connection to the association room. In the absence of such authority by the association in favor of the

Appellant herein i.e. K. Sundar, the Appellant cannot seek for any relief in favor of the association in his personal capacity.

8. The records filed by the Appellant also show that he is seeking for a domestic service connection though his contention is the service connection is for his association room and admittedly a service connection to a Non Domestic premises i.e. the association room cannot be granted under domestic category. Hence the very application filed by the Appellant for which he is alleged to have paid the charges is itself faulty and even on the said ground no service connection can be given to the association room as claimed by the Appellant i.e. K. Sundar. Even otherwise a perusal of the documents filed by the Appellant in support of his case i.e. the document showing the partition deed, the document pertaining to the legal services case show that the persons who applied under the said category though mentions their name as Sundar, the signatures on the said documents do not tally with the signatures of the Appellant herein and as such the contention of the Appellant that the legal records are in his favor also cannot be accepted by any prudent person.

9. Hence in the above mentioned circumstances, in the absence of title over the property in view of the pending litigations both on the criminal and civil side, in the absence of proper legal documents and in the absence of sustainable authority in favor of the Appellant no new connection can be permitted in favor of the Indira Nagar Hut Dwellers Association under the present Appeal. Hence decides this issue against the Appellant.

Issue No.2

10. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 29th day of October, 2018.

Sd/-

Vidyut Ombudsman

1. Sri. K. Sundar, Sy.No.45, Vengal Rao Nagar, Yousufguda Village, Khairatabad Mandal, Hyderabad - 500 045. Cel: 9553958475.

2. The AE/OP/S.K.Nagar/TSSPDCL/Hyderabad.
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5. The SE/OP/Banjarahills Circle/TSSPDCL/Hyderabad.

Copy to :

6. The Chairperson, CGRF- Greater Hyderabad Area, GTS Colony,
Vengal Rao Nagar, Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.