

**BEFORE THE FORUM**  
**FOR REDRESSAL OF CONSUMER GRIEVANCES**  
**IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED**  
**TIRUPATI**

**On this the 12<sup>th</sup> day of August 2013**

**In C.G.No: 106/ 2013-14/ Vijayawada Circle**

***Present***

***Sri K. Paul***  
***Sri A. Venugopal***  
***Sri T. Rajeswara Rao***  
***Sri A. Satish Kumar***

***Chairperson***  
***Member (Accounts)***  
***Member (Legal)***  
***Member (Consumer Affairs)***

***Between***

Sri.K.Bramheswara Sharma  
Dno:67-2-4  
Near Rajeswari Street  
Darsipeta Post, Patamata mandal  
Vijayawada  
Krishna-Dist-520010

Complainant

***And***

1. Assistant Accounts Officer/ERO/Kanuru
2. Assistant Engineer/Operation/ Kanuru
3. Assistant Divisional Engineer/Operation/Kanuru
4. Divisional Engineer/Operation/Gunadala

Respondents

\*\*\*

Sri.K.Bramheswara Sharma resident of Dno:67-2-4, Near Rajeswari Street, Darsipeta Post, Patamata mandal, Vijayawada, Krishna-Dist-520010 herein called the complainant, in his complaint dt:26-06-2013 filed in the Forum on dt:26-06-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 has stated that

1. He is residing in a house constructed occupying porambok lands and also obtained a service connection by paying Rs.125/- on 24-04-2007 and paid the CC.Charges upto 11-11-2012.

2. Because of his wife's ill health, he was residing at Patamata duly locking the said house.
3. A person by name Boggavarapu Nageswara rao and his family members duly colliding with the AE/Opn/Kanur without his knowledge got a service in the said house duly dismantling his service.
4. When he contacted the AE/Opn/Kanur in the matter he advised him to register a case in the local police station and accordingly he filed a case on 15-01-2013.
5. Requested for restoration of the service in his name.

Notices were served upon the respondents duly enclosing a copy of complaint.

**The respondent-1, i.e. the Assistant Accounts Officer/ERO/Kanuru in his written submissions dt: 05-07-2013, received in this office on 06-07-2013 stated that:**

1. Sri K.Bramheswara Sarma pertains to SC.No:6521218008113 of Kanuru.
  - a. Sc.No:6521218008113
  - b. Consumer Name as per ledger :Sri. BRAHMESWARASAR
  - c. Category: LT Cate-I Single Phase. Group:M2 Contract load :0.260KW.
  - d. Date of release of supply :24 May -2007
  - e. Consumer CC bills paid up to 11/2012 as per ledger copy.
  - f. Bill issued under status "9" from 2/2009 to until the service was bill stopped.
  - g. Final reading of the service is 323 to the end of 8/2008 and the same reading is continuing until the bill stopped.

2. On 31-10-2012 the AE/Opn/Kanuru has informed to kept the abover service under bill stopped as there is no meter and the meter was already removed long back.
3. According to that, the service was bill stopped at ERO to the end of month of 11/2012.

**The respondents-2, 3 and 4, i.e. the Assistant Engineer/Operation/Kanuru, the Assistant Divisional Engineer/Operation/Kanuru and the Divisional Engineer/Operation/Gunadala in their combined written submissions dt: 17-07-2013, received in this office on 22-07-2013 stated that:**

1. The Service number 6521218008113 was released on 24-05-2007. The CC.bills are issued up to 9/2008 from date of release of supply to the service number under statuses "01" with final reading of 323 and onwards the CC.bills being issued under status "09" as per the records. While verifying the status "09" services, it was noticed that the service where about not known on local field enquiry the where about of the Sc.No.6521218008113 and where about of the consumer Sri.K.Bramheswara Sharma are, not traced.
2. In view of the above circumstances, a letter has been addressed to the AAO/ERO/Kanuru on 31-10-2012 to kept the service under bill stopped as there is no meter and no service.
3. A new service application was registered at CSC, Vijayawada and released the service vide SC.No.6521218014694 on 15/12/12 by name of Smt B.Lakshmi, W/o Nageswara rao, DNo:4-265 Chinthla thota Kanuru in above said route code area duly obtaining the Indemnity Bond and the certificate of the panchayati Secretary,

Gramapanchayati, Kanuru as the said area is related to Poromboke Land.

4. After releasing of above new service, the complaint Sri.K.Brameswara Sarma has approached this office and informed that the premises, is which the service No.6521218-014694 was released in the name of Smt.B.Lakshmi was belongs to him and asked to remove the new service. He has also stated that there was old service No:6521218008113 in the premises (which was bill stopped) and the where about of the meter was not shown to him.
5. Further, he also stated that the premises were occupied by Smt.B.Lakshmi, W/o Nageswara Rao forcibly and illegally when he is at out of station. Then Sri. K.Brameswara Sarma complainant was asked to produce the proof of ownership but he has not produced the same till to date.
6. The above location is the drainage canal bank in harijanawada of Kanuru village which is a Proambaoke land. Usally the service is being released through customer service centre after obtaining the ownership certificate from Grampanchayathi and Indemnity Bond executed by the resident.
7. After receiving of the above complaint from Honourable Chairperson of CGRF Tirupati, a letter has been addressed to Smt.B.Lakshmi who obtained the service in the same premises to produce the present proof of ownership title of the said premises otherwise the service will be liable for disconnection.

**Findings of the Forum**

1. The grievance of the complainant is that the departmental officials have dismantled his service and released a fresh service in the name of others who had an eye on his house with a motive of grabbing it without his knowledge in his absence while he was staying at a different place and requested for restoration of the service in his name.
2. The respondent-1 i.e. the AAO/ERO/Kanur reported that the service was bill stopped in 12/2012 with the final reading 323. Also as per the recommendations of the AAE/Opn/Kanur in his letter dt:31-10-2012 kept the service under bill stopped as there is no meter and the meter was already removed long back.
3. As per the combined written submission of the respondents 2, 3 and 4 and the record available, the service was released on 24-05-2007 and assigned Sc.No:6521218008113 with '01' status and final reading 323 and later on with the status '09' and the where abouts of the service as well as the consumer were not traced and hence the respondent-1 was addressed by the respondent-2 to bill stop the service as there is no meter
4. While so, an application for new service connection was registered at CSC, Vijayawada and released the service number:6521218014694 on 15-12-2012 in the name of Smt.B.Lakshmi W/o Nageswara Rao and the DNo: was 4-265 at Chinthalathota Kanuru in the above said route code area on Indemnity bond and the certificate issued by the panchayat secretary Kanuru as the said area was Poramboake land.
5. After release of the said service only the first consumer Bramheswara Sharma herein the complainant approached their office and claimed that the site wherein the service was released in the name of Smt.

B.Lakshmi belongs to him and asked to remove the service, as the said premises was unauthorisedly occupied by the later when he was out of station and he also could not produce the proof of ownership.

6. The present consumer Smt. B.Lakshmi was also asked by the respondents to produce the proof of ownership and the title on the site and was given notice that the service will be disconnected in absence of any such proof.
7. The certificate issued by the panchayati secretary on 12-06-2012 reveals that there is a hut belongs to Smt. Lakshmi, W/o B.Nageswara Rao at DNo: 4-263 of the said area. The indemnity bond paper was dt:12-12-2012 and the service was registered on 15-12-2012 i.e. within 3 days of the application.
8. As such the actions of the respondents in dismantling the service in the name of K.Bramheswara Sharma for the reason that neither the consumer nor the service meter was traced is in order and also release of another service in the name of Smt. B.Lakshmi based on the indemnity bond and the panchayat secretary certificate is also in order.
9. At no point of time prior to the release of the said service in the name of the present consumer the complainant raised his objections preventing the respondents from releasing the service to the later.
10. Hence it is felt by the Forum that there is no deficiency of service on the part of the respondents in their action of dismantling the old service and releasing new service with a different applicant.
11. However it is felt by the Forum that the matter is to be resolved by approaching the revenue authorities.

In view of the above, the Forum passed the following order.

**ORDER**

The complainant is informed that the Forum has got no jurisdiction in the matter of ownership dispute of a premises and hence the request of the complainant to restore his service earlier dismantled is set aside.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the Vidyut Ombudsman, O/o the APERC, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on this the 12<sup>th</sup> day of August 2013.

Sd/-  
**Member (Legal)**

Sd/-  
**Member (C.A)**

Sd/-  
**Member (Accounts)**

Sd/-  
**Chairperson**

**Forwarded by Orders**

**Secretary to the Forum**

To  
The Complainant  
The Respondents  
Copy submitted to the Honourable Ombudsman, APERC, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004.  
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.