

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

On this, the 26th day of June 2014

In C.G.No: 243/ 2013-14/ Tirupati Circle

Present

Sri K. Paul
Sri A. Venugopal
Sri T. Rajeswara Rao
Sri A. Satish Kumar
Affairs)

Chairperson
Member (Accounts)
Member (Legal)
Member (Consumer

Between

Sri. M.Jagadeesh
C/o M.Purushotham Late
DNo:2-21, Bazaar Street,
New peta,
Chandragiri Village, Post & Mandal
Chittoor-Dist- 517101

Complainant

And

1. Assistant Accounts Officer/ERO/Chandragiri
2. Assistant Engineer/Operation/Chandragiri
3. Assistant Divisional Engineer/Operation/Chandragiri
4. Divisional Engineer/Operation/Rurals/Tirupati

Respondents

* * *

Sri. M.Jagadeesh, C/o M.Purushotham Late, DNo:2-21, Bazaar Street, New peta, Chandragiri Village, Post & Mandal, Chittoor-Dist- 517101, herein called the complainant, in his complaint dt:22-03-2014 filed in the Forum on dt: 22-03-2014 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 had stated that:

1. He had applied for name transfer in respect of electrical service connection:5424100000109 hither to stood in the name of Late Mullangi

Subbaratnamma, W/o Varadaiah Chetty his grand mother on 26-07-2013 in the office of the ADE/Opn/Chandragiri into his name.

2. He had submitted all the documents required and written answers as demanded by the ADE/Opn/Chandragiri.
3. He had registered his application in call center on 23-01-2014 against registration number 54241C00029/dt:23-01-2014 and receipt number 3274893 dt:23-01-2014.
4. He had personally approached the ADE number of times for completion of the name transfer proposal.
5. So many times he replied that he is waiting for the legal advise, the same reply is repeated for the past 45 days i.e. from the date of registration and all his efforts are proved in-vain.
6. Finally approached the Forum with uncontrollable feelings of humiliation and requested to take necessary action and solve his problem legally.

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

The respondent- 1 i.e. the Assistant Accounts Officer/ERO/Chandragiri in his written submission dt: 28-03-2014, received in this Forum on dt:29-03-2014 stated that:

1. The name transfer proposals in respect of HSC.No.5424100000109 of Operation Chandragiri section was received from ADE/Opn/Chandragiri in the Lr. Dt:23-01-2014. On receipt of the proposal the name transfer proposal was scrutinized and noticed the following remarks.
 - a. The registered gift deed not enclosed and reasons for non enclosure not mentioned . The original gift deed attested copy should be enclosed.

- b. The notary was executed on 22-05-2008 by purchasing stamp papers on 14-05-2008 but the donor died on 4-5-2008 i.e. the notary was executed after death of donor, which is to be clarified.
 - c. The HSc.No. is not mentioned in gift deed documents.
 - d. The transfer name is Subbarathnam as per ERO records where as in name transfer proposal mentioned as Subbarathnamma. This also may be clarified.
2. It is to further submit that, with the above remarks a letter was addressed to the ADE/Opn/Chandragiri along with original name transfer proposal for attending the remarks and to retransmit to this office to effect the name transfer. On receipt of the name transfer proposal from the ADE/Opn/Chandragiri after attending the remarks, the same will be effected immediately.
 3. In view of the above it is to submit that there is no pending of name transfer proposal at Electricity Revenue Office, Chandragiri till to date in respect of HSC.No.5424100000109.

The respondent- 3 i.e. the Assistant Divisional Engineer/Operation/ Chandragiri in his written submission dt: 28-03-2014, received in this Forum on dt:29-03-2014 stated that:

1. The name transfer proposals in respect of HSC.No.5424100000109 of Operation Chandragiri section was received from Call Centre/Tirupati in the Lr. Dt:23-01-2014. On receipt of the proposal the name transfer proposal was scrutinized and transmitted to the AAO/ERO/Chandragiri vide Lr.Dt:23-01-2014 for effecting the name transfer.

The AAO/ERO/Chandragiri has returned the name transfer proposal with the following remarks.

- a. The registered gift deed not enclosed and reasons for non enclosure not mentioned. The original gift deed attested copy should be enclosed.
 - b. The notary was executed on 22-05-2008 by purchasing stamp papers on 14-05-2008 but the donor died on 4-5-2008 i.e. the notary was executed after death of donor, which is to be clarified.
 - c. The HSc.No. is not mentioned in gift deed documents.
 - d. The transfer name is **Subbarathnam** as per ERO records where as in name transfer proposal mentioned as **Subbarathnamma**. This also may be clarified.
2. It is to further submit that, with the above remarks a letter was addressed to the consumer for attending the remarks and to resubmit to this office to effect the name transfer vide letter Dated:18-02-2014 the consumer Sri. M. Jagadeesh has re-submitted the proposal on 18-02-14 to this office which is not satisfactory. However, the same was referred to the SLC for clarification on Dt: 19-02-2014 and on receipt of the clarification from SLC necessary action will be taken as per departmental procedure.
3. In view of the above it is to submit that there is no delay to effecting name transfer of the above service

BRIEF HISTORY OF THE CASE:

1. The complainant contends that he is in possession of a house situated at Door No:2-21 at New peta, Chandragiri village of Chittoor-Dist and the house is provided with electrical service connection number: 5424100000109 under LT-category-I in the name of the original owner of the house late Mullangi Subbaratnamma his Aunt who is no more expired on 04-05-2008 and the property was gifted to him by the above and the gift deed was executed on 14-05-2008 in the office of the sub-

registrar, Chandragiri and he had produced a copy of that deed in the ADE's office. At first, on 26-07-2013, he had put a letter to the ADE requesting for name transfer which was left un-attended and subsequently he had got his application registered in the ADE's office on 23-01-2014 and approached the ADE several times requesting for effecting the name transfer, but he was replied that the ADE was waiting for the legal opinion and finally under frustration he approached the Forum for resolution of his grievance in the matter of the said title transfer.

Findings of the Forum

1. As could be seen from the account copy of the service the service stands in the name of one Subbaratnam under LT-category-I with a contracted load of 1.26KW and the date of supply is not available. The complainant claims that he got the possession of the said property and the service number through gift deed, but the deed dt:14-05-2008 doesn't contain the door number of the property, but subsequently the complainant produced a certificate issued by the Panchayat Secretary, Chandragiri wherein it was mentioned that the **door No is 2-21**.
2. But the encumbrance contains the **door number as 2-20** which is contra to the above which indicates that the information available with the registrar office is different from that of the Panchayat Office given scope for doubt about the ownership of the property as claimed by the complainant.
3. The respondent-1 i.e. the AAO/ERO/Chandragiri the respondent-1 in the matter replied that the notary was executed on 22-05-2008 while the stamp papers were purchased on 14-05-2008 i.e. after the death of the original consumer on 04-05-2008 also the gift deed doesn't contain the

service number and thirdly as per the ERO records, but whereas in the name transfer proposal it was mentioned as Subbaratnamma.

4. The contention of the respondent-1 that Notary was executed after the death of the registered consumer irregularly is not accepted since the need of the notary comes up only when the registered consumer is not alive and hence there is no fault as far as the notary is concerned.
5. Since there is difference in the door number of the premises, the burden lies with the complainant who claims the ownership on the said property to get it proved that the property belongs to him and the door number shall be specific and same both in Panchayat records as well as the registrar's office.
6. In the explanation given by the complainant in his letter Dt:18-02-2014 about the issue of difference in Door Number stated that the door number was first mentioned as 2-20 in the year 1983 while the surrounding area was vacant land, and subsequently houses have come up around the site and hence the door number was changed from 2-20 to 2-21 by the Panchayat authorities, leaving the boundaries unaltered.
7. The said gift deed was executed in the year of 2008, where as the complainant approached the licensees officers in the year 2014 i.e. after a period of about five and half years and the reasons for such a long delay is not explained any where by the complainant which lead to confusion and suspicious state of the matter.
8. As such it is felt by the Forum that the arguments of both the respondents as well as the complainant will not coincide under the circumstances and the documental evidences and there will not be a conclusion in absence of improper proofs and hence the complainant shall produce the relevant documental evidences from the competent

authorities as stipulated by the licensee for the purpose of title transfer (name transfer) duly approaching the respondents afresh.

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

ORDER

1. The complainant is advised that he shall produce the proper documental evidences from the competent authority of the panchayat authorities with regard to door number of the said property and electrical service connection existing in the said premises to consider the name transfer proposal.
2. The respondents are directed that they shall effect the title transfer in respect of the complainants service number :5424100000109 within 7 days on receipt of the above said documents from the complainant.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, 1st Floor, 33/11KV Sub-Station, Hyderabad Boat Club Lane, Lumbini Park, Hyderabad-500063**, within 30 days from the date of receipt of this order.

Signed on this, the 26th day of June 2014.

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 to the General Manager/ CSC/ Corporate office/ Tirupati for pursuance in this matter.

