

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

**On this the 28<sup>th</sup> day of June 2013**

**In C.G.No: 62/ 2013-14/ Kadapa 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. Raja Sudharshan Rao  
C/o Rajasekhar Rao  
Lakshmi Vilas Hotel  
R.S.Raod., Railway Kodur Post & Mandal.,  
Kadapa-Dist-516101

Complainant

***And***

1. Assistant Engineer/Operation/Kodur
2. Assistant Divisional Engineer/Operation/Kodur
3. Divisional Engineer/Operation/Rajampeta
4. Superintending Engineer/Operation/Kadapa

Respondents

\* \* \*

Sri. Raja Sudharshan Rao, C/o Rajasekhar Rao resident of Lakshmi Vilas Hotel R.S.Raod., Railway Kodur Post & Mandal., Kadapa-Dist-516101 herein called the complainant, in his complaint dt:16-05-2013 filed in the Forum on dt:16-05-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He had represent the ADE, Operation, Railwaykodur on 08-12-2012 pursuant to the AP high court orders for reconnection of his service and paid the necessary amounts in the form of DD for reconnection of his fast food centre service at Railway Kodur of Kadapa-Dist.

2. Requested to direct the respondents to reconnect the service above and provide him livelihood.

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

**The respondent-2 Assistant Divisional Engineer/Operation/Kodur in his written submission dt:27-05-2013, received in the Forum office on 29-05-2013 stated that:**

1. Sri Raja Sudharshan Rao, S/o Raja Sekhar Rao now residing at R.S.Road Railway Kodur of Kadapa Dist. Previously the complainant occupied a private vacant site bearing plot No. 2, 'B' block S.F.No.647/5B of 6<sup>th</sup> ward which belongs to Smt. Kambham Krishnaveni W/o K.Narasimhulu on rental basis, the owner ship document enclosed as 2<sup>nd</sup> reference. The complainant has constructed temporary shed for running fast food centre named as Sri. Sai Vigneswara Fast food centre located besides Siddeswara theatre in Kodur town during 2008. The above said premises is having SC.No: 5237 standing on the name of S.Subba Rama Raju.
2. The complainant having allegations with site owner regarding vacation of the scheduled property. The complainant reluctant to vacate the scheduled property. Further he approached the honourable court of law for seeking injunction orders for not to interfere the enjoyment of the scheduled property as a tenant under O.S.C.No:25/2011 copy enclosed as 3<sup>rd</sup> reference.
3. In response to the above the site owner Smt. Khambam Krishnaveni also filed O.S.No: 31/2011 for vacate the scheduled property and redeliver the same to her.The same was enclosed as 4<sup>th</sup> reference and also approached the superintending of Police, Kadapa and lodged a

complaint. The same was registered vide CCC No:636/211 dt:11-04-2011 (enclosed as 5<sup>th</sup> reference). Both of the above suits are pending at Honourable Junior Civil Judge Court, Railway Kodur.

4. Under the above circumstances the registered consumer of Sc No:5237 Sri. Subba Rama Raju which is existing in the above disputed scheduled property was represented to dismantle the service permanently, the same is enclosed as 6<sup>th</sup> reference. The same was dismantled permanently after observing all the departmental formalities enclosed as 7<sup>th</sup> reference.
5. In reference 8<sup>th</sup> cited above the complainant approached honourable high court vide W.P.No:25931 of 2011 seeking fresh electrical service connection to the said premises and court directed the company respondents to consider the request to the complainant in accordance with law, as expeditiously as possible , then the complainant furnished the application to the Assistant Divisional Engineer/Operation/Kodur in the reference 9<sup>th</sup> cited above without basic requirements to provide new power connection accordingly to law. Under the reference 10<sup>th</sup> cited above the same was informed to the complainant by the Assistant Divisional Engineer/Operation/Kodur.
6. Based on reference 10<sup>th</sup> cited above the complainant again filed writ pition in the honourable high court W.P.No:35437/2012 enclosed as 11<sup>th</sup> reference.
7. In 12<sup>th</sup> reference cited above the honourable court directed the respondents to consider the application to the petitioner for grant of power supply in terms of conditions No:5.2.3 of aforesaid conditions, and with condition number.2.2.40, pending further orders. There of

indicates that it provides permission to extended electric supply when he applicant is not the owner of the premises, he required to submit the indemnity bond drawn by the owner of the premises in favour of the company. Other wise 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.

8. By showing the Honourable High Court Orders dated 20-11-2012 in W.P.No:35437/2012, the complainant submitted representation dt:18-12-2012.

**Findings of the Forum:**

1. The grievance of the complainant is that he was running a fast food centre at Kodur Village of Kadapa-Dist in a premises belongs to one Kambum Krishnaveni on rental basis and later forced him to vacate the premises and influenced the electricity officials to not to release service in the premises in his favour.
2. He also insist upon the respondents to release a fresh service in his favour in the said premises in accordance to the provisions given by the honourable High Court of AP in its verdict dt:30-09-2011 in case number: WP.25931/2011 where in it was ordered that the request of the complainant shall be considered in accordance with law within a period of two weeks from the date of receipt of the order duly receiving the application.
3. As could be seen from the documents produced by the complainant as well as the respondents, the brief history of the case is as follows.
4. The said property at survey number:647/5B was originally belongs to Sri. YS.Vivekananda Reddy, S/o Raja Reddy and was sold to Smt.

Kambum Krishnaveni, w/o Narasimhulu of Kodur Village under a registered dated:24-12-2003.

5. Subsequently one Raja Sudharshan Rao, S/o Raja Sekhar rao made an oral agreement with the owner of the land and started running a fast food centre under the title Vigneswara fast foods centre at Railway Kodur and applied for new service connection in the said premises on **30-06-2011** and paid the necessary DDs for a load of 1000 watts which includes one Fridge and Grinder apart from lighting load.
6. But as per the information available there was already a service with SCNo:5237 existing in the premises under LT-category-II released on 16-06-1994 for a load of 810 watts in the name of S.Subbarama Raju the relationship of the said person with the said site is no where mentioned.
7. But as per the dates it is understood that the said service was already existing in the premises at the time of purchase of the property by the present owner of the premises. But however the said service was dismantled subsequently in 05/2011
8. As such it is construed that the complainant approached for new service only after dismantlement of already existing service in the premises.
9. Due to objections raised by the owner of the premises, the consumer approached the high court of AP for grant of service connection which was admitted and disposed off on **30-09-2011** directing the ADE/Operation/Kodur to receive the application of the petitioner, herein the complainant and consider the same in accordance with law,

as expeditiously as possible, preferably within a period of two weeks from the date of receipt of the order and without costs.

10. On 08-08-2012 the complainant issued a registered notice to the ADE/Operation/ Kodur to receive his application for new service and consider his case.
11. Both the Owner of the premises and the complainant had filed cases in the Junior Civil Judge Court, Kodur against the other and are pending still.
12. There is no valid document in the name of the complainant or in his favour in support of his Lawful possession of the said premises and on the other hand, the owners of the premises have already raised objections to not to release service in favour of the complainant.
13. The contention of the respondents that the complainant has to produce proof of lawful occupation of the premises is accepted in accordance with the clause 5.2.3 of General Terms and Conditions of Supply.
14. As such, it is felt that the respondents are not deficient in rendering the services as far as the matter is concerned and hence the request of the complainant to direct the respondents to release service in his favour is totally kept aside.

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

#### **ORDER**

The complainant is advised that he may approach the Assistant Divisional Engineer/Operation/Kodur and submit his application for new service along with the proof of ownership or no objection certificate or agreement from the owner of the premises for release of service afresh.

The respondents are directed that they shall accept the application of the complainant afresh and process the same if produces the relevant documents.

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 the 28<sup>th</sup> day of June 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.