

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

On this the 11th day of June 2018

In C. G. No: 184/ 2017-18/Vijayawada Circle

Present

Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

Sri. Nalluri Abraham,
S/o. Dharma Gynani
D.No:4-30.
Kanuru (V),
Penamaluru (M),
Krishna-Dist

Complainant

AND

1. Assistant Engineer/O/Kanuru
2. Assistant Divisional Engineer/O/Kanuru
3. Divisional Engineer/O/ Gunadala
4. Superintending Engineer/O/Vijayawada

Respondents

ORDER

1. The case of the complainant is that he has applied for new electrical service connection to iron sheets shed in R.S No.177/ A3 at Kanuru (V), Penamaluru (M). Since respondents have not provided service connection, he has approached the Hon'ble High Court and obtained orders in Writ.Petition. No. 26449 of 2014. There after he submitted copy of the orders of the Hon'ble High Court to Respondent No.3 and on his oral directions he paid amounts vide Challan No's. 2119337 and 2119376 on 17.6.2015 and 19.06.2015 respectively. The meter was sent to Kanuru but Respondent No.1 returned them service connection was not given to them. Hence he presented a complaint to the Forum.
2. Respondent No.2 filed written statements admitting that complainant has applied for new service connection as per the orders of the Hon'ble High Court through call center under

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DESPATCHED
ATF 15/6/2018

NC No. 34391 dt: 17.06.2015. After receipt of the matter Respondent No.1 has inspected the premises for release of supply and observed that there is no electrical service wiring, no meter board and also no proof of ownership documents. Hence the meter was returned vide T. Note No.1932 dated 22.06.2015. Complainant has applied for domestic service to his premises in call centre vide N.C.No.34305 dated 19.6.2015. Meanwhile G. Giridhar has given representation not to release any service connection in that premises as it is a disputed property. Appeal is pending before the Hon'ble High Court vide SA 843/12, SA 844/12 SA.845/12 and status quo was ordered till the disposal of the appeal.

A legal opinion was obtained from standing council and he opined that a new service connection can be released on submission of the documents to show that applicant is in possession and enjoyment of schedule property and after following rules and regulations of department as there is a title dispute regarding the suit schedule property and also to avoid legal complications in future. In view of lack of proper documents showing ownership and objection from others and as there is title dispute and as per the legal opinion of standing council the service connection was not released.

3. A personal hearing was conducted on 27.4.2018 at Vijayawada. Both parties present and reiterated their contentions.
4. The point for determination is whether the respondent rightly not released the service connection to the complainant on the ground of lack of title deeds and objections from others?

The Hon'ble High Court in the writ petition filed by complainant in Writ Petition No.26449/2014 held " Having regard to the facts and circumstances of the case and since it is stated that the petitioner is absolute owner and possessor of the subject land, I gave it appropriate to direct the 3rd Respondent to receive the application of the petitioner for granting new electrical service connection in respect of subject land and consider the same and pass appropriate orders thereon in accordance with the regulations and take necessary action as per law "

The Photostat copy of Judgment in O.S. No. 560/2010 on the file of 1st Addl Junior Civil Judge/ Vijayawada shows that G. Giridhar filed a suit against the complainant herein and seven others for permanent injunction for an extent of 6 ½ cents in R.S. No.177/A of Kanur and obtained a decree for permanent injunction on 30.05.2011. Aggrieved by the said decree and judgment complainant herein and 7 others

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preferred an appeal before 7th Addl. District and Sessions Judge (Fast Track Court) Vijayawada and the appeal was allowed by setting aside the decree and judgment Dt: 30.5.2011. The legal opinion of Sri. V. Srinivas Raju to Respondent No.2 and the contents of written submissions of Respondent No.2 shows that Giridhar preferred 2nd appeal before the Hon'ble High Court in SA's NO. 843, 844 and 845/2012 and obtained status quo orders till the disposal of the Appeal.

The contention of the complainant is that 1).The judgment in A.S. No. 241/2011 2). The letter addressed by Commissioner of Police, Vijayawada to officer on special duty A.P. State Commission for SC/ST and 3). Account for Sy. No.177/A3 issued by Tahsildar was sufficient to prove that he is the owner of the land and he is entitled to service connection. On the other hand the contention of the respondents is that complainant has not filed copy of his title deeds to the land and no document is filed to show that he is in possession and enjoyment of the land. Gridhar filed an application objecting for issue of service connection in the name of complainant and as the legal opinion was given to release service connection only on production of documents showing possession and enjoyment of property by the complainant, they have not released the service connection.

Since Respondent No.2 in his counter stated that there is no wiring and meter board for issuing service connection, this Forum issued a direction to Respondent No.2 to inspect the premises and to inform the Forum in respect of the present status of the structures in the land. Then Respondent No.2 visited the site on 31.05.2018 and observed that there is old demolished shed and it is a vacant land.

Complainant has not filed any documents before the Respondents showing his possession and enjoyment of the site. Respondents cannot release service connection against the legal opinion. Respondents also observed at the time of inspection that there was no electric wiring for releasing of service connection and now at present there is no shed. So it is not possible for the Respondents to release service connection when there are no structures at all in the site/land. There is no illegality on the part of the Respondents in non release of service connection. There are no merits in the complaint. Accordingly the case is dismissed.

If aggrieved by this order, the complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, and Flat No: 401, 4th Floor, Ashoka Chambers, Opposite to MLA Quarters, Adarsh Nagar, Hyderabad-500063, within 30 days from the date of receipt of this order.

This order is passed on this, the 11th day of June 2018.

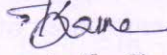
Sd/-
Member (Finance)

Sd/-
Member (Technical)

Sd/-
Independent Member

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.

Copy to the Nodal Officer(Chief General Manager/Operation)/CGRF/APSPDCL/TPT

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh ,Flat No:401 ,4th Floor, Ashoka Chambers, Opposite to MLA Quarters , Adarsh Nagar,Hyderabad-500063.

Copy Submitted to the Secretary, APERC,11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.