

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

**On this the 4<sup>th</sup> day of June 2019**

**C.G.No:175/2018-19/Guntur 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***

S. Zahid Hussain,  
14-4-234/C,  
Pothurpet,  
Guntur- Dist.

Complainant

***AND***

1. Assistant Executive Engineer/O/Guntur D3,  
2. Deputy Executive Engineer/O/Guntur Town1  
3. Executive Engineer/O/Guntur Town 1

Respondents

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**ORDER**

1. Syed Zahid Hussain Pothurpet, Guntur presented this complaint before this Forum wherein he has informed that he has been residing in D.No.14-4-234/C for 15 years, the house is a two storied one . He has registered an application for release of service for both commercial and domestic purposes on 16.08.2017. He has approached respondents No.1 and 2 as many as 20 times. But they have informed him that since a case is pending in the Hon'ble Court they cannot issue new service connection. When he has contacted the legal advisor of APSPDCL in Guntur who has informed that a new service can be released since he is having rights over it confirmed by the Hon'ble Court. But the respondents not released the service connection. Hence prayed to do justice.
2. A) The respondents No.2 and 3 filed written submissions separately but the contents are one and the same. The respondents have stated that the complainant has filed an application for new service connection in his favour in the scheduled property on 16.08.2017. The applicant has enclosed an injunction order given by the Hon'ble Court of 1<sup>st</sup> Additional.Junior Civil Judge in O.S.No. 538/2011 dt: 15.10.2015. The order was issued for restraining the owners of the above scheduled property from ever enetering into the peaceful possession and enjoyment of the property by the complainant who is the tenant of the scheduled property.

**DESPATCHED**  
**DATE**

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- B) As per Clause No.5.2.3. of GTCS an applicant who is not the owner of the premises who occupies and intending to avail supply shall submit an indemnity bond drawn by the owner of the premises in favour of the Licensee, whereby the owner undertakes to indemnify the Licensee for any loss caused to it by the applicant arising out of the release of service to the tenant /occupant.
- C) In the instant case the complainant failed to produce the indemnity bond given by the owner of the premises and hence the application was rejected and the same was communicated on 18.12.2017.
- D) On 07.01.2017 owner of the above scheduled property filed an application along with the following documents for dismantlement of existing services in the premises i.e. service No's 86811, 01106,11771 and 25456 of D3 Section, Guntur.
- i) Order copy issued by the Hon'ble rent control appellate authority cum principal Junior Civil Judge against R.C.C. No.22/2012 wherein the application filed by the complainant was dismissed.
  - ii) Order copy issued by Hon'ble rent control appellate authority cum Principal Senior Civil Judge, Guntur against RC A No.28/2015 wherein the appeal made by the complainant was dismissed.

At this juncture, the complainant who is the tenant in the premises has addressed a letter to the respondent No.1 not to disconnect the service as the subject is under the jurisdiction of Hon'ble District Court. After verifying the relevant records respondent No.1 has informed the owner of the scheduled property that the subject is under the jurisdiction of Hon'ble District Court and hence his application for disconnection of services was rejected. Respondents have submitted that both the tenant and owner of the premises are trying to initiate action against each other with malafide intention to create hindrance for the proceedings in the Hon'ble Court. Owner is requesting for dismantlement of the service and on the other hand the tenant is requesting for release of new service connections. Both the applications were rejected.

3. A personal hearing through video conferencing was held on 07.05.2019 for which the complainant and respondents attended and reiterated their respective versions.
4. Point for determination is whether new service connections can be released in the premises as requested by the complainant ?

The written submission filed by respondents shows that there is a dispute between owner and tenant of the premises and civil proceedings are pending . New service connection to the tenant could not be released without filing indemnity bond given by the owner of the premises

as per Clause. 5.2.3 of GTCS. So respondents rightly refused to release new service connections to the complainant.

Para 10.2 (a) of Reg. 03/2016 is as follows :

*"In cases where proceedings in respect of the same matter and between the same complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority"*.

5. In view of the above reasons the complaint is liable to be rejected at any stage. As a sequel complaint is rejected.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3<sup>rd</sup> Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008, within 30 days from the date of receipt of this order.

This order is passed on this, the day of 4<sup>th</sup> June 2019.

Sd/- Sd/- Sd/- Sd/-  
**Member (Finance) Member (Technical) Independent Member Chairperson**

**Forwarded By Order**



**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 (Executive Director/Operation)/CGRF/APSPDCL/TPT.

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh , 3<sup>rd</sup> Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008.

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