

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

On this the 4th day of June 2019

C.G.No:330/2018-19/Tirupati 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

K. Siddamma,
W/o. K. Reddeppa ,
28394/2,
R.N. Colony,
Saibaba Street,
Chittoor -Dist.

Complainant

AND

1. Deputy Executive Engineer/O/Chittoor Rurals 2
2. Executive Engineer/DPE/Tirupati

Respondents

* * *

ORDER

1. The case of the complainant is that she is having 8 house service connections bearing No's.5111415000763 to 770 and other service connection No.5111415000755 for motor connection each service was obtained for 1 KW. She let out eight portions to students from Aug'18. She was informed by the occupants of the rooms that electricity personnel visited the premises, enquired them and went away. Since she has not received electricity bills up to 10/2018, she went to office on 04.10.2018, the bill collector received electricity charges for 7 service connections and did not receive amount for the service connection No's. 5111415000763 and 770 and the bill collector advised her to approach ERO as bills were not generated for those 2 service connections. When she approached ERO office it came to light that DPE inspected the premises at 9.50 A.M on 20.8.2018 and pointed out alleged theft or pilferage of energy against 2 service connections. When she approached DE/DPE (through her husband) he has assured to verify the issue. The cases were booked against her on the ground that the two services were un-authorizedly used for hostel purpose though the service connections were obtained for domestic purpose. But surprisingly the copy of the

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3. Since the complainant is seeking for dismantlement of service connections which was released in the name of others. A report was called from DE who submitted report dt : 30.01.2019 stating that the service connection No.1122300117286 was released on 19.06.2000 in the name of N. Srinivas and the same was transferred in the name of D.B.V. Ramana Kumar on 30.07.2005 based on the documents produced at the time of transfer. Service connection No.1122300154571 was released on 27.3.2009 in the name of M. Harikrishna basing on the documents produced by the consumer. On 02.11.2015 P. Harihara Prasad approached DE/O/Town-1 representing that his wife P. Rajya Laksmhi and Smt. G. Malleswari W/o. Venkata Narayana were the actual owners and requested to disconnect the service connection on the ground that the existing consumers are not legal heirs and submitted case documents pertaining to O.S. 46/2005, 159/2007 and 160/2007. AE/O/D8 Section approached N. Kiran Bhanu SLA of AP Transco for legal opinion and also issued notice to the consumers for the above said 2 service connections. Nobody approached this office for ownership proof within stipulated time and SC No.117286 was disconnected basing on the legal opinion. Subsequently G. Malleswari approached Section Office/D-8 for disconnection of the said service basing on the common judgment in O.S. No.46/2005, 159/2007 and 160/2007. The section officer approached Sri. N. Kiran Bhanu for legal opinion, the legal advisor opined that the Hon'ble Court passed preliminary decree partitioning the property into 2 equal shares one is to plaintiff and first defendant i.e. G. Malleswari. The legal advisor opined that it is better to consider the disconnection request after passing of final decree.

The legal opinion shows that the service connection can be disconnected only after passing of final decree by the court. This Forum is not competent to pass any orders when a civil suit is pending in which the disputed service connection was released.

Para 10.2 (a) of Reg.No.03/2016 is as follows:

The Forum may reject the complaint at any stage under the following circumstances:

a) *"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 authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority:*

b)

c)

d)

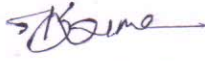
4. In view of the above reasons the complaint is rejected.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3rd 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 4th 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 , 3rd 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, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.