

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

On this the 07th day of August 2018

Inward No:291/ 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

Sri P. Sarath Babu,
D. No: 1-33,
Mangalapalli (V) & (P),
Bangarupalem (M),
Chittoor - Dist

Complainant

AND

1. Assistant Engineer/O/Paipalle
2. Assistant Divisional Engineer/O/Paipalle
3. Divisional Engineer/R/Chittoor

Respondents

ORDER

1. The present complaint is filed that the AGL Service Connection No.5633204000091 stands in the name of his grandfather P. Srinivasulu Naidu. P. Srinivasulu Naidu executed a gift settlement deed in his favour. He is paying electric bills till today. One D. Ahammad Ali illegally using his AGL service connection. Hence he made a request to disconnect the service connection. He also further stated that there are civil disputes in respect of land between him and the said D. Ahammed Ali. Appeal No.85/2016 is still pending before the District Court, Chittoor. In spite of his request respondents have not disconnected the Service Connection. Hence the Complaint.

Since the complainant is seeking for disconnection of AGL service connection which is in the name of his grandfather P. Srinivasulu Naidu which is utilized by D. Ahammad Ali with whom civil proceedings are pending before the court. A notice was issued to the complainant to appear before the Forum to ascertain about the maintainability of the complaint before this Forum. Accordingly complainant appeared before the Forum on 17.07.2018 and reiterated the contents of the complaint.

DESPATCHED

DATE

13/8/18

Complainant filed copies of the suits in O.S No.420/2016 and 421/2016 on the file of Junior Civil Judge, Chittoor, memorandum of appeal in A.S. No.85/2016 on the file of District Judge, Chittoor and Miscellaneous Petition No. 3960/2016 before Revenue Divisional Officer, CTR.

O.S. No. 420/2016 was filed by the complainant herein against three persons arraying D. Ahammad Ali as third Defendant for declaration of his title and delivery of possession of title of A & B schedule properties. The present disputed service connection No. was not mentioned in the suit schedule.

O.S. No.421/2016 was filed by the complainant against the same 3 defendants showing D. Ahammad Ali as 3rd defendant for cancellation of the sale deed Dt: 17.08.2006 executed by Beebamma in favor of 2nd defendant therein and for cancellation of registered sale deed Dt: 28.03.2009 executed by Beebamma in favor of 1st defendant therein and sale deed Dt: 15.05.2009 executed by Beebamma in favour of 3rd defendant. In this suit also complainant has given A& B schedules but present disputed Service Connection No. was not mentioned.

A.S.No.85/2016 was filed by the complainant herein against the above said 3 defendants wherein D. Ahammad Ali is 3rd defendant for setting aside the judgment of trial court O. S. No. 200/2010 on the file of Principal Junior Civil Judge, Chittoor.

The Miscellaneous Petition was filed for cancellation of Pattadar Pass Book and title deed bearing No.16383 stands in the name of D. Ahammad Ali for cancellation of Pattadar Pass Book and title deed in the name of three others for A & B schedule properties. In the pleadings the complainant stated that O.S.200/2010 filed by the complainant herein for perpetual injunction was dismissed by the principal Junior Civil Judge Chittoor. On 26.04.2016 he preferred an appeal.

The above four documents clearly shows that there is a land dispute between him, D. Ahammad Ali and others. The suit filed by him for perpetual injunction was dismissed. Complainant himself admitted that D. Ahammad Ali is utilizing the service connection. The contents of the schedule of the Photostat copy of the gift deed executed by P. Srinivasulu Naidu shows that 3/4th rights in the well and in 5 HP electric motor were settled in favour of the complainant. The contents of complaint clearly shows that complainant wants to get the service connection stand in the name of his grandfather has to be disconnected on the ground that D. Ahammad Ali is utilizing the service connection . Admittedly the suit filed by him for perpetual injunction was dismissed. Notice has to be given to D. Ahammad Ali before disconnection of service. If Service is

disconnected without notice to the said D. Ahammad Ali his rights will be affected. This Forum is not competent to issue notice to D. Ahammad Ali. This Forum can be interfere only when there is a deficiency of service on the part of the Licensee. Civil disputes are pending for the land wherein the AGL service connection was given in the name of grandfather of the complainant. So this forum is not competent to entertain a complaint for disconnection of service in the name of grandfather of the complainant when civil suits are pending for declaration of title for the said property.

2. In the result the complaint is rejected. (

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh, 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 day of 07th August 2018.

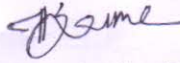
Sd/-
Member (Finance)

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.