

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

On this the 3rd day of November' 2020

**Complaint ID No's: 387122019,388122019,47722020,47822020,47922020 and 48022020/2020-21/
Ongole Circle**

Present

Sri. Dr. A. Jagadeesh Chandra Rao

Chairperson

Sri. V. Venkateswarlu

Member (Technical)

Sri. Dr. R. Surendra Kumar

Independent Member

Between

Parvez Shaik,
D.No.4-131,
Behind Gas Godown,
Kothapeta,
Chirala.

Complainant

AND

1. Deputy Executive Engineer/O/ Vetpalem Rural
2. Executive Engineer/O/ Chirala

Respondents

ORDER

- i) Complainant filed this complaint through mail for disconnection and removal of Service No.7617 at Ramapuram Road, Chirala and service No.7657 at Prasadaganaram , Chirala. Complainant also enclosed copy of the letter said to have been addressed to AEE/Vetapalem/Rural wherein it is mentioned that SK. Muneera Begum presented a letter that her cousin Syed Khomruneesa Begum was processing the properties till date they found that 2 service connections i.e. Service No.7617 in Sy No.475 and Service No.7657 in Sy. No. 789.
- ii) Complainant sent another mail on 28.12.2019 stating that he is working in USA, he came to know that service No's 7617 and 7657 are in their properties and on that they approached AEE/Vetapalem Rural and complained on 18.11.2019 but no action was taken so far and provide information for the application filed by him under RTI Act and remove the connections.

DESPATCHED

DATE

5/11

Parvez Shaik/Ongole Circle

- iii) Complainant sent another mail dt: 27.02.2020 stating that his name is Shaik Mahaboob Subani, GPA holder of Shaik Mohammed Parvez that they appreciate for the action taken against service No's 7617 and 7657 by removing them from their properties on 20.01.2020. They have applied for new connections and submitted the required documents and requested to provide new service connections.
- iv) Complainant sent another mail which is the replica of the mail mentioned in para 3 above.
- v) Complainant filed another mail stating that though as per the communication to CMD & others electricity service connection was disconnected but electricity bills are generating in that name and requesting to stop generating electricity bills on his property
- vi) Complainant sent another mail with the same contents as mentioned in para (v) of above.
2. On perusal of the mails, it came to light that complainant originally objected for release of service connection No's. 7617 and 7657 in the name of third parties and on the objection raised by the complainant herein those service connections were removed. Complainant is requesting to provide service connections in the same property and the same is under consideration. Hence a report was called for from EE/Operation/Chirala.
3. EE/O/Chirala in his written report stated that one Goli. Gangadhara Rao applied for service connections through mee- seva and service connections were released vide service No's 7617 on 16.06.2019 and Sc. No.7657 on 25.07.2019. On 24.12.2019 they received a mail from Shaik Parvez, complainant herein and on that notice was given to G. Gangadhara Rao on 30.12.2019 and as he did not respond the service connections were disconnected on 20.01.2020. Gangadhara Rao had challenged the disconnection of services and requested for reconnection of services by filing a writ petition No.1521 of 2020 before the Hon'ble High Court and the same is pending

4. The office tried to contact the representative of the complainant through phone on 29.06.2020 and also sent mails to the complainant herein for hearing about maintainability of the complaint before this forum.
5. The Point for determination is whether the complaints filed by the complainant are maintainable when a writ petition before the Hon'ble High Court of Andhra Pradesh is pending for the same subject matter?

On 26.08.2020 a personal hearing was conducted through video conferencing wherein EE/O/Chirala present and there is no representation on behalf of the complainant.

The report given by EE/O/Chirala shows that aggrieved by the disconnection of services on the complaint made by the complainant herein, G. Gangadhara Rao filed writ petition before the Hon'ble High court vide W.P. No. 1521 of 2020 and the same is pending . Complainant is seeking service connections for the same property.

It is appropriate to refer Clause No. 10.2 of Reg. 03/2016 which is as follows:

“Clause No. 10.2: The Forum may reject the complaint at any stage under 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, 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.

b)

c)

d)

Provided that no complaint shall be rejected unless the complainant has been given an opportunity of being heard”.

Since the facts of this case shows that a case is pending for the same subject matter before the Hon'ble High Court, the complaint is not maintainable before this forum. The point is answered accordingly.

6. Hence the complaint is dismissed.

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.

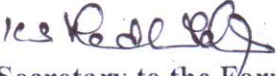
This order is passed on this, the day of 3rd November'2020.

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
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.