

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

On this the 5th day of ~~October~~ 2020 *November* *ae*
Complaint ID: 42512020 /2020-21/ Nellore Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao

Chairperson

Sri. V. Venkateswarlu

Member (Technical)

name amended as

Between

G. Venkata Subba Rao

~~G. Venkata Subbaiah,~~ *ae*

Complainant

H. No.2-2-165/39,

Road No.2,

Dharmareddy Nagar Colony,

Machabollaram,

Secunderabad.

AND

1. Deputy Executive Engineer/ O/Kavali

Respondents

2. Executive Engineer/O/Kavali

ORDER

1. The case of the complainant is that a service connection was given to an un-authorized occupant of his house while suit is pending filed against one Miss. Pakala Bujjamma D/o. Pakala Chalamaiah vide Case No. 233 of 2014 on the file of Senior Civil Judge, Kavali. Complainant requested to furnish the certified copies of documents filed by her for taking service connection. He has also applied for documents under RTI Act, 2005. But documents were not furnished. Complainant is seeking for removal of service connection and certified copies of the documents said to have been submitted by P. Bujjamma D/o. Chalamaiah for obtaining service connection.
2. Since complainant is seeking certified copies of the documents under RTI Act and stated that service connection was given during the pendency of the suit, the Forum is of the opinion that complaint is not maintainable before this Forum. Hence posted for hearing the complaint in respect of maintainability of the complaint before the forum.

G. Venkata Subbaiah

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DESPATCHED
DATE *22/12*

3. Complainant was absent for the personal hearing through video conferencing conducted on 12.08.2020 stating that he is in Hyderabad. The address of the complainant is given at Secunderabad. Hence complainant was heard by the Forum through phone of Secretary at 12.40 P.M. on 28.10.2020.
4. Complainant is seeking removal of the connection which was said to have been given during the pendency of the suit.
5. The forum may reject the complaint when a civil suit is pending for the same subject matter as per Clause 10.2 (a) of Reg. 03/2016 which 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, 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”.

In view of the above specific provisions of Regulation. No. 03/2016 as stated above the complaint is not maintainable before this Forum.

6. Complainant is seeking information under RTI Act. If the officers of the licensee failed to provide information sought by the complainant, RTI Act itself provides remedy to

the complainant, hence complaint before this forum for non- furnishing of documents by the officers of the licensee is also not maintainable.

7. In view of the above reasons the complaint is not maintainable before this Forum and liable to be rejected.

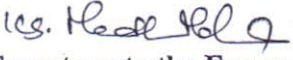
If aggrieved by this order, the Complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008, within 30 days from the date of receipt of this order.

This order is passed on this, the day of 5th November'2020.

Sd/-
Member (Technical)

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.