

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 12th day of March 2021
Inward No: 2659 /2020-21/ Nellore Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. R.M.M. Baig
Sri Y.Sanjay Kumar
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

K.Bhaskar,
D.No.16-15/1003,
R.K. Nagar,
Childrens Park Road,
Nellore – 500003.

Complainant

ORDER

1. The case of the complainant is that he is the absolute owner for an extent land of 34 Ankanam site in Sy. No.410/3 Kondayapalem (V) Mini Bypass Road, Nellore Municipal Corporation.

One Iska. Anil Kumar Reddy has un- authorizedly and in gross violation of the approved plan has raised illegal constructions of 5 floors on the east of his property. He has also illegally trespassed and encroached his property. He had initiated criminal proceedings against him in order to protect his legitimate right over the said property. The said Anil Kumar Reddy made hectic attempts in obtaining electrical power connection to the said illegal constructions by erecting the RCC structure for installing the Distribution transformer by encroaching upon the site belongs to him. He requested the APSPDCL authorities not to install the transformer in his site and not to sanction service connection to the illegal constructions in the building. He had already made a representation to EE/O Nellore and AE/O/ Magunta Layout sub - station and he also issued legal

DESPATCHED

DATE [Type text]

12/3

notice dt : 06.12.2020 to the EE/Operation/Nellore. Hence it is prayed to direct the opposite parties not to erect Distribution transformer or release power supply and not to sanction any service connections to the above said illegal construction made by the said Anil Kumar Reddy in the site belongs to him.

2. The complaint was presented before the forum on 18.01.2021. A report was called from Executive Engineer/O/Nellore.
3. EE/O/Nellore submitted his report stating that complainant herein presented a complaint before him stating that DTR is being erected in his premises by I. Anil Kumar Reddy. Basing on the complaint, they requested the complainant to submit documents and other records but so far documents were not submitted. Mr. I. Anil Kumar Reddy applied for new service for his new building with his documents and legal opinion on the site, Municipal Tax receipts and also it is in his possession and enjoyment and paid the DTR cost as per the departmental formalities. Hence AEE/ O/ B.V Nagar provided DTR and released the services basing on the documents. Civil matter has to be decided by the court, if the court directs department, will act accordingly.
4. Personal hearing through video conferencing was conducted on 11.02.2021. Heard both complainant and Executive Engineer /O/Nellore.
5. Complainant stated that there is no civil suit pending between him and the said Anil Kumar Reddy. He had already issued legal notice to EE/O/Nellore claiming that the place where DTR is proposed to be erected belongs to him, without ascertaining the facts on the ground, field officers of the licensee are not expected to erect the DTR in his site. On the other hand Executive Engineer represented that the above said Anil Kumar Reddy furnished his documents claiming that the site where DTR is erected belongs to him. Hence the DTR was erected and they will act as per the decision of civil court.
6. EE/O/Nellore did not state in his report whether he had obtained any legal opinion from their standing counsel before erecting the DTR. Field officers of the licensee should be more careful when they receive objections for erecting DTR or laying lines for releasing of service to third parties and they have to proceed further for erecting DTR or any other structure for giving service to any

consumer only after ascertaining the true facts on the ground. On inquiry if they found there is any dispute in respect of the site, they should not proceed further and advise the parties to ascertain their title otherwise the licensee will be dragged to the civil court for the dispute between the individuals.

According to respondents DTR was erected on 17.01.2021 as per the Lr.No.AE/O/B.V Nagar section. /F.No.D.No.131/21 Dt: 17.02.2021.

The copy of letter addressed by AE was also enclosed which reveals that the connection line work was completed on 12.01.2021 and DTR was erected on 17.01.2021 and charged for releasing of services as per norms.

Complainant presented the complaint before the forum on 18.01.2021. So as per the version of respondents, DTR was erected one day prior to the presenting of the complaint before this forum. According to the version of respondents, the site where DTR was erected belongs to the consumer. On the other hand complainant is claiming the same property, so, there is a title dispute. This forum is not competent to decide the title disputes. No executable relief can be granted by this forum.

Complainant is not a consumer for the services released by the licensee in the name of third parties and he will not come under the purview of consumer as defined under Sub -Section. (15) of Section. 2 of the Electricity Act, 2003. So complaint is not maintainable before this forum.

7. 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,

