

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 30th day of March' 2021
Inward No: 2503 Dt: 24.11.2020/2020-21/Tirupati 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.Ravi,
1-242/A,
MSM Nagar,
K.Nagar Road,
Puttur,
Chittoor Dt.

Complainant

* * *

ORDER

1. The case of the complainant is that he is having asbestos house in Plot No.15 3rd line SLV Nagar, Satyanarayanapuram. The house is having a compound wall with gate and bore well with motor. He has also obtained electricity service connection No. 5534204152669 and regularly paying electricity bills. One C. Naresh Kumar filed civil suit in OS. No.352/2015 on the file of 1st Junior Civil Judge Court, Tirupati and he preferred an appeal vide appeal No.105/2018 on the file of IVth Additional Sessions Court, Tirupati and the Hon'ble court granted orders of "Status Quo". He had leased out the said premises to one Baskar of Srikakulam. On 28.08.2020 the above said C. Naresh Kumar got vacated the house and demolished the house and meter. On that he had presented a complaint in Alipiri police station vide crime No. 473/2020. He has informed the facts to AE on 01.09.2020. On 11.10.2020 without any notice to him, a new service connection was given in his plot in the name of C. Naresh Kumar. The service connection was released even though "Status Quo" is in force. Subsequently on 15.10.2020 the appeal was ended in his favour. On 02.11.2020, he submitted copies of the judgment to AE and he promised that the service

DESPATCHED

DATE
Inward No.2503 Dt: 24.11.2020/2020-21/Tirupati Circle

Page 1

connection given in the name of C. Naresh Kumar will be disconnected and his service will be restored, but no action was taken. Again he approached ADE and DE on 07.11.2020 and submitted application. He has also met all the above said three officers on 16.11.2020 and also submitted application through registered post. But no relief was granted. He is ready to bear the expenditure for the service connection. Naresh Kumar is having plot in Upadyaya Nagar where as his plot is in Satyanarayanapuram. Service connection was given to Naresh Kumar for his premises. Hence the service connection in the name of Naresh Kumar may be disconnected and his service connection may be restored.

2. Since the averments of the complainant shows that the dispute is of civil nature, a report was called for from EE/O/Tirupati.
3. EE/O/Tirupati submitted his report stating that C. Naresh Kumar S/o. Chandrasekhar made a representation to APSPDCL to disconnect the service connection No.5534204152669 standing in the name of K. Ravi and also enclosed registered sale deed, property tax receipt and copy of the judgment in OS. No.352/2015 on the file of Ist Additional Junior. Civil Judge, Tirupati . The then AE/O/ Mangalam has approached for legal opinion from Sri. P. Balram SLA to APSPDCL. Basing on the opinion of SLA and judgment APSPDCL, authorities have released power supply on 11.10.2020 to C. Naresh Kumar with service connection No. 5534204170068.

Aggrieved by the said judgment and decree Sri. K. Ravi preferred appeal in AS No.105/2018 on the file of 4th Addl. District Judge, Tirupati dt: 15.11.2020 and the same is allowed on 15.11.2020. On 16.11.20 Sri. K. Ravi S/o. Sri Chengaiah submitted judgment copy of the appeal and requested to disconnect the service connection and also gave a representation for restoration of supply to the service connection No.5534204152669. In the representation he intimated that C. Naresh Kumar demolished the house and displaced the meter of service No. 5534204152669 during lock down period and Sri. K. Ravi Lodged FIR No.473/2020 in Alipiri Police station against Sri. C. Naresh Kumar and requested to restore the same service connection. But due to non -availability of portion and premises, Dy.EE/O-II/Tirupati has not considered his request and

issued notice to Sri. C. Naresh Kumar for explanations/ objection within 5 days regarding the judgment in AS No.105 of 2018 in OS.No.352 of 2015. Later as there is no response from Sri. C. Naresh Kumar, the service No. 5534204170068 standing in his name was disconnected on 29.11.2020. The service connection No.5534204170068 is under disconnection. Meanwhile the office received legal notice dt: 26.11.2020 from Sri. P. Madhusudan, Advocate of High Court, A.P. on behalf of his client Sri. C. Naresh Kumar stating that his client preferred second appeal in S.A. No.274/2020 and the same is pending.

In view of the litigation between Sri. K. Ravi and Sri. C. Naresh Kumar, it is not possible for APSPDCL authorities to restore supply for service connection No. 5534204152669 and the service No. 5534204170068 standing in the name of C. Naresh Kumar was disconnected on 29.11.2020 and that service connection is under disconnection.

4. Personal hearing was through video conferencing was conducted on 09.01.2021. Complainant absent and requested time stating that he was on election duty. Hence again personal hearing was conducted at Court Hall in Tirupati on 23.03.2021. Complainant reiterated his version. Complainant further stated that the service connection in the name of C. Naresh Kumar was released while the orders of 'Status Quo' is pending before the Hon'ble IVth Addl. District Judge Court, Tirupati, disciplinary action may be initiated against the erring officers who released the service connection violating the orders of 'Status Quo' issued by Hon'ble IVth Additional District Judge, Tirupati.
5. The point for determination is whether this forum is empowered to entertain the complainant for restoration of service connection No.5534204152669 in the name of complainant?

The averments of the complaint and contents of the report submitted by EE/O/Tirupati shows that a civil dispute is pending between the parties for one and the same premises in which the service connections are said to have been released by the licensee. The report of EE/O/Tirupati shows that the service connection in the name of C. Naresh Kumar was disconnected on 29.11.2020 basing on the representation made by the complainant and the service connection

in the name of the complainant could not be restored for want of energy meter, dispute between the parties and the office received legal notice stating that the above said Naresh Kumar preferred second appeal in SA No.274/2020 before the Hon'ble High Court of A.P.

This forum is not competent to decide whether the field officers of the licensee released service connection in the name of C. Naresh Kumar violating the orders of 'Status Quo' passed in AS No.105/2018 on the file of IVth Additional District Judge, Tirupati and the remedy for the complainant is elsewhere and not before this forum. This forum is also not competent to entertain any dispute when civil litigation is pending between the complainant and another for one and the same premises for which the service connections are released.

It is relevant to refer Clause 10.2 (a) of Reg. No. 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". This forum is entitled to reject the complaint at any stage when civil litigation is pending as per the above said clause.

This forum is not competent to entertain the complaint for restoration of service connection in the premises when second appeal in SA No.274/2020 is pending before

