

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 30th day of December' 2020
Complaint ID No: 212112020/2020-21/Tirupati Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao

Chairperson

Sri. R.M.M. Baig

Member (Finance)

Sri. Dr. R. Surendra Kumar

Independent Member

Between

K.V. Chandra Kumar,
S/o. Venkataramana,
D.No.17-461-C-1
NVR Street,
Madanapalli,
Chittoor -Dist

Complainant

ORDER

1. The case of the complainant is that house bearing D.No.3-250-B-17-21, Ex-Military Colony Madanapalle is their joint family property. But respondents issued new service connection No. 5211700065679 in the name of P. Pushpa for the house with the same door number owned by the family. The tenant is illegally using the bill and proclaiming herself as if she is the owner of this house. He had already registered a complaint with AEE/Town/Madanapalle in this regard. But no action was taken. Hence requested to remove their house number in the address of the bill of service connection No. 5211700065679.
2. Since complainant is requesting to change the address of the service connection in the name of another, a report from Executive Engineer/O/Madanapalle was called for Executive Engineer in his report stated that on the application of one Smt. Pasupuleti. Pushpa W/o. Bhaskara applied a house service connection for 1 KW at D. No. III -250-B-17-2 in Military Colony, B.K. Palli, Madanapalle town at mee -seva centre duly producing the agreement of sale and the service

DESPATCHED

DATE

31/12

connection was released as 5211700065679 on 19.09.2018. While one K.V Chandra Kumar has given lawyer notice on 10.02.2019 objecting the issue of service to Smt. P. Pushpa. AE/Town/Madanapalle has orally informed to K.V. Chandra Kumar to produce documentary evidence for proving the ownership of the house where the service was released but he has not turned or has not produced any documentary evidence.

Again on 25.06.2020 K.V Chandra Kumar has sought for copies of LT application and documents submitted by P. Pushpa for releasing of service Connection No. 5211700065679 through the Right to Information Act, 2005 and the same were furnished to him on 29.06.2020. On 13.07.2020 K.V Chandra Kumar has written a letter that the documents are not registered and requested to dismantle the service as the matter is in the court of Law vide O.S.No.113/2019 pending at the Hon'ble Junior Civil Judge Court, Madanapalle which was filed on 25.02.2019 and registered on 28.02.2019 which was not informed to AEE/Town/Madanapalle since 02/2019 till 13.07.2020.

After getting legal advice from the standing legal advisor, APSPDCL/Madanapalle a 7 day's notice was served to P. Pushpa to prove her ownership and she has not turned up and the service was disconnected. P. Pushpa approached the Hon'ble High Court, Amaravathi for restoration of supply to service No.66759 of Madanapalle vide W.P 16663 of 2020 and the Hon'ble High Court has passed orders directing for restoration of supply to the service. Abiding to the directions issued by the Hon'ble High Court the service was reconnected. As the ownership of the house is in the court of law and the door number could not be changed.

3. Personal hearing was conducted through video conferencing on 22.12.2020. Complainant and Executive Engineer were heard. They reiterated their respective contentions.
4. Point for determination is whether the address bearing Door No 3-250-B-17-2, Ex- Military Colony mentioned in service connection No. 5211700065679 can be ordered to be changed?

The submission of the complainant is that P. Pushpa obtained service connection with wrong address and the address mentioned for the service Number has to be changed. But in the complaint before this forum it was mentioned that P. Pushpa obtained service connection mentioning the same house No.3-250-B-17-2.

The report of the Executive Engineer shows at first instance, complainant herein addressed a letter dt: 13.07.2020 for dismantling of the service in the name of P. Pushpa. Then a notice was issued to P.Pushpa for production of documents and as she was not turned up to produce documents, the service was disconnected. Then the said P.Pushpa approached the Hon'ble High Court in W.P. No. 16663 of 2020 for restoration of service connection.

The Hon'ble High Court held in I.A. No. 01/2020 as :-

“The electricity connection, which has been released in the name of the petitioner, has been disconnected at the instance of un- official respondents. There is a dispute with regard to the petitioner as well as the un- official respondents with regard to execution of a regular sale-deed in respect of property, in which the petitioner is residing and a suit in O.S. No. 113 of 2019 on the file of the Court of Principal junior Civil Judge, Madanapalli is pending.

In view of litigation between the parties, prima facie, it appears that the electricity connection has been disconnected at the instance of un- official respondents. The matter needs to be considered after filing of counter affidavits. However, taking into consideration balance of convenience and serious prejudice in favour of the petitioner, the respondents are directed to restore the electricity connection to the petitioner forthwith”.

Executive Engineer in his report stated as per the above directions of Hon'ble High Court the service was restored.

The complaint was presented before the forum through online on 29.11.2020 requesting to change the address for the service number 5211700065679 released in the name of P. Pushpa. This complaint is presented

only after the orders passed by the Hon'ble High Court in I. A. No. 01 of 2020 in W.P. No. 16663 of 2020 on 15.10.2020. The report of the EE shows that a civil suit in O.S. No.113/2019 on the file of Principal Junior Civil Judge, Madanapalle is pending for the property for which the present disputed service was released.

It is relevant to refer Clause No. 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”.

Since there is a dispute for the property for which the disputed service connection No.5211700065679 is released and as the service was restored as per the directions of Hon'ble High Court, this forum is not competent to interfere and pass any orders. Complaint can be rejected at any stage by this Forum when a civil suit is pending for the same subject matter.

5. In view of the above reasons 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, Mahanadu Road, Vijayawada-520008, within 30 days from the date of receipt of this order.

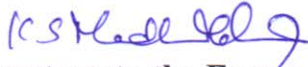
This order is passed on this, the day of 30th December'2020.

Sd/-
Member (Finance)

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.