

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

On this the 25th day of June' 2021
Inward No.2732 Dt: 08.04.2021/2021-22/Tirupati Circle

Present

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

Chairperson
Member (Technical)
Independent Member

M. Venkata Raju,
D.No:1-47/A,
Keelapudi (V),
Kotamangapuram,
Pichatur (M)
Chittoor.

Complainant

ORDER

1. The case of the complainant is that he is having building with 5 rooms in Sy. No's. 239/1A /2B and 239/1A/1. APSPDCL authorities released 5 No's non domestic Cat-II services without his knowledge in the name of others. Services barred wires for about 70 Mts length have been laid over highway road crossing which shows highly negligence on the part of section officer, Nindra. This may cause electrical accidents. Nindra section authorities have not followed the rules and regulations for releasing electrical services at Keelapudi (V). How section officer, Pichatur allowed to erect service meters pertains to Nindra section in Keelapudi (V) of Pichatur (M)? Hence requested to dismantle 5 No's electrical services from his rooms pertains to Keelapudi (V) of Pichatur (M) .Complainant also filed 5 CC receipts for different service Numbers in the name of different persons.
2. Since, the complainant filed this complaint for dismantlement of services in the name of third parties; this forum entertained a doubt whether complaint can be maintained before this forum. Hence a report was called from Executive Engineer/O/Puttur.

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3. Dy.EE/O/Nagari filed report stating that the service Connection. No.5312110001045 and 5312110001279, Category-II are in the name of M.Chan Basha at Koppedu. The property was purchased through Rs. 100/- non judicial stamp paper from Late. K. Gopal and his wife K. Chenchamma and her three sons K. G. Selvam, K.G. Gopi and K.G Soundar on 30.11.2013 in Sy. No.239/1A at Keelapudi (V) in Pichatur (M).

The service connection No.5312110000992, Category -II in the name of Smt. K. Dhanamma W/o. Muthyalaiiah at Koppedu. The land was purchased through Rs.100/- non judicial stamp paper by Smt. K. Dhanamma from Smt. Babyammal W/o. Ganesh Modali who purchased the same from M. Venkataraju and his son M. Ram in Sy. No. 239/1 A on 05.05.2012.

Service Connection No.5312110001135 Category –II is in the name of A. Hemalatha of Koppedu. The land was sold through Rs.100/- non-judicial stamp paper by M. Venkataraju and his son M. Ramu to R. Venkatesulu S/o. J.T. Raju on 19.11.1994 and the same was sold to A.Subbaraju Chetty S/o. A. Gopal Chetty at Keelapudi (V) on 01.03.1995 and the same was again sold to K. Jayachandra S/o. K. Purushotham and again it was sold to A. Hemalatha at Keelapudi (V) in Pichatur (M) at Sy.No. 239/1A.

Service Connection No. 5312110000985, Category- II in the name of P.Munaswamy of Koppedu and the land is in the name of P. Munaswamy of Koppedu.

The 5 No's services barrel wires at about 70 Mts length have been laid over highway road crossing is not correct. The service was released as per APSPDCL rules and regulations. Panchayat secretary issued no objection certificate to give electrical supply for commercial purpose.

4. Personal hearing was conducted through video conferencing on 17.06.2021. Complainant and Executive Engineer/O/Puttur present.

Executive Engineer represented that the land is a Government DKT land. Patta was granted in the name of the complainant. He sold the property to different persons under Un-registered sale deed executed on non judicial stamp papers and the persons applied for service connections. Panchayat officers issued no objection certificate for

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release of service connections. The services were released in accordance with rules and regulations of licensee.

On the other hand complainant represented that he did not sell the land to the said persons. He is having land in the Sy. Nos. 239/1A/2B and 239/1A/1. The service lines are causing obstruction. Hence requested to remove the service lines.

5. Point for determination is whether this forum is competent to direct the respondents to remove the lines that were laid for releasing of services to 5 different persons on the basis of this complaint?

Admittedly complainant is seeking removal of the service lines that were laid for releasing of 5 No's service connections in the name of third parties. Complainant is defined in Clause (15) of Section. 2 of the Electricity Act which is as follows:

(15) : “ *Consumer*” means any person who is supplied with electricity for his own use by a Licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be”

Complainant is not a consumer for the disputed 5 service connections as defined under Sub- Section. (15) of Section. 2 of the Electricity Act.

Complainant is defined in Clause No. 2.4 of Reg. 03/2016 which is as follows:

"Complainant" means and includes the following who have a grievance as defined in the Regulation:

- a) *"A consumer as defined under Clause (15) of Section 2 of the Act;*
- b) *An applicant for a new electricity connection;*
- c) *Any registered consumer association;*

- d) *Any unregistered association or group of consumers, where the consumers have common or similar interests; and*
- e) *An occupier of a premises to which electricity is or has been supplied by a Licensee;*
- f) *In the case of death of a consumer, his/her legal heir (s) or representative(s)"*

Complainant who filed this complaint for dismantlement of the services in the name of third parties will not fall within the definition of complaint as provide in Clause. No. 2.4 of Reg. 03/2016 referred above. So complaint is not maintainable before this forum.

It is also relevant to refer the judgment of Hon'ble High Court of Andhra Pradesh in W.P. No. 9700/2010 between ITC Ltd., Kolkata Vs Forum for Reddressal of Consumer Grievances of APCPDCL, Hyderabad and others in para 12 and 13 as :

12. *"The whole purport of the grievance of respondent No.3 is that his property is used for extending supply to the petitioner. It is the case of the petitioner that no part of the property of respondent No.3 is used for laying the overhead lines or installing the meter. Thus, the dispute between the parties is purely civil in nature and is liable for adjudication by a competent court of civil jurisdiction on the basis of the evidence to be adduced by both the parties. Respondent No.1 which is constituted for redressal of grievances of consumers of the licensees arising in course of supply of electricity by the latter to the former, is totally denuded of its jurisdiction to resolve a dispute of the nature raised by respondent No.3. Indeed, by directing respondent No.2 to disconnect, remove and shift the lines, respondent No.1 arrogated to itself the power of a civil court. Such power is not inhered in respondent No.1, whose jurisdiction, as noted above, is constricted by the Regulation so as not to permit it to wander outside the narrow confines of grievance redressal mechanism*

qua the 'consumers' or the licensee. Issue No.1 is accordingly answered in favour of the petitioner.

13. As regards issue No.2, admittedly, in the petition filed by respondent No.3, the petitioner is not impleaded as a party. Various functionaries of respondent No.2 are shown as respondents before respondent No.1. It is incomprehensible that respondent No.1 would have thought of entertaining the petition of respondent No.3, let alone granting directions as was done by it, without impleading the petitioner and hearing it because even if respondent No.1 is assumed to have jurisdiction to entertain the complaint of respondent No.3, it could not have unilaterally concluded that the land over which the electrical lines were laid and installation of meter was made falls in S.No.392. Furthermore, the petitioner is the likely affected party if the power supply is disconnected and overhead line and other installations are removed. The principle of law is well settled that any person who is likely to be adversely affected by the proposed order is entitled to be heard before such an adverse order is passed. (see: *State of Orissa v Dr. Binapani Dei*, AIR 1967 SC 1269, *Bhagat Raja V Union of India*, AIR 1967 SC 1606, *A.K. Kraipak v Union of India*, AIR 1970 SC 150, *Maneka Gandhi v. Union of India*, AIR 1978 SC 597, *S.L. Kapoor v Jagmohan* AIR 1981 SC 136, *Swadeshi Cotton Mills v. Union of India*, AIR 1981 SC 818 and *Olga Tellis v Bombay Municipal Corporation*, AIR 1986 SC 180). This basic jurisprudential principle is lost sight of by respondent No.1 before passing the impugned order. Therefore, the impugned order passed by respondent No.1 is vitiated by its failure to observe principles of natural justice. Accordingly, issue No.2 is also answered in favour of the petitioner”.

Relying upon the above decision, as the complainant is seeking for removal of service lines laid for releasing of service for third parties, the complaint is not maintainable before this forum. The point answered accordingly.

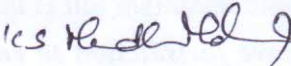
6. Hence the complaint is dismissed.

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order


Secretary to the Forum

This order is passed on this, the day of 25th June'2021

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.

To
The Complainant
The Respondents

Copy to the General Manager/CSC/Corporate Office/ Tirupati for pursuance in this matter.

Copy to the Nodal Officer (Chief General Manager (O&M)/ Operation)/ CGRF/ APSPDCL/ Tiruati.

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.