

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

**On this the 30<sup>th</sup> day of September' 2022**  
**C.G.No.30/2022-23/Tirupati Circle**

*Present*

Sri. K.Rama Mohan Rao  
Sri.S.L.Anjani Kumar

Chairperson (I/c) & Member (Finance)  
Member (Technical)

*Between*

V. Prabhakar Reddy,  
S/o. V. Rami Reddy,  
8-8-479/3,  
Greenpark Colony,  
Road No.1  
Hyderabad.

Complainant

**AND**

1.Executive Engineer/O/Madanapalli

Respondents

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**ORDER**

1. The case of the complainant is that the complainant is having service SC No.5211700027466 at Prasanth Nagar, Madanapalli. In order to repair his house he approached the department and requested to temporary remove the said service current meter. But the department did not remove his meter. Hence approached the forum for removal of said current meter. The case was registered as C.G No.30/2022-2023/Tirupati Circle and sent to respondents for written submissions.
2. A.EE/O/Madanapalli filed written submission counter signed by Dy. Executive Engineer/OSD/ Madanapalle and Executive Engineer/O/Madanapalle stating that on 2.7.2022 the complainant has requested to dismantle the Domestic service connection HSC No.5211700027466 for taking up repairs to the house. But, one P.Reddy Sarada, D/o.P. Chinnappa is currently residing in the house and both parties have competing court cases against one another as per the

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o/c  
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O.S.NO.382/2011 in Senior Civil Judge's Court, Madanapalli, and O.S.NO.197/2012, in the Court of the Junior Civil Judge of Madanapalli.

3. Hence legal opinion was sought from Sri.Y.Samba Siva Reddy, Legal Advisor, APSPDCL, Madanapalli on 6.7.2022 and Legal opinion provided by Legal Advisor on 18.7.2022 (copies enclosed).
4. In his legal Opinion, standing Legal Advisor opined that when the Civil suits as per the said OS Numbers are pending before the civil court filed by both the parties, the request of the complainant Mr.V.Prabhakar Reddy for dismantling cannot be considered as it amounts to deprivation of electricity supply which is an essential need, where there is dwellers in the house. The applicant may be directed to take suitable orders from the court where the matter/cases are pending for dismantle of electrical service. It is not fair to dismantle the service unless the dwelling house is vacant and not under use for living.
5. Based on the Legal opinion, the complainant has been informed over phone by Dy. EE/O/Madanapalli that his request for dismantlement of electrical service cannot be taken up as there is dweller in the house and requested him to take suitable orders from the court where the matter/cases are pending for dismantle of electrical service.

Further stated that the complainant has filed the complaint before this forum by hiding the following facts:

- A) Currently one P.Reddi Sarada D/o.P.Chinnappa is residing in the house mentioned by the complainant and she filed a suit against K.Suguna and the Complainant on the file of Hon'ble Additional Senior Civil Judge, Mandanapalli in O.S.No.124 of 2011 for grant of permanent injunction restraining the defendants from interfering with peaceful possession and enjoyment till P.Reddi Sarada is evicted from the house bearing D.No.3-145-2-1 situated in Prasanth Nagar, Madanapalle Town.
- B) Complainant V.Prabhakar Reddy has also filed suit against Reddi Sarada in O.S.NO.137 of 2012 on the file of Hon'ble Principal Junior Civil Judge, Madanapalle for eviction of Reddi Sarada and to pay arrears of rent and the same is also pending disposal.

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- C) The complainant presented a complaint before this forum purposefully hidden the fact that there are Civil suits pending in courts since 2011 regarding the possession and enjoyment of the house for which the complainant has requested Dismantlement of electricity service.
- D) He deliberately put forward the frivolous argument on the condition of house in his complaint filed before this forum without stating that there are dwellers residing in the house. His argument of carrying out repairs to the house is only a ruse for disconnection of electricity supply to the house thereby forcefully evicting the present dwellers by circumventing the courts of law. Present photograph of the house with dwellers in the foreground (enclosed).
6. The AEE/O/Madanapalle-Town has stated that he has joined as AEE in Madanapalle-Town section on 17.6.2022 and has acted on this case on consumer's representation for dismantlement of the said service without any delay as per the rules. This case has been pending in Courts of law since 2011 and the complainant has requested dismantlement of service only in June'2022. Hence stated that the complainant's claim that the meter was not removed for the past 10 years is false. Further stated that the complainant is not residing in Madanapalle for sending written reply to him, hence informed to the complainant over phone that his request for dismantlement of electrical service cannot be taken up as there is dweller in the house and requested him to take suitable orders from the court where the matter/cases are pending for dismantle of electrical service. Hence requested to dispose the said case duly considering the above facts.
7. The point for determination is whether this forum is competent to entertain complaint for the same cause of action when the complainant and others filed different Original suits for their relief before the Senior and Junior Civil Judge's Courts of Madanapalle ?

This Forum is constituted as per Reg 3 of 2016. Cl.10.2 of Reg.3 of 2016 is as follows :

“10.2 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, tribunal, 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.”

Complainant filed O.S for the same matter before the Hon’ble Senior and Junior Civil Judge’s Court and it is pending. This Forum is not empowered to entertain and decide any matter when the same subject matter is pending before the Hon’ble Hon’ble Senior and Junior Civil Judge’s Court. This Forum is empowered to reject the complaint at any stage on the ground the same matter is pending before any court , tribunal , arbitrator or any authority as per the above said Clause. 10(2) (a) of Reg. 3 of 2016.

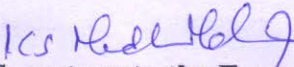
Since the Original suits are pending before the Hon’ble Hon’ble Senior and Junior Civil Judge’s Court for the same matter, this forum is of the opinion that this complaint can be rejected. The point answered accordingly.

8. In the result the complainant is rejected.

Member (Technical)

Chairperson(I/c) & Member Finance

Forwarded By Order

  
Secretary to the Forum

**This order is passed on this, the day of 30<sup>th</sup> September '2022**

If aggrieved by this order, the Complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, 3<sup>rd</sup> 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 Nodal Officer (Chief General Manager (O&M)/ Operation)/ CGRF/  
APSPDCL/ Tirupati.

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh , 3<sup>rd</sup> 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, 4<sup>th</sup> Floor, Singareni Bhavan, Red  
Hills, Lakdikapool, Hyderabad- 500 004.