

CONSUMER GRIEVANCES REDRESSALFORUM
SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED,

TIRUPATI

This the 07th day of May'2024

C.G.No.159/2023-24/Nellore Circle

CHAIRPERSON

Sri. V. Srinivasa Anjaneya Murthy
Former Principal District Judge

Members Present

Sri. K. Ramamohan Rao	Member (Finance)
Sri. S.L. Anjani Kumar	Member (Technical)

Between

Sri. C. Sri Hari, D.No. 6-111,
Karnala Street, Gudur (M), Nellore Dist.

Complainant

AND

1. Dy. Executive Engineer/O/Gudur
2. Executive Engineer/O/Gudur

Respondents

This complaint came up for final hearing before this Forum through video conferencing on 03.04.2024 in the presence of the complainant and respondents and having considered the material placed by both the parties, this Forum passed the following:

ORDER

01. The complainant filed the complaint during the Vidyut Adalat conducted on 06.03.2024 at Gudur stating that he is residing in a house bearing D.No.6-111 which he acquired under a registered will dated: 06.09.1951 executed by his grandfather and he applied for a new



service connection for his house to which his brother's sons raised objection and under their influence the respondents are not releasing the new service connection.

02. The said complaint was registered as C.G.No.159/2023-24 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that the complainant applied for new service connection to the house bearing D.No.6-111 to which his brother's son Cheekolu Krishna Kishore raised objection claiming title and possession over the house bearing D.No. 6-111 and further stated that he filed a suit O.S.No.27/2024 before the Principal Junior Civil Judge Court, Gudur against the complainant herein with regard to the said house and in view of the dispute regarding possession and ownership between the complainant and his brother's son, they have not released new service connection to the said house.

03. Heard both the parties through video conferencing.

04. Now the point for determination is :

“Whether the complainant is entitled to new service connection as prayed for”?

05. The complainant is claiming that he is the owner in possession of the house bearing D.No.6-111, Karnala Street, Gudur for which he applied



for a new service connection, but the legal heirs of his deceased brother falsely making complaints to the respondents objecting to release service connection to him. The complainant in support of his title over the house bearing D.No.6-111 produced copy of a registered will Dt: 06.09.1951 executed by his grandfather. We have gone through the said will. As per the said will, on the death of the grandfather of the complainant, the disputed house bearing D.No.6-111 vests with the father of the complainant who is the elder son of the executant of the will with life interest and on the death of the father of the complainant the said property shall vest with his two sons i.e. the complainant and his brother Prakash Rao who is no other than the father of Krishna Kishore who is objecting for release of service connection in favour of the complainant claiming that they (Krishna Kishore and his brother) are owners in possession of the said house property. Admittedly, the said Krishna Kishore and his brother have filed a civil suit O.S.No.27/2024 before the Principal Junior Civil Judge Court, Gudur against the complainant herein claiming that they are in possession of the disputed house bearing D.No.6-111 and that the complainant herein is interfering with their possession.



- 06.** During the course of enquiry we asked the complainant how he acquired the entire disputed property bearing D.No.6-111 exclusively when the will shows that he got only undivided share in it with his brother Prakash Rao who is no other than the father of Krishna Kishore who is claiming possession over the said property, but there was no proper answer from the complainant. The complainant did not produce any document like partition deed to show that the entire disputed property exclusively fell to his share.
- 07.** The respondents represented that Krishna Kishore who is the brother's son of the complainant herein produced a copy of registered settlement deed dt: 06.07.2023 and produced the same before us which prima facie shows that the disputed house bearing D.No.6-111 was settled in favour of Cheekolu Rajesh and Krishna Kishore by their mother claiming that the said property acquired by her husband under the will dated 06.09.1951.
- 08.** On considering the entire material, it seems that there is a dispute between the complainant and the family members of his deceased brother Prakash Rao with regard to title and possession of the disputed house bearing D.No.6-111 which is purely civil in nature and is to be decided by a competent Civil Court by recording evidence and



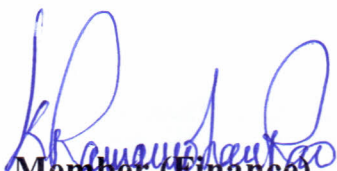
considering the documents. This Forum cannot adjudicate title and possession disputes between the parties.


09. For the aforesaid reasons, we are of the considered view that the respondents rightly refused to release the new service connection in favour of the complainant for the disputed house bearing D.No.6-111 and the complainant is advised to approach a competent Civil Court for redressal of his grievance. Hence, we find no merits in the complaint and it is liable to be dismissed. Accordingly, point is answered.

10. The complainant is informed that if he is aggrieved by the order of the Forum, he may approach the Vidyut Ombudsman, 3rd Floor, Plot. No.38, Adjacent to Kesineni Admin Office, Sriramachandra Nagar, Mahanadu Road, Vijayawada-08 in terms of Clause.13 of Regulation.No.3 of 2016 of Hon'ble APERC within 30 days from the date of receipt of this order and the prescribed format is available in the website vidyutombudsman.ap.gov.in.

Typed to dictation by the computer operator-2 corrected and pronounced in the open Forum on this the 07th day of May'2024.


CHAIRPERSON


Member (Finance)
07/05/2024


Member (Technical)

Documents marked

For the complainant: Nil

For the respondents: Nil

Copy to the

Complainant and All the Respondents

Copy Submitted to

**The Chairman & Managing Director/Corporate
Office/APSPDCL/ Tirupati.**

**The Vidyut Ombudsman, 3rd Floor, Plot
No.38, Sriramachandra Nagar, Vijayawada-08.**

The Secretary/Hon'ble APERC/Hyderabad-04.

The Stock file.

