

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

This 07th day of December' 2024
C.G.No.191/2024-25/Chittoor 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

Smt. K. Nirmla, D.No.1-22 Kallurapalli,
Bangarupalem (M), Chittoor District. Complainant

AND

1. Superintending Engineer/O/Chittoor
2. Dy. Executive Engineer/O/Chittoor (R-1)
3. Executive Engineer/O/Chittoor Respondents

This complaint came up for final hearing before this Forum through video conferencing on 03.12.2024 in the presence of the complainant's husband and respondents and having considered the material placed by both the parties, this Forum passed the following

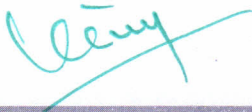
ORDER

01. The complainant filed the complaint during the Vidyut Adalat conducted on 07.11.2024 at Bangarupalyam stating that she applied



for domestic service connection for her house but the respondents did not release service connection.

02. The said complaint was registered as C.G.No.191/2024-25 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that they prepared the estimate which was sanctioned on 20.12.2021 but due to an objection by one Smt. Malathi and others, the work could not be executed.
03. Heard complainant's husband and respondents through video conferencing. The respondents submit that when they are ready to release the service connection, one Smt. Malathi and others objected to release the service connection stating that the premises under the occupation of complainant is their joint family property which is not partitioned and they have filed a suit for partition against the complainant and the suit is pending for trial and until the judgment in that suit is pronounced, the service connection cannot be released and due to the said objection, they have not released the service connection to the complainant. On the otherhand, the husband of the complainant has stated that the premises under their occupation is their absolute property and it is not liable for partition and they are entitled for release of the service connection.



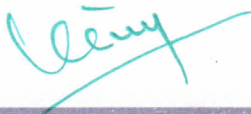
04. We have considered the contentions of both the parties. Even according to the objection raised by the third parties, admittedly the complainant is in occupation of the premises for which the third parties filed suit for partition. Whether the premises under the occupation of the complainant is joint family property with the third parties or the exclusive property of the complainant, is to be decided by the Civil Court in the suit for partition filed by the third parties. But, when the possession of the premises with the complainant is admitted by the third parties, they cannot object for release of service connection for that premises in favour the complainant, subject to the result of the partition suit filed by them pending before the civil court. Even if the service connection is released in favour of the complainant for the premises under her exclusive possession, it will not prejudice the rights of the third parties in proving the premises in question as their joint family property. Getting electric service connection by the complainant for the premises under her exclusive occupation, will not prove her title over that particular property and hence no prejudice will be caused to the third parties/objectors, even if the service connection is released to the complainant for the property under her exclusive

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03. Heard complainant's husband and respondents through video conferencing. The respondents submit that when they are ready to release the service connection, one Smt. Malathi and others objected to release the service connection stating that the premises under the occupation of complainant is their joint family property which is not partitioned and they have filed a suit for partition against the complainant and the suit is pending for trial and until the judgment in that suit is pronounced, the service connection cannot be released and due to the said objection, they have not released the service connection to the complainant. On the otherhand, the husband of the complainant has stated that the premises under their occupation is their absolute property and it is not liable for partition and they are entitled for release of the service connection.



04. We have considered the contentions of both the parties. Even according to the objection raised by the third parties, admittedly the complainant is in occupation of the premises for which the third parties filed suit for partition. Whether the premises under the occupation of the complainant is joint family property with the third parties or the exclusive property of the complainant, is to be decided by the Civil Court in the suit for partition filed by the third parties. But, when the possession of the premises with the complainant is admitted by the third parties, they cannot object for release of service connection for that premises in favour the complainant, subject to the result of the partition suit filed by them pending before the civil court. Even if the service connection is released in favour of the complainant for the premises under her exclusive possession, it will not prejudice the rights of the third parties in proving the premises in question as their joint family property. Getting electric service connection by the complainant for the premises under her exclusive occupation, will not prove her title over that particular property and hence no prejudice will be caused to the third parties/objectors, even if the service connection is released to the complainant for the property under her exclusive



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possession. However, the service connection is to be released subject to the result of the partition suit filed by the third parties.

05. In the result, the complaint is allowed. The respondents are directed to release the service connection to the complainant within 15 days from the date of the order, after taking indemnity bond from the complainant to the effect that they are releasing the service connection subject to the result of the civil suits pending between the complainant and the third parties, as per rules in vogue, and report compliance to the Forum. There is no order as to costs.
06. The complainant is informed that if she is aggrieved by the order of the Forum, she 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 07th day of December'2024.

Handwritten signature in green ink
07/12/24

CHAIRPERSON

Handwritten signature in blue ink
Member (Finance)
07/12/2024

Handwritten signature in blue ink
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/Vidyut Niyantana Bhavan, Adjacent
to 220/132/33/11 KV AP Carbides Sub Station, Dinnedavarapadu
Road, Kurnool-518002, State of Andhra Pradesh.**

The Stock file.

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