

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

TIRUPATI

This 27th day of January' 2025

C.G.No.248/2024-25/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. B. Sekhar, Proprietor,
C/o. M/s. Vijayasekhar Timbers,
Flat No.201, Bavithas Kumar Emerald,
Vanamthopu, B.V. Nagar, Nellore - 4.

Complainant

AND

1. Superintending Engineer/O/Nellore
2. Assistant Accounts Officer/ERO/A.K. Nagar
3. Dy. Executive Engineer/O/A.K. Nagar
4. Executive Engineer/O/Nellore Town

Respondents

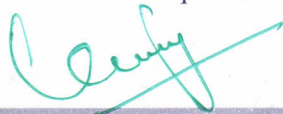
This complaint came up for final hearing before this Forum through video conferencing on 21.01.2025 in the presence of the complainant, respondents and having considered the material placed by both the parties, this Forum passed the following

ORDER

01. The complainant filed the complaint stating that himself and his brothers jointly purchased one Saw Mill by name M/s. Shamshare Wood Planning and Saw Mill under a registered sale deed dated 13.04.2006, thereafter they also jointly started another saw mill by name M/s. Parameswari Saw Mill in Plot.No.3, Wood Complex, Nellore which is nearer to Shamshare

Wood Planning and Saw Mill, that in the year 2017 himself and his brothers mutually agreed for an arrangement to do business in the name of Vijayasekhar Timbers in Shamshare Wood Planning and Saw Mill and his brothers to do business at Parameswari Saw Mill in Plot No.3, Wood Complex, Nellore and his brothers issued rent free accommodation letter in his favour for renewal of license in the name of Shamshare Wood Planning and Saw Mill and accordingly he is in possession and enjoyment of Shamshare Wood Planning and Saw Mill premises and doing business in the name of Vijayasekhar Timbers as Proprietor , that some family disputes arose between him and his brothers and his brothers demanding him to vacate Shamshare Wood Planning and Saw Mill premises, that he filed a suit OS.No.863/2022 before the Court of the Hon'ble Principal Junior Civil Judge, Nellore against his brothers and obtained a temporary injunction against them from interfering with his possession and enjoyment over the Shamshare Wood Planning and Saw Mill and Vijaya Sekhar Timber premises, that one of his brothers Selvaraj died intestate on 08.08.2024, that the respondents on 29.11.2024 removed the service connection in the premises of Shamshare Wood Planning and Saw Mill without issuing any notice to him, that when he approached the respondents they advised him to apply for fresh service connection and accordingly on 03.12.2024 he applied for new service connection but the respondents did not release the service connection without there being any reason.

02. The said complaint was registered as C.G.No.248/2024-25 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that as per the sale deed dated 13.04.2006 the complainant and his brothers are joint owners of the premises for which the complainant applied for new service connection, that the brother and the son of the deceased brother of the complainant on 18.12.2024 submitted a representation requesting the respondents not to release new service connection to the complainant and hence they have not released the new service connection to the complainant.
03. Heard the complainant and respondents through video conferencing. According to the complainant though the premises for which new service connection is applied is the joint family property of himself and his brothers, as per the family arrangement between himself and the respondents and as per the rent free accommodation letter issued by his brothers he is in possession and enjoyment of the said premises and doing business and he also obtained an injunction order from the competent Civil Court against his brothers restraining them from interfering with his possession and enjoyment of the premises in question. On the otherhand, the respondents submit that since the other joint owners of the premises in question objected to release new service connection to the complainant and refused to give no objection (NOC) they have not released the new service connection to the complainant.



04. Perused all the documents submitted by the complainant. No doubt the registered sale deed under which the premises in question was purchased stood in the name of the complainant and his brothers and hence the complainant is the joint owner of the premises along with his brothers. However, the rent free accommodation letter dated 30.01.2017 said to have been issued by the brothers of the complainant shows that they gave the premises in question to the complainant as rent free accommodation permitting him to do timber business in it. The copy of the injunction order in IA.No.375/2022 in OS.No.863/2022 issued by the Hon'ble Principal Junior Civil Judge, Nellore shows that the complainant is in possession of the property in question covered by the registered sale deed dated 13.04.2006 and the Hon'ble Civil Court considering the rent free accommodation letter issued by the brothers of the complainant believed the possession of the complainant in the premises in question and restrained the respondents from interfering with the possession and enjoyment of the complainant over the said property and the said interim order is still in force according to the complainant. The complainant also submitted copy of the proceedings of the District Forest Officer, Nellore dated 18.07.2024 under which the license to do business in favour of the complainant in the premises in question is renewed from 01.04.2023 to 31.03.2025. All the aforesaid documents clinchingly shows that the premises in question for which the complainant applied for new service connection is under the lawful possession of the complainant even as a tenant.

05. *The Hon'ble Supreme Court in the case of Dilip (Dead) through LRs Vs. Satish in criminal appeal No.810/2022 dated 13.05.2022 held that*

“It is now well settled preposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the Landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question”.

06. *Clause .No.5.2.3 of General Terms and Conditions of Supply (GTCS) reads as follows:*

“An applicant who is not the owner of the premises he occupies and intending to avail of supply shall submit an Indemnity Bond drawn by the owner of the premises in favour of the company whereby the owner of the premises undertakes to indemnify the company for any loss caused to the company by the applicant (who is the tenant/ occupant of the Premises) arising out of the release of service to the tenant/occupant. Otherwise he shall be required to pay three times the normal security deposit apart from providing proof of his being in lawful occupation of the premises”.


07. Even according to the above referred Clause in GTCS, if the Landlord refuses to issue NOC to issue new service connection, if the electricity authority is satisfied with the lawful possession of the tenant, it has to release new service connection to the tenant, but however, by taking three times the normal security deposit from the tenant.

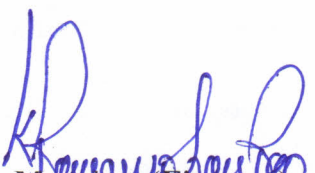
08. Here in the case on hand, as discussed supra, the complainant is able to establish his lawful possession over the premises in question for which he applied for new service connection and hence the respondents are bound to release the new service connection to the complainant by following the judgment of the Hon'ble Supreme Court and Clause No.5.2.3 of GTCS


referred supra and they cannot refuse to release the service connection to the complainant.

09. From the aforesaid discussion, we have no hesitation to hold that the action of the respondents in not releasing the new service connection to the complainant is not correct and they are bound to release the new service connection to the complainant.
10. *Accordingly, the complaint is allowed. The respondents are directed to release the new service connection to the complainant following Clause No.5.2.3 of GTCS within 15 days from the date of receipt of this order and report compliance to this Forum. There is no order as to costs.*
11. 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 27th day of January'2025.


CHAIRPERSON


Member (Finance)
27/01/2025


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/APSPDCE/Tirupati.

The Vidyut Ombudsman, 3rd Floor, Plot No.38, SriramachandraNagar,
Vijayawada-08.

The Secretary/Hon'ble APERC/Vidyut Niyantrana Bhavan, Adjacent to
220/132/33/11 KV AP Carbides Sub Station, Dinnedavarapadu Road,
Kurnool-518002, State of Andhra Pradesh.

The Stock file.

Clary
27/01/2025