

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

This 24th day of July' 2024

C.G.No.11/2024-25/Tirupati 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) |
| Smt. G. Eswaramma | Member (Independent) |

Between

Sri. Syed Basheed Basha @ Siraj,
D.No. 9-124, Thalla Subbanna Colony,
Rangareddy Street, Madanapalli (M),
Annamaiah District.

Complainant

AND

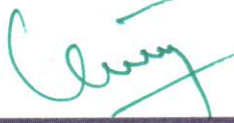
1. Dy. Executive Engineer/O/Madanapalli
2. Executive Engineer/O/Madanapalli

Respondents

This complaint came up for final hearing before this Forum through video conferencing on 03.07.2024 in the presence of the complainant and respondents and having considered the complaint and submissions of both the parties, this Forum passed the following:

ORDER

01. The complainant filed the complaint stating that he is the owner of the land of an extent of Ac.0.97 Cents in Sy.No.173 situated near Bangalore bus stand, Madanapalli, that the AP State Wakf Board



claimed ownership over the said land by filing a suit O.S.No.34/2016 before the AP State Wakf Tribunal and the said suit was dismissed on 24.04.2017, that the Wakf Board filed W.P.No.11397/2014 and it was also dismissed on 15.03.2024 by the Hon'ble AP. High Court, that recently the District Collector of Annamaiah District gave permission for registrations, but some persons illegally occupied the said land and obtained electricity service connections and he approached the respondents with a request to remove the same, but in vain.

- 02.** The said complaint was registered as C.G.No.11/2024-25 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that in the land in Sy.No.173 several persons are in possession and enjoyment of shop rooms constructed by Al-Jamia-Aulia Complex Managing Committee to which service connections were issued by respondents on the directions of the Hon'ble A.P. High Court in W.P No.31838/2014 and one B. Suresh Kumar filed a suit O.S.No.187/2015 on the file of the Principal Senior Civil Judge Court, Madanapalli against the respondents claiming that he purchased the property in Sy.No.173 under an agreement of sale and



for a direction to the respondents not to issue service connections and the said suit is pending before the court and as such the respondents did not issue any new connections and only the service connections already issued are in existence.

- 03.** Heard both the parties through video conferencing. No doubt the decree copy in O.S. No.34/2016 of the A.P. State Wakf Tribunal and the relevant revenue record furnished by the complainant shows that he is the owner of Sy.No.173 as claimed by him. However, the said land in Sy.No.173 is under the possession and enjoyment of some third parties who constructed shops to which service connections were issued by the respondents. The copy of the plaint in O.S.No.187/2015 produced by the respondents shows that one B. Suresh Kumar filed that suit before the Court of the Senior Civil Judge, Madanapalli against Madanapalli Municipality and the respondents herein seeking for a mandatory injunction for removal of illegal constructions in the site purchased by him in Sy.No.173 from the complainant herein and also for permanent injunction restraining the respondents herein from granting service connections to the third parties and admittedly the said suit is still pending for adjudication. From pendency of the said suit O.S.No.187/2015, it is



evident that the complainant herein is not in possession of Sy.No.173 and his ownership rights only are declared by the A.P. State wakf Tribunal and his ownership over Sy.No.173 was recorded in revenue records but the complainant has to obtain physical possession of the land through court of law. In view of pendency of the suit O.S. No.187/2015 on the file of the Senior Civil Judge Court, Madanapalli by one of the purchasers of the part of the site in Sy.No.173 for the self-same relief asked before this Forum by the complainant herein, this complaint is not maintainable under Clause No.10.2 (a) of Regulation No.3 of 2016 and hence, this complaint is liable to be dismissed under Clause. No. 10.2 (a) of Regulation No.3 of 2016.

04. *In the result*, the complaint is dismissed. There is no order as to costs.

05. 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 24th day of July'2024.

Vijay 24/07/24

CHAIRPERSON

Ramesh Rao
Member (Finance)
24/7/2024

Anu 24/7/2024
Member (Technical)

G. Sivarame
Member (Independent) 24/7/2024

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 Niyantrana Bhavan, Adjacent to 220/132/33/11 KV AP Carbides Sub Station, Dinnedavarapadu Road, Kurnool-518002, State of Andhra Pradesh.

The Stock file.

Vijay 24/07/24