



**BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh & Telangana**

:: Present ::

C. Ramakrishna

Date: 28-07-2014

Appeal No. 137 of 2013

Between

Sri. M.V.V. Prasada Reddy, C2/470, Sujata Nagar, Visakhapatnam 530 051

... Appellant

And

- 1. AE/Operation/Pendurti, APEPDCL, Visakhapatnam**
- 2. ADE/Operation/Pendurti, APEPDCL, Visakhapatnam**
- 3. DE/Operation/Zone III, APEPDCL, Visakhapatnam**

... Respondents

The above appeal filed on 15-02-2014 has come up for final hearing before the Vidyut Ombudsman on 25-07-2014 at Visakhapatnam. The appellant, as well as respondents 1 to 2 above were present. Having considered the appeal, the oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the grievance of the consumer that a DTr that is erected in the S-W corner of his house site during August, 2013 is likely to obstruct access to his site at a future date.

3. The appellant stated in his appeal that the house site of his premises was delivered in the year 1994; that before registration of his house, he was allotted the vacant site to the south of his house and that the same was registered also; that he left it vacant purposefully for vasthu reasons; that as and when the surrounding area develops, he intends to construct some shops for renting them out; that during July - August 2013, when he was out of town, a cement pedestal was constructed for relocating the DTr No. SS-112 at Pole CD-112 abutting his vacant site at S-W corner; that in spite of his protest about the relocation of the DTr, it was erected obstructing his access and easement rights to the vacant site; and that his appeal to the CGRF also did not yield any positive result for him. He contended further in his appeal that the CGRF's observation that the DTr in question is located in Dock Yard layout is far from truth. He submitted a rough handwritten sketch and argued that the originally proposed location for the DTr at pole P2 would have been quite convenient on a T-type pedestal and that the respondent officers had not considered even the alternate locations that were suggested and erected the DTr affecting his easement rights.

4. The respondents were issued a notice for hearing the appeal. The respondents did not submit any written submissions and instead relied on their oral submissions. They stated that the version of the appellant is not

acceptable for the reason that the location of the DTr is not affecting the consumer adversely at present; that his contention about suggesting alternate location is also not correct; and that the CGRF too did not find any merit in the contentions raised by the appellant.

5. A perusal of the rough sketch produced by the appellant, enclosed herewith as Exhibit A, shows that the location of the DTr at present, marked as DTr, is not affecting the easement rights of the appellant -- at least for the present. The appellant relied on his sketches to argue the case in his favour. Mere sketches and averments without being backed by registered documents and / or approved plans cannot be taken cognizance of by this authority to examine the issue in depth. The appellant's averment that the site marked in the red rectangle in the enclosed exhibit belongs to him and was registered in his favour, was not backed by production of any document to prove the same. So is the case with his averment that the CGRF had wrongly observed that the DTr in question is located in the Dock Yard layout. He ought to have produced the approved layout plans to present his case. Even if the appellant constructs something at a future date, in the area marked in a red rectangle, the presence of the DTr would not be adversely affecting the movement of the people to and from the place. No authority or forum can give a judgment based on the assumptions of what is going to happen in the future. During the course of the arguments and in his appeal, the appellant averred that the DISCOM authorities have not even discussed the issue of the location of the DTr with the Society's Upkeep Committee. While the DISCOM authorities should better take the local community's views while taking up such DTr erection works in public interest, individuals like the present appellant also should note that one or two individuals can never be

allowed to have a veto power on the location of public property. However, they are certainly entitled to approach the appropriate redressal forum, if their interests are hurt.

6. Keeping the entire gamut of issues in view, the two questions that need to be decided in this appeal are:

- a. Whether or not the appellant is correct in feeling aggrieved with the location of the DTr; and
- b. Whether or not the order passed by the CGRF needs to be set aside.

7. The location of the DTr at the place where it is currently, is not affecting the rights of the appellant adversely at the moment. If and when the appellant constructs something in future on the vacant site, and if he finds that the movement of the people to and from such constructed area is obstructed by the presence of the DTr, he can then approach the respondent officers for redressal of his grievance. If they don't respond, he will always be having an opportunity to escalate the matter to the CGRF and to this authority. So, things standing as they are, for the present, the appellant is not adversely affected and hence the first question is held against the appellant.

8. In the light of the above discussion, the order of the CGRF need not be interfered with at this stage. It would suffice to observe that, if and when the appellant approaches the CGRF again on the same issue, based on future developments, the Forum shall give a patient hearing and dispose of the issue

on merits duly giving the appellant an opportunity of personal hearing. The appeal is disposed of accordingly.

9. This order is corrected and signed on this 28th day of July, 2014.

VIDYUT OMBUDSMAN

Enclosures: Exhibit A in 2 pages.

To

1. Sri. M.V.V. Prasada Reddy, C2/470, Sujata Nagar, Visakhapatnam 530 051 mvvprasadreddy@yahoo.co.in
2. AE/Operation/Pendurti, APEPDCL, Behind Police Station, Pendurti, Visakhapatnam 531 173
3. ADE/Operation/Pendurti, APEPDCL, Pendurti, Visakhapatnam 531 024
4. DE/Operation/Zone III, APEPDCL, Near Komadi, Madhurawada, Visakhapatnam 530 048

Copy to:

5. The Chairperson, CGRF, APEPDCL, P & T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam - 530 013.
chrper@apeasternpower.com
6. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004. commn-secy@aperc.gov.in