



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

:: Present ::

C. Ramakrishna

Date: 28-07-2014

Appeal No. 138 of 2013

Between

Sri. Kotana Bangarayya, Santipuram, Visakhapatnam

... Appellant

And

1. AE/Operation/Akkayyapalem, APEPDCL, Visakhapatnam
2. ADE/Operation/Dondaparthi, APEPDCL, Visakhapatnam
3. DE/Operation/Zone I, APEPDCL, Visakhapatnam

... Respondents

The above appeal filed on 18-02-2014 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. The first & third respondents filed their written submissions. Having considered the appeal, the written and 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 he is not

released a service connection on the ground that no municipal tax receipt is produced by him for the premises where he is seeking electricity supply connection.

3. The appellant stated in his appeal that he is the absolute owner of the property covered by Door No. 49-52-9/1, Santipuram; that the property was purchased by his elder brother through a registered sale deed dtd: 29-05-1956; that as his relatives refused to give him his share of the property, he filed OS 2/2001 before the Hon'ble IX Additional District Judge, Visakhapatnam for partitioning the above property; that the Hon'ble Court had passed a decree in his favour, which was submitted by him along with his application for supply of electricity; that the thatched house on the house site which was constructed by him in 1956 and has been living in since 1956, has never been assessed to property tax; that hence he is not able to produce any property tax receipt from the local municipal authorities i.e., the Visakhapatnam Municipal Corporation; that his grandchildren who are students of 7th and 8th standards are unable to prosecute their studies in the late evenings due to lack of electricity; and that therefore, electricity supply may be ordered to be released, as non-production of municipal tax receipt is beyond his control as the same is not existing. He submitted copies of the decree and judgment delivered by the Hon'ble IX Additional District Judge, Visakhapatnam.

4. The respondents were issued a notice for hearing the appeal. The respondents submitted that as the appellant herein has not produced municipal tax receipt, his application for release of supply was returned; that when the appellant complained to the CGRF, the Forum also held that the

appellant herein may be released a connection only after all the relevant documents are produced; that the photocopies of the documents produced by the appellant at the time of applying for the service were illegible and hence could not establish that the appellant is the owner of the property for which electricity supply is being sought; and that the appellant also had not submitted the decree passed by the Hon'ble Court.

5. A perusal of the copies of the decree and judgment dated 12-09-2012 of the Hon'ble IX Additional District Judge (FTC), Visakhapatnam clearly establishes that the property in which the appellant herein is living is the same property that has been adjudicated upon by the Hon'ble Court and the appellant is one of the beneficiaries mentioned in the decree of the Hon'ble Court. By virtue of the decision of the Hon'ble Court at para 21 of the judgement, it is clear that the appellant is entitled for one of the six shares that the property is ordered to be divided into. Therefore, there is no doubt about the appellant's ownership of the property that he is residing in and is seeking electricity supply for.

6. In so far as the appellant's claim relating to his inability to produce property tax receipt is concerned, it is found to be admissible. The respondents on their part could not produce any rule or regulation which says that even a thatched house has to be subject to Municipal Tax and / or needs to have an approved plan. In the light of this, the appellant's request for supply of electricity needs to be complied with as Section 43 mandates that the DISCOM shall supply electricity to a legal occupier of a premises. The regulations framed by the Hon'ble APERC only elaborated what is stated in the said section.

7. The two issues that need to be decided in this appeal are:
- a. Whether or not the appellant is entitled for supply of electricity;
and
 - b. Whether or not the order passed by the CGRF needs to be set
aside.
8. Section 43 of the Electricity Act, 2003 mandates that the DISCOM shall supply electricity **on an application by the owner or legal occupier of any premises**. As the appellant herein has proved beyond doubt that he is the legal owner and occupier of the premises for which he is seeking electricity supply, he is entitled for electricity connection.
9. As the CGRF has failed to look into the details of the claim of the appellant herein properly, the order passed by the CGRF is liable to be set aside. The CGRF ought to have seen that the DISCOM has a mandate to supply electricity to an applicant. As long as the applicant proves that he is in legal possession of the premises to which he is seeking supply, the applicant will be entitled to supply.
10. Therefore, it is hereby ordered that:
- the appellant shall submit certified copies of the decree and the judgment discussed supra to the respondents immediately; and
 - the respondents shall, soon after receiving the certified copies as above, release electricity supply to the appellant herein duly collecting

the necessary charges, if any, as per rules; and

- the respondents shall report compliance about the release of the service connection within 30 days from the date of receipt of this order.

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

VIDYUT OMBUDSMAN

To

1. Sri. Kotana Bangarayya, 49-52-9/1, Santipuram, Near 4th Town Police Station, Visakhapatnam 530 016
2. The Asst. Engineer, Operation, APEPDCL, Akkayyapalem, Visakhapatnam
aeoaky@apeasternpower.com
3. The Asst. Divisional Engineer, Operation, APEPDCL, Dondaparthi,
Visakhapatnam adeodpty@apeasternpower.com
4. The Divisional Engineer, Operation, Zone-I, Visakhapatnam
deoz1vsp@apeasternpower.com

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