

BEFORE THE VIDYUT OMBUDSMAN

:: Present ::

C. Ramakrishna

Date: 15-07-2014

Appeal No. 155 of 2014

Between

Sri Sahabzada Mir Mahaboob Ali Khan, H. No. 17-1-213 A/1-9, Siddiqui Mall,
Old Santosh Nagar Colony, Hyderabad 500 059.

... Appellant

And

1. The Asst. Engineer, Operation, TSSPDCL, Santosh Nagar, Hyderabad
2. The Asst. Divisional Engineer, Operation, TSSPDCL, Santosh Nagar,
Hyderabad.
3. The Asst. Accounts Officer, ERO, Chanchalguda, TSSPDCL, Hyderabad

... Respondents

The above appeal filed on 15-03-2014 has come up for final hearing before the Vidyut Ombudsman on 23-06-2014 at Hyderabad. The appellant, as well as respondents 1 to 3 above were present. 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 appellant a new

electricity connection had been released on his brother's property to a third person, by the respondent AE herein without checking the existence of an old meter and the premises.

3. The appellant filed an appeal on 15-03-2014, stating that his brother Mir Osman Alik Khan was having 9 electricity meters on his name in the shops bearing MCH Numbers 17-1-13/A/1 to 17-1-13/A/9. He further stated that the Asst. Engineer never checked the premises' MCH number and link documents before releasing new service connections. The remaining part of the appeal was quite inadequate in conveying the relief that is being sought, except for seeking disconnection of service. It was not clear as to which service is to be disconnected. On issuance of a notice of hearing, the appellant submitted written submissions stating inter alia that the respondent officers released new service connection on the premises belonging to his brother, in the name of one Mr. Khaja Irshaduddin; that while so releasing the connection the respondent officers had not checked the existence of 9 service connections; and he sought the disconnection of the service released in the name of Mr. Khaja Irshaduddin.

4. The respondents were issued a notice for hearing the appeal. The respondent AAO submitted that the appeal was filed for disconnection of the service connection bearing number R2061535; that the said service had been released on 23-08-2013 as it was applied for along with all the required documents viz., the property document, indemnity bond, test report and the required fee; and that there is a civil dispute existing regarding the property in question as noted by the CGRF too in its orders.

5. The final hearing was conducted on 23-06-2014. During the hearing, they reiterated their stand that the service connection being disputed about by the appellant has been released in accordance with the extant rules and that there is nothing that they can do about it as things stand. The appellant clarified his appeal by stating that he is questioning the release of service connection to Sri. Khaja Irshaduddin and there is a civil dispute about the property in question, but that the respondent officers have not properly checked all the link documents etc., before releasing the new connection in the name of Sri Khaja Irshaduddin. A perusal of the copy of the title deed produced from the records of the respondents reveals that the property in question had been purchased by Sri Khaja Irshaduddin from the vendors who purchased the same in turn from the brother of the appellant herein viz., Sri Mir Osman Ali Khan in the year 2007 vide registered document bearing number 2222. From this it is clear that the same property is being referred to as having two MCH numbers viz., 17-1-213 and 17-1-13. Moreover, it appears that there is a civil dispute pending about the property. The appellant did not produce any relevant document to substantiate his locus in the issue. It is not clear in what capacity he has filed this appeal in the first place. He says that the property belongs to his brother. If so, it is his brother who should have been interested in filing the appeal or at least he should have authorized the present appellant to represent on his behalf. The appellant did not produce any such authorization. Nor did he produce any document which substantiates his locus in the issue.

6. During the course of the hearings, the respondents were questioned as to how they missed out the existence of old meters / connection in the same

premises. They responded that there in fact is no such old service or its meter existing at the same location where the new service was released in favour of Sri Khaja Irshaduddin. To this, the appellant responded saying that it is for the respondents to say where exactly have the meters and the connections gone. When the appellant was asked to produce the service connection record viz., a bill or payments being made etc., he kept repeating that it is for the respondents to produce. From this it is clear that the appellant has not been forthright in his statement of facts. When he is saying that there are service connections and meters existing at the same place and if he is the owner, as he ought to be from his assertions, it is not understandable as to how he cannot produce details of the same.

7. It is also clear that there is obviously some civil dispute going on about the ownership of the property, though the details are sketchy at this stage as the appellant had not produced any relevant document, except orally saying that there is a dispute, it is not possible for this authority to go into the issue of deciding whether or not Sri Khaja Irshaduddin had been given a service connection improperly. Moreover, such an issue cannot be decided unless and until a reasonable opportunity of being heard is given to the affected party.

8. The key points that arose for consideration in this appeal are:
- a. Whether or not the appellant herein has any locus on the issue being raised;
 - b. Whether or not the service connection released to Sri. Khaja Irshaduddin be ordered to be withdrawn; and
 - c. Whether or not there is any need to interfere with the CGRF's

order in this case.

9. In view of the observations made supra that the appellant had not produced any document to prove his locus on the issue, the first question above is answered in the negative and it is held that he has no locus in the issue. A person to be treated as an appellant in the first place has to be either an electricity consumer or applicant for a service connection. In this case, no service connection detail or any proper authority from the actual electricity consumer has been produced. Therefore, the appellant herein has no locus on the issue being raised viz., that of disconnection of the service that is already released in favour of one Sri. Khaja Ishraduddin. Moreover, during the course of the hearings, it has become evident that it is a case of dispute about property. Title to property can be finally settled only by the appropriate civil court and neither the CGRF nor this institution can go into title disputes.

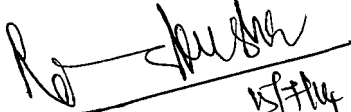
10. The next question to be considered is whether or not the service connection already released to Sri Khaja Irshaduddin needs to be withdrawn. Sri Khaja Irshaduddin had apparently filed a complete application which the respondents believe to be true. There is no reason for them to suspect the bonafides of the documents that are produced before them. In view of that, they have gone ahead and released a service connection to him. So, the question of ordering a withdrawal of the service connection already released does not arise at this stage. However, if and when it is proved that Sri Khaja Irshaduddin has obtained the electricity connection by submitting documents which are subsequently proved to be not clear documents of title, it is open

for the respondents herein to disconnect the service connection by following the due process as prescribed in the Electricity Act and the regulations made thereunder.

11. The CGRF had gone into all these issues before coming to the conclusion that it cannot interfere with the service connection that is already released. In view of the findings at this stage also, this authority feels that there is no reason to interfere with the order issued by the CGRF.

12. Therefore, the appeal herein is dismissed in toto.

13. This order is corrected and signed on this 15th day of July, 2014.


VIDYUT OMBUDSMAN

To

1. Sri Sahabzada Mir Mahaboob Ali Khan, H. No. 17-1-213 A/1-9, Siddiqui Mall, Old Santosh Nagar Colony, Hyderabad 500 059.
2. The Asst. Engineer, Operation, TSSPDCL, Santosh Nagar, Hyderabad
3. The Asst. Divisional Engineer, Operation, TSSPDCL, Santosh Nagar, Hyderabad.
4. The Asst. Accounts Officer, ERO, Chanchalguda, TSSPDCL, Hyderabad

Copy to:

5. The Chairperson, CGRF-2 (Greater Hyderabad Area), TGSPDCL, H. No. 8-3-167/E/1, CPTI Premises, GTS Colony, Vengal Rao Nagar Colony, Erragadda, Hyderabad - 500 045.
6. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.