

## **BEFORE THE VIDYUT OMBUDSMAN**

:: Present ::

**C. Ramakrishna**

Date: 11-06-2014

Appeal No. 86 of 2013

Between

V. Appa Rao, Rajula Colony, Sri Ramachandra Residency, Jangareddy Gudem,  
West Godavari Dt. 534 447

**... Appellant**

**And**

1. The Asst. Engineer, Operation, APEPDCL, Jangareddy Gudem
2. The Asst. Accounts Officer, ERO, APEPDCL, Jangareddy Gudem
3. The Asst. Divisional Engineer, Operation, APEPDCL, Jangareddy Gudem
4. The Divisional Engineer, Operation, APEPDCL, Jangareddy Gudem

**... Respondents**

The above appeal filed on 22-07-2013 has come up for final hearing before the Vidyut Ombudsman on 05-06-2014 at Eluru. The appellant was not present in any of the hearings that were given. Respondents were present. Having considered the appeal, the written and oral submissions made by the respondents, the Vidyut Ombudsman passed the following:

### **AWARD**

2. The appeal arose out of the grievance of the appellant that the CGRF had dismissed his complaint regarding prescription of various documents for name change in the service connection. The grievance of the appellant is that for affecting name change in the service connection, a number of documents are prescribed and that it is not possible to produce so many documents to get the name change affected.

3. The appellant stated in his appeal that he purchased a residential dwelling the previous year; that on approaching the DE's Office to get the ownership of the service connection transferred, he was asked to submit about 10 different documents; that in view of the existence of crores of illiterates in a country like ours, it is not possible for many to produce so many documents; that asking for so many documents does not help softening and decentralizing the administration; and that he is agitating about the issue not for himself but for the common man. He finally requested that the procedure can be simplified by asking for just three documents viz., an application from the purchaser of the house; conveyance deed and a communique from the seller of the house for agreeing to transfer the service connection. He further stated that he is approaching this authority because the CGRF felt that it cannot simplify the procedures.

4. A notice was issued for hearing the appeal directing the respondents to submit their written submissions. The appellant did not appear in any of the hearings. The respondent DE submitted a written submission stating that the appellant herein approached the call centre, APEPDCL, Jangareddy Gudem for title transfer in respect of service connection No. 13095, Jangareddy Gudem;

that he was asked to produce the prescribed documents for affecting the title transfer; that instead of producing them, the appellant approached the CGRF; that the CGRF in its order had directed that all the prescribed documents need to be produced; and that the prescribed documents are all necessary for affecting title transfer, as they are prescribed by the DISCOM as per the Electricity Act, 2003.

5. The list of documents that are being demanded of the appellant are:

- a. A demand draft for Rs. 25/-
- b. Name transfer forms with notary and 4 photos
- c. Latest electricity bill and receipt
- d. No dues certificate from ERO
- e. Consumer representation
- f. Indemnity bond on Rs. 100/- non judicial stamp paper
- g. Ration card copy
- h. Bank account copy
- i. 3 passport size photos
- j. Copy of registered sale deed

6. The respondents' blindly saying that all the documents are necessary as they are prescribed by the DISCOM as per the Electricity Act, 2003 is not correct. The Electricity Act, 2003 does not prescribe any list of documents that need to be produced for title transfer. The only legislation that comes close to prescribing any set of documents before releasing the supply is the Regulation 4 of 2013 framed by the Hon'ble APERC. Clause 4(1) of the Andhra Pradesh Electricity Regulatory Commission (Licensee's duty for supply of electricity on request) Regulation, 2013 reads:

(1) Every distribution licensee shall, on receipt of an application from the owner or occupier of any premises, give supply of electricity to such premises within the time specified in sub-clause (2) subject to payment of fees charges and security and the due fulfillment of other conditions to be satisfied by such owner or occupier of the premises:

Provided that in case of applications requiring supply under Low Tension Agricultural Category, such obligation on the part of the licensee shall be limited to the number of connections that can be covered within the target fixed for the year for release of agricultural connections. The licensee shall maintain a waiting list of such applicants in a serial order based on the receipt of such application and the waiting list number shall be communicated to the concerned applicant in writing within 15 days of receipt of application. If the applicant's case cannot be covered in the programme of release of agricultural connections fixed for the year, it shall be so indicated in the said written communication.

7. According to the above regulation, it is clear that the DISCOM is duty bound to extend supply based on an application made by a prospective consumer. Before extending the supply, it can demand that an application be made in writing. The DISCOM can also prescribe an application fee and

also inform certain other conditions that need to be satisfied by the applicant before he can be released supply. But the regulation did not prescribe what those conditions are. This left room for the DISCOM to prescribe certain conditions that it feels free. But anything that is prescribed by the DISCOM needs to satisfy the test of reasonableness and necessity. Let us apply this test to the documents that are demanded for affecting title transfer.

8. Asking for a demand draft to be produced is reasonable as the DISCOM can prescribe a fee. Prescribing some name transfer forms and asking them to be notarized also is acceptable because it can obviate the need for the transferor and transferee to be present before the DISCOM for affecting the transfer of the service. Asking for a copy of the latest bill and receipt is redundant. The DISCOM can check for itself as to what is the amount of the latest bill and whether or not it was paid. Similarly asking that a “No Dues” certificate be produced from the ERO also is redundant. As soon as an application is received, the receiving office can check from its own records or from the records of the ERO whether there are any dues to be cleared before title transfer can be affected. When an application for title transfer is prescribed, there is no point in asking for a representation from the consumer again. Indemnity bond requirement is understandable. Asking for bank account copy and ration card copy is not taken well. If the purpose is to have a photo ID of the prospective consumer, a copy of any photo ID of the prospective consumer can be demanded. Copy of the registered sale deed also understandable as it establishes the ownership of the prospective consumer over the premises in question.

9. The CGRF noted in its order that the procedure is prescribed by the Hon'ble Commission and that the appellant herein has to necessarily produce all the documents demanded by the DISCOM. This authority could not find any list of the documents that are prescribed by the Hon'ble Commission for affecting title transfer. The Regulation referred supra only speaks of certain conditions being fulfilled by the applicant. The conditions have to be reasonable and have to necessarily pass the test of reasonableness and necessity.

10. In so far as the appellant is concerned, it is hereby ordered that:

- the respondents shall be guided by the observations made in para 8 above and demand only those of the documents that are considered to have passed the test of reasonableness and necessity;
- the DISCOM's Corporate Office, to whom a copy of this order is marked, shall revise the list of documents that need to be produced in title transfer cases by keeping the observations made in this order in view.

11. This order is corrected and signed on this 11<sup>th</sup> day of June, 2014.

**VIDYUT OMBUDSMAN**

**To**

1. V. Appa Rao, Rajula Colony, Sri Ramachandra Residency, Jangareddy Gudem, West Godavari Dt. 534 447
2. The Asst. Engineer, Operation, APEPDCL, Jangareddy Gudem

3. The Asst. Accounts Officer, ERO, APEPDCL, Jangareddy Gudem
4. The Asst. Divisional Engineer, Operation, APEPDCL, Jangareddy Gudem
5. The Divisional Engineer, Operation, APEPDCL, Jangareddy Gudem
6. The Chairman & Managing Director, APEPDCL, P & T Colony,  
Seethammadhara, Near Gurudwara Junction, Visakhapatnam - 530 013.

**Copy to:**

7. The Chairperson, CGRF, APEPDCL, P & T Colony, Seethammadhara, Near  
Gurudwara Junction, Visakhapatnam - 530 013.
8. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills,  
Hyderabad - 500 004.