



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

:: Present ::

C. Ramakrishna

Date: 05-08-2014

Appeal No. 87 of 2013

Between

**Sri. P. Yesudas, % Sri. G. Pavulu, H. No. 265/B, Sriramnagar Colony,
Kondapur, RR District 500 084**

... Appellant

And

- 1. The Asst. Engineer, Operation, Kondapur, TSSPDCL, 33/11 kV
Substation, Kothaguda, Hyderabad**
- 2. The Asst. Divisional Engineer, Operation, Gachibowli, TSSPDCL, 33/11
kV Substation, HUDA Colony, Chandanagar, Hyderabad**
- 3. The Divisional Engineer, Operation, Gachibowli, TSSPDCL, JNTU Road,
Near Mee Seva Centre, KPHB Colony, Hyderabad**

... Respondents

The above appeal filed on 24-07-2013 has come up for final hearing before the Vidyut Ombudsman on 04-08-2014 at Hyderabad. The respondent AE was present. But the appellant, as well as respondents 2 & 3 above were not present in spite of several notices. Having considered the appeal, the material 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 that supply to a cell tower located in his locality has been extended by the DISCOM in spite of the objections from local people.

3. The appellant stated in his appeal that due to an already existing cell tower, the local people are facing many health problems, that the women folk were facing pregnancy related health problems, and that children were facing a variety of health problems. While this was so, another cell tower is being erected in Plot No. 242/B; that it doesn't even have GHMC permission; and that in spite of their complaints, the respondent officers released electricity supply to it and that the CGRF also did not help them. Thus his main grievance is that the proposed cell tower should not be given electricity supply as cell towers pose health hazards to the people of the locality.

4. The respondents were issued a notice for hearing the appeal. The respondent officers did not file any written submissions. The respondent AE who appeared for the hearing on 04-08-2014 produced a copy of the letter written by their Corporate Office instructing that applications for electricity connections from cell towers shall be accepted without insisting on a "No Objection Certificate" from the local authorities.

5. This appeal raises some very important questions:

- a. Can the CGRF / Vidyut Ombudsman entertain a complaint / appeal from a person like the present appellant who feels

aggrieved about an issue that he says affects many? One more question appurtenant to this would be: Would the CGRF / Vidyut Ombudsman be turning a blind eye to the problems being faced by the general populace if they refuse to entertain such complaints / appeals?

- b. Can a person who is not even an or who doesn't prove that he is an electricity consumer take up cudgels on behalf of many others and seek redressal of the perceived grievance?
- c. Are cell towers really posing a health problem as complained?

6. Clause 9(1) of the Andhra Pradesh Electricity Regulatory Commission (Establishment of Forum and Vidyut Ombudsman for redressal of grievances of the consumers) Regulation, 2004 reads as under:

"Any Complainant if aggrieved by the non-redressal of the grievance by the Forum, may make a representation to the Vidyut Ombudsman within thirty days from the date of receipt of the Forum or within thirty days from the date of the expiry of the period within which the Forum was required to take decision and communicate the same to the Complainant.

Provided that the Vidyut Ombudsman may entertain an appeal after the expiry of the said period of thirty days if the Vidyut Ombudsman is satisfied gthat there is sufficient cause for not filing it within that period."

(Emphasis supplied)

7. As to who is a “Complainant” is defined in the same regulation in clause 2(c) as under:

“ “Complainant” shall include --

(i) A consumer as defined under clause (15) of

section 2 of the Act;

(ii) An applicant for new connections;

(iii) Any registered consumer society; and

(iv) Any unregistered association of consumers,

where

the consumers have similar interest;”

8. From a plain reading of the above two clauses, it is seen that the present appellant does not fit into any of the definitions given in the Regulations framed by the Hon’ble Commission. The present appellant has not stated clearly in what capacity he has filed this appeal. He has not mentioned his consumer number. Neither did he say that he is representing on behalf of a registered consumer society or unregistered association of consumers. In view of this, the complaint filed by the appellant herein before the CGRG itself should not have been entertained in the first place. As the CGRF has not looked into this aspect, the individual got a chance to come before this forum as an appellant. As he is not fitting into the definition of a “Complainant”, his appeal cannot be entertained here. The CGRF committed an error in not examining this aspect before passing an order on his complaint. Turning down this appeal does not mean that the grievances of the general populace will not be or cannot be looked into by either the CGRF

or this authority. The definition of the “Complainant” clearly provides for raising such common grievances also through proper mechanisms. As long as those mechanisms are followed, general populace also would be getting a chance to have their common grievances redressed through either the CGRF or this authority.

9. From the above finding, it logically follows that a single individual cannot file a complaint on behalf general populace unless and until he comes through in the form of mechanisms provided for in the definition of “Complainant” in the Regulation referred supra.

10. Even if these technicalities are kept aside momentarily, this authority doesn’t see any reason to believe the averments of the appellant as no proper material was placed before it in support of the averments being made.

11. Therefore, this appeal is bound to fail and is dismissed.

12. This order is corrected and signed on this 5th day of August, 2014.

VIDYUT OMBUDSMAN

To

1. Sri. P. Yesudas, % Sri. G. Pavulu, H. No. 265/B, Sriramnagar Colony,
Kondapur, RR District 500 084
2. The Asst. Engineer, Operation, Kondapur, TSSPDCL, 33/11 kV

Substation, Kothaguda, Hyderabad

3. The Asst. Divisional Engineer, Operation, Gachibowli, TSSPDCL, 33/11 kV Substation, HUDA Colony, Chandanagar, Hyderabad
4. The Divisional Engineer, Operation, Gachibowli, TSSPDCL, JNTU Road, Near Mee Seva Centre, KPHB Colony, Hyderabad

Copy to:

5. The Chairperson, CGRF-2 (Greater Hyderabad Area), TSSPDCL, 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.