

**BEFORE THE VIDYUT OMBUDSMAN**

**::Present::**

**C.Ramakrishna**

Date: 18-02-2014

Appeal No. 94 of 2013

Between

R.D.V.P.V. Sitaramanjaneyulu  
Flat No. 102, Srinu Enclave  
Road No. 3A, Sainagar  
Bandlaguda Post  
Hyderabad 500 068

**... Appellant**

**And**

1. The Assistant Engineer, Operation, Autonagar, APCPDCL, Hyderabad
2. The Assistant Accounts Officer, ERO, Saroornagar, APCPDCL, Hyderabad
3. The Assistant Divisional Engineer, Operation, Hayathnagar, APCPDCL,  
Hyderabad

**... Respondents**

The above appeal filed on 14.08.2013 has come up for final hearing before the Vidyut Ombudsman on 18-02-2014 at Hyderabad. Sri. Sitaramanjaneyulu, the appellant as well as respondents 1 & 3 above were present. Having considered the submissions of the appellant, the respondents and the material available on record the Vidyut Ombudsman passed / issued the following:

**AWARD**

The appeal arose out of the grievance of the appellant that the respondent officers had not implemented the orders of the CGRF (Greater Hyderabad Area), APCPDCL in CG No. 786/2013-14/Ranga Reddy Circle dated: 03.06.2013.

In his appeal the appellant stated inter alia that:

- he submitted an application for title transfer before the ICSC, Saroornagar in respect of his SC No:6159003088 and two other SC Nos: 6159003084 & 6159003086;
- the ICSC refused to entertain the application on the ground that some documents for title transfer from Sri. B. Rajireddy need to be produced;
- in view of this rejection, he was forced to bring the issue to the notice of the CGRF, who numbered it as CG 786/2013-14;
- in spite of the Forum issuing an order on 03.06.2013 directing the officials to rectify the commissions / omissions within 15 days of the order, no action was initiated by the respondent officers;
- he is forced to bring the matter to the notice of Vidyut Ombudsman in view of the non-compliance shown by the respondent officers;
- necessary action may be taken to get the future bills issued duly effecting the title transfer;
- the perceived arrogance of the respondent officers in not implementing the orders of the CGRF is brought to the notice of the Vidyut Ombudsman; and that
- the DISCOM authorities are habituated to issuing unauthorised approvals without entry in the proper records in connivance with the builders which is resulting in public being cheated by their being saddled with service connections which do not reflect the true ownership.

The appellant finally requested that necessary steps should be taken to check this kind of mafia. The appellant enclosed a photocopy of the bill which was due to be paid by 21-08-2013 and a copy of the order issued by the CGRF.

In response to the notice issued by this office, the 2nd respondent submitted a letter along with a history sheet for the SC No: 6159003088 informing that the connection is in the name of one G.B. Raji Reddy and that till date no proposal has been received from the appellant consumer for title transfer.

The appeal was finally heard on 17.02.2014 & 18.02.2014. Neither the appellant nor the respondents submitted any written submissions during the final hearing. The appellant reiterated the contents of the appeal, the submissions made by him before the CGRF and prayed for early implementation of the order issued by the CGRF. It was seen from the appeal, the submissions made and the material produced that the appellant purchased a flat in an apartment complex that goes by the name Srini Apartment. This apartment complex was constructed in Plot No. 30 of the lay out. The construction of the apartment complex happened parallelly with the construction of another apartment complex in Plot No. 31 of the same lay out. Both the builders of the apartments came together and made a common application for service connections for all the 18 flats in their two apartment complexes. While releasing the service connections, the respondent officers had not noticed that the builders of the two apartment complexes are different and released the connections in the name of one of the builders viz., B. Raji Reddy who is the builder of the apartment complex in Plot No. 31. All this happened in the year

2011. As the appellant purchased a flat in the complex built by Y. Narender Reddy in Plot No. 30, and he is still getting the electricity bills in the name of B. Raji Reddy, he decided to have the name changed to his own name. But he is now being asked by the respondent officers to produce a no objection certificate from B. Raji Reddy or get his signature as transferor in the application being made by him. As B. Raji Reddy is not at all connected with the apartment complex constructed in Plot No: 30, the appellant is protesting as to why he should approach somebody who is not at all connected with the apartment and how that 3rd party can be asked to sign as a transferor.

During the hearing on 17.02.2014, the respondent officers claimed that because of the laid down guidelines and instructions, they could not implement the orders of the CGRF till date. They were asked to produce the said guidelines / instructions of their higher authorities that prevented them from implementing the order issued by the CGRF. It's really strange as to how the respondent officers are taking such a stand when the CGRF had taken the pains to delve deep into the records and ordered the respondents to affect title transfers as per the ownership documents for all the consumers qua 'all the consumers' not just the appellant, in Srini Apartments constructed on Plot No: 30, treating Sri. Y. Narender Reddy as the original owner for the purpose of title transfer issue.

On 18.02.2014, the respondent ADE produced a copy of the extant CSC Guidelines that were issued by their Corporate Office. He claimed that guideline 5 in the Title Transfer / Name Change procedure mandates that the application for title transfer has to be signed by the earlier consumer on whose name the supply has been released and the new applicant. This claim is

examined with reference to the copy of the guidelines produced before this authority. To the extent that the respondents' claim is concerned with reference to the content of the guideline, there is no ambiguity. There is nothing wrong or ambiguous with the instructions issued by the Corporate Office of the DISCOM in regard to the title transfer procedures. What is wrong, ambiguous and found totally objectionable is the fact that it is the respondent officers that are at fault in releasing the connection in the first place in the name of a person who is not the real owner of the property. Having admitted this during the hearing, the respondent ADE still claims that the guidelines prevent him from implementing the order of the CGRF. This is horrific to say the least. When a person who is not at all connected with the connection is shown as the person holding the service connection, expecting the actual transferee to produce the signature / willingness of this wrongfully mentioned person as transferor is beyond logic and common sense. In spite of the CGRF holding as much and directing the respondent officers to affect the title transfers way back in June 2013 itself, the respondent officers appear to be not bent on implementing the order of the CGRF taking shelter under some skewed logic. This is highly reprehensible and the CGRF had rightly recommended initiation of action against the respondent officers for this weird behaviour. Going by the demeanor of the respondent officers during the hearing, it appears that the action recommended by the CGRF is not yet initiated by the Corporate Office of the DISCOM.

On perusing the material available on record and the oral submissions made by the appellant and the respondents, it cannot but be concluded that the respondent officers miserably failed in their duty to implement the orders of the CGRF. There is nothing wrong with the order issued by the CGRF. The

issue is about the total failure of the respondent officers in implementing the orders of the CGRF.

Hence, it is hereby ordered that:

1. The respondent officers shall affect the transfer of title in the electricity records without further ado before the expiry of 15 days from the date of receipt of this order for all the residents including the appellant herein;
2. the truculent behaviour of the respondent officers in not implementing the orders of the CGRF without there being any valid reason is highly reprehensible and needs to be tackled appropriately. Hence it is hereby ordered that an amount of Rs. 500/- each shall be paid by the respondent officers to the appellant herein for the delay in implementing the orders issued by the CGRF. They shall pay this amount within 15 days from the date of receipt of this order and report compliance to this authority.
3. the DISCOM's officers who are marked a copy of this order below shall monitor the title transfer and report compliance to this authority within 30 days from the date of receipt of this order, along with details of action initiated, if any, against the respondents for not implementing the CGRF's orders thus far.

In the result the appeal is allowed confirming the orders of the CGRF.

This order is corrected and signed on this 18th day of **February, 2014**.

**VIDYUT OMBUDSMAN**

To

1. R.D.V.P.V. Sitaramanjaneyulu, Flat No. 102, Srini Enclave, Road No. 3A, Sainagar, Bandlaguda Post, Hyderabad 500 068
2. The Assistant Engineer, Operation, Autonagar, APCPDCL, Hyderabad
3. The Assistant Accounts Officer, ERO, Saroornagar, APCPDCL, Hyderabad
4. The Assistant Divisional Engineer, Operation, Hayathnagar, APCPDCL, Hyderabad
5. The Superintending Engineer, Ranga Reddy East Circle, Opp. Survey of India, II Floor, Above eSeva, Habshiguda, Hyderabad 500 039
6. The Chief General Manager, Commercial & RAC, APCPDCL, Hyderabad

Copy to:

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