

BEFORE THE VIDYUT OMBUDSMAN

:: Present ::

C. Ramakrishna

Date: 16-06-2014

Appeal No. 95 of 2013

Between

Sri. P. Ramalingeswara Rao, S/o Late Sri. P.G.K. Subba Rao, D. No. 21-18,
Vinayaka Temple Street, Main Road, Nuzivid 521 201 Krishna Dt.

... Appellant

And

1. The Asst. Accounts Officer, ERO, Nuzivid
2. The Asst. Engineer, Operation, Nuzivid
3. The Asst. Divisional Engineer, Operation, Nuzivid
4. The Divisional Engineer, Operation, Nuzivid
5. The Superintending Engineer, Operation, Vijayawada

... Respondents

The above appeal filed on 30-08-2013 has come up for final hearing before the Vidyut Ombudsman on 12-06-2014 at Vijayawada. The appellant, as well as respondents 1 to 2 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 that the CGRF had not considered his complaint favourably. The grievance of the appellant is that his request for change of location of the meter relating to his brother's electricity connection is not considered favourably by the respondents and was not also acceded to by the CGRF.

3. The appellant is a coparcener having a running dispute with his brother who inherited the property in the ground floor of a residential dwelling. The dispute between them is under adjudication before the Hon'ble Principal Junior Civil Judge, Nuzivid in OS No. 10/2012. The Hon'ble Court had given an interim order in IA No. 24/2012 in the said OS on 20-Jan-2012 to the effect that both parties shall maintain status quo in respect of the plaint schedule property. The contention of the appellant herein is that in spite of there being such an order from the Hon'ble Principal Junior Civil Judge, Nuzivid the respondent officers have not only changed the power supply from single phase to 3 phase supply, but also shifted the location of the electricity meter to the disputed place in order to restrain him from erection of a staircase in the event of his getting favourable orders from the Hon'ble Principal Judge.

4. The appellant while assailing the orders passed by the CGRF stated in his appeal among other things that the Hon'ble Civil Court had issued specific instructions not to change the physical features of the entire schedule property covered by its order; that in spite of supplying a copy of the said court order, the respondents went ahead and changed the electrical connection of his brother from single phase to 3 phase and also changed its location; that it is not he (the appellant) who went to the Court, but his brother who went to the

Court and obtained the interim orders and surprisingly he himself violated the status quo and the respondents have actively colluded with him in such violation; that the respondents have misled the CGRF into believing that the interim orders of the Court are valid only up to 07-02-2012, as it is a universal fact that any interim order passed by a Court of Law would be renewed from time to time, pending disposal of the main suit; that the respondents' seeking shelter under the advice of their legal advisor is wrong; and that the respondents are wrong in not seeking the specific orders of the Hon'ble Court to proceed ahead with the upgradation of the service connection and the location of its meter.

5. The respondents were issued a notice for hearing the appeal. The respondent AAO submitted his written submission on 03-04-2014 stating that on 11-04-2013, Sri. Perla Amarnath (the brother the appellant herein) had applied for cancellation of the single phase service and that after verification of the records, the service connection was disconnected on 15-04-2013; that on his application for a new 3 phase service connection when the service connection was about to be released, the appellant herein approached them with a copy of the Hon'ble Court's order about maintenance of status quo; that after obtaining legal opinion on the issue on 18-04-2014, the 3 phase service connection was released to the brother of the appellant herein; that a new service connection had also been released to the appellant himself in the same premises and that they are astounded by the argument of the appellant that the Court order prevents release of service connection to one part of the building belonging to his brother, but not to the part of building that belongs to him. He enclosed a copy of the legal opinion obtained by him before the service connection was released.

6. Having gone through the complaint and all the issues raised therein, the CGRF advised the appellant complainant to get the issue settled through Courts as the matter is already pending in the Court.

7. Having gone through the whole gamut of issues that are presented during the hearing and also in the written submissions of the appellant and the respondents, this authority comes to the conclusion that there is nothing wrong with the action that was taken by the respondents. The dispute that exists between the appellant herein and his brother is a civil dispute that is already pending before the Principal Junior Civil Judge, Nuzivid. The interim order issued by the said Court says that status quo should be maintained. The respondent officers are not a party to the proceedings before the Hon'ble Court. If the appellant herein felt that the action of the respondents herein contravened the Hon'ble Court's order, nothing prevented him from approaching the Court and seeking its directions to prevent the respondents from proceeding ahead with their action. It is not for the respondents to keep seeking the Hon'ble Courts orders where they are not even a party to the proceedings. Attributing ill will and charges of collusion with his brother are uncalled for in this case. The respondent officers have just been discharging their duties, as they should.

8. The contention of the appellant that the disconnection of the existing service and release of a 3 phase connection by respondent officers in spite of the status quo order given by the Court is wrong, is not correct. First of all, it is for the Hon'ble Court to decide whether or not this act of disconnection and release of a new 3 phase connection amounts to disturbance of the status

quo ordered by it. Secondly, the respondent officers have exercised all due diligence that needs to be taken in such cases and have gone by the legal opinion obtained by them. It is not for the appellant to keep questioning this act of the respondents. If he is aggrieved by the legal opinion of the respondents' legal advisor, nothing prevents him from approaching the Hon'ble Court and seeking suitable directions.

9. The argument of the appellant that the respondents have misled the CGRF regarding the date of validity of the Hon'ble Court's orders also is not accepted. If the Hon'ble Court had kept on extending the status quo ordered by it, nothing prevented the appellant from obtaining a certified copy of the same and producing it before the CGRF. In the absence of such a copy being produced, the respondents are right in believing that the Court's orders were there only till 07-02-2012.

10. Therefore, the appeal filed by the appellant herein is dismissed.

11. This order is corrected and signed on this 16th day of June, 2014.

VIDYUT OMBUDSMAN

To

1. Sri. P. Ramalingeswara Rao, S/o Late Sri. P.G.K. Subba Rao, D. No. 21-18,
Vinayaka Temple Street, Main Road, Nuzivid 521 201 Krishna Dt.
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6. The Superintending Engineer, Operation, Vijayawada

Copy to:

7. The Chairperson, CGRF, APSPDCL, Behind Sreenivasa Kalyana
Mandapam, Kesavayanagunta, Tirupati - 517 501.
8. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills,
Hyderabad - 500 004.