



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

:: Present ::

C. Ramakrishna

Date: 26-08-2014

Appeal No.118 of 2013

Between

Sri. K. Srisailam, S/o Dasharam, Jammikunta, Karimnagar Dt.

... Appellant

And

1. The AE/Operation/TSNPDCL, Jammikunta, Karimnagar Dt.
2. The ADE/Operation/TSNPDCL, Jammikunta, Karimnagar Dt.
3. The AAO/ERO/TSNPDCL, Jammikunta, Karimnagar Dt.

... Respondents

The above appeal filed on 06-12-2013 has come up for final hearing before the Vidyut Ombudsman on 23-08-2014 at Karimnagar. 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 complaint of the consumer that the bills for the service have not been coming in his name and that the respondent

officers are neither changing the name in the bills nor giving him a new connection, if applied for. The appellant contends that in spite of the CGRF's ordering a solution, the respondents have not been implementing it also.

3. The appellant stated in his appeal that he has a service connection bearing number 1350 in his house located at Door No. 4-4-5; that the same has been released in some other name; that he has been paying the bills regularly without protest even as the bills are served on him mentioning some other name; that he had been requesting the respondent officers to change the name in the service connection to his name; that the respondent officers have not been doing this in spite of his repeated requests and an order from the CGRF; and that therefore he has now approached the Vidyut Ombudsman with the appeal. The appellant enclosed copies of receipts for his change of name application and new connection along with property tax receipts showing his name as the owner of the premises in the years 1984 & 1985 and also in the year 2012.

4. The respondents were issued a notice for hearing the appeal. The respondent ADE filed a written submission stating that the appellant herein had approached the CGRF with two requests -- one for release of a new service connection in his premises bearing Door No. 4-4-5 and the other for change of name in the existing service connection bearing number 1350 from Sri. Kodurupaka Venkateswarlu; that the Forum had ordered to allow change of name in the service connection provided the appellant herein comes forward by making an application in proper format enclosing all the required documents; that the application received from the appellant for change of name in the service connection has not been submitted along with all the

required documents as per existing procedure; that the appellant had also filed an application for release of new service connection in his name in the same premises where another service bearing number 8916 is existing; that as the release of a new service connection in the same premises that does not contain a separate kitchen cannot be considered as the absence of a separate kitchen does not entitle it to be called a separate establishment; and that hence the application for new service has also been rejected. The respondent ADE enclosed copies of the reply furnished by him to the appellant under the RTI Act and also his written submission made to the CGRF.

5. During the course of the hearings, the appellant submitted that his repeated pleas for change of name in the service connection have not been cared to by the respondent officers on one or the other pretext; that they have been unnecessarily harassing him by asking him to produce documents which do not exist and / or create a situation which does not exist on ground; and produced a copy of the registered relinquishment deed. The deed shows that the appellant and his brother one Sri. K. Venkateswarlu (in whose name the appellant has been receiving bills for the service connection in his house) had jointly purchased land admeasuring 460 sq. yds in two transactions in the years 1980 and 1981. Subsequently in the year 1983 they had jointly constructed a house in the said land and have been living there since then. While that was so, by this deed dated 18-10-2001 Sri. K. Venkateswarlu had relinquished his stake in the joint property consisting of 230 sq. yds and the house that stood constructed thereon. It is based on this deed that the appellant is claiming name change in the existing electricity service connection to be carried out in his favour. Alternatively, he should be permitted to surrender the existing service connection bearing number 1350 and obtain a

new one in his name afresh.

6. The respondents contended that name change in the existing service is not possible because it stands in the name of his brother Sri. K. Venkateswarlu; that the relevant original service connection is not available with them as such old record will not be kept physically for this long a period; that there is an objection from Sri. K. Venkateswarlu for name change in favour of the appellant; and that the said Sri. K. Venkateswarlu had also got issued a notice from his lawyer stating that in view of the OS NO. 71/2013 that is pending on the file of the Court of the Principal Junior Civil Judge, Hujurabad the DISCOM officials should refrain from changing the name of the owner in the service connection record in favour of the appellant.

7. A perusal of the rival contentions leads to a search for answers for the following issues:

- a. Whether or not the appellant is entitled to demand name change in the existing service connection;
- b. Alternatively, whether or not the appellant is entitled to a new service connection in the same premises as things stand today; and
- c. Whether or not the respondents are correct in raising objections for carrying out either of the two things being demanded by the appellant; and
- d. Whether or not there is any need to set aside the order of the CGRF.

8. Each of these questions is examined as below:

9. Question # a. Whether or not the appellant is entitled to demand name change in the existing service connection?

10. A perusal of the record made available during the hearing reveals that the appellant and the person objecting to the name change in favour of the appellant are brothers. Copy of the registered relinquishment deed produced shows that both of them have jointly purchased 460 sq. yds of land long back and have also constructed a house jointly on that land. Subsequently, Sri. K. Venkateswarlu, the brother of the appellant herein had relinquished his interest in the house property and also 230 sq. yds of the house site in favour of the appellant. It is not in dispute that the appellant is thus the exclusive owner of the house 230 sq. yds of land that it stands on. It is also not in dispute that both the brothers are still residing in the same house -- the appellant in the ground floor portion of the house and his brother in the first floor portion of the house. The first floor portion of the house also has a service connection bearing number 8916 in the name of the appellant. As the first floor of the house is having a separate kitchen, there is no problem for the release and existence of this service connection. The original suit that is pending before the Court of the Principal Junior Civil Judge, Hujurabad is also filed by the appellant herein and he has secured a temporary injunction in his favour from the Court. That being so, the objection raised by the appellant's brother against the proposed name change in the service connection that exists on the ground floor of the house i.e., SC No. 1350 is not tenable. From the objection raised, it is clear that the appellant's brother is aware of the appellant's attempts at getting the name change in the service connection bearing number 1350 done in his favour. Nothing prevents him from

approaching the Court at Hujurabad and obtaining favourable orders from the Court in regard to the injunction orders given in favour of the appellant. Instead of doing that, simply writing an objection letter and preventing the DISCOM from affecting the name change is not correct. It cannot be allowed. Hence, the first question is answered in favour of the appellant.

11. Question b: Alternatively, whether or not the appellant is entitled to a new service connection in the same premises as things stand today?

12. As the relinquishment deed copy produced by the appellant makes it clear that the appellant herein has become the exclusive owner of the house and everything that stands there on it, the appellant is entitled to ask for a new connection in the premises. As the appellant is not asking for two connections -- in contrast to the understanding obtained by the respondents herein -- in the first floor of the house, he can be permitted to surrender the existing connection standing in his brother's name and obtain a fresh connection. The copies of the house tax receipts produced by the appellant also clearly show that he is the real owner of the premises. In view of that, the respondents' objection that the appellant is not able to produce all the relevant documents to obtain a new connection do not stand to reason. Accordingly, it is held that the appellant is entitled to ask for a fresh connection in lieu of the existing connection in the first floor of the house. Thus this question also is held in favour of the appellant.

13. Question c: Whether or not the respondents are correct in raising objections for carrying out either of the two things being demanded by the appellant?

14. The respondents' stand that all the required documentation either for change of name or applying for new service connection is not being produced by the appellant herein is not correct. The relinquishment deed shows clearly the ownership of the appellant in the property. The house tax receipts are in his name. There is a court injunction in his favour for enjoying the full rights over the property. Things as they stand today also will make the stance of the respondents untenable. If the appellant stops making payment for the service connection bearing number 1350, that would logically lead to its disconnection and dismantlement ultimately within a period of 4 months as per GTCS, 2006. Let us look at the relevant provision of the GTCS, 2006 below:

5.9.4.3 Termination of LT Agreement and HT Agreement on account of disconnection: Where any consumer, whose supply is disconnected for nonpayment of any amount due to the Company on any account, fails to pay such dues and regularise his account within three Months from the date of disconnection, the Company shall after completion of 3 months period, issue one Month notice for termination of the LT or HT Agreement, as the case may be. If the consumer still fails to regularise the account, the Company shall terminate the Agreement with effect from the date of expiry of the said one-Month notice. Such termination shall be without prejudice to the rights and obligations incurred or accrued prior to such termination.

Provided that where the Company fails to issue notice or terminate the Agreement as prescribed above, the consumer shall not be liable to pay the minimum charges for the period beyond 4 months from the date of disconnection and the Agreement shall be deemed to have been terminated at the end of 4 months period from the date of disconnection.

Provided further that where the minimum period of the Agreement is not yet completed by the date of such termination, the consumer shall be liable to pay the minimum charges as otherwise applicable calculated up to the date of completion of the period of Agreement.

In the case of consumers who were sanctioned phased Contracted Demand and supply released for initial or intermediary phased demands, the consumer may seek deferment or cancellation of such of the phased demands which are scheduled beyond minimum period of Agreement, by giving three Months notice in advance or in lieu thereof pay three months charges towards such deferment or cancellation of such phased demands. (Emphasis supplied)

15. Once the service is disconnected in accordance with the above provisions, if the applicant makes an application for a new service connection and pays the outstanding amounts against the old service connection, the respondents will have no choice but to release a new service connection in the same premises. This being so, there is no point in their sticking to their

objection that change of name cannot be affected for the service. No rule or procedure should force a citizen into committing a deviant / round about manner of things to obtain a desired result. When the authorities come to know that the ultimate result can be obtained by the appellant through logical and legally permissible limits, there is no point in forcing the appellant to commit himself to such deviant methods. This is nothing but forcing the appellant move off the right track. No stance of an authority should result in such a situation. Hence, the respondents are not correct in holding their objection to the name change application or for giving a new connection in place of the old one in the premises, if applied for by the appellant.

16. Question d: Whether or not there is any need to set aside the order of the CGRF.

17. The CGRF had given a reasonable order in the given circumstances by observing that the appellant shall be given the chance to affect name change in the service connection, if he submits all the required documentation as per rules. The appellant, in the opinion of this authority had done this beyond doubt. But it is the respondent officers who are unnecessarily sticking to their archaic view that a relinquishment deed is not proof enough to consider the appellant the exclusive owner of the premises. Therefore, there is nothing wrong with the CGRF's order and it need not be interfered with on the negative side. It can at best be amplified further in view of the stubborn stance of the respondents herein.

18. Therefore, it is hereby ordered that:

- the respondents shall affect name change in the service connection

bearing number 1350 in favour of the appellant based on the application already submitted by the appellant;

- in view of the furnishing of a copy of the injunction order in his favour and a copy of the relinquishment deed during the course of the hearings, which were also got served on the respondents, the respondents shall not demand any further irrelevant documentation and harass the applicant for affecting name change in the service connection; and
- the respondents shall report compliance with this order within 30 days from the date of receipt of this order, failing which they make themselves liable for paying compensation to the appellant in their personal capacity.

19. This order is corrected and signed on this 26th day of August, 2014.

VIDYUT OMBUDSMAN

To

1. Sri. K. Srisailam, S/o Dasharam, House No. 4-4-5, Jammikunta,
Karimnagar Dt. PIN - 505 122 Cell No: 90145 04341
2. The AE/Operation/TSNPDCL, Town, Fuse off call office, Jammikunta,
Karimnagar Dt. PIN 505 122
3. The ADE/Operation/TSNPDCL, 33/11 kV SUBstation Premises,
Jammikunta, Karimnagar Dt. PIN 505 122
4. The AAO/ERO/TSNPDCL, Jammikunta, Karimnagar Dt. PIN 505 122

Copy to:

5. The Chairman, C.G.R.F., TSNPDCL, 'Vidyut Bhavan', Nakkalagutta,
Hanamkonda, Warangal - 506 001.
6. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills,
Hyderabad - 500 004.