



**BEFORE THE VIDYUT OMBUDSMAN  
Andhra Pradesh :: Amaravati**

**:: Present ::**

**Vinnakota Venkata Prasad  
Former District & Sessions Judge  
Vidyut Ombudsman**

**The 18<sup>th</sup> day of November, 2022**

**Representation No.19 of 2022-23**

**Between**

Valluripalli Durga Bhavani, Door No.11-143/1, Near ICM School, Veleru Road,  
Hanuman Junction, Bapulapadu Village and Mandal, Krishna District. 521105  
... Representationist

**And**

1. Assistant Executive Engineer/OPN/APEPDCL/Hanuman Junction, Krishna Dt.
2. Dy. Executive Engineer/ OPN/APEPDCL/Hanuman Junction, Krishna Dt.
3. Executive Engineer/ OPN/APEPDCL/Gudivada, Krishna Dt.
4. Superintending Engineer/ OPN/APEPDCL/Vijayawada, Krishna Dt.
- 5.C.V.L.S.R.V.Prasad, Panchayat Secretar, Bapulapadu (V&M) , Krishna Dt.
- 6.Yanamadala Aravinda Babu, ICM School Road, Bapulapadu (V&M), Krishna Dt.

... Respondents

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This representation having come up for final hearing before me on 14.11.2022 in the presence of the representationist and the respondents 1 to 6 and stood over for consideration till this day and the Vidyut Ombudsman delivered the following:

**ORDER**

01. Having been aggrieved by the orders dated 23.08.2022 rendered by the Forum for Redressal of Grievances of the Consumers in Central Power Distribution Company of A.P Limited, Vijayawada in C.G.No.57/2021-22/Krishna, the complainant therein directed this present representation under clause 18 read with clause 19.2 of Regulation No.3 of 2016 seeking grant of new electrical service connection and shift of electrical Pole from the corner of drive path of their site in Bapulapadu Village of Krishna District.

02. The representationist also submitted a detailed representation along with printed representation with the following averments IN NUSE:

(a) The representationist submitted an application with all necessary documents for sanction of new electrical connection to her house and paid a sum of Rs.2,850/- towards Registration Charges under Registration Number 61442N217252021NOV21, and later got issued a notice 16.12.2021 to the Deputy Executive Engineer, Bapulapadu sub-station and the Executive Engineer, Gudivada, but there was no response.

(b) On 19.12.2001, the representationist submitted an application under registration No.61442C001182021DEC19 for shifting of the electrical pole available at the corner of the drive path of the site of the representationist which was blocking the path but there was no response. But while the matter was pending before the CGRF, the department people instead of shifting the pole, planted another cement pole near by the old pole causing disturbance to the drive way.

03. After condonation of delay in re-representation made after the 1<sup>st</sup> return under order dated 27.09.2022 on I.A.No.13 of 2022-23, the representation was again returned and represented on 15.10.2022 reporting compliance of objections raised.

04. Thereafter, the representation was taken on file on 17.10.2022. Notices were issued to both sides by email and post for making their appearance at this office at Vijayawada either personally or through agent on 27.10.2022, to submit evidence if any so desired and for hearing on 27.10.2022.

05. On 27.10.2022, during the personal hearing, when questioned, the representationist reported that all the documents which were xerox copies sought to be relied on by her were already filed.

06. On 27.10.2022, as desired by the representationist, Exs.A1 to A14 were marked on behalf of the representationist. Exs.B1, B2, B3 (a), B3 (b), B4 to B6, B7 (a), B7 (b), B8 and B9 were marked on behalf of the respondent Nos.1 to 4 as desired by them. Ex.B10 was marked on behalf of the respondent No.5 as desired by the representative of the respondent No.5. Exs.B11, B12, B13 (a), B13 (b), B14 to B17 were marked on behalf of the respondent No.6.

07. The representationist sought time on 27.10.2022 and also on 03.11.2022 for production of further evidence and to engage counsel for hearing. The representationist remained absent on 09.11.2022 but sent a message to the staff member that she was unwell. The respondent No.6 filed copy of sale deed

said to have been executed by the representationist and the same was marked as Ex.B18. Since the representationist was absent, to grant her one more opportunity, the matter was posted to 14.11.2022.

08. On 14.11. 2022, initially, the representationist was absent and there was no representation. Therefore, the respondents were heard. At this stage, the representationist was present and submitted written arguments along with xerox copy of letter dated 12.04.2022 and a photograph of the building and the same were marked as Exs.A14 and A15 respectively on her behalf. On service of the written arguments on the respondents, the respondents are again heard on their perusal of the written arguments and the representationist is also heard in reply. Perused the record.

09. It is contended on behalf of the representationist in the written arguments that the representationist applied for the electrical connection for her house on 05.11.2021; as the connection was not given, the representationist issued notice dated 16.12.2021; the 2<sup>nd</sup> respondent received the same but did not respond, and as such the complainant filed C.G.No.57/2021-22/Krishna, which resulted in dismissal and the CGRF impleaded the 5<sup>th</sup> and 6<sup>th</sup> respondents against the principles of natural justice; there was no necessity to implead the 3<sup>rd</sup> parties since the matter is between the complainant and the electrical officials; the representationist made the constructions after obtaining plan approval from the Bapulapadu Panchayat under the proceedings in R.C.No.45(A)/2016 dated 19.09.2016; since the 5<sup>th</sup> respondent was interfering with the construction of the residential building, the representationist filed W.P.No.47561 of 2018 and the Hon'ble High Court was pleased to order 'status quo as regards the possession of the property'; the 6<sup>th</sup> respondent has no right to question the rights of the representationist who is residing in the house of his mother Y.Swarupa Rani whose house was constructed without approved plan but the respondents released service connections to the said house and that the representationist made a complaint to the 5<sup>th</sup> respondent for demolition of the construction of the mother-in-law of the 6<sup>th</sup> respondent; when the respondent Nos. 1 to 4 released service connection to the said house of mother-in-law of the 6<sup>th</sup> respondent, what prevented the authorities to release service connection to the house of the representationist is inexplicable; on the complaint presented against the 6<sup>th</sup> respondent by this representationist, FIR in crime No.120 of 2019 was registered, and as such he is making false allegations;

since the 6<sup>th</sup> respondent was making bad propaganda against this representationist, she issued notice to the 6<sup>th</sup> respondent and his parents seeking unconditional apology and for damages to a tune of Rs.25,00,000/- and that this representationist submitted a representation dated 19.12.2021 to the APCPDCL for shifting of pole since the said pole was causing inconvenience to her way, but the respondent officials instead of shifting the old pole, new poles were erected and thereupon immediately a notice dated 22.08.2022 was issued to the 1<sup>st</sup> respondent to remove the said pole to avert inconvenience, and thus seeks removal of said pole and release of electrical connection to her building.

10. The respondent Nos.1 to 4 contended that this building was already given one electrical connection bearing SC No.6144205007635 and the same is subsisting; the representationist submitted application on 05.01.2021; her building plan was approved on 19.09.2021 but subsequently, the BPS application was rejected on 08.09.2021; they could not give another connection in view of the objection raised by the 6<sup>th</sup> respondent and in view of the notice issued by the CRDA to the 5<sup>th</sup> respondent and the representationist; the matter is also pending before the Hon'ble High Court; otherwise they have no objection to release the electrical connection.

11. The respondent Nos.1 to 4 also contended that as regards the pole shift, the representationist has to make payment of the amount estimated for the pole shift and that at best it could be shifted for about one foot away and it cannot be moved beyond one foot away from the existing place. In this regard, the representationist stated that she also needed the shift of pole at least that one foot away from the existing place since the same presently exists in the 'vehicle drive way'. She then questioned about the new pole that is planted after her application. The respondent Nos.1 to 4 stated that the said new pole will also be shifted while shifting the pole which is sought to be shifted by her on payment of the estimated cost.

12. 5<sup>th</sup> respondent's contention is also the same as regards release of new electrical connection.

13. 6<sup>th</sup> respondent contended that the CRDA issued notice to the 5<sup>th</sup> respondent for action against the unauthorized constructions made by the representationist and that he also filed one writ petition before the Hon'ble High Court and that the representationist also filed a writ petition and obtained 'Status Quo' orders, and as such the orders of the Hon'ble High Court are

binding on all departments, and as such she is not entitled to new electrical service connection. It is further contended by him that the representationist already sold two flats to different people and he filed copies of the documents executed by her, and as such, she cannot be the owner of those two flats, and as such, she is not entitled to the release of service connection to those two flats which were already sold by her; and that she is not entitled to release of service connection to any portion of the building since the construction of the building was unauthorized, and also in view of the order of 'Status Quo' obtained by the representationist. Thus, he opposed release of new electrical service connection.

14. a) Before dealing with the rival contentions, it has to be made clear that as envisaged under section 42 (6) of The Electricity Act, 2003, any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5) of the said Act, may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the Hon'ble State Commission.

b) Regulation No.3 of 2016 under clause 18 r/w clause 19.2 also deal with presentation of a representation to the Vidyut Ombudsman against the order of the Forum within 30 days from the date of receipt of the order of the Forum. Though the caption of GTCS 14.9 reads as 'appeal before Vidyut Ombudsman', it is crystal clear from the wording employed under clause No.14.9.1, that the consumer may make only a representation to the Vidyut Ombudsman if the consumer is not satisfied with the decision of the Forum.

c) The Hon'ble APERC by order dated 02.03.2021 issued 'Practice Directions' wherein it is categorically held that **'the Vidyut Ombudsman does not sit in appeal to consider a point of law alone or that he sits in judgment over the pleadings or evidence recorded before the Fora'**.

d) As such some of the grounds urged in the detailed representation annexed to the printed representation as regards omissions or commissions made in the order of CGRF do not fall for consideration. Thus, this Vidyut Ombudsman has nothing to do with the merits or demerits of the order made by CGRF. Representation to the Vidyut Ombudsman is another opportunity to the consumer to seek redressal of his grievance in case he could not get redressal of his grievance before the Forum. **However, without approaching the CGRF, no consumer can directly approach the institution of the Vidyut Ombudsman**

**for redressal of his grievance** since section 42 (6) of The Electricity Act, 2003 envisages that 'any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission. Section 42(5) of The Electricity Act,2003, mandates for establishment of CGRF by the Distribution Licensee for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission. Therefore, it is for the parties to the representation to lead the necessary evidence and put forth their contention afresh before the Vidyut Ombudsman, and the Vidyut Ombudsman may have to dispose of the representation basing on such material produced by the parties before the Vidyut Ombudsman.

**15. Now, the points for consideration are:**

- (i) Whether the representationist is entitled to the new service connection to her new building as prayed for?
- (ii) Whether the representationist is entitled to the shift of electrical pole from the corner of her site as sought for?
- (iii) To what relief?

**POINT No.(i) Release of New Service Connection:**

16. The representationist approached this Vidyut Ombudsman for the reliefs of sanction of new electrical connection, and shift of a pole causing obstruction to her drive way for ingress and egress from her site. Now this point relates to release of new electrical connection.

17. Though it does not contain any mention in the pleadings of both sides, it came in to light from the contention of the respondent Nos.1 to 4 that already one electrical connection was released to this premises, and its Service Number is 6144205007635.

18. Curiously, the representation does not disclose the house number or area of the building of the representationist to which the service connection was required or the details of the site from which the electrical pole is sought to be shifted. Those details are absent in the representation.

19. Xerox copy of online application for new connection registration (LT) dated 05.11.2021 is Ex.A1. It discloses that the premises to which the electrical connection was sought for is near to the Door No.11-44, ICM School Road,

Bapulapadu. The door number of the house for which the electrical connection is sought for is not furnished even in this online application. Only nearby door number was furnished. It is not known whether or not a door number was allotted to this building by the Panchayat Authorities.

20. However, there is no dispute with regard to the presentation of application for grant of new electrical connection to the premises for which it is sought for by the representationist. Of course there is no ambiguity among the parties as regards the identity of the said premises to which the service connection is sought for.

21. Ex.A2 is the xerox copy of the online receipt dated 05.11.2021 for payment of Rs.2,850/- towards new electrical connection charges by the representationist. There is no dispute with these facts. Its copy is also comprised in the annexure of Ex.B1.

22. Ex.B1 is the xerox copy of the Payment receipt for release of service connection and application fee, and its annexure comprises xerox copy of LT application, xerox copy of aadhaar card, xerox copy of approved building plan, **xerox copy of the title deed** of the property of the representationist. Ex.B1 is filed on behalf of the respondent Nos.1 to 4 relating to the APCPDCL.

23. Ex.A3 is the xerox copy of orders dated 19.09.2016 in R.C.No.45(A)/2016 issued by the Panchayat Secretary, Gram Panchayat, Bapulapadu addressed to the representationist where **under the plan presented by the representationist for making construction of two storied building in Rs.No.132/3 in an extent of 204.96 sq. meters was approved** subject to certain conditions.

24. Thus, the representationist submitted application along with the copies of her title deed to the property and approved building plan seeking new service electrical connection. As admitted by the respondents and representationist, already one electrical connection bearing S.C. No.6144205007635 was released to the said building and the same is subsisting.

25. The present application could not have been considered, as contended by the respondent Nos. 1 to 4, because of the rejection of subsequent BPS application by the CRDA and the 'Status Quo' order of Hon'ble High Court. When the service connection was not released, the representationist issued legal notice to the respondent Nos.1 to 4.

26. Ex. A4 is the xerox copy of legal notice dated 16.12.2021 issued by the counsel for the representationist to the ADE, APCPDCL, Bapulapadu, requiring them to provide the electrical connection immediately as envisaged under Section 43 of The Electricity Act else to face the consequences of levy of penalty. There was no response for the same from these respondent Nos. 1 to 4.

27. The vehement contentions of all the respondents, particularly the 6<sup>th</sup> respondent are twofold. The first and foremost of one of the same is that in view of the 'Status Quo order' granted by the Hon'ble High Court, new service connection cannot be granted. It is the baton in the hands of CRDA to direct the representationist not to make any construction and to state that they could not consider BPS review application in view of the 'Status Quo' orders of the Hon'ble High Court.

28. Ex. A5 is the xerox copy of 'Status Quo' order passed by the Hon'ble High Court of Andhra Pradesh in W.P.No.47561 of 2018 dated 11.01.2019 filed by the representationist against the State of A.P, APCRDA and the Grama Panchayat, Bapulapadu. Ex. B7(a) is also the copy of the same order of Hon'ble High Court.

29. The survey number in Ex.A3 approved plan and the survey number of the land referred in the said writ petition are one and the same. Further there is no dispute as regards the identity of the property relating to the said writ petition and this application before this Ombudsman.

30. This matter pending before this Ombudsman is for sanction of new service connection to the said building, and also for shift of certain electrical pole said to be present obstructing the drive way to the site of the representationist.

31. As seen from the order of the Hon'ble High Court in W.P. No.47561 of 2018, the said writ petition was filed for issue of 'Writ of Mandamus' against the respondents therein viz., The State of A.P., APCRDA and Bapulapadu Grama Panchayat which is the 5<sup>th</sup> respondent in this representation, to declare that the action of the respondents there in, in interfering with the petitioner's building in R.S.No.132/3, Bapulapadu village and Mandal is arbitrary, illegal and violative of the provisions of AP CRDA Act as well as Article 300-A of the Constitution of India, and consequently to direct the respondents to follow the due process of law. An interlocutory petition in I.A. No.1 of 2022 was filed therein seeking direction not to demolish the construction pending disposal of writ petition on the file of the Hon'ble High Court. It is the building for which

electrical connection is sought for in this application. Thus, the Panchayat is common respondent in this application and the said writ Petition but the relief claimed is not identical and they are distinct.

32. Clause 19.3 of Regulation No.3 of 2016 mandates rejection of any representation in cases where proceedings in respect of the same matter and between the same complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority.

33. In the instant case the Distribution Licensee is not a party before the Hon'ble High Court and the relief claimed before the Hon'ble High Court is not with regard to release of electrical connection to the premises of the representationist, and as such, the proscription contemplated under the said Clause 19.3 of Regulation No.3 of 2016 has no application to the case on hand. Similarly, as the matter seized in before the Hon'ble High Court is not the subject matter in this representation, there lies no embargo to deal with the matter as mandated under Section 42 (6) of The Electricity Act, 2003.

34. Ex.B15 reveals that the said writ petition filed by the representationist is pending. Ex.B7 (b) is also the status report of the said writ petition filed by the representationist. There is no dispute as regards the pendency of the said writ petition filed by the representationist. Similarly, Ex.B16 xerox copy of status report of writ petition bearing No.36968 of 2018 filed by this 6<sup>th</sup> respondent as regards the non-demolition of the building of this representationist reveals that the same is also pending. However, it cuts no ice in the present representation.

35. Ex.B10 is the copy of the report submitted by the Secretary, Grama Panchayat informing the CGRF that the Grama Panchayat did not make any recommendation to the electrical department for release of any electrical connection to the representationist and further informing the CGRF that he has no nexus with the release of electrical connection to the representationist and seeking exemption to him from hearing.

36. But there appears from the said contents, that there is threat of demolition of the building from CRDA and 5<sup>th</sup> respondent.

37. The interlocutory order made by the Hon'ble High Court in W.P. No.47561 of 2018, is as follows:

"Learned Standing Counsel for the 2<sup>nd</sup> respondent-CRDA- seeks time.  
Post on 23.01.2019.

Till then, status-quo as on today, with regard to possession of the subject property, shall be maintained."

38. This perspicuous order of the Hon'ble High Court directs maintenance of 'Status Quo' with regard to possession of the subject matter.

39. While so, how the respondent Nos.1 to 4 could press this order of the Hon'ble High Court as a hindrance for consideration of the application for grant of electrical service connection is not to the comprehension of any prudent person. Of course 5<sup>th</sup> and 6<sup>th</sup> respondents also harp on this order of the Hon'ble High Court to fortify their contention that the electrical service connection cannot be given to the respondents since 'Status Quo' has to be maintained.

40. 'Status Quo' shall have to be maintained as regards possession only as the order of the Hon'ble High Court is pellucid in the said regard. The said order does not prohibit the department for consideration of the application for release of new electrical connection and as such, by harping on the said order of Hon'ble High Court, the respondent Nos.5 and 6 cannot hinder the respondent Nos.1 to 4 from releasing the electrical connection to the building of the representationist, **if the request of the representationist do otherwise carry merit.**

41. Ex.A6 is the xerox copy of notice dated 18.11.2019 in R.O.C.No.861/2019 of the Panchayat Secretary, Gram Panchayat, Bapulapadu intimating the representationist about the rejection of application presented by the representationist to the CRDA seeking permission order for the constructions being made by her in view of the order of status-quo and requiring the representationist to stop the construction proceedings.

42. Somehow, even as seen from Ex.A6 copy of notice issued by the 5<sup>th</sup> respondent to the representationist, it discloses that this 6<sup>th</sup> respondent informed them that the representationist stored materials for making further construction and that the representationist was getting done the works inside the building and the same is contrary to the orders of the Hon'ble High Court.

43. Ex.A7 is the xerox copy of reply dated 18.11.2021 to Ex.A6 from the representationist informing the Panchayat Secretary that the Hon'ble High Court has not ordered for stoppage of construction work, and also intimating

the Panchayat Secretary that any interference with their construction would constrain them to take the same to the notice of Hon'ble High Court.

44. Similarly, CRDA also issued notice to the representationist under the original of Ex.A14 informing her that she requested to consider the regularization of the said building through BPS, which was already rejected by their authority and in view of the orders of the Hon'ble High Court, now the regularisation of the said building shall not be considered until further orders from the Hon'ble High Court.

45. Ex. A8 is the xerox copy of Rejection of BPS application by the Andhra Pradesh Capital Region Development Authority, Vijayawada in File No.CRDA-12022(41)/10/ 2018-ASST PLNG OFF-DEVC-APCRDA dated 26.07.2019 addressed to the representationist informing her that the said authority rejected the BPS application on 22.07.2019 and no further construction shall take place, **as per the orders of the Hon'ble High Court** which follows as "Till then, status-quo as on today, with regard to possession of the subject property, shall be maintained".

46. Thus, it is also evident from Ex.A8 copy of the notice issued to the representationist by the CRDA informing her about rejection of BPS application on 22.07.2019 and requiring her not to make any further construction as per the orders of the Hon'ble High Court. Ex. B 13(b) is copy of Ex. A8.

47. Ex.B4 is the notice sent to the representationist informing her rejection of BPS application and that the unauthorised construction would be treated as continuing offence and action would be taken to levy exemplary penalty including demolition of the building as per the provisions of APCRDA Act, 2014. Ex.B13 (a) is the copy of Ex.B4. It is filed by the 6<sup>th</sup> respondent. Ex.B3 (b) is also letter dated 08.11.2019 from APCRDA to the Panchayat Secretary to ensure that the representationist does not make further constructions as per the orders of Hon'ble High Court.

48. Ex.B5 is the xerox copy of report submitted by the Panchayat Secretary (R5 herein) to the Station House Officer, Bapulapadu Police Station for initiating action for the violation of the orders of the Hon'ble High Court and also their directions. Ex.B12 is a copy of Ex.B5. How the 'Status Quo' orders of the Hon'ble High Court as regards possession, obtained by the representationist could be interpreted in this way to seek to restrain the

representationist from making any constructions or from obtaining electrical connection is inexplicable. Representationist in this regard issued Ex.A12 and Ex. A13 to explain the effect of the orders of the Hon'ble High Court to the CRDA and to the 6<sup>th</sup> respondent besides other aspects.

49. Ex.A12 is the xerox copy of the legal notice dated 18.01.2021 of the counsel for the representationist addressed to Sri Yanamadala Aravinda Babu (6<sup>th</sup> respondent herein) & 2 others explaining them that the orders of the Hon'ble High Court only relates to the aspect of possession and objecting to their actions such as presenting false complaints to the District Collector and other officials including CRDA etcetera.

50. Ex.A13 is the xerox copy of legal notice dated 08.06.2022 of the counsel for the representationist addressed to the Commissioner, APCRDA, Vijayawada, objecting to the actions taken pursuant to the complaint made by the 6<sup>th</sup> respondent herein without looking at the facts; also objecting to the observation as regards the deviations and **also seeking his personal inspection;** to cause enquiry with regard to the allegations made by the 6<sup>th</sup> respondent herein while informing him the events taken place with regard to initial sanction of plan, presentation of another application for deviation, non-communication of the rejection order to the representationist but transmitting copy to the 6<sup>th</sup> respondent herein and also explaining that the order of Hon'ble High Court wherein status quo was ordered to maintain the same only as regards possession.

51. Ex.B2 is the xerox copy of orders dated (13).09.2018 of the Andhra Pradesh Capital Region Development Authority, Vijayawada in File No.CRDA-12022(41)/10/ 2018-ASST PLNG OFF-DEVC-APCRDA addressed to the representationist to show cause and remove the constructions made in deviation of the Act an rules without leaving setbacks etcetera. The same is filed by the respondent Nos.1 to 4.

52. 6<sup>th</sup> respondent filed Ex.B11 application under RTI Act presented by one Sri Y. Satyanarayana along with the reply given by the CRDA which reveals from the deviation column in it, "the entire construction is unauthorised and no setbacks are maintained as per the norms of AP Building Rules, 2017." Ex.B11 is also annexed with the copy of orders dated -09.2018 by CRDA to the representationist that on inspection it was found "construction of G+1 RCC building without maintaining any setbacks and laying foundation adjacent to the unauthorized building without obtaining any permission from this authority".

53. Of course its copy was marked to the Panchayat Secretary, District Panchayat Officer and also to the 6<sup>th</sup> respondent. Why it was marked to the 6<sup>th</sup> respondent is not known. Ex.B2 is also the copy of the same. Ex.B3 (a) is also the copy of orders dated .09.2018 referred supra. Ex.B3 (b) is the copy of order from CRDA to the 5<sup>th</sup> respondent herein to ensure no further construction is made by the representationist as per the orders of the Hon'ble High Court.

54. Ex.B14 is the letter addressed to the Gram Panchayat Secretary (5<sup>th</sup> respondent here in) informing him that they received a complaint about the construction of unauthorized building undertaken by the representationist, and as such there under the Panchayat Secretary was directed to take action and to submit action taken report. Ex.B3 (a) is the copy of Ex.B14.

55. It appears that the CRDA believed the representation from this 6<sup>th</sup> respondent as gospel truth and directed for initiation of action. **Mysteriously**, the said notice does not even direct the Panchayat Secretary to examine the truth or otherwise of the said representation from the 6<sup>th</sup> respondent herein, but simply directed for initiation of action against the said unauthorised construction and to submit action taken report.

56. 6<sup>th</sup> respondent submitted a letter dated 30.11.2021 under the original of Ex.B6 to the AD of CPDCL informing the department that on his complaint the APCRDA identified the building of the representationist as unauthorised and that he filed writ petition and the representationist also filed writ petition and obtained 'Status Quo' order and thereby requested to consider these facts while considering the application of the representationist for release of electrical connection.

57. In fact the 6<sup>th</sup> respondent is a neighbour. He objects to the release of electrical connection to the building of the representationist. He has no interest in the building of the representationist. He has no personal grievance or loss in connection with the release of electrical service connection to the building of the representationist. His contentions to object release of the electrical connection to the representationist are that her BPS application was rejected by the CRDA and the Hon'ble High Court directed to maintain 'Status Quo'. **In fact this 6<sup>th</sup> respondent has no 'locus standi' to oppose release of electrical connection to the representationist either on ground that the**

**construction of the representationist is unauthorised one or on the 'Status Quo' orders of Hon'ble High Court.**

58. It is also the contention of the 6<sup>th</sup> respondent that two of the flats in the building constructed by the representationist were sold away under the originals of Ex.B17 and Ex.B18. Ex.B8 and B17 are the copies of same sale deed.

59. In fact this 6<sup>th</sup> respondent has no 'locus standi' to oppose release of electrical connection to the representationist. He cannot have any personal grievance for release of electrical connection to the representationist.

60. However, the representationist did not divulge the factum of sale of those two flats. Even during the hearing, when questioned, the representationist fumbled to admit and denied to have sold the same, but admitted the execution of the documents.

**61. Though the 6<sup>th</sup> respondent has no 'locus standi' to oppose the release of electrical connection to the representationist, in view of submission of these copies of sale deeds evidencing the sale of those two flats to others, it is quite evident that the representationist is no more owner of those two flats and she has no 'locus standi' to seek electrical connection to those two flats.**

62. **In fact there appear personal feuds between the representationist and the 6<sup>th</sup> respondent.** The written arguments filed by the representationist itself discloses that she complained to the authorities stating that the building belonged to his mother in law where in 6<sup>th</sup> respondent is said to be residing was an unauthorized construction. This respondent also submitted a complaint to the CRDA against the construction of this representationist. Representationist also presented a report against him and it is registered as crime No.120 of 2019 dated 08.07.2019 on the file of Hanuman Junction Police station against the 6<sup>th</sup> respondent herein and others as is evident from the copy of FIR marked as Ex.A11 as regards removal of some pipe line from the site of the representationist, use of filthy language and hurling threats at the representationist.

**63. However, this Vidyut Ombudsman or the office of the respondent Nos.1 to 4 cannot be the arena to settle their scores.**

64. However all these matters taken place between the representationist and the respondent Nos.5 and 6 or CRDA are immaterial for consideration of this

representation except for the fact that as regards the building for which this electrical connection is sought for is under question by APCRDA for certain deviations made in the construction and the BPS application filed by the representationist was already rejected in the year 2019, and the subsequent application submitted to them by the representationist is pending with APCRDA.

65. Approval of building plan is mandatory under the A.P Grama Panchayat Act or A.P Municipalities Act else the building is susceptible for demolition under Building Bye Laws unless such construction is regularized subsequently. Unless the construction is made with the approval of the local body, and unless the Local Body assents for occupation of the premises, even the owner of the building cannot be construed as a lawful occupier of such construction despite his title to the property.

66. In the instant case the building plan was approved under Ex.A3. APCRDA issued notices to the representationist for removal of certain basic deviations and the matter is pending before the Hon'ble High Court. This Ombudsman does not possess any jurisdiction to examine the gravity of the deviations alleged even to find out the justifiability either to order release or otherwise of the electrical connection.

67. In fact, the Hon'ble Supreme Court of India in the case in between Chandu Khamaru Vs Nayan Malik reported in (2011) 6 Supreme 1, referring to Section 42 (1) and 43 (1) of the Electricity Act, held that the provisions in the Electricity Act, 2003 makes it amply clear that a distribution licensee has statutory duty to supply electricity to an owner or occupier of any premises located in the area of supply of electricity distribution licensee, if such owner or occupier of the premises applies for it, and correspondingly every owner or occupier of any premises has statutory right to apply and obtain such electric supply from the distribution licensee.

68. Further, it is also held on 22.10.2018 by the Hon'ble Supreme Court of India in the case between Madan Lal Vs State of Himachal Pradesh reported in 2018 SCC on line HP 1495, ".....the prime consideration was whether the basic amenities of water and electricity shall be granted to the petitioner or not. It was stated that as they were integral part of Right to Life within the meaning of Article 21 of the Constitution of India calls for immediate action. Thus, till

the dispute remains pending, for that considerable period, the petitioner shall be granted the same subject to the payment of requisite charges and shall remain purely an interim and adhoc measure till the dispute is decided."

69. Thus, the Hon'ble Supreme Court of India even when there was dispute as to the propriety to the land in which the building was constructed, directed for providing electrical connection as an interim and adhoc measure since the amenity of electricity was found to be an integral part of right to life under Article 21 of the Constitution of India.

70. The Hon'ble APERC has been pleased to enlighten in C.G.No.156/2021 that the words 'owner' and 'occupier' couched in Section 43 of Electricity Act shall be construed as '**Lawful Owner**' and '**Lawful Occupier**' respectively and the word '**premises**' occurred in the said section shall also be construed that 'such premises **was constructed with appropriate approvals**'.

71. Thus, in the light of the observations made by the Hon'ble APERC, the premises for which the electrical connection is sought for should have been constructed with appropriate approvals for release of electrical connection as mandated under section 43 of The Electricity Act, 2003.

72. Thus, in the light of the observations of the Hon'ble APERC, in view of the notices issued by the APCRDA to the representationist as regards the basic deviations and rejection of BPS application, though the representationist obtained approval of building plan initially as is evident from Ex.A3 for making this construction, the premises for which the electrical connection was sought for cannot be construed that the same was constructed with appropriate approvals for the purpose of Section 43 of the Electricity Act. Further, in view of sale of two flats as is evident from Ex.B17 and B18, the representationist cannot be the owner or occupier of those two flats and as such she is not entitled to release of any service connection to those flats. Her application does not disclose specify that the electrical connection is sought for the portion of the building which is not sold. Thus there remains ambiguity in her application and in the presence of Ex.B17 and B18 she cannot be construed to be the owner of the entire building for which she filed some title deed for the site.

73. Further, in the instant case, admittedly already one service connection was released to the premises of the representationist and the same is subsisting.

Thus, in the instant case non-release of further connection does not result in deprivation of any basic amenity.

74. Therefore, in the light of the afore said circumstances, the request of the representationist for further service connection cannot be acceded to and as such, this representation as regards the release of electrical service connection entails in dismissal.

75. This point is accordingly answered.

**POINT NO.(ii) Shift of Electrical Pole:**

76. The representationist submitted an application for shift of an electrical pole present at the corner of her site causing obstruction to the ingress and egress of her vehicles such as tractor.

77. Ex. A10 is the xerox copy of payment receipt for Rs.100/- in connection with the registration of application for Line Shifting / DTR Shifting dated 19.12.2021. Ex. A9 is the xerox copy of the letter dated 19.12.2021 from the representationist addressed to ADE, APCPDCL for shifting of the electrical pole present at her site. Thus, pursuant to the said request the respondents of the department required the representationist for payment of amount assessed towards the shift of the Pole. Ex.B9 is the demand notice dated 23.03.2021 for payment of Rs.17,102/- for shift of the Pole as required by the representationist. Ex.A15 is the copy of letter said to have been sent to S.E, APCPDCL Vijayawada by the representationist seeking directions to the local authorities for shift of pole which is causing obstruction to the way of her vehicle (Tractor) for ingress and egress. Ex.A16 is the photograph of the pole that is sought to be removed.

78. During the hearing, the respondent Nos.1 to 4 also contended that as regards the pole shift, the representationist has to make payment of the amount estimated for the pole shift, and that at best it could be shifted for about one foot away, and it cannot be moved beyond one foot away from the existing place. In this regard, the representationist stated that she also needed the shift of pole at least that one foot away from the existing place since the same presently exists in the 'vehicle drive way'. She then questioned about the new pole that is planted after her application by the side of the pole which is

sought to be shifted. The respondent Nos.1 to 4 stated that the said new pole will also be shifted while shifting the pole in question on payment of the estimated cost.

79. Therefore, the representationist is entitled for direction for shift of the pole causing obstruction to her 'drive path' subject to the payment of the estimated amount. Therefore, the respondent Nos.1 to 4 shall have to be directed to shift the pole as requested by the representationist within 15 days from the date of payment of the requisite/estimated charges demanded under Ex.B9 and the respondent Nos.1 to 4 shall have to shift the pole that is said to have been planted subsequent to her application along with the pole which is sought to be shifted, and the representationist shall also be directed to make payment of the charges estimated and demanded under Ex.B9 to a tune of Rs.17,102/- within 10 days from the date of this order. Therefore, this representation as regards the shift of pole deserves to be allowed.

80. This point is accordingly answered.

**POINT No.(iii) Relief:**

81. In view of my findings on Point No.(i), this representation as regards release of electrical service connection entails in dismissal, whereas the representation as regards shifting of pole deserves to be allowed as a consequence to my finding on Point No.(ii).

82. This point is accordingly answered.

**RESULT:**

83. In the result, this representation is partly allowed as regards shifting of pole and in consequence thereof, the respondent Nos.1 to 4 are hereby directed to shift the electrical pole present at her site, as requested by the representationist within 15 days from the date of payment of the requisite/estimated charges to a tune of Rs.17,102/- prescribed under Ex.B9, by the representationist within 10 days from the date of this order, and the respondents shall also have to shift the pole that was said to have been planted subsequent to her application, along with this pole which is sought to be shifted. However, this representation as regards release of electrical service connection

to the building of the representationist is dismissed. However, in the circumstances of this case, both side parties shall bear their own costs.

A copy of this order is made available at [www.vidyutombudsman.ap.gov.in](http://www.vidyutombudsman.ap.gov.in)

Part of this order is dictated to the Private Secretary and transcribed by him, and the rest of order is typed to my dictation by the Private Secretary, corrected, signed and pronounced by me on this the 18<sup>th</sup> day of November, 2022.

**Sd/- Vinnakota Venkata Prasad**  
**Vidyut Ombudsman-AP**

**Exhibits A1 to A16 were marked on behalf of the representationist before the Vidyut Ombudsman**

<b>Ex.No.</b>	<b>Description</b>
A1	Xerox copy of online application for new connection registration (LT) dated 05.11.2021.
A2	Xerox copy of payment receipt dated 05.11.2021 for new connection.
A3	Xerox copy of orders dated 19.09.2016 in R.C.No.45(A)/2016 of the Panchayat Secretary, Gram Panchayat, Bapulapadu addressed to the representationist.
A4	Xerox copy of legal notice dated 16.12.2021 issued by the counsel for the representationist to the ADE, APCPDCL, Bapulapadu.
A5	Xerox copy of <i>status quo</i> order passed by the Hon'ble High Court of Andhra Pradesh in W.P.No.47561 of 2018 dated 11.01.2019.
A6	Xerox copy of notice dated 18.11.2019 in R.O.C.No.861/2019 of the Panchayat Secretary, Gram Panchayat, Bapulapadu.
A7	Xerox copy of reply dated 18.11.2021 of the representationist to the Grama Panchyat.
A8	Xerox copy of Rejection of BPS application by the Andhra Pradesh Capital Region Development Authority, Vijayawada in File No.CRDA-12022(41)/10/ 2018-ASST PLNG OFF-DEVC-APCRDA dated 26.07.2019 addressed to the representationist.
A9	Xerox copy of letter dated 19.12.2021 of the representationist for electric pole shifting addressed to ADE, APCPDCL.
A10	Xerox copy of payment receipt for Line Shifting / DTR Shifting dated 19.12.2021.
A11	Xerox copy of FIR in Cr.No.120/2019 dated 08.07.2019.

A12	Xerox copy of the legal notice dated 18.01.2021 of the counsel for the representationist addressed to Sri Yanamadala Aravinda Babu & 2 others.
A13	Xerox copy of legal notice dated 08.06.2022 of the counsel for the representationist addressed to the Commissioner, APCRDA, Vijayawada.
A14	Xerox copy of letter of the Andhra Pradesh Capital Region Development Authority, Vijayawada in File No.CRDA-12022(41)/10/2018-ASST PLNG OFF-DEVC-APCRDA dated 29.08.2019 addressed to the representationist intimating the rejection of her BPS application.
A15	Xerox copy of letter dated 12.04.2022 of the representationist addressed to the SE, APCPDCL, Vijayawada
A16	Colour xerox of photograph of the location of the electrical pole adjacent to the building of representationist.

**Exs.B1 to B9 were marked on behalf of the respondents 1 to 4 before the Vidyut Ombudsman**

Ex.No.	Description
B1	Xerox copy of the payment receipt for Rs.2850/- along with copies of online application, aadhar card, building plan, title deed of the representationist submitted by the representationist for issue of new connection, payment receipt dated 05.11.2021 along with annexure.
B2	Xerox copy of orders dated 13.09.2018 of the Andhra Pradesh Capital Region Development Authority, Vijayawada in File No.CRDA-12022(41)/10/2018-ASST PLNG OFF-DEVC-APCRDA addressed to the representationist for demolition of the building.
B3 (a)	Xerox copy of letter dated 13.09.2018 of the Andhra Pradesh Capital Region Development Authority, Vijayawada in File No.CRDA-12022(41)/10/2018-ASST PLNG OFF-DEVC-APCRDA addressed to the Panchayat Secretary, Bapulapadu Gram Panchayat directing for taking action against the unauthorised construction pursuant to the complaint received Sri. A.Aravind Babu.(6 <sup>th</sup> respondent).
B3 (b)	Xerox copy of letter dated 08.11.2019 in File No.CRDA-12022(41)/10/2018 of the APCRDA, Vijayawada addressed to the Panchayat Secretary, Bapulapadu Gram Panchayat to ensure that no further constructions are made as per orders of Hon'ble High Court.
B4	Xerox copy of Endorsement No.BPS2019/KRI/BAP/BAP/33928 dated 22.07.2019 of the APCRDA addressed to the representationist.

B5	Xerox copy of letter dated 05.12.2019 in R.O.C.No.861/2019 of the Panchayat Secretary, Gram Panchayat, Bapulapadu addressed to the Station House Officer, Bapulapadu Police Station, Bapulapadu for taking action against the representationist for violation of the orders of the Hon'ble High Court and the Grama Panchayat.
B6	Xerox copy of letter dated 30.11.2021 addressed to AD, CPCDL, Hanuman Junction by Sri Aravind who is the 6 <sup>th</sup> respondent herein.
B7 (a)	Xerox copy of <i>status quo</i> order dated 11.01.2019 in W.P.No.47561 of 2018 of the Hon'ble High Court of Andhra Pradesh.
B7 (b)	Xerox copy of case status of W.P.No.47561 of 2018 taken from Hon'ble High Court web site.
B8	Xerox copy of Sale Deed dated 13.05.2019 under which the representationist sold one of the flats in the building..
B9	Xerox copy of Demand Notice dated 23.03.2022 of the Executive Engineer, Operation, APCPDCL addressed to the representationist for payment of Rs.17,102/- for shift of pole.

**Ex.B10 was marked on behalf of the respondent No.5 before the Vidyut Ombudsman**

Ex.No.	Description
B10	Xerox copy of report dated 02.06.2022 in R.O.C.No.64/2022 of the Panchayat Secretary, Gram Panchayat, Bapulapadu addressed to the Chairperson, CGRF, APCPDCL, Vijayawada intimating that they have not recommended release of service connection and that they have no nexus as regards the release of service connection and to exempt the Panchayat secretary from the enquiry.

**Exs.B11 to B18 were marked on behalf of the respondent No.6 before the Vidyut Ombudsman**

Ex.No.	Description
B11	Xerox copy of APCRDA notice (6 sheets) dated 24.09.2018 in R.C.No.RIT/257 /2018 of the Public Information Officer, ADRCPA, Vijayawada addressed to Sri Y. Satyanarayana.
B12	Xerox copy of letter dated 05.12.2019 in R.O.C.No.861/2019 of the Panchayat Secretary, Gram Panchayat, Bapulapadu addressed to the Station House Officer, Bapulapadu Police Station, Bapulapadu.
B13 (a)	Xerox copy of Endorsement No.BPS2019/KRI/BAP/BAP/33928 dated 22.07.2019 of the APCRDA addressed to the representationist.
B13 (b)	Xerox copy of rejection letter dated 28.07.2019 of the APCRDA addressed to the representationist.

B14	Xerox copy of letter dated 13.09.2018 in Rc.No.CRDA-12022(41)/10/2018 of the APCRDA, Vijayawada addressed to the Panchayat Secretary, Bapulapadu Gram Panchayat.
B15	Xerox copy of case status for W.P.No.47561 of 2018 taken from Hon'ble High Court web site.
B16	Xerox copy of case status for W.P.No.36968 of 2018 taken from Hon'ble High Court web site.
B17	Xerox copy of Sale Deed dated 13.05.2019 under which the representationist sold one of the flats in the building.
B18	Xerox copy of Sale Deed dated 07.11.2019 under which the representationist sold one of the flats in the building.

**Sd/- Vinnakota Venkata Prasad**  
**Vidyut Ombudsman-AP**

**Copy to**

1. Vallurupalli Durga Bhavani, D.No.11-144, I.C.M. School Road, Veleru Road, Bapulapadu Village & Mandal, Krishna-Dist
2. The Assistant Executive Engineer/O/APCPDCL/Hanuman Junction, Krishna Dist.
3. The Deputy Executive Engineer/O/ APCPDCL/Hanuman Junction, Krishna Dist.
4. The Executive Engineer/O/APCPDCL/Gudivada, Krishna Dist.
5. The Superintending Engineer/O/APCPDCL/Vijayawada, Krishna Dist.
6. Sri C.V.L.S.R.V. Prasad, Panchayati Secretary, Bapulapadu (V&M), Krishna-Dist
7. Sri Yanamadala Aravinda Babu, ICM School Road, Bapulapadu (V&M), Krishna-Dist

**Copy to**

8. The Chairperson, C.G.R.F., APCPDCL, 4<sup>th</sup> Floor, New Building, District Stores, Gunadala, Vijayawada - 520 004
9. The Secretary, Hon'ble APERC, 11-4-660, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.