



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

:: Present ::

**N. Basavaiah, B.Sc, B.L.**

Date: 24-09-2018

Appeal No. 14 of 2018

Between

Sri.Nalluri Abraham, S/o Dharma Gynani, D.No.4-30, Kanuru (V), Penamaluru (M), Krishna District.

...Appellant/ Complainant

And

1. The AE/Operation/APSPDCL/Kanuru/Krishna District
2. The ADE/Operation/APSPDCL/Kanuru/Krishna District
3. The DE/Operation/APSPDCL/Gunadala/Krishna District
4. The SE/Operation/APSPDCL/Vijayawada/Krishna District

... Respondents

The above appeal filed has come up for final hearing before the Vidut Ombudsman on 19-09-2018 at Vijayawada. The son of complainant, as well as the respondents 1 to 4 except the 1st respondent above, was present. Having considered the appeal, the oral submissions made by the complainant and the respondents present, the Vidut Ombudsman passed the following:

**ORDER**

1. This appeal has been preferred by the appellant-complainant against the order dated.11-06-2018 in C.G.NO:184/2017-18/Vijayawada Circle, passed by the Forum for Redressal of Consumer Grievances in Southern Power Distribution Company of A.P Limited, Tirupati, whereby and wherender the Forum dismissed the complaint filed by the complainant for a direction to the respondents to give supply of electricity(New

connection) to his iron sheets shed in R.S.No.177/A3 of Kanuru village in Penamaluru Mandal,Krishna District by assigning the reasons that no document showing possession and enjoyment over the above premises is produced by the complainant and that there is no shed at present in the above premises as per the statement of the respondents basing on their personal inspection.

2. The case of the complainant is that as per the orders of the Hon'ble High court in W.P.No.26449/14, he applied for supply of electricity for the above premises and paid the amount through call center in the month of June,2015, as per the instructions of the third respondent, and thereafter, meter was sent to Kanuru and that the 1st respondent, without giving new connection, returned the above meter to the third respondent. Hence, the complaint.

3. The third respondent filed his objection admitting the above case of the complainant and stating that after the meter was sent, the first respondent went to the above premises to give connection, but, he found no electrical wiring and no meter board to the above shed and, that the complainant did not produce any document of ownership over the above premises ,that one G.Giridhar has given a representation stating that there is a title dispute with respect to above property between him and the complainant, and appeal is pending before the Hon'ble High court and that service connection cannot be released for the above premises, that as per the legal opinion of their standing counsel, they are unable to release the service connection and that therefore, the complaint may be dismissed.

4. No evidence was adduced before the Forum. The Forum, after considering the material available on record, dismissed the complaint as stated supra. Not satisfied with the above order, the complainant preferred this appeal-representation.

5. Ex.A1 to A3 and Ex.B1 are marked by consent before me. No oral

evidence is adduced on behalf of both parties.

6. The son of complainant submitted that Ex.A1 to A3 prove the possession and enjoyment of them over the above premises and that therefore, a new service connection may be ordered to be released to the above premises. The respondents submitted that there is no shed at present in the above premises and that the complainant filed a contempt case No.682/2015 in the Writ Petition filed before the Hon'ble High court under the original of Ex.B1 even before filing the complainant before the Forum and it is pending. The complainant submitted in his reply that he would re- built the burnt shed and that he is not aware of the above contempt case before the Hon'ble High court.

7. The following point is framed for consideration:

Whether the representation can be upheld?

8. Point: I verified the genuineness of the original of Ex.B1 and I am satisfied that the contempt case under the original of Ex.B1 is pending .At the outset, I would like to say that because the Hon'ble High court passed an order in the writ petition directing the third respondent to receive the application from the complainant for granting new electrical service connection and consider the same and pass appropriate orders as per law and because the proceedings in respect of the same matter( contempt case under the original of Ex.B1) between the complainant and the employee of the licensee is pending before the Hon'ble High Court, this complaint can be rejected straight away without going into merits of this case, as per the clause 19.3(a) of the Regulation No.3/2016,which runs as follows:

"19.3.The Vidyut Ombudsman may reject the representation at any stage under the following circumstances:

a) 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;(the remaining clauses are omitted as unnecessary).So, the representation-appeal-complaint can be rejected and cannot be upheld.

9. However, I am considering the submissions made by the complainant touching the documentary evidence.Ex,A1 is the xerox copy of the certified copy of the deposition of Sri.V.Murali Krishna,the then Tahasildar of Penamalur Mandal as DW3 given in O.S.No.251/2012 on the file of XVI Additional District and Sessions Judge, Vijayawada. ExA2 is the xerox copy of EX.B12 (True copy of No.2 Adangal for the Fasli 1377 with respect S.No.177(village name is not visible) filed in the above suit and Ex.A3 is the xerox copy of EX.B14 filed in the above suit and in it, the nature of document is not described, but, only names of some persons had been written there. Since the suit between one G.Giridhar and the complainant has not become final and since it is admitted by the son of the complainant that the above Tahsildar is alive, the above documents marked on behalf of the complainant are irrelevant, as per the provisions of the Evidence Act. We can understand from the submissions made by both parties that at present, there is no shed in existence. So, I find no merit in the oral submissions made on behalf of the complainant. For the above reasons, I am of the opinion that the representation cannot be upheld and is liable to be rejected." Dismissal of complaint" and "rejection of complaint" are different. This point is thus answered.

10. In the result, I reject the complaint. No costs.

11. This order is corrected and signed on this 24<sup>th</sup> day of September, 2018.

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

**Sd/-N.BASAVIAIH**  
**VIDYUT OMBUDSMAN**

To

1. Sri. Nalluri Abraham, S/o Dharma Gunani, D.No.4-30, Kanuru (V), Penamaluru (M), Krishna District.
2. The Assistant Engineer, Operation, APSPDCL, Kanuru, Krishna District .
3. The Assistant Divisional Engineer, Operation, APSPDCL, Kanuru, Krishna District.
4. The Divisional Engineer, Operation, APSPDCL, Gunadala, Krishna District.
5. The Superintending Engineer, Operation, APSPDCL, Vijayawada, Krishna District.

Copy to:

6. The Chairman, C.G.R.F., APSPDCL,19/13/65/A, Srinivasapuram, Near 132 kV Substation, Tiruchanoor Road, Tirupati - 517 503
7. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004