



VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: **R. DAMODAR**

Monday, the Third day of August 2015

Appeal No. 35 of 2015

(Old Appeal No. 73 of 2014-15)

Preferred against Order Dt. 29.09.2014 of CGRF In
CG.No: 245/2014 of Hyderabad North Circle

Between

Smt. L. Uma Devi,
H.No. A-2,
President Banjara Apartments,
Road No. 2, Banjara Hills,
Hyderabad - 500 034.

Appellant

.....

AND

1. The AE/OP/Jubilee hills/TSSPDCL/Hyderabad.
2. The ADE/OP/Banjara hills/TSSPDCL/Hyderabad.
3. The AAO/ERO/Banjara hills/TSSPDCL/Hyderabad.
4. The DE/OP/Erragadda/TSSPDCL/Hyderabad.
5. The SE/OP/Hyderabad North/TSSPDCL/Hyderabad.

Respondents

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The above appeal filed on 03.11.2014 came up for final hearing before the Viduyut Ombudsman, Telangana State on 27.07.2015 at Hyderabad in the presence of Smt. L. Uma Devi - Appellant and Sri. B. Benjamin - AAO/ERO/Banjara Hills, Sri. G. Sanjeev - AE/OP/Jubilee Hills for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

AWARD

The facts leading to the present appeal are as follows:-

The Appellant claimed herself as the absolute owner of Plot No 21,

Devarakonda Nagar, Road No. 52, Jubilee Hills, Shaikpet, SeriLingampally. She requested the 2nd Respondent several times, to remove the unauthorised and illegal service connection No. A 9054695. The Appellant also applied for a new service connection vide her Application No. NR 902141187454 dt. 27.6.2014. She received a message from the Respondents to the effect that the meter was released on 20.6.2014, but it was not connected so far due to ownership dispute. The Appellant submitted a complaint to the CGRF enclosing a copy of Order Dt. 7.04.2014 in W.P.No. 26305 of 2009 of the Hon'ble High Court and requested the Respondents to remove the unauthorised service connection no A.9054695 and release a new Service in her name.

2. The Respondents admitted the application of the Appellant for new service connection and claimed that when their lineman went to the premises, they found the Service Connection No. A9054695 in the name of Smt. Sasirekha, and therefore they have rejected the application of the appellant for a new Service Connection.

3. Before the CGRF, both parties appeared and after hearing them, CGRF felt that the subject matter is a civil dispute and therefore, opined that it is not a fit case to entertain and rejected the complaint through the impugned orders 29.9.2014.

4. The Appellant claimed that she had approached the Hon'ble High Court and obtained orders in W.P.No. 26305 of 2009 dt. 7.4.2014, getting a direction to the GHMC to consider the application of the Appellant for construction permission. This order shows that the construction permission granted in permit No 179/41 and 179/42 covering the plot of the Appellant also were revoked by GHMC. The Appellant claimed that a third person by name Smt. M. Sasirekha, who has no interest in the plot of the Appellant, obtained an illegal SC.No. A9054695 without having any title to the land and requested it to be disconnected immediately.

5. The efforts at mediation could not succeed, because of the typical facts involved in this case.

6. Arguments heard.

7. The points for determination are:-

1. Whether the Appellant is entitled to a new SC in her name.
2. Whether the Appellant is entitled to get the service connection A9054695 removed and dismantled.
3. Whether the CGRF is justified in rejecting the complaint on the ground that it is a civil dispute.

POINTS 1 TO 3

8. The Appellant claims to be the owner of Plot No. 21, Devarakonda Nagar, Jubilee Hills, Road No. 52, Shaikpet, Serilingampally. She filed documents in support of her plea like copy of sale deed dt. 27.08.1992 executed by about 40 persons represented by GPA Sri. D. Vittal Rao in favour of the Appellant with a plan. She also filed a copy of GPA Doc.No. 96 of 1989 stated to have been executed by the vendors mentioned in the sale deed in favour of Sri. D. Vittal Rao, who in turn executed the sale deed in favour of the Appellant. The Appellant also filed a copy of exemption granted under Urban Land (Ceiling and Regulation) Act 1976 in favour of the main vendors in the sale deed, proceedings of the special officer and competent authority, under the land ceiling Act in C.C.No. E1/11105/76 dt. 31.8.1987 in favour of vendors covered by the sale deed and sanction of plots in the land by the MCH hyderabad dt. 28.1.1991 and also a copy of town survey register. The Appellant filed copies of Encumbrance on property showing her document in the statement and copy of pahani for 1983-84 showing Gorenkela Rangaiah as the pattadar of Sy.No. 92 and 93 of Shaikpet, supporting her sale deed. These documents clearly show that the Appellant secured the title to the plot under the registered sale deed dt. 27.8.1992.

9. The Respondents filed a report on the direction of the Vidyut Ombudsman, with copies of application and documents like the sale deed of the 3rd party Smt. M . Sesirekha seeking release of Service Connection to the same plot. Smt. M. Sesirekha in this application claimed to be the owner of the plot and in her support, she filed a copy of sale deed dt. 10.11.2011 executed by 7 persons who claimed that they derived their title from Sri. Gorenkala Rangaiah, who is stated to be father in law of Vendor No. 1 Smt. Laxmi Narsamma and grandfather of vendors 2 to 7 and his legal heirs claimed that they have inherited the property and thus were alienating it. There are absolutely no details of how they acquired the property, and who else inherited the properties, apart from them. Out of the blue,

these people came into picture and executed this type of sale deed. The town survey register discloses Gorenkala Rangaiah as the original registered pattadar, while the vendors of the Appellant as his legal heirs. Prima facie the copy of sale deed of the third party does not inspire confidence and it is an inspired document, which is clear from the face of it and the Respondents ought to have seen that when the real owner of the plot, who is the Appellant approaches them with the complaint, they should have attended to it immediately and passed suitable orders dismantling the SC.No. A9054695 in the name of the third party Smt. Sesirekha and issued a new Service connection in the name of the Appellant, which is not done.

10. Releasing a new connection and dealing with it is within the jurisdiction of the Respondents and it follows that this duty is not discharged by both the Respondents and the CGRF.

11. During the hearing of the Appeal, the Vidyut Ombudsman felt that since the interest of a third party by name Smt. M. Sesirekha is involved and she should be given an opportunity to represent her case, to decide the appeal because, she is not a party before the CGRF. On the directions of the Vidyut Ombudsman, the Respondent No. 2 issued a notice to Smt. M. Sesirekha vide his letter dt. 22.6.2015 requesting her to submit her supporting documents, since the Appellant was claiming to be the owner of the plot and filed copies of sale deed, order of the special officer and competent authority, urban land ceiling, Encumbrance certificate, and building construction permission. To this letter, Smt. M. Sesirekha replied stating that she is the real owner of the plot having purchased it from the original pattadar vide Registered document No. 3927 of 2011. No other particulars have been given by her.

12. This office issued a notice to Smt. Sesirekha on 16.7.2015 to appear before this office on 27.7.2015 at 11.30 A.M which was served on her. She failed to appear till 12.40 Pm while other parties were present. Arguments were heard and the matter was reserved for orders.

13. On 25.7.2015 One Mykala Srinivas Rao, advocate submitted a letter dt. 25.7.2015 addressing this office stating that he is appearing on behalf of Smt. M. Sesirekha and that the case is posted to 27.7.2015 at 11.30 Am and for that purpose, he wants copies of documents filed by the Appellant. He claimed that

Smt. M. Sesirekha is the genuine owner of the plot and she is in physical possession of the plot since 3 years without any interruption. He has not filed any Vakalat representing his client. This application was directed to be put up on 27.7.2015 along with the Appeal.

14. After the matter was reserved for orders on 22.7.2015 at about 12.40 PM, at about 1P.M, Sri Mykala Srinivas Rao, Advocate entered into the office and started demanding as to what happened to his application dt 25.7.2015 for supply of copies. When he was pointed out that he did not have authority to represent Smt. M. Sesirekha, he stated in high pitched voice that he would take appropriate steps and file affidavit in the high court and started arguing with the Vidyut Ombudsman. About 2 to 3 hours later, he came along with the one Smt. M. Sesirekha and made her to say that she has not received any notice from this office and that the matter has to be reheard. She was firmly told that the matter was posted on 27.7.2015 to appear at 11.30 Am and it was her duty to appear herself or through her authorized representative and plead what ever she wanted. From this letter of the advocate, it is clear that Smt. M. Sesirekha has received the notice from this office. The returned RPAD cover addressed to her has an endorsement to the effect that it was 'unclaimed'. This was the letter on the basis of which the advocate and Smt. M. Sesirekha started the issue here. Smt. M. Sesirekha had ample notice to appear and present her case. She has not availed the opportunity to represent her case and took recourse to absent herself and thereby prevent disposal of the matter by making allegations.

15. The record shows that the documents filed by the Appellant support her claim that she is the owner of the plot having acquired it from the owners through their legitimate GPA, who executed her sale deed with valid power from the original owners in 1992 and she was also issued sanction for construction in her plot. The Appellant has also agitated successfully against the sanction of construction in her plot against others as it is clear from the orders in WP.No. 26305/2009 dt. 7.4.2014. The record also shows that Smt. M. Sesirekha prima facie, is not the owner of the plot as her vendors title, it appears, is dubious and she is not entitled to release of any Service connection in her name in the plot of the Appellant. The claim of the title over the plot in question by Smt. M. Sesirekha is totally negative by her documents, which have no credibility. The three points are answered accordingly.

16. In the result, the Appeal is allowed:
- a. The impugned order is set aside.
 - b. The Respondents are directed to cancel the SC.No. A9054695 released in the name of Smt. M. Sesirekha in the plot of the Appellant and
 - c. The Respondents are directed to release a new Service Connection to the plot of the Appellant in her name, expeditiously after following the due procedure.

Corrected, Signed and Pronounced on this 3rd day of August 2015.

VIDYUT

OMBUDSMAN

1. Smt. L. Uma Devi,
H.No. A-2, President Banjara Apartments,
Road No. 2, Banjara Hills,
Hyderabad - 500 034.
2. The AE/OP/Jubilee hills/TSSPDCL/Hyderabad.
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5. The DE/OP/Erragadda/TSSPDCL/Hyderabad.
6. The SE/OP/Hyderabad North/TSSPDCL/Hyderabad.

Copy to:

7. The Chairman, CGRF, TSSPDCL, Greater Hyderabad Area, Erragadda,
Hyderabad.
8. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.

