



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

:: Present:: R. DAMODAR

Wednesday, the Twenty Second Day of July 2015

Appeal No. 40 of 2015

Preferred against Order Dt. 8.10.2014 of CGRF In

CG.No: 255/2014 of Karimnagar Circle

Between

Sri. Mothe Achyutha Reddy
S/o Narsimha Reddy,
Chamanapalli Village,
Maqdumpoor. Karimnagar mandal,
karimnagar. Cell 9848819086

Appellant

AND

1. The AE/OP/Maqdumpur/Karimnagar District.
2. The ADE/OP/R/Karimnagar/Karimnagar District.
3. The AAO/ERO/R/Karimnagar/Karimnagar District.
4. The DE/OP/Karimnagar/Karimnagar District.

Respondents

The above appeal filed on 04.12.2014 came up for final hearing before the Vidyut Ombudsman, Telangana State on 16.07.2015 at Hyderabad in the presence of Sri. M Achyutha Reddy - Appellant, his counsel Sri. K Sanjeeva Reddy and Sri. G Venkata Ramanaiah AAE/OP/Maqdumpur, for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant complained to the CGRF alleging the following:-

Service.No. 135 category V was sanctioned in the name of Mothe Chandraiah, the grandfather of the Appellant S/o Lingaiah, R/o Chamanapalli, Maqdumpur, Karimnagar. Mothe Chandraiah died. The Appellant has been paying the energy bills regularly. The Appellant in-herited the well in question. Since the last one year, the Appellant has been trying to get his name mutated against the S.C No to his well. He obtained 'No due certificate' from ERO on 21.6.2013. He submitted the filled up proforma in the office and till 18.7.2014, no action has been taken on his application. Again on 5.6.2014 he obtained a 'No objection certificate' from ERO Karimnagar, filled up the proforma and submitted it on 16.6.2014 to the AE, Muqdumpur. As per the advise of AE, he paid Rs 150/- on 18.6.2014 by way of DD and submitted it in the office. He submitted a partition decree, Registered document for the well, indemnity bond to the AE office. But on 7.7.2014 AE, Maqdumpur gave a letter to the Appellant directing him to obtain details of Sy.No. in which the well with S.C No. 135 Category V is existing.

2. The Appellant claims that in spite of his travails, his name was not mutated against the S.C No. He claimed that he has been harassed to no end and since he failed to pay a bribe of Rs 10,000/-, SC No. has not been transferred in his name for the last 2 years. He referred to the citizen's charter regarding transfer of ownership, which mandated that within 7 days of registration of the complaint, the process should be completed and if delayed, for each day's default, the officials should pay Rs 50/- per day to the consumer and in spite of such tough condition, the concerned officials have continued to harass the Appellant.

3. The Respondents claimed before CGRF that Mothe Chandraiah is the consumer of SC No. 135, but they do not know whether Mothe Chandraiah is alive or not. They have admitted that the Appellant has been paying energy bills to the S.C.No. They claimed that the application of the Appellant was not received even by June 2013. They have received name change application on 18.6.2014 but 'A' form was not registered, as no objection certificate either from VRO or gram panchayat was not filed and inspection charges were not paid. They have admitted that inspection charges were paid on 18.6.2014. The Appellant was informed by them to obtain no objection certificate, which he failed to submit up to 20.6.2014. In the meanwhile, name transfer application was submitted to ADE/OP/Rural/Karimnagar on 21.6.2014. The ADE/OP/Rural/Karimnagar has rejected the Application of the Appellant for want of 'A' form on 21.6.2014 and

whereas the Appellant came to their office on 25.6.2014.

4. After the Appellant resubmitted his application on 26.6.2014, he was orally directed to submit GP/VRO No objection certificate, family member certificate and registration documents. The Appellant has not submitted GP/VRO No objection Certificate, while he submitted 2 other documents.

5. In the meanwhile, the Respondents alleged that one Mothe Srinivas Reddy submitted an objection letter dt 27.6.2014 with certain registered documents requesting them not to carry out the name change for S.C.No. The field inspector conducted some enquiry, obtained statements of some villagers and submitted to ADE/OP/Rural/Karimnagar on 1.7.2014. ADE/OP/Rural/Karimnagar returned the application with remarks to the Appellant on 6.7.2014 with a letter for compliance of remarks.

6. The Respondents alleged that S.C.Nos 135 & 56 were given in S.No. 597, which is divided into 5 parts. After division, they do not know in which part of Sy.No. the service connection is located. Therefore they have asked the Appellant to get the Sy.No. surveyed. They denied the allegation of demand of bribe.

7. After considering the record, the CGRF passed the impugned order directing the Appellant to produce :-

1. Death certificate of Sri. Mothey Chandraiah.
2. Legal heir certificate of Sri. Mothe Chandraiah from MRO mentioning sub survey no's in sy. No. 597
3. A certificate from VRO regarding well along with S.C.No. in the specific sub survey No. 597
4. No objection from legal heirs/successors/purchasers of Sri Mothe Chandraiah certified by VRO.

and after submission of the above documents, CGRF directed the Respondents to verify genuineness of the documents/certificates and later take necessary steps as per the procedure. The CGRF further directed the SE/OP/Karimnagar to conduct enquiry into the allegation of demand of bribe made by the Appellant against the Respondents.

8. Aggrieved and not satisfied with the impugned orders, the Appellant

preferred the present Appeal.

9. Efforts at mediation have not succeeded since both sides stood their ground.

ARGUMENTS HEARD

10. The point for determination is whether the Appellant is entitled to get his name incorporated in the place of Sri. Mothe chandraiah against S.C.No. 135 in Sy.No. 597 of Chamanapalli?

THE POINT

11. The AAE/OP/Maqdumpur still defended his position stating that the Appellant failed to produce the required documents/certificates for change of name of consumer against S.C.No 135 and therefore, the Respondents are justified in not considering the Application of the Appellant for name change against S.C.No 135.

12. What are the documents filed by the Appellant for name change?

i) Registered gift settlement document dt. 22.10.2007. Under this document Sri Mothe Narsimha Reddy S/o Mothe Chandraiah gifted 2 wells situated in Sy.No. 597 having service connection No. 135 with 3 HP, another service Connection No. 56 WITH 3 HP in favour of his only son Achyutha Reddy/Appellant. His affidavit shows that Late Mothe Chandraiah had two sons namely Mothe Narsimha Reddy, the father of Achyutha Reddy and Linga Reddy who are the only LRs of Mothe Chandraiah. Mothe Chandraiah left S.No. 597 having AC 7.20.5 guntas and 2 service connections in the Agriculture wells apart from AC 5.00 in (Other Sy.Nos). Mothe Achyutha Reddy claimed that his father Narsimha Reddy got AC S.No 597 to his share with wells and Linga Reddy got the other land and it was formalised by way of a court consent decree.

ii) Registered sale deed dt. 16.1.1991

Vendor Mothe Linga Reddy, the other son of Sri. Chandraiah.

Vendee Mothe Srinivas Reddy S/o Narsimha Reddy.

property sold:- S.No. 597 A - AC 0.03

S.No. 597 D - AC 4.17

AC 4.20 guntas was in one plot.

It is important to note that there is no mention of any Agricultural well

or S.C.No in this document on the basis of which the rival of the Appellant Mothe Srinivas Reddy laid claim to S.C.No. 135.

13. It is clear that this Mothe Srinivas Reddy, has not acquired any right in the Agricultural wells in Sy.No. 597 under the registered document dt. 16.1.1991 and therefore, he can not impinge on the right of Mothe Narasimha Reddy S/o Chandraiah and through him, Mothe Achyutha Reddy over the S.C.Nos 135 & 56.

14. The pattadar passbook and land owner document curiously show Sy.No. 597 A to E having an extent of AC 7.26 guntas only in the name of the Appellant, and the Appellant has not explained this phenomenon Vis-a-Vis the sale deed dt. 16.1.1991 executed by Linga Reddy, brother Mothe Narasimha Reddy, and son of Chandraiah. The Appellant is vague on this respect and the required information he could not gather from the survey department and the revenue authorities for the alleged reason that the Sy.No. 597 was not subdivided physically by the Revenue department.

15. There is one more information given by the Appellant to the Respondents that Sri Mothe Narasimha Reddy, the rival was booked for theft of energy by fixing a motor to the well(in S.No. 597?) and drawing water. On the complaint of the Appellant, FIR No. 978/14 dt. 21.2.2014 for the offence under S. 135 of the Electricity Act was registered against Sri Mothey Srinivas Reddy and its result is not on record.

16. The above documents ought to have satisfied the Respondents for name change against S.C.No 135 in favour of the Appellant, who has been running from pillar to post with the concerned authorities to fulfill the conditions raised from time to time. This exercise has been going on since 21.6.2014, which is partly unnecessary and cumbersome.

17. There was a vigilance enquiry into the travails of the Appellant by the Chief Vigilance Officer, TSNPDCL/Warangal holding some officials of Discom being responsible for the delay in processing the Application of the Appellant, about which there would be further action undoubtedly.

18. CGRF comprised of senior officials and they have absolutely failed to examine the documents filed by the Appellant and failed to see why he could not obtain No objection certificate. They ought to have directed carrying out the name change against the Service Connection in favour of the Appellant based on the

documents filed, which is not done. CGRF observed that there is unexplained delay of 37 days in deciding the application of the Appellant, but the narration of events in the present case also show that the Appellant also was deficient in giving clear particulars along with his application for name change against S.C.No. 135.

19. The CGRF, instead of suggesting solutions to the Appellant to get his name mutated against S.C.No. 135 by going through the documents he filed, have chosen the easy way out and ordered the Appellant to produce ABCD documents in para 6 of their order which is, in view of the facts, unsustainable.

20. In the result, the Appeal is allowed. The impugned order is set aside. The Respondents shall affect name change in S.C.No. 135 in favour of the Appellant within 7 days.

Corrected, Signed and Pronounced on this 22nd day of July 2015.

VIDYUT OMBUDSMAN

1. Sri. Mothe Achyutha Reddy
S/o Narsimha Reddy,
Chamanapalli Village
Muqdumpoor. Karimnagar mandal,
karimanagar. Cell 9848819086
2. The AE/OP/Mauqdumpoor/Karimnagar District.
3. The ADE/OP/R/Karimnagar/Karimnagar District.
4. The AAO/ERO/R/Karimnagar/Karimnagar District.
5. The DE/OP/Karimnagar/Karimnagar District..

Copy to:

6. The Chairman, C.G.R.F, TSNPDCL, Vidyut Bhavan, Nakkalagutta
Hanamkonda, Warangal - 506 001.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyd.