



**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**

Saturday, the Fifth Day of December 2015

Appeal No. 68 of 2015

Preferred against Order Dt.28.08.2015 of CGRF In

CG.No:427/2015 of Karimnagar Circle

Between

Sri P. Ravi Kumar , C/O Mutyala Vishnu, H-No-1-1-378, Bheemini Dibba,  
Korutla, Karimnagar -Dist 505 326, Mobile No-9440129802.

..... Appellant

**AND**

1. The AE/Operation/Town/Korutla-9440811476.
2. The ADE/Operation/Korutla-9440811426.
3. The DE/Operation/Jagtial-9440811399.

..... Respondents

The above appeal filed on 16.09.2015, came up for final hearing before the Vidyut Ombudsman, Telangana State on 24.11.2015 at Hyderabad in the presence of the Sri. P. Ravi Kumar - Appellant and Sri. B. Pradeep Kumar - AE/OP/Korutla, Sri. T. Sukumiah - ADE/OP/Korutla, Sri. V. Kistiah - DE/OP/Jagitail for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

**AWARD**

The Appellant filed an application No. NC11160424 Dt.25.11.2013 for domestic power connection disclosing in the Application that he wanted service connection to the premises in Sy No. 161-111 of Korutla. The Respondents, on enquiry, found that the Appellant has shown a different location than the one shown in his Application and that the land shown by the Appellant actually belongs to TSNPDCL and therefore, they rejected the application of the Appellant.

2. The Respondents got the land in question surveyed by the Deputy Inspector of Survey, Jagtial on 19.2.2015, who demarcated the boundaries, conducted a panchanama and indicated that the land shown by the Appellant actually is in Sy No.112 of Korutla, which is being claimed by the Respondents as that of TSNPDCL.
3. The Appellant filed OS. No. 60/2015 for perpetual injunction relating to the land in question against TSNPDCL and others and obtained a status quo order.
4. CGRF, after considering the material on record and hearing, found that when there is a suit pending disposal regarding the premises in which the service connection is sought, the request of the Appellant relating to sanction of service connection for domestic purpose cannot be decided and rejected the relief through the impugned orders.
5. The Appellant, aggrieved and not satisfied with the impugned orders, preferred the present Appeal claiming that when he applied to the 1st Respondent for sanction of service connection for domestic purpose, the Respondents falsely termed his documents as fake and on the basis of these documents, he sought a new service connection.
6. The 1st Respondent filed a reply stating that during the field enquiry, the Respondents discovered that the Appellant had shown a different location than the one shown in his Application and this site shown by the Appellant is the property of TSNPDCL. He claimed further that on their request, the Deputy Inspector of Survey, Jagtial conducted survey on 19.2.2015, demarcated boundaries and found that the location of the land shown by the Appellant is in Sy No. 112 of Korutla which is now being claimed as the property of NPDCL and drafted a Panchanama. The 1st Respondent further disclosed about the suit pending between the Appellant and Respondents regarding the land in question in which the Appellant sought Service Connection, which is pending on the file of the court of the Senior Civil Judge, Korutla.
7. The Appellant submitted remarks to the reply of the Respondent No.1 stating that the land of the TSNPDCL is in Survey Nos. 160 and 112 of Korutla and his property is in Survey Nos. 160 and 112. He denied the allegation that he had shown a different property to the Respondents than the one shown in his Application, which actually belongs to NPDCL. He claimed that the Respondents have intentionally

denied his request and rejected his Application.

8. The Appellant further stated that there is a Road in between the property of the DISCOM, which is in Survey Nos. 160 and 112 on one hand and Survey Nos. 161 and 112 on the other hand and questioned how the property on the other side of the road belongs to NPDCL. He admitted having filed OS No. 60 of 2015 on the file of the court of the Senior Civil Judge , Jagtial against NPDCL from grabbing his land.

9. Efforts at mediation could not succeed, because of the inflexible stands taken by both the parties and therefore, the matter is being disposed of on merits.

**Heard both sides.**

10. The points for determination are:

1. Whether the Appellant is entitled to a domestic service connection in the plot of land shown by him?
2. Whether the Respondents are justified in rejecting the Application of the Appellant for a new domestic connection?
3. Whether the impugned orders are liable to be set aside?

### **ISSUES 1 TO 3**

11. The Appellant claimed to have purchased 105.55 S.Yds in VLT No. 1-1-1029/1, Korutla, Karimnagar under a registered sale deed dt. 4.7.2005 along with one Naga Bhushanam. A perusal of this document shows that the vendor of the property one Sundaragiri Dharmiah had not disclosed how he acquired the property in question. However, a house site patta/dt.16.4.1994 issued by the MRO, Korutla discloses that a Plot No. 36 located in Sy.No 161-111 in an extent of 110 Sq.Yrds was allotted to Sundaragiri Dharmiah. The Appellant also submitted a copy of the municipal permission dt 9.8.2011 for construction of a Residential house in his name and in the name of another. This Permission from the municipality does not give the details of the plot. He filed a certificate issued by Korutla Municipal Council stating that door No. 1-1-1029/1 stood in the name of Sundaragiri Dharmiah.

12. How a house plot of 110 Sq.Yrds patta issued by MRO, Korutla in the name of Sundaragiri Dharmiah became 105.55 Sq Yrds under a regular sale deed dt. 4.7.2005 sold by Sundaragiri Dharmah to the Appellant and another without mentioning his source of title in the deed, is not at all explained by the Appellant, which raises a

suspicion in the manner the matter is being pursued.

13. The Respondents got the plot surveyed by the Deputy Inspector of Survey, Jagtial who gave notice to the Appellant and another about his intention to conduct survey on 19.2.2015 at 10.30 AM which the Appellant denied. The survey clearly discloses, as per the panchanama, that the survey of Sy.Nos 112,160 and 109 of Korutla was carried out, the boundaries were fixed and a panchnama was prepared.

14. Across the bench, the Appellant was pointed out the survey conducted by the Deputy Inspector of Survey. He claimed that he was not given any notice and this survey was carried out behind his back. He was advised that he was also free to get a fresh survey done, where he claims ownership in 110 sq yards in Survey Nos. 161 and 111 in which Sundaragiri Dharmaiah was allegedly issued a house site patta by MRO, Korutla and whereas, the Respondents claimed title and possession of TSNPDCL over Survey No.s 109,112 and 160 of Korutla. The Appellant was not ready for this suggestion.

15. How 110 sq yards of house plot No 36 in SY.No 161-111 of Korutla became 105.55 Sq yards in VLT .No 1-1-1029/1, Korutla, as shown in the sale deed dt. 4.7.2005, which does not disclose the source of title of the vendor, is not explained by the Appellant. Similarly the same extent of 105.55 sq yards is the subject matter of OS No. 60/2015 on the file of the court of the Senior Civil Judge, Jagtial between the Appellant and the Deputy Engineer, NPDCL Korutla as the 3rd Defendant became 110 sq yards and in the suit filed by the vendor of the Appellant Sri. Sundaragiri Dharmaiah OSNo. 76/1998 the extent of land became 110 Sq Yards, is not at all explained by the Appellant, leading to a conclusion that the case of the Appellant has become unreliable.

16. In View of the fact that the Appellant and another filed OS.No. 60/2015 against the Respondent No.3 Deputy Engineer, NPDCL and 2 others for perpetual injunction in respect of the same schedule house plot, and the order of 'STATUS QUO' in the said suit and further the Appellant was directed by the Court not to make any structure and change the nature of property, there cannot be any step by both the parties which may likely be viewed as interfering with the status quo order.

17. In view of the facts discussed supra and also the fact that the Respondents are facing 'STATUS QUO' order regarding their own land as claimed by them, they cannot take any steps during pendency of the suit for perpetual injunction against them and therefore, the CGRF, after considering the facts and material on record,

had rightly rejected the relief sought by the Appellant.

18. In view of the aforementioned discussion, the points 1 to 3 are answered accordingly.

In the result, the Appeal is dismissed confirming the impugned orders.

Corrected, Signed & Pronounced on this the 5th day of December, 2015.

Sd/-

**VIDYUT OMBUDSMAN**

1. Sri P. Ravi Kumar , C/O Mutyala Vishnu, H-No-1-1-378, Bheemini Dibba, Korutla, Karimnagar -Dist 505 326, Mobile No-9440129802.
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4. The DE/Operation/Jagtial-9440811399

Copy to:

5. The Chairperson, CGRF, TSNPDCL, Nakkalagutta, Hanamkonda, Warangal Dist.
6. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.