



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

Friday, the Eighteenth Day of March 2016

Appeal No. 81 of 2015

Preferred against Order Dt. 23-11-2015 of CGRF In

CG.No: 482 /2015 of Nizamabad Circle

Between

Sri Ravula Mohan Kumar, H-No-3-9-83, Sharada Nagar, Ramanthapur
Hyderabad-500013, Cell No 9949875105, 9248167248

... Appellant

AND

1. The AE/OP/T3/Nizamabad/TSNPDCL/Nizamabad Dist.
2. The ADE/OP/T/Nizamabad/TSNPDCL/Nizamabad Dist.
3. The AAO/ERO/T/Nizamabad/TSNPDCL/Nizamabad Dist.
4. The DE/OP/Nizamabad/TSNPDCL/Nizamabad Dist.

... Respondents

The above appeal filed on 23.12.2015 coming up for hearing before the Vidyut Ombudsman, Telangana State on 10.03.2016 at Hyderabad in the presence of Sri. Ravula Mohan Kumar- Appellant and Sri. J.Eshwar-AAO/ERO/Town/Nizamabad, Sri B.Anjaiah- ADE/OP/Town/Nizamabad and Sri.G. Sailoo - AE/OP/D3/Nizamabad for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant stated to be owner of H.No. 6-2-157/15, Subhash Nagar, Nizamabad having SC.No's 500241 00317 and 500241 00318 alleged that the then ADE/OP/Nizamabad got his service connection disconnected and kept the service under bill stop mode, based on some documents produced by One S.Sandeep regarding the house. On the complaint of the Appellant, ADE/OP/Nizamabad inspected the premises of the Appellant on 5.11.2015 and gave instructions to

restore the supply and the supply accordingly was restored on 6.11.2015. The Appellant claimed that between the disconnection of supply on 27.6.2015 and its restoration on 6.11.2015, he suffered mental agony and loss in comfort and therefore, he is entitled to compensation for the unjust action of the Respondents 1 and 2 and when the CGRF failed to consider the compensation aspect, he preferred the present Appeal.

2. Before the CGRF, it is mentioned that on the complaint of one S. Sandeep S/o S. Rama Goud with documents of the house in question on 25.6.2015, the then 2nd Respondent instructed his staff to disconnect the service and keep the service in bill stop position. However, the next ADE/OP/Nizamabad inspected the premises of the Appellant on 5.11.2015 and directed restoration of the power supply to the service of the Appellant.

3. The Appellant in the present appeal alleged that without proper notice to him and without proper enquiry, the Respondents indulged in disconnection of power illegally causing great inconvenience to him. The Appellant submitted copy of his sale deed, copies of electricity bills paid and application submitted to the Respondents 2 and 3 for restoration of supply in support of his claim.

4. The record shows that soon after the date of disconnection of power supply on 27.6.2015, the Appellant submitted a letter to the 2nd Respondent/ADE/OP/NZB which was received on 1.7.2015 alleging disconnection of power without notice and without proper enquiry seeking reconnection.

5. The DE/Electrical/OP/TSNPDCCL through his letter dt.22.1.2016 stated that on 25.6.2015 one Sri. S. Sandeep by laying a claim to the house of the appellant gave a representation to the 2nd Respondent annexing a copy of gift deed alleging that the premises in question does not belong to the Appellant and making a request to disconnect the service. The then ADE/OP/Nizamabad instructed the AAE/OP/D3/Nizamabad to disconnect the service and accordingly on 27.6.2015 the service was disconnected and AAO/ERO was informed accordingly to keep the service in bill stop mode. It is further mentioned that the Appellant submitted a representation on 1.7.2015 to the 2nd Respondent for reconnection, without enclosing the cancellation of family member certificate of certain persons connected with S. Sandeep Kumar and cancellation of mutation in the name of S. Sandeep Kumar. The 2nd Respondent claimed that due to objection raised by one S. Sandeep Kumar, they were not in the position of ordering reconnection of

service to the Appellant and then the Appellant approached the CGRF with a complaint. It was only later the Appellant submitted cancellation of mutation and cancellation of family members certificate of S. Sandeep Kumar and based on this information, the service was reconnected on 6.11.2015.

6. The 4th Respondent submitted similar reply as 2nd Respondent stating additionally that the disconnection was made legally and therefore, there is no question of payment of compensation. He gave explanation for not giving notice to the Appellant before disconnecting the service on the ground that the Appellant was not available at his premises to serve copies to him and that the matter will be settled at higher level.

7. The Appellant sought action against Mr. S. Sandeep under the Electricity Act, 2003 etc for submitting false certificates. The Appellant claimed that he lost rental income for nearly 5 months in a portion of the house and that he too shifted from his house and stayed in a rented house, because of disconnection.

8. The efforts at mediation could not succeed, because the Appellant stuck to his position demanding compensation and the Respondents denying it and therefore, the matter is being disposed of on merits.

Arguments heard.

The following issues arise for determination:

1. Whether the Respondents disconnected the service connection of the Appellant illegally?
2. Whether the Appellant is entitled to compensation and if so from whom and to what amount?
3. Whether the impugned orders are liable to be set aside for non consideration of payment of compensation?

ISSUES 1 to 3

9. The Appellant has 2 service connections to his house premises No. 6-2-157/15, Subhash Nagar, Nizamabad. Admittedly, he has been paying the power consumption charges regularly and there were no dues. According to the 1st Respondent AAE/OP/T3/Nizamabad, one S. Sandeep Kumar gave a representation dt. 25.6.2015 to the 2nd Respondent enclosing a copy of gift deed in his favour relating to the premises in question alleging that the house does not belong to the Appellant, with a request to disconnect the service connection. Based on this gift deed, it appears that that the then 2nd Respondent, instructed the 1st Respondent to disconnect

the service and it was accordingly disconnected on 27.6.2015, which forced the Appellant to prepare a representation on the same day and hand it over to the 2nd Respondent on 1.7.2015. Across the bench, when the Respondents were questioned about why notice to the existing Consumer/Appellant was not given before disconnection of service to get his response especially when there were no CC bill dues and they were being paid regularly, the response was that the Appellant was not living in the said house. The immediate response of the Appellant in preparing a representation and giving it to the 2nd Respondent on 1.7.2015 i.e within 4 days of disconnection makes the response of the Respondents as a superficial one and without any substance.

10. Regarding the question of absence of notice on the Appellant before considering the documents of Sri. Samala Sandeep, the answer of the Respondents that the Appellant was not living in the house in question and therefore notice could not be delivered to him is completely unsatisfactory and illegal in view of what Clause 19.1 of GTCS has to say. This clause contemplates service of notice by the company(DISCOM) to the consumer only by RPAD/Certificate of posting /Courier or other similar means or by hand to the person residing at the address notified to the company by the consumer or by affixation at a conspicuous place. It is clear that none of the modes under clause 19.1 of GTCS were followed by the then ADE before directing disconnection.

11. Though the Respondents are not expected to be legal experts, the ownership of the house in question can be glanced. The Appellant claimed his title to the house based on a sale deed dt.4.4.2015 executed by the legal heirs of late Sri. Samala Narsa Goud namely Smt. Samala Sulochana W/o late Samala Narsa Goud, Smt. Ravula Roopa wife of the Appellant, Sri. Samala Srikanth S/o Samala Narsa Goud in favour of the Appellant in which the Appellant claimed that the father of Samala Narsa Goud by name Sri. Pulipaka Samala Ganga Goud, the original owner who acquired this property through a registered sale deed dt.3.3.1981 bequeathed this property to his eldest son by name Sri. Samala Narsa Goud through a will dt. 24.6.1995. Thus the Appellant could prima facie prove his title to the premises in question through proper documents.

12. The Respondents claimed that one. S. sandeep who is stated to be the son of Samala Rama Goud and grandson of Samala Ganga Goud, relying on a registered gift deed dt.5.12.2014 executed by his father Samala Rama Goud S/o Samala Ganga Goud claimed ownership to the property. Prima facie in the light of flow of title to

the premises shown by the Appellant, it can be said that this gift deed was introduced by Sri. Samala Sandeep with the help of his father to claim the house property. The Respondents were not supposed to interpret these documents, but they had a duty to the consumers to inform them about the rival claim based on some documents, seeking cancellation of the existing service. The then ADE/OP/NZB relying on this single document and also deliberately failing to give notice to the Appellant, has misused his authority and directed disconnection of the service, which caused immense hardship and inconvenience to the Appellant forcing him to make a lot of efforts to get back the service connection, for no fault of his.

13. The Respondents, regarding the delay in getting the service reconnected, stated that Sri. Samala Sandeep got his name mutated against the house in question and until it is cancelled, restoration of the power could not be ordered. In the first instance, the disconnection of the service was illegal and next giving some excuse for not restoring power. In extreme cases, the Respondents could have taken legal advice on what to do based on the documents produced, which they did not do, which caused disruption of power supply, which caused the Appellant to rush in to muster his resources and obtain cancellation of these documents and only then, he could get the power restored. The delay in restoration of power from 27.6.2015 to 6.11.2015 remained unexplained and no proper justification for this delay is offered by the Respondents. However, the initial mischief of ordering disconnection without examining the issue properly and in a hurried manner and without giving notice, the then ADE/OP/T/NZB ordered disconnection, which is totally illegal.

14. As an institution, the DISCOM has duty to make good the damage suffered by the Appellant due to the mischievous action of the then ADE/OP/NZB. Due to the unjust and illegal disconnection of the service connection of the Appellant on 27.6.2015 till restoration on 6.11.2015, the Appellant suffered immensely which demands award of compensation. Under these circumstances, it is reasonable to award an amount of Rs 10,000/- as compensation to the Appellant payable by the DISCOM, which can be recovered from the then ADE who is found responsible for the mischief caused to the Appellant. The DISCOM in this respect should cause an enquiry, fix the responsibility on the person identified and recover the amount of compensation awarded, from the identified person, in an expeditious manner. The issues 1 & 2 are answered accordingly.

15. The CGRF ought to have seen that the service connection was disconnected without following the due procedure and without issuing notice to the consumer as mandated under Clause 19(1) of GTCS, by the then ADE with an ulterior motive which demands payment of compensation to the consumer/Appellant for wrongfully depriving him of power to his house between 27-6-2015 and 6-11-2015. This omission is now being covered and only on this ground, the entire impugned order need not be set aside. The Issue no 3 is answered accordingly.

16. The Appeal is allowed directing:-

a. the DISCOM to pay an amount of Rs 10,000/- towards compensation to the Appellant.

b. initiate an enquiry into the matter for fixing liability on the concerned official responsible for the illegal disconnection of service connection of the Appellant from 27.6.2015 to 6.11.2015 and collect the compensation amount of Rs 10,000/- from him and

c. the amount awarded as compensation shall be adjusted in the future CC bills of the Appellant.

17. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in clauses 3.38, 3.39, and 3.42 of the Regulation No. 3/2015 of TSERC.

TYPED BY CCO, Corrected, Signed and Pronounced by me on this the 18th day of March, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri Ravula Mohan Kumar, H-No-3-9-83, Sharada Nagar, Ramanthapur
Hyderabad-500013, Cell No 9949875105, 9248167248.
2. The AE/OP/T3/Nizamabad/TSNPDCL/Nizamabad Dist.
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5. The DE/OP/Nizamabad/TSNPDCL/Nizamabad Dist.

Copy to:

6. The Chairperson, CGRF -1, TSNPDCL, Vidyut Bhavan, Nakkalagutta,

Hanamkonda, Warangal Dist.

7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.