

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu, Director (Law) and
Vidyut Ombudsman**

Dated: 31 -12-2009

Appeal No. 22 of 2008

Between

Sri. Siddunuri Venkata Rathnam
Raajulapeta (V), Akiveedu (M)
W.G.Dist

... Appellant

And

1. The Asst. Engineer / Operation / APEPDCL / Akiveedu
2. The Asst. Divisional Engineer / Operation / APEPDCL Akiveedu
3. The Divisional Engineer / Operation / APEPDCL / Bhimavaram

... Respondents

The appeal / representation dated 17.09.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 29.12.2009 in the presence of Sri Siddanuri Venkata Ratnam, appellant and Sri DVSS Muralidhar, Asst.Divisional Engineer / Akiveedu on behalf of the respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

A W A R D

Aggrieved by the order passed by the Forum for Redressal of Consumer Grievances of APEPDCL (for short the "Forum") in C.G. No. 69/ 2008 of W.G.Dist dated 28.07.2008, the appellant herein filed appeal / representation dated 17.09.2008.

2. In his representation the appellant has stated that:

(a) the respondents are not giving electricity connection since a very long time, though they are residing in the house for the last 40 years.

(b) it is a poramboke land and the objection raised by land lord, cannot be looked into as there is no loss in any manner to the big land lord.

(c) The Forum has passed the order and operative portion of the order is extracted as hereunder:

"In view of the findings above, the Forum is directing the petitioner to furnish the proof of the ownership of the site to which is now under their possession and praying now for release of power supply to enable the respondents to consider their cases for release of power supply. The respondents are directed to release the demanded supply to the houses of the complainants after satisfying the ownership of complainants for which they are actually praying for release of power supply."

(d) The department has not filed any written submissions before the Forum even after a lapse of 10 weeks, but when enquired about the same on phone, they reported about the dispute of ownership of the site.

(e) Now, the point for consideration is, whether the impugned order passed by the Forum is liable to be set aside or varied? If so, on what grounds?

3. The Forum has observed that the department has to confirm the ownership, though the department is no way concerned with the title of the property, even if a pan shop owner applies for electricity connection placed on road margin or on the drain or some other land of the Government the department has to look into the possession of the property. Mere giving electricity connection can not give any title to the property. If that is so, a tenant or a licensee cannot get a service connection. If really the alleged big landlord has got any title over the property he has to approach the competent authority or Civil Court to declare his title or protect his title from adverse possession.

4. The appellant who appeared before the Vidyut Ombudsman has clearly stated that the said landlord is creating hurdles in every walk of life even by preventing panchayat raj authorities from issuing occupancy certificate.

5. In the light of the above said circumstances, I am of the opinion that the department has to issue the electricity connection in accordance with rules on submission of Assessment Register Extract of the houses in the village showing the existence and occupancy of the said house by the appellant, since it is represented

that the house taxes for all the thatched houses are waived for the last 4-5 years and it is not possible for him to produce the latest house tax receipt.

6. In view of the above said circumstances, mere production of the extract of the Assessment Registrar Extract of house pertaining to the house of the appellant is sufficient to satisfy the department officials. So, the respondents are directed to give service connection to the appellant on production of the said extract of the Assessment Registrar of house by collecting necessary fees for giving electricity connection.

7. In the result, the appeal is disposed of in terms of the above said observations as made above.

This order is corrected and signed on the 31st day of December 2009.

VIDYUT OMBUDSMAN