

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
OF NORTHERN POWER DISTRIBUTION COMPANY OF A.P.
LIMITED: WARANGAL.**

22nd Day of January, 2011.

Present : Sri. T. Sadarlal : Chairman
Sri. G. Raveendranath : Member (Accounts)
Sri. K. Ramesh : Member (Legal)

C.G. No. 294/2010 of Warangal Circle

Between

Smt. Bheri Shalini
W/o. B. Anil Kumar Reddy
H. No. 25/2RT, LIGH,
Khairatabad, Hyderabad,
Pin Code No. 500004.

AND

Smt. Venumuddala Rama Devi
W/o. Rajeshwar Reddy,
H. No. 38-87/19/2A,
A.N. Colony, Sainagar,
Sainikpuri,
Opp : Government School,
Secunderabad.
Pin Code No. 500094.
S.C. Nos. 1157 & 181.

Complainants

AND

1. Assistant Engineer/Operation/Town/Ghanpur.
2. Assistant Divisional Engineer/Operation/Ghanpur.
3. Divisional Engineer/Operation/Jangaon.

Respondents

@@@

Smt. Bheri Shalini, W/o. B. Anil Kumar Reddy and Smt. Venumuddala Rama Devi, W/o. Rajeshwar Reddy, Thatikonda-Village, Station Ghanpur-Mandal, Warangal-Dist., hereinafter called as the complainant in their complaint dated. 28-10-10, received and registered on 28-10-10, under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, stated the following :-

Contd.2

- i. Smt. Bheri Shalini, W/o. B. Anil Kumar Reddy, Age : 33 Years, Occ: Household, R/o. H. No. 25/2RT, LIGH, Kharitabad, Hyderabad had acquired an extent of agricultural land 3.13 Guntas from Sri. Karingula Satyanaryana Reddy, S/o. Sri. Laxmi Narsimha Reddy vide Pattedar Pass Book No. 50341 and Patta No. 391 and Smt. Karingula Nirmala, W/o. Sathyanarayana Reddy vide Pattedar Pass Boook No. 225682, Patta No. 427 in the following Survey Numbers and respective extents registered at SRO, Ghanpur in Survey No. 167/3 admeasuring 20 ½ Guntas, One Bore Well, 5 H.P. Motor with S.C. No. 1157 vide Document No. 364/2008, Dt. 12.02.2008.
- ii. Smt. Venumuddala Rama Devi, W/o. V. Rajeshwar Reddy, Age : 28 Years, R/o. Thatikonda-Village, Station Ghanpur-Mandal, Warangal-Dist., had acquired an extent of agricultural 3.13 Guntas from Sri. Karingula Satyanaryana Reddy, S/o. Sri. Laxmi Narsimha Reddy vide Pattedar Pass Book No. 50341 and Patta No. 391 and Smt. Karingula Nirmala, W/o. Sathyanarayana Reddy vide Pattedar Pass Boook No. 225682, Patta No. 427 in the following Survey Numbers and respective extents registered at SRO, Ghanpur in Survey No. 167/3 admeasuring 20 ½ Guntas, Two Bore Wells, 3 H.P. Motor with S.C. No. 181 vide Document No. 363/2008, Dt. 12.02.2008.
- iii. they submit that the concerned revenue authorities have also issued Pattedari Pass Books in their favour Bearing Nos. 138126, Patta No. 879 and Pattadari Pass Book No. 138127 and Patta No. 878 respectively.
- iv. they submit that on 06.02.10 Sri. Kaingula Satayanarayana Reddy, S/o. Laxmi Narsimha Reddy applied to transfer the Service Connection Number 1157 in favour of their brother Sri. Karingula Narsimha Reddy without having any right and without any notice high-handedly which was transferred on 11.02.10 in the Office of Assistant Divisional Engineer/Construction & Operation/Ghanpur in collusion with the authorities. At the same time, on 10.05.10 the said Sri. Karingula Satyanarayana Reddy, S/o. Laxmi Narsimha Reddy applied to transfer the S.C. No. 181 in favour of their brother Sri. Karingula Narsimha Reddy without having any right and without any notice highhandedly which was transferred on 17.05.10 in the Office of Assistant Divisional Engineer/Construction & Operation/Ghanpur in collusion with the authorities.
- v. they submit that in first week of June 2010 Sri. Karingula Narsimha Reddy along with their henchmen of about 10 in number came to the bore wells and without having any right or authority removed the fuses and damaged the panel board stating that the land and bore wells are belongs to him. On the high-handed action of the Sri. Karingula Narsimha Reddy they were constrained approach the Police, Ghanpur Station and lodged a complaint but the Police of Ghanpur Station had

not acknowledged the complainant stating that the nature of the case is civil, for which they were constrained to approach the Hon'ble II Additional Junior Civil Judge, at Warangal seeking injunction order in their favour.

- vi. they submit that the Honble II Additional Junior Civil Judge, at Warangal was pleased to order injunction orders in their favour on 14.07.10. After obtaining of the order copy, they sent to the Assistant Divisional Engineer/Construction & Operation/Ghanpur representing to transfer the S.C. Nos. 1157 & 181 in their favour but the Assistant Divisional Engineer said that the service connections have already been transferred and when they asked about the details he refused to give the details of the same and did not show any documents in this respect. When they shown the registered documents to him the Assistant Divisional Engineer replied that he is no way concerned with the issue involved.
- vii. they were constrained to approach the Assistant Divisional Engineer under RTI Act 2005 Dated. 21.07.10 for furnishing of the details in respect of the service connections and they could get the details of the service connection sand to their surprise and shock to know that the service connections without any proper documents, only basing on the self affidavit, Pattadari Pass Book and Pahani Adangal suppressing the factum that their father is live but in the affidavit they furnished stated as their father as died, even the non judicial stamp papers valued Rs. 20/-, 10/ & 50 also purchased as their father is already expired even their father is alive. Even in the Pahani Adangal submitted by the Sri. Karingula Narsimha Reddy also there are discrepancies. The Lr. No. ADE/OP/GNP/F. No. /D. No. 355/10/Dt. 17.05.10 also their father name has been written as (late) even their father is alive.
- viii. they submit that they went to the Assistant Divisional Engineer/ Construction & Operation/Ghanpur furnishing all the documents and explained in detail but the concerned Assistant Divisional Engineer is not responding properly and answering recklessly and they could not get favourable response from Assistant Divisional Engineer.
- ix. they submit as per the MRO proceedings also there are no service connections nor bore wells existing in favour of Sri. Karingula Narsimha Reddy. The fact also explained to Assistant Divisional Engineer but he is not interested in taking any action against Sri. Karingula Narsimha Reddy because he is a Ex-Market Committee Chairman and having muscle power, political power and in active collusion with each other the Assistant Divisional Engineer is not taking any action in this regard.
- x. they submit that they obtained decree in our favour on 20.09.10 from the Hon'ble II Additional Junior Civil Judge at Warangal orders date 20.09.10 in I.A. No. 1059 of 2010 in O.S. No. 760 of 2010.

- xi. they submit that they went to the office of Assistant Divisional Engineer/Construction & Operation/Ghanpur on 05.10.10 with the decree copy and filled in application form for change of name of service connections but the concerned clerk refused to take the application by speaking to Assistant Divisional Engineer, for which they stated that they will go to Divisional Engineer at Jangoan and lodge a complaint against them, then the concerned clerk received our application and issued receipt after confirmation by the Assistant Divisional Engineer on phone to the concerned clerk. The matter was also explained to Divisional Engineer, Jangoan in the same week stating that the Assistant Divisional Engineer is not honouring the orders of the Hon'ble Court.
 - xii. from the above facts, it is humbly request their kind honour to kindly look into the matter and advise the concerned Assistant Divisional Engineer to transfer and change of name in the records Agriculture Electricity Service Connection No. 1157 and 181 of Thatikonda-Village, Station Ghanpur-Mandal, Warangal-Dist., as per the directions of the Hon'ble II Additional Junior Civil Judge, at Warangal as otherwise they will be constrained approach the Hon'ble Court for justice by filing a petition of contempt of court, for which they will be held responsible for the consequences arising thereof.
2. As a sequel to the above complaint, Assistant Engineer/ Operation/ Town / Ghanpur, Assistant Divisional Engineer/Operation/Town/Ghanpur and Divisional Engineer/Operation/Jangoan were directed to file their written submissions vide notice dated. 26.11.2010.
- I. The Assistant Divisional Engineer/Construction & Operation/Ghanpur, in his filings received on 08-10-2010, stated the following :-
- i. the agricultural services 1157 and 181 were in the name of Sri. K. Satyanarayana Reddy of Thatikonda-Village and Ghanpur-Mandal.
 - ii. the services were name changed from Sri. K. Satyanarayana Reddy to Sri. K. Narsimha Reddy in the months 11.02.10 and 17.05.10 on the basis of pattadar pass book and affidavit.
 - iii. in the month 07/2010 another two persons i.e., Smt. Bheri Shalini and Smt. Venumuddala Rama Devi came to office for name change of above said services with registered documents and pattadar pass book. He told them the services already name changed to Sri. K. Narsimha Reddy 1157 in the month 11.02.10 and 181 in the month of 17.05.10.

- iv. after that Smt. Bheri Shalini and Smt. Venumuddala Rama Devi proceeded to Civil Court Warangal. The Civil Court has given injunction order on 14.07.10.
- v. The Smt. Bheri Shalini and Smt. Venumuddala Rama Devi have given application on 05.10.10 for name change of above services by enclosing court judgment copy registered documents and pattadar pass books.
- vi. the Assistant Divisional Engineer/Construction & Operation/Ghanpur written a letter to the Sri. M. Sadhashivudu, SLA/NPDCL for legal opinion from above C.G. No. 294/10 of Warangal Circle, Dated. 03.11.10 by enclosing the above name changed documents and cort decree copy.
- vii. Sri. M. Sadhashivudu, SLA/NPDCL has been given a legal opinion on 23.11.10. He has stated in legal opinion "it is not advisable either to delete the existing name or to cause a fresh name in the service record of connections, which is not desirable, if so, matter will be subjdicied".

3. The hearing was proposed and conducted on 13.12.10 in the Chamber of Chairperson/Consumer Grievances Redressal Forum/NPDCL/Warangal. During the hearing the respondents i.e., Assistant Engineer/Operation/Rajavaram and Assistant Divisional Engineer/Operation/Ghanpur have attended. Sri. C. Venkataram Reddy, Father of Smt. Bheri Shalini and Sri. B. Ranjith Kumar, Brother of Smt. V. Rama Devi have attended the hearing on behalf of complainants.

The following are the remarks made by the complainants and respondents.

I. Complainants :-

- i. The consumer has requested to pass order to change the name in electricity connections of current motors (3) as per registration documents submitted already which are existing in Thatikonda-Village of Ghanpur-Mandal in favour of Smt. Bheri Shalini, W/o. B. Anil Kumar Raeedy and Smt. Venumuddala Rama Devi, W/o. V. Rajeshwar Reddy.

II. Respondent (ADE/Operation/Ghanpur) :-

- i. He has submitted that he will submit the physical field inspection report i.e., who are enjoying the field.

Based on the hearing conducted a letter was addressed to the Divisional Engineer/Operation/Jangoan for conducting physical filed verification of the premises acquired as per the documents produced by the complainants and submit a detailed report to the Forum vide Letter dated. 15.12.2010.

The field verification report from the Divisional Engineer/Operation/Jangoan is yet to be received.

The complainants have submitted a representation dated. 21.12.2010 reiterating the gist of Hon'ble Court Orders as follows :-

- i. That the Ex. P-1 and P-2 sale deeds are valid, and they conveyed the suit property to plaintiffs and that they are in possession and enjoyment of the suit property. This is the prima-facie case of petitioners.
- ii. That the petitioners are in possession of the suit property by virtue of Ex.P-1 and P-2 and P-3 and P-4. Balance of convenience rests with plaintiffs, as the plaintiffs shall suffer more hardship if interim injunction is not granted.
- iii. That the petitioners will suffer hardship if interim injunction is not granted in favour of petitioners.
- iv. Further the Hon'ble Court categorically mentioned our ownership and service connection.
 - a. (Item No. 1 – 1st Plaintiff) The agriculture land to an extent of 0.13 Guntas, 0-10 Guntas, 0-02 Guntas, 0-20 ½ Guntas and 0-04 Guntas (totaling to Acre 1-10 Guntas) out of Survey Numbers 164/3, 165/3, 166/3, 167/3, 168/3 respectively along with bore well and 5 H.P. current motor bearing Service Connection Number 1157 situated at Thatikonda-Village and Gram Panchayat, Ghanpur Station, Warangal-Dist.
 - b. (Item No. 3 – 2nd Plaintiff) The agriculture land to an extent of 0.13 Guntas, 0.10 Guntas, 0.02 Guntas, 0-20 ½ Guntas, and 0-04 Guntas (totaling to Acre 1-10 Guntas) out of Survey Numbers 164/3, 165/3, 166/3, 167/3, 168/3 respectively along with bore well and 3 H.P. current motor bearing Service Connection Number 181 situated at Thatikonda-Village and Gram Panchayat, Ghanpur Station, Warangal-Dist.

As per the remarks made by the Assistant Divisional Engineer/Construction & Operation/Ghanpur during the hearing conducted, he has submitted a physical field verification report of S.C. Nos. 181 and 1157, Cat-V, of Thatikonda-Village in Rajavaram Section vide his letter dated. 11.01.2011 stating as follows :-

- I. He has conducted the physical field verification on 10.01.11 along with departmental staff of Sri. K. Rosaiah, Lineman/Operation/Thatikonda-Village and found the following remarks as :-
 - a) S.C. No. 181, Cat-V of Thatikonda-Village, existing bore well water utilizing by Smt. Venumuddala Ramadevi, W/o. V. Rajeshwar Reddy for agriculture purpose.
 - b) S.C. No. 1157, Cat-V of Thatikonda-Village, existing bore well water utilizing by Smt. Bheri Shalani, W/o. B. Anil Kumar Reddy for agriculture purpose.

4. **Analysis of the Case :-**

The contention of the complainants is that as follows :-

- I. Smt. Bheri Shalini, had acquired an extent of Agricultural land 3.13 Guntas from Karingula Satyanarayana Reddy, S/o. Laxmi Narsimha Reddy vide Pattedar Pass Book No. 50341 and Patta No. 391 and Karingula Nirmala, W/o. Satayanarayana Reddy vide Pattedar Pass Book No. 225682, Patta No. 427 in the following Survey Numbers and respective extents registered at SRO Ghanpur in Survey Number 167/3 admeasuring 20 ½ Guntas, One Bore Well, 5 HP Motor with S.C. No. 1157 vide Document Number 364/2008, Dt. 12.02.2008.
- II. Smt. Venumuddala Rama Devi, had acquired an extent of Agricultural land 3.13 Guntas from Karingula Satyanarayana Reddy, S/o. Laxmi Narsimha Reddy vide Pattedar Pass Book No. 50341 and Patta No. 391 and Karingula Nirmala, W/o. Satayanarayana Reddy vide Pattedar Pass Book No. 225682, Patta No. 427 in the following Survey Numbers and respective extents registered at SRO, Ghanpur in Survey Number 167/3 admeasuring 20 ½ Guntas, Two Bore Wells, 3 HP Motor with S.C. No. 181, vide Document No. 363/2008, Dt. 12.02.08.
- III. The concerned revenue authorities have also issued Pattedari Pass Books in our favour Bearing Numbers 138126, Patta No. 879 and Pattedari Pass Book No. 138127 and Patta No. 878 respectively.

Contd.8

IV. The Hon'ble II Additional Junior Civil Judge at Warangal was pleased to order injunction orders in favour of complainant stating as follows :-

- a. That the Ex. P.1 and P.2 : Sale deeds are valid, and they conveyed the suit property to plaintiffs and that they are in possession and enjoyment of the suit property. This is the prima-facie case of petitioners.***
- b. That the petitioners are in possession of the suit property by virtue of Ex. P.1. and P.2 and P.3 and P.4. Balance of convenience rests with plaintiffs, as the plaintiffs shall suffer more hardship if interim injunction is not granted.***
- c. That the petitioners will suffer hardship if interim injunction is not granted in favour of petitioners.***
- d. In the result the petition is allowed and the Ad-interim injunction granted on 14.07.10 is hereby made absolute.***

When the complainants have approached to the Assistant Divisional Engineer/Operation/Ghanpur for name change of S.C. Nos. 1157 and 181 in favour of them as per the land acquired by them showing the related documents to that extent. But the Assistant Divisional Engineer/Operation/Ghanpur has not effected the name change proposals stating that services were already name changed from Sri. K. Satyanarayana Reddy to Sri. K. Narsimha Reddy in the months of 11.02.10 and 17.05.10 on the basis of pattadar pass book and affidavit.

5. **ORDER :-**

Not-with-standing any thing contained in the injunction orders passed by the Hon'ble II Additional Junior Civil Judge at Warangal in as much as the Forum is an independent body constituted under Section 42 of the Indian Electricity Act 2003 read with G.O. Ms. No. 21 of 06.02.2004. While so, keeping in view the all maintainable material facts, the Forum orders the respondents to effect the name

change proposals in the name of Smt. Bheri Shalini, W/o. B. Anil Kumar Reddy and Smt. Venumuddala Rama Devi, W/o. V. Rajeshwar Reddy, as they have acquired the agricultural land from Sri. K. Satyanarayana Reddy, S/o. K. Laxmi Narsimha Reddy, and got registered at Sub-Registrar Ghanpuram. The Revenue Officials have also issued pattadari pass book in their favour bearing numbers 138126, Patta No. 879 and Pattadari Pass Book No. 138127 and Patta No. 878 respectively.

The respondents are further directed to conduct a physical field verification of the premises acquired by the complainants as per the records available with them to the extent of land acquired along with the services i.e., 1157 & 818 which are existing at present to strengthen this order.

The respondents are also directed to submit the detailed compliance report in this regard duly complying these orders within 15 days from the date of receipt of this orders.

6. Reasons for Delay :-

There is a delay of about 41 days in deciding the petition. The reasons for delay are :-

- i. Non-receipt of reports from respondents.
- ii. Insufficient information filed by the complainants.

7. If the complainant is aggrieved by the order of the forum he may represent to Vidut Ombudsman, APERC, Singareni Bhavan, IVth Floor, Red Hills,

Hyderabad-500 004, within (30) days of receipt of this order as specified in clause (9) of Regulation 1 of 2004 of A.P. Electricity Regulatory Commission of A.P.

Signed on 22nd day of January, 2011.

Sd/-
K. RAMESH
MEMBER (LEGAL)

Sd/-
G. RAVEENDRANATH
MEMBER (ACCOUNTS)

Sd/-
T. SADARLAL
CHAIRPERSON

Endt. No. C.P./C.G.R.F/NPDCL/WGL/C.G. No. 294/2010-1 Dt. 22.01.2011.

Copy to :-

The Superintending Engineer/Operation/NPDCL/Warangal.

The General Manager (IT)/Corporate Office/NPDCL/Warangal.

(He is requested to place the order in the Company's Website).

Sri. Dr. A. Sudharshan Reddy, President, Centre for Environmental Studies,

H. No. 2-2-421, Kishanpura, Hanamkonda, Warangal-Dist.

The Stock file.

//FORWARDED BY ORDER //

**Member (Legal)
Consumer Grievances Redressal Forum.**