IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

WP. No. of 2021

Between:

1. The Asst. Engineer/Operation/ Jeedimetla (IDA)/TSSPDCL/ Medchal Dist.
2. The Asst. Divisional Engineer/Op/ Jeedimetla /TSSPDCL/ Medchal Dist.
3. The Divisional Engineer/Op/ Jeedimetla /TSSPDCL/ Medchal Dist.
4. The Superintending Engineer/Op/ Medchal Circle/TSSPDCL/ Medchal Dist.

…Petitioners

And

1. Consumer Grievances Redressal Forum,

TSSPDCL, H. No: 8-3-167/E/1, CPTI Premises,

GTS Colony, Vengalaraonagar Colony,

Erragada, Hyderabad – 500 045.

2. M/s. SRI SAI ENTERPRISES

Its Proprietor, Sri. Raja Shekar Reddy

Plot No – 663 Part & 664 Part,Subash Nagar,

IDA, Jeedimetla,Hyderabad – 500 055.

Cell. No : 9849 016 814, 9666 111 361. …Respondents

AFFIDAVIT

I, Avula Aruna W/o Sreedhar Rao, aged: 46 years Occ: Assistant Accounts Officer, ERO, Banjara Hills, TSSPDCL, Hyderabad do here by solemnly affirm and state on oath as follows:

I am working as Assistant Accounts Officer, ERO, Banjara Hills, TSSPDCL, Hyderabad and well acquainted with the facts of the case and I am authorized to swear this affidavit.

1. It is submitted that the present Writ Petition is filed aggrieved by the orders of the 1st Respondent dated: 16-09-2020 in C.G.No.05/2020-21, Medchal Circle passed by the CONSUMER GRIEVANCES REDRESSAL FORUM (CGRF) to declare that the order passed as unjust, illegal, arbitrary and without sanction of law and to set aside the same.

2. It is submitted that the 2nd respondent has been provided with a service connection S.C.No.012402943 at plot no.663 and 664 Subhash Nagar, TDA Jeedimetla, Hyderabad in the year 2006. The 2nd respondent has erected an 63Kva Distribution Transformer (DTR) as per the directions of the TSSPDCL to enable them to provide the service connection.

3. It is submitted that the 2nd respondent has informed the petitioners officers that they have sold the building at Subhash Nagar IDA Jeedimetla Hyderabad and requested for shifting of service connections to survey no.285/AA, Kokkonda Village, Mulugu Mandal Siddipet District. The concerned informed the 2nd respondent that the 100 Kva DTR is owned by the Petitioner company and other service connections have been provided to other consumers the same cannot be shifted. The petitioner company has enhanced the transformers capacity from 63 Kva to 100 Kva at their own cost and as per the provisions of Electricity Act 2003 and General terms and Conditions of supply (GTCS). Once any line is charged the entire equipment including the DTR is treated as the property of the petitioner company and other consumers can be provided service connections from the DTR.

11. It is submitted that the orders of the 1st Respondent cannot be sustained for the grounds raised above and the same has to be set aside. The additional load which was placed on the system by the petitioner has caused severe damage to the infrastructure and the same can only be compensated by paying the fixed charges.

12. It is submitted that the 2nd Respondent has filed an application before the 1st Respondent to initiate action for not implementing the orders dated 31-03-2021 in CG No. 132/2020-21. The 1st Respondent is empowered to impose penalties as per the Telangana State Electricity Regulatory Commission (Establishment of Mechanism for Redressal of Grievances of the Consumers) Regulation 2015. If the operations of the orders dated 31-03-2021 in CG. No. 132/2020-21 are not suspended pending the Writ Petition the Petitioners shall suffer irreparable loss and injury.

13. It is submitted that there is no forum provided to appeal against the orders of the 1st respondents to the Telangana State Southern Power Distribution Company limited (TSSPDCL) and only the consumer can approach the Vidyuth Ombudsman against the orders of the Consumer Grievance Redressal Forum. Hence the only remedy available to the petitioner is to approach this Honorable Court under Article 226 of the Constitution of India.

14. It is submitted that the petitioners have no other alternative or efficacious remedy except to invoke the Jurisdiction of the Honourable court by way of filling the Writ petition under Article 226 of the constitution of India.

15. It is submitted that the Petitioners have not filed any writ petition, suit any other proceedings before any court of law in respect of the relief sought for in this writ petitioner.

16. It is submitted that the 1st Respondent has power to impose penalties under Regulations 2.54, 2.55, 2.56 of Regulation 3 of 2015 for not implementing its orders.

Main Prayer:For the above stated facts and circumstances it is therefore prayed that this Hon’ble High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari by calling for the records and quash the orders dated 31-03-2021 in C.G.No. 132/2020-21/ Banjara Hills Circle passed by the 1st Respondent as arbitrary, illegal, unjust and contrary to the law and facts of the case and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.

Interim Prayer:Pending disposal of the writ petition this Hon’ble Court may be pleased to stay the operation of the orders of the 1st respondent 31-03-2021 in C.G.No. 132/2020-21/ Banjara Hills and to pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.

Sworn and signed before me DEPONENT

On this day of May, 2021

At Hyderabad

Advocate: Hyderabad

VERIFICATION

I Avula Aruna W/o Sreedhar Rao, aged: 46 years Occ: Assistant Accounts Officer, ERO, Banjara Hills, TSSPDCL, Hyderabad, do hereby verify and declare that the facts stated in the above paragraphs of the affidavit are true to my personal knowledge, belief, information and also legal advise from my counsel.

Hence verified on this the day of May, 2021 at Hyderabad.

DEPONENT

Counsel for the Petitioner