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

1. I P.Laxman S/o.P Linganna , aged:54 years Occ: Assistanat Divisional Enginner ,Operations/ Jeedimetla /TSSPDCL/ Medchal District do here by solemnly affirm and state on oath as follows:

I am working as Assistant Divisional Enginner ,Operations/ Jeedimetla /TSSPDCL/ Medchal District 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.

4. It is submitted that the 2nd Respondent claiming that the appellants have refused to receive the application to shift the transformer and has filed a complaint before the 1st respondent bearing CG.No.05/2020-21 Medchal Circle. The 1st respondent without taking into consideration the written submission of the appellants and the General Terms and Conditions of Supply has allowed the complaint by order dated 16-09-2020 directly the appellants to shift the service connection by providing 63kva distribution transformer (DTR).

Aggrieved by the said orders the Appellant have filed the present writ petition on of the following grounds.

**GROUNDS**

1.) The orders passed by the 1st Respondent are contrary to law, against the provisions of Electricity Act and the Regulations framed there under hence fit to be set aside.

2. The 1st Respondent failed to take into consideration section 2(20), 2(50),2(61) which define the Electric line, Power System and Service line. The said provision stipulates that the entire power distribution system is treated as the property of the distribution company to enable seamless distribution of power.

3. The 1st Respondent failed to take into consideration note of the fact that the Discom creates infrastructure at its own cost to meet the future needs of and collects part of the said cost from the consumers in the form of “development charges” based on their power requirement hence the transformer have to be treated as property of the discom to enable them to provide electricity to other consumers.

4. The 1st Respondent \*\*\*\*\*\*\*\*\* in not applying clause 5:3.2.2 of General Terms and Conditions of Supply. The said clause states that not with -standing the payment of cost of by the consumers the equipment shall be treated as the property of discom and the discom to shall have a right to use service line for supply of energy to any other person.

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: 16-09-2020 in C.G.No.05/2020-21/Medchal 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 dated : 16-09-2020 in C.G.No.05/2020-21/Medchal Circle 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 July, 2021

At Hyderabad

Advocate: Hyderabad

VERIFICATION

I P.Laxman S/o.P Linganna , aged:54 years Occ: Assistanat Divisional Enginner/ Operations/ Jeedimetla /TSSPDCL/ Medchal District 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 July, 2021 at Hyderabad.

DEPONENT

Counsel for the Petitioners