

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3088 OF 2019

DATED :28.03.2019

Between :

T. Gandaiah S/o.Late T.Lingaiah,
Aged about 56 yrs, Occu : Govt. Service,
R/o.H.No.15-15/86, Sudarshan Nagar Colony,
Serlingampally Mandal,
Ranga Reddy District.

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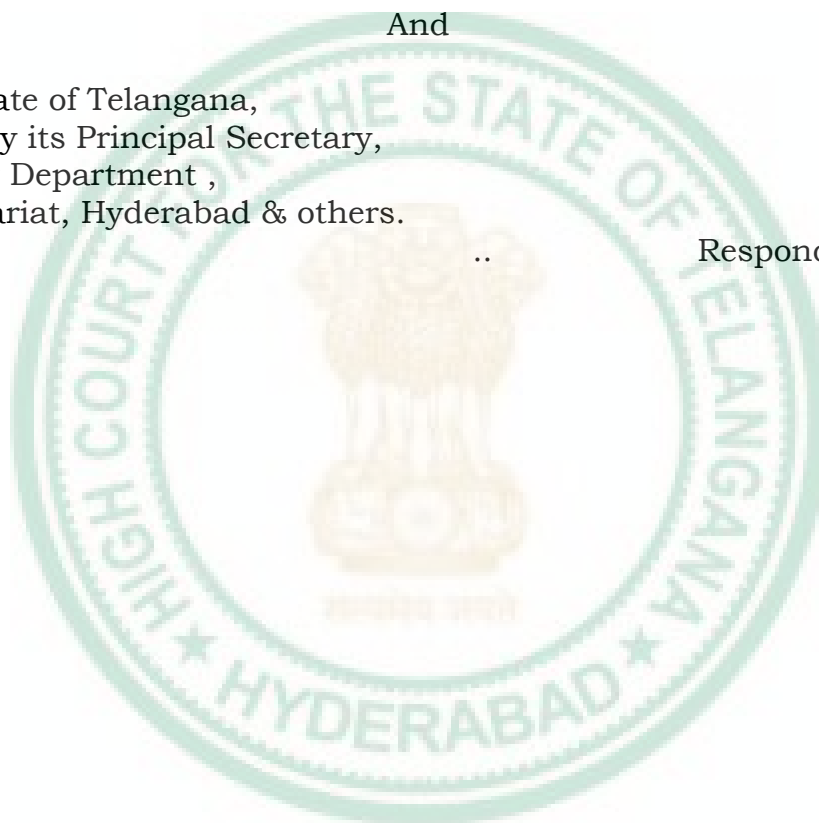
Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Energy Department ,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3088 OF 2019

ORDER :

Heard learned counsel for the petitioner, learned Standing counsel for Respondents 2 and 3 and Sri K.L.N. Raghavender Reddy, learned counsel for the 4th respondent.

2. Petitioner claims to be in possession of house bearing No.15-15/86, Sudarshan Nagar Colony, Serlingampally Mandal, Ranga Reddy District. Three electricity service connections are provided to the said premises by the respondent company vide service connections bearing Nos.1200302900, 1200805869 and 1200805922 in the name of petitioner. The limited grievance of the petitioner in this writ petition is with reference to change of ownership of two service connections out of three undertaken by the respondent-company and changing the name in the company records in favour of 4th respondent.

3. It appears from the averments made in the affidavit filed in support of writ petition and counter affidavits of respondents 3 and 4 that there are civil disputes between petitioner and unofficial respondents. The decision of changing the name of ownership of the service connections by the respondent company is challenged primarily on the ground that as per the procedure evolved by the respondent-Company, consent of the existing consumer has to be obtained before transferring consumer connection number in favour of another person. But without the consent, application was made by the 4th respondent and based on the said application the service connection is

changed in favour of 4th respondent and the same is *ex-facie* illegal.

4. In support of the said contention, learned counsel for the petitioner placed reliance on the procedure evolved by the respondent-Company.

5. At page No.44 of the counter affidavit filed by 3rd respondent, the documents required for title transfer are mentioned. According to clause '2' of the list of documents, the transfer application form should be signed by the consumer in whose name supply is released. At page No.47 the application filed by the 4th respondent is enclosed. It is a printed proforma. The first portion deals with the declaration of existing consumer (transferor) and consent given by him and second portion deals with transferee. The first limb of the proforma is not signed by the existing consumer i.e., petitioner and based on the said application, transfer is made.

6. Learned counsel for the respective parties do not dispute that petitioner is in occupation of the subject premises and three power supply connections were sanctioned in his name.

7. According to learned counsel for 4th respondent the subject property was purchased by the 4th respondent and petitioner is also a party to the sale transaction. This Court is not entering into this aspect.

8. The limited issue for consideration in this writ petition is whether transfer of service connection was undertaken with prior consent of the existing consumer ?

9. Section 43 of the Electricity Act, 2003 requires the respondent-Company to provide electricity supply on the request made by the occupant of the premises. Based on the said provision and on the request made by the petitioner, service connections were provided. As long as petitioner continues to occupy the said premises, without his consent the consumer name in the service connections cannot be changed. Thus, contrary to the provision in Section 43 and the guidelines formulated by the respondent-Company, to affect such transfer, transfer was illegally made which is impugned in this writ petition.

10. As transfer is illegally made, the same is set aside and the Writ Petition is allowed. However, this order does not come in the way of 4th respondent to work out his remedies as available in law with reference to change of records and with reference to use of service connection standing in the subject premises. Pending miscellaneous petitions, if any, shall stand closed.

28th March, 2019
Rds

P.NAVEEN RAO,J