

APHC010015302025



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

[3209]

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

**WRIT PETITION No: 745 of 2025**

**Between:**

1.NAIDU VENKATA RAMANA, S/o.NAGARAJU, AGED ABOUT 47 YEARS, R/oD.No.2-165, NAIDU VEEDI, CHINADODDIGALLU (V), NAKKAPALLE (M), VISHAKAPATNAM DISTRICT.

**...PETITIONER**

**AND**

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, ENERGY DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT

2.THE CONSUMER GRIEVANCES REDRESSAL FORUM, REP.BY.ITS CHAIR PERSON, VISHAKAPATNAM DISTRICT.

3.THE APEPDCL, REP. BY ITS CHIEF MANAGING DIRECTOR OFFICE AT SEETHAMMADHARA RD, TPT COLONY, P & T COLONY, BALAYYA SASTRI LAYOUT, SEETHAMMADARA, VISAKHAPATNAM - 530001

4.THEAPEPDCL, REP., BY ITS ASSISTANT EXECUTIVE ENGINEER OPERATION, NAKKAPALLI, ANAKAPALLE DISTRICT.

5.G SRINIVASA RAO, R/O D.NO.39-33-147/1, LIG-81, VUDA COLONY PHASE - II, MADHAVADHARA, VISHAKAPATNAM VISHAKAPATNAM DISTRICT - 530018

**...RESPONDENT(S):**

**Counsel for the Petitioner:**

1.Mr.ARUN KUMAR R

**Counsel for the Respondent(S):**

1.GP FOR ENERGY

2.Mr.V V SATISH (SC for APEPDCL)

3.Mr.SRINIVASULU P

**The Court made the following Order:**

The present writ petition is filed aggrieved by the orders passed by the Consumer Grievances Redressal Forum (for short 'Forum'), APEPDCL, Visakhapatnam dated 30.12.2024 in C.G.No.429 of 2024.

2. The 5<sup>th</sup> respondent herein approached Forum by making a complaint against the writ petitioner herein and two others for redressal of grievance under Clause 9 (1) r/w Clause 2.5 of Regulation 3 of 2016 notified by the Andhra Pradesh Electricity Regulatory Commission (APERC), for removal of service connection granted in the name of the writ petitioner and to restore the original connection bearing No.113356G202000294 to the 5<sup>th</sup> respondent / complainant.

3. Before the Forum, the 5<sup>th</sup> respondent / complainant, *inter alia*, pleaded that the said service connection bearing No. 113356G202000294, which is in the name of his grandfather one Mr.G.Seetambaran was dismantled, without any prior intimation / intimation, thereby caused inconvenience to his daily life. While alleging that the concerned Assistant Engineer without verification of the documents, illegally granted electrical connection No.113356G202001825 in the name of writ petitioner for the house Assessment No.373 of Chinnadoddigallu Village, he requested the Forum to order an enquiry into the issue of dismantling his old electrical connection and issuing new electrical connection and cancel the illegally issued electric connection bearing No.113356G202001825. The writ petitioner contested the matter and the Forum *vide* Order dated 30.12.2024 allowed the complaint and directed the

restoration of the old service connection No. 113356G202000294. It also directed the DISCOM authorities to dismantle the service connection No. 113356G202001825 and the Superintendent Engineer/Operation, Anakapalli to initiate departmental enquiry against the concerned Assistant Executive Engineer of the Distribution Company.

4. The learned counsel for the petitioner assailed the order of the Forum, with reference to the contentions raised in the writ petition. Whereas, the learned counsel for the 5<sup>th</sup> respondent / complainant while contending that the writ petition is not maintainable as the same was filed without availing the statutory remedy before the Vidyut Ombudsman, also submits that even on the merits also, the order under challenge is sustainable for the reasons stated in the counter-affidavit.

5. In the light of the objection to the maintainability of the writ petition, the learned counsel for the writ petitioner submits that in fact, against the order of the Forum dated 30.12.2024 impugned in the writ petition, a Representation was made to the Vidyut Ombudsman on 06.01.2025, but the same was returned on 07.01.2025. In this regard, the learned counsel for the writ petitioner had drawn the attention of this Court to Page No.11 of the Memo filed on 09.01.2025 containing the Return Endorsement with certain objections, and the same which are relevant are reproduced hereunder for ready reference:

1. The CGRF order dt.30.12.2024 itself shows that you were arrayed as 6<sup>th</sup> respondent in C.G.No.429/2024 and the last para of the said order itself

reveals that **“The complainant was only informed that if he was aggrieved by the order of the FORUM, he may approach the Vidyut Ombudsman but not the other parties to the said C.G.”**

2. When the CGRF order itself evidences that you were the 6<sup>th</sup> respondent in C.G.No.429 of 2024 and when you were not the complainant who approached the CGRF, how could you describe yourself here and there in the representation as complainant to be stated.
3. How a representation is sustainable before the Vidyut Ombudsman when Section 42 (6) of Electricity Act, 2003 read with clause 18.1 of Regulation No.3 of 2016 envisage that the complainant who approached the CGRF for Redressal of his grievances, can only approach the Vidyut Ombudsman, when his grievances were not redressed?, and as such, how this respondent before the CGRF has got Locus Standi to present a representation before the Vidyut Ombudsman to be stated.
4. ....
5. ....
6. ....
7. ....
8. The representationist has to state the provision of law vesting competency in the Vidyut Ombudsman to judge the merits and demerits contained in the CGRF order, when the Vidyut Ombudsman is not an appellate authority on the CGRF.
9. ....

6. The learned counsel for the petitioner in the light of the said Return Endorsement sought to justify the filing of the present writ petition. However, this Court is not inclined to examine the correctness or otherwise of the order passed by the Forum, in the light of the relevant provisions incorporated in Consumer Grievance Redressal Forums, Vidyut Ombudsman and Consumer Regulations, 2016 (Regulation No.3 of 2016). Though the Return Endorsement is not the subject matter in issue, keeping in view the

significance of the said Regulation, this Court deems it appropriate to delve on the same.

7. The Andhra Pradesh Electricity Regulatory Commission, notified the Andhra Pradesh Electricity Regulatory Commission (Establishment of Forum and Vidyut Ombudsman for redressal of grievances of consumers) (First Amendment) Regulation, 2007 in the Andhra Pradesh Extraordinary Gazette dated 01.10.2007. After bifurcation of the State of Andhra Pradesh into State of Telangana and State of Andhra Pradesh, all the Regulations made by the erstwhile Andhra Pradesh Electricity Regulatory Commission are adapted in relation to the State of Andhra Pradesh under the Andhra Pradesh Electricity Regulatory Commission (Adaptation) Regulation, 2014 (4 of 2014). The Forum for Redressal of Grievances of the Consumers and Vidyut Ombudsman in the State of Andhra Pradesh were continuing to the function under such adapted regulations.

8. After public hearings, during the Financial Year 2015-16, the Commission guided by the model Regulations framed by the Forum of Regulators to the extent they suit and answer the needs and requirements of the consumers and the electricity industry in the State of Andhra Pradesh, formulated the Regulations governing the establishment and functioning of the Consumer Grievances Redressal Forums, Vidyut Ombudsman and Consumer Assistance and for all matters incidental and ancillary thereto and the same was notified in the Andhra Pradesh Gazette Extraordinary dated 16.02.2016 (Regulation No.3 of 2016). The said Regulation is applicable to all

the licensees in their respective licensed areas and consumers of Electricity in the State of Andhra Pradesh.

9. The definitions under Regulation No.3 of 2016, which are relevant in the present context reads thus:

2.4 “Complainant” means and includes the following who have a grievance as defined in the Regulation:

- a) A consumer as defined under Clause (15) of Section 2 of the Act
- b) An applicant for a new electricity connection
- c) Any registered consumer association
- d) Any unregistered association or group of consumers, where the consumers have common or similar interests and
- e) An occupier of a premises to which electricity is or has been supplied by a licensee;
- f) In the case of death of a consumer, his / her legal heir(s) or representative (s).

2.5 “Complaint” means any allegation made orally or in writing to a Forum by or on behalf of a Complainant seeking redressal of grievances including those concerning the supply of electricity or the services rendered by the licensee.

2.6 xxxxxx

2.7 xxxxxxxx

2.8 xxxxxxxx

2.9 xxxxxxxx

2.10 “Representation” means the representation made to the Vidyut Ombudsman by or on behalf of a complainant who is aggrieved in any manner by non-redressal of his grievances (s) by a Forum;

10. Further, Para No.4 of the said Regulation deals with Number of Forums, location and jurisdiction. Para Nos.5 and 6 deals with Appointment and Removal of Members and Conditions of Service of the Chairperson and Members respectively. Para No.7 deals with Procedural matters, Para No.8 deals with Reporting requirements.

11. Para Nos.9 and 10 deals with Presentation of complaint and Scrutiny and Admission of complaint. Para No.11 deals with Issue and Service of Notices and Para No.12 deals with Procedure for hearing of the complaint. Whereas Para No.13 deals with Orders of the Forum.

12. As per the said Regulation, i.e., Para 13.1, on conclusion of the inquiry, the Forum shall pass reasoned orders on the complaint and the decision of the Forum shall be by a majority of the Members who heard both parties and in the event of equality of votes, the Chairperson or in his absence the person presiding, shall exercise a second or casting vote. Para 13.2 envisages that the Forum shall pass an order of dismissal of the complaint, if the decision does not uphold the complaint and the Forum shall grant an appropriate relief(s) as per law, if the complaint is upheld in full or in part and such relief (s) shall be specific and clear. Proviso to the para 13.2 contemplates *that “where any complaint is dismissed or the relief granted is only in part, the Forum shall inform the complainant about his right to make a representation to the Vidyut Ombudsman.”*

13. Para No.14 of the Regulation deals with the Qualifications, terms of appointment and removal of Vidyut Ombudsman. Para No.15 deals with the conditions of service of the Vidyut Ombudsman etc. Para No.16 deals with office of the Ombudsman and para 17 deals with reporting requirements.

14. Para No.18 with reference to which the Return Endorsement dated 07.01.2025 was made reads as follows:

18. Presentation of Representation:

18.1 The complainant or a person duly authorized by him in this behalf may submit his representation in writing accompanied by a copy of the order of the Forum and other necessary supporting documents, if any, either in person or through post, e-mail or Fax to the office of the Vidyut Ombudsman having territorial jurisdiction.

18.2 In case of submission of a representation in person, an acknowledgment shall be issued immediately. In case of receipt of a representation by post, e-mail or Fax, an acknowledgment shall be dispatched latest by next working day.

18.3 Any representation in writing may be submitted either in the format specified in Annexure: II or at least contain the information required in the format as far as possible.

15. From a reading of the above extracted para, it is clear that a complainant can make a representation to the Ombudsman along with a copy of the order of the Forum. The representation dated 06.01.2025 made by the petitioner, without reference to the said provision was returned on the premise that he was the 6<sup>th</sup> respondent before the Forum, but not the complainant and as such, he cannot maintain the said representation. Though Regulation 3 of 2016, does not confer any powers of an appellate Authority to the Vidyut

Ombudsman, against the orders of the Forum, but the scheme of the said Regulation gives an opportunity to the occupier of a premises to which electricity is or has been supplied by a licensee to make a Representation, as the definition “complainant” under Para No.2.4 (e) covers the occupier of a premises. Therefore, the definition of the complainant, cannot be confined only to a complainant before the Forum, but also an occupier of a premises to which electricity is or has been supplied by a licensee.

16. In the present case, even the grievance of the 5<sup>th</sup> respondent as ventilated before the Forum is that the service connection which was in the name of his grandfather was dismantled and new service connection is provided to the writ petitioner. The order of the Forum against the writ petitioner gives cause of action to make ‘Representation’ as he falls within the definition of ‘Complainant’ under Para No.2.4(e) of Regulation No.3 of 2016.

17. At this juncture, it may also be relevant to mention that Para No.19 of the Regulation 3 of 16 deals with Scrutiny and Admission of Representation and Para No.19.3 deals with Rejection of the Representation and as per the *Proviso* therein, no representation shall be rejected unless the complainant has been afforded an opportunity of being heard, which was not followed in the case on hand. Therefore, the Return Endorsement is not in tune with Regulation of 3 of 2016. Be that as it may.

18. The petitioner herein approached this Court by way of the present writ petition against the order passed by the Forum, without clarifying the relevant

aspects on the Return Endorsement, with reference to the above extracted paras of Regulation No.3 of 2016. Therefore, in the light of the opinion of this Court referred to supra, it is deemed appropriate to dispose of the writ petition, granting liberty to the petitioner to re-present the Returned documents / Representation within a period of two (2) weeks from the date of receipt of a copy of this order. If the petitioner adopts the said course of action, the Representation shall be entertained, if there are no other objections. Thereafter, the Ombudsman shall pass appropriate orders, after hearing parties on both sides as expeditiously as possible, in accordance with Law.

19. Till appropriate orders as indicated above are passed, the interim order granted by this Court on 10.01.2025 shall remain in force. Needless to observe that this Court had not expressed any opinion on the correctness or otherwise of the order of the Forum / merits of the matter and the parties to the litigation may raise their respective contentions for consideration by the Ombudsman.

20. Accordingly, the writ petition is disposed of. No costs. Consequently, all pending applications shall stand closed.

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**JUSTICE NINALA JAYASURYA**

BLV  
Dt. 17.02.2026

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

**W.P. No: 745 of 2025**

Date: 17.02.2026

BLV