

TAMIL NADU ELECTRICITY OMBUDSMAN

19- A, Rukmini Lakshmi pathy Salai, (Marshal Road), Egmore, Chennai – 600 008.

Phone : ++91-044-2841 1376 / 2841 1378/ 2841 1379 Fax : ++91-044-2841 1377

Email : tnerc@nic.in

Web site : www. tneo.gov.in

BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 4 of 2015

Tmt. P. Priyanka,
W/o Pannerselvam,
13, Cheran Street,
Sri Manikandan Nagar,
Kundrathur, Chennai – 600 069.

..... Appellant
(Rep by Thiru. B. Thanappan)

Vs

The Superintending Engineer,
Chennai Electricity Distribution Circle/ South,
TANGEDCO,
110 KV SS Complex,
K.K.Nagar,
Chennai-600078.

. . . . Respondent
(Rep.by Thiru Indrakumar,
Assistant Executive Engineer/
Kundrathur on 12.3.2015
&
Thiru. Shanmugasundaram,
Executive Engineer/Porur on
25.3.2015)

Date of hearing: 12.3.2015 & 25.3.2015

Date of Order : 15.6.2015

The Appeal petition filed by Tmt. P. Priyanka, W/o Thiru. Pannerselvam, Kundrathur was registered as appeal petition no.4 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 12-3-2015 & 25.3.2015. Upon perusing the appeal petition, counter of the Respondent and the arguments putforth by both the parties on the hearing days, the following order is passed by the Electricity Ombudsman.

ORDER

1. Prayer of the Appellant :

The name transfer effected in SC No.305-007-428, 305-007-326, 305-007-184 and 305-007-183 in favour of Arunmozhi and Divya shall be cancelled and action may be taken on the AEE/Kundrathur for his wrong report.

2. Brief History of the case :

2.1 The following connections were effected in the name of Thiru. P.T. Balasubramaniam.

- (i) SC No. 305-007-183
- (ii) SC No. 305-007-184
- (iii) SC No. 305-007-326
- (iv) SC No. 305-007-428

2.2 The SC No.305-007-183 and SC No.305-007-326 were transferred in the name of Arunmozhi D/o B.Dilli on 8.5.2009 as per the request of Arunmozhi.

2.3. The SC No. 305-007-184 and SC No.305-007-428 were transferred in the name of Divya D/o B. Dilli on 1.4.2010 and 13.7.2010 respectively.

2.4 Tmt. P. Priyanka made an objection to the name transfer of the services on 17.6.2014 to the AE/Kundrathur as there was no reply from the AE, she filed a petition before CGRF on 12.9.2014.

2.5 The CGRF has issued its order on 27.11.2014 and aggrieved over the order of the CGRF the Appellant filed this appeal petition before the Electricity Ombudsman.

3. Contentions of the Appellant :

3.1 The Appellant has contended the following in the appeal petition.

- (i) The SC No.09-305-007-428, 09-305-007-326, 09-305-007-184 and 09-305-007-183 are transferred in the name of Arunmozhi and Divya without obtaining the required documents.

(ii) A petition filed before the AE/Kundrathur in this regard with required documents on 17.6.2014. But, the AE has not taken any action. Hence, a petition dt.12.9.2014 filed before the CGRF of Chennai EDC/South by RPAD.

(iii) During the CGRF hearing, the Assistant Executive Engineer, Thiru. Karuppaiah has agreed to furnish report within 15 days after conducting enquiry. In the report, the AEE/Kundrathur has informed that the name transfer was done based on the correct documents during 2010 and hence, dismissed her petition. '

(iv) The property tax name transfer effected for the above house property cancelled by the Kundrathur Panchayat vide ந.க.எண்.290/2014 dt.19.9.14 and the ownership was reverted back to Thiru. P.T. Balasubramanian.

(v) The AEE/Kundrathur has given wrong information. Hence, action may be taken against Thiru. Karuppaiah and the name transfer effected in the above services may be cancelled.

4. Contention of the Respondent :

4.1 The Respondent has contended the following in the counter affidavit.

4.2 The petitioner's grandfather P.T. Balasubramanian exercised a Will on his properties to his wife, sons and daughters and registered as Doct. No.57/2002 in the office of Deputy Registrar, Saidapet and Subsequently he died on 7.5.2014. On inspection it is seen that the vacant place in schedule C and B a house with vacant place were allotted to Mr. B. Dilli and B. Thanappan respectively and further stated that the new Door No.28 and old No.108 was allotted to the property of B. Dilli and new No.26 and Old No.109 was allotted to B. Thanappan.

4.3 Service connections in A/c No.305-007-183 and 305-007-184 were effected in Door No.28/108 and 305-007-326 & 305-007-428 were effected in Door No.26/109.

4.4 The SC Nos 305-007-183 and 305-007-326 in the name of deceased P.T. Balasubramanian were transferred to Arunmozhi D/o B. Dilli on 8.5.2009 as per the records produced by Arunmozhi, D/o B. Dilli.

4.5 Subsequently SC No.305-007-184 was name transferred to Divya D/o B. Dilli on 14.7.2010 and SC No.305-007-428 was name transferred to Divya D/o B. Dilli on 13.7.2010 by verifying the records produced by them.

4.6 SC No.305-007-326 in the name of Arunmozhi D/o B. Dilli was transferred to the Board wherein SC Nos 305-007-183 and 305-007-184 were erected on 13.1.2014 itself, on the request of Arunmozhi by letter dated 13.1.2014 that the said service connection was not placed in safe place.

4.7 Tmt. P. Priyanka after passing several months, by complaint letter dated 17.6.2014 objected the above said name transfer and meter board change.

4.8 Mr. B. Dilli by letter dated 6.12.2014 informed that the property at the back side of the house of the Mr. B. Dhanappan measuring 36 feet out of the total area 36x68 feet is belonging to him and no way to enter his property and the same issue is pending disposal before DMC Chengalpattu in O.S. No.509 of 2014.

4.9 Arunmozhi and Divya, D/o B. Dilli sent an objection letter dated 18.12.2014 to remove the wire which was taken along with the walls belonging to them. The service connection No. 305-007-963 in the name of B. Dhappannan was getting supply through the above wire only.

4.10 Subsequently a letter dated 5.1.2015 seeking explanation from Mr. B. Dhappannapn about the complaint made by Arunmozhi and Divya D/o B. Dilli by registered post to him and till date no reply received from Mr. B. Dhappan.

5. Hearing held by the Electricity Ombudsman:

5.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing were held before the Electricity Ombudsman on 12.3.2015 and 25.3.2015.

5.2 On 12.3.2015, Thiru. B. Thanappan, F/o Priyanka has attended the hearing and prayed for an adjournment citing his health condition. Accordingly, further hearing was held on 25.3.2015, Thiru. Thanappa, attended the hearing and put forth his arguments.

5.3 Thiru. Indirakumar, Assistant Executive Engineer/O&M/Kundrathur attended the hearing on 12.3.2015 and on 25.3.2015 Thiru. Shanmugasundaram, Executive Engineer/Porur has attended the hearing and putforth his arguments.

6. Argument of the Appellant :

6.1 Thiru. B. Thanappan has attended the hearing on behalf of the Appellant and put forth the Appellant's side arguments.

6.2 Thiru. B. Thanappan informed that out of the four service mentioned as disputed services he informed that the dispute is in respect of only one service.

6.3 The Appellant's representative argued that his father has settled the property in his daughters, favour as per the Will of his father Thiru. P.T. Balasubramanian registered in Saidapet Sub Registrar office on 8.11.2002.

6.4 As per the above Will the house property at old Door No.13, New No.110, old SF No.124-2, New SF No.146-52 is settled to his daughters, (viz) Priyanka and Sharmila after his life period. Father, is having rights only to enjoy the property. He argued that as per the Will, the service connection available in the above property is also settled to them.

6.5 He argued that the electricity meters were erected in the passage and the house was getting supply through the meter erected in the passage. He also informed that as his aunty (periamma) was living there, he does not know the exact number of the service connection which was supplying electricity to the house owned by them.

6.6 He argued that he wants to own one of the services out of the four which were obtained by his father.

6.7 However, he informed that he does not have any proof to establish that which one among the four services were utilised for the above house. Hence, he informed that the appeal petition may be closed as withdrawn. He, assured to send a letter obtained from the Appellant but has not sent any letter.

6.8 He also informed that a new service connection bearing SC No. 305-007-963 was obtained for the above house during April 2014 and is in service.

7. Argument of the Respondent :

7.1 The Respondent argued that all the services were effected in the name of Thiru. P.T. Balasubramanian who expired on 7.5.2014.

7.2 The Respondent argued that the service connection No.305-007-326 and were transferred in the name of D. Arunmozhi D/o B. Dilli on 8.5.2009 as per the records produced by her.

7.3 The SC No. 305-007-184 was name transferred to Divya on 14.7.2010 and SC No. 305-007-428 was transferred to Divya on 13.7.2010 as per the records produced and there is no objection at the time of transferring the service.

7.4 The service connection Boards of SC No.326 was shifted as per the requested of Arunmohzi on 13.1.2014.

7.5 The meter Board of SC No. 305-007-428 was also shifted as per the request of D. Divya on 13.1.2014.

7.6 Tmt. Priyanka has sent her complaint about the above name transfer and meter change on 17.6.2014 (ie) she objected the name transfer after about 5 years from the date of transfer and on the meter board change after 5 month, from the date of changing the meter Board.

7.7 He also informed that a case is pending in the District Magistrate Court, Chengalpattu in OS No. 509 of 2014 between D. Arunmozhi & D. Divya, Dhanappan & Priyanka.

7.8 The Respondent also argued that as no valid proof is produced by the Appellant about the ownership of any of the services, the request could not be complied with.

7.9 The Respondent also argued that the Appellant has raised the issue belatedly after 5 years from the date of effecting of name transfer to the services.

8. The respondent also submitted the following documents obtained while transferring the service

- (i) Name transfer application
- (ii) LT application in the name of transferee
- (iii) Copy of Death certificate of Thiru. P. T. Balasubramanian
- (iv) Copy of Will
- (v) Copy of property tax receipt issued by Kundrathur town panchayat in the name of D. Arulmozhi and D. Diviya.
- (vi) Indemnity Bond
- (vii) Concurrence of the co-owner.

9. Findings of the Electricity Ombudsman

9.1 The Appellant's representative argued that though the issue was raised for all the four services name transferred, he wants to restrict it to only one service.

9.2 He argued that as per the will of Thiru. P.T. Balasubramanian the Appellant's house is also having electricity service connection. Hence, argued that any one of the four services in dispute could have served his portion.

9.3 The Appellant's father who represented the Appellant informed that they do not have any proof such as previously paid CC receipts etc., in support of their claim of utilising anyone of the above services and hence informed that their appeal may be treated as withdrawn.

9.4 The Respondents argued that the name transfers were effected as the documents furnished by the transferee are in order.

9.5 The services were enjoyed by the transferees and the service connection meter Boards were also erected in their portion.

9.6 There was no objection even after transferring the service for about 5 years and the Appellants house is also having separate service connection.

9.7 The Respondent also argued that as the Appellant has not produced any documents in support of his enjoyment of any service, the request could not be complied with.

9.8 In this regard, the regulation 5(7) of the Tamil Nadu Electricity Supply Code which deals with transfer of a name of service connection is reproduced below :

5. Miscellaneous charges

xxx xxxx xxx
xxx xxxx xxx

(7) Name Transfer charge

(i) Every application for transfer of name consequent to the death of the consumer shall be in Form (1) in Appendix to this code] accompanied by :

(a) Legal heirship certificate from the Tahsildar concerned or proof of ownership such as local body tax receipts (latest).

(b) No objection certificate from other legal heirs, if any, (or) an indemnity bond in Form (3) in Appendix to this Code on non-judicial stamp paper for a value of Rs.80/- and a sworn-in affidavit and authenticated by a Notary Public or by a gazetted officer to show the status of other legal heirs.

(c) Fresh application with fee to be specified by the Commission and agreement form.7

[(ii)] Every application for transfer of name, in other cases, shall be in Forms (1) and (2) in Appendix to this Code accompanied by-

(a) The document supporting the transfer with an undertaking in Form (4) in Appendix to this Code (b) Consent letter from the consumer for the transfer of the Security Deposit if it is not included in the document supporting the transfer]. Where no such consent letter can be produced, the applicant shall pay fresh Security Deposit.

(c) Fresh application with fee to be specified by the Commission and agreement form.

Explanation : The name transfer is effected only for such services which are not under disconnection.

9.9 The present case falls under regulation 5(7)(i) as it is a name transfer after death of the consumer who has settled the property by making a will. The death certificate of the Thiru. P.T. Balasubramanian, in whose name the services were effected was furnished. The documents required for effecting the name transfer and furnished are tabulated below :

Requirement as per regulation	Furnished by the transferee
(i) Application in Form (i)	Application is furnished in Form (1)
(ii) Legal Heirship certificate from Thasildar concerned (or) proof of ownership such as local body tax receipt(latest)	local body tax receipt issued on 22.4.2009is enclosed. wherein both D. Arulmozhi and Diviya were shown as owner and copy of will of Thiru. PT. Balasubramanian. was also furnished. In the will also, it is mentioned as property with electricity service connection but without mentioning the service connection numbers. The Appellant informed that Panchayat has cancelled the name transfer effected in the property in letter dt.19.9.14. But not produced the said order copy.
(iii) No objection from other legal heir (or) indemnity bond in form (3) on a non judicial stamped paper for a value of Rs.80/- and a sworn in affidavit and authenticated by a notary public or by a gazetted officer to show the status of other legal heir	No objection from the other owner whose name is in the tax receipt issued by Kundrathur town panchayat is enclosed. In addition she has also furnished an indemnity bond.

(iv) Fresh application with fee and agreement form 7	Fresh application submitted and fees paid (As it is a domestic service the application itself is an agreement .
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9.10 As the Appellant has cited the will of her grand father in support of her ownership of service the relevant portion of the will is extracted below :

Para-2 in Page No. 2 of Will :

“எனவே, இந்த உயில் சாசனத்தில் சொத்து விவரத்தில் பி. ஷெட்யூலில் விவரிக்கப்பட்டுள்ள இரண்டு அயிட்டிச் சொத்தை என்னுடைய மூத்த குமாரன் பி. தானப்பன் அவர்கள் மேற்படி சொத்தை அடைந்து கிரையம், தானம், அடமானம் போன்ற எந்தவிதமான பராதீனங்களும் செய்யாமல் ஆண்டு அனுபவித்து வரவேண்டியது. மேற்படி எனது மகனுக்கு அனுபவ பாத்தியதை மட்டுமே உள்ளது. மேற்படி எனது குமாரன் திரு. பி. தானப்பன் அவர்களின் வாழ்நாளிற்குப் பிறகு அவருடைய குமாரத்திகள் சுமார் 11 வயதுள்ள செல்வி. டி. பிரியங்காவும் மற்றும் சுமார் 1 வயதுள்ள பேபி. டி. சர்மிளாவும் அடைந்து புத்திர பெளத்திர பாரம்பரியமாய் சர்வ சுதந்திரமாய் சகலவித உரிமைகளுடன் கிரையம், தானம், அடமானம் போன்ற எல்லாவிதமான பராதீனங்களுக்கும் உட்பட்டதாய் ஆண்டு அனுபவித்து கொள்ளவேண்டியது.

Page 7 & 8 of Will

XXX XXX XXX

பி ஷெட்யூல் சொத்து விபரம்

அயிட்டிம்-2,

தென்சென்னை பதிவு மாவட்டம், குன்றத்தூர், உபபதிவு வட்டம், காஞ்சிபுரம் மாவட்டம், ஸ்ரீ பெரும்புதூர் வட்டம், கிராம எண்.78, திருநாகேஸ்வரம் கிராமம், பெரிய தெரு, பழைய கதவு எண்.13, புதிய கதவு எண்.110, பழைய சர்வே எண்.124-2, புதிய சர்வே எண்.146-52 அடங்கிய 2482 சதுரடிகள் விஸ்தீரணம் கொண்ட மனை மற்றும் அதில் அமைந்துள்ள ஒரு போட்ட வீடு, குடிநீர் இணைப்பு மற்றும் மின் இணைப்பு உள்பட,

இதற்கு நான்கு எல்லைகளும், அளவுகளும்,

- வடக்கில் - கனகதுரைசாமி முதலி வகையறா வீட்டு பிழக்கடை
- தெற்கில் - ஏ. ஷெட்யூலில் அயிட்டிம்-3ல் அடங்கிய வீடும் மனையான திரு. பி. டில்லி அடையும் சொத்து
- கிழக்கில் - திருநாகேஸ்வரம் தேவஸ்தானத்திற்கு சொந்தமான சொத்து துரைசாமி முதலி சொத்து மற்றும் பொது சந்து
- மேற்கில் - தி.பே.து. நடராஜ முதலி அவர்களின் சொத்து

இதன் மத்தியில்

கிழக்கு மேற்காக வடபுரம்- 36 அடி 6 அங்குலம்

கிழக்கு மேற்காக தென்புரம்- 36 அடி 6 அங்குலம்

வடக்கு தெற்காக கீழ்புரம்- 68 அடி

வடக்கு தெற்காக மேல்புரம்- 68 அடி

ஆக மொத்தம் 2482 சதுரடிகள் விஸ்தீரணம் கொண்ட மனை மற்றும் அதில் அமைந்துள்ள ஓடு போட்ட வீடு, குடிநீர் இணைப்பு மற்றும் மின் இணைப்பு உள்பட

9.11 On a careful reading of the above para given in the will it is notd that the above property could be enjoyed (அனுபவ பாத்தியதை) by Thiru, B Thanappan F/o of the Appellant and after his life period the ownership will be transferred to Selvi. T. Priyanka and Baby. T. Sharmila the daughters of Thiru. B. Thanappan.

9.12 In the schedule, it is noted that the property includes water connection and electricity connection also. Hence, as per the will the property is having electrical service connection also, but, the electricity service connection number was not mentioned in the will.

9.13 The Appellant has not produced any record to establish that a particular service connection among the four service connections was utilised in her house. The Appellant was not able to tell even the service connection number on which she claims her right. As she has also not raised any objection for about 5 years from the date of name transfer of the said services, I am of the view that there was delay and latches on the part of the Appellant in raising the issue at this distant point of time.

9.14 Further, even now also the Appellant was unable to inform the service connection number and produce any record to establish any of the above services in dispute is utilised by her. Her father who represented her in the hearing conducted also informed that his appeal petition may be closed as withdrawn as they do not have any documents to establish that one among the services in dispute is utilised by them. Further, the Appellant's house is also having a separate electricity service

connection bearing number 305-007-963. Hence, they are also having supply of electricity for their premises.

9.15 In view of the position explained in previous para 9.13, 9.14, and as the Appellant's representative informed during the hearing that the appeal petition may be closed as withdrawn, the appeal petition is dismissed.

10. Conclusion :

10.1 In view of my findings given in para 9, the prayer of the Appellant is not accepted and her petition is dismissed.

10.2 With the above findings, the A.P. No. 4 of 2015 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

1 Tmt. P. Priyanka,
W/o Pannerselvam,
13, Cheran Street,
Sri Manikandan Nagar,
Kundrathur, Chennai – 600 069.

2) The Superintending Engineer,
Chennai Electricity Distribution Circle/South,
TANGEDCO,
110 KV SS Complex,
K.K. Nagar,
Chennai-600078.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Chennai Electricity Distribution Circle/South,
TANGEDCO,
110 KV SS Complex,
K.K.Nagar, Chennai-600078.

4) The Chairman & Managing Director,
TANGEDCO,
NPKR Maaligai,
144, Anna Salai,
Chennai – 600 002.

5) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.

6) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.