



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 32 of 2016

Thiru. C.M. Nanjappan,
Chinnanaicken pudur,
Vellankoil,
GOBI – 638 054.

..... Appellant
(Rep by Thiru. R. Balasubramanian)

Vs

The Executive Engineer,
GOBI,
GOBI Electricity Distribution Circle,
TANGEDCO (Formerly TNEB)
Dr. Venkatraman Street,
Gobichettipalayam 638 452.

..... Respondent
(Rep by Tmt. S. Sasi Priya, AEE/O&M/South GOBI)

Date of hearing : 30-6-2016

Date of Order : 28-7-2016

The Petition dt. 29.3.2016 filed by Thiru. C.M. Nanjappan, Vellankoil Gobichettipalayam was registered as Appeal Petition No.32 of 2016. The above appeal petition came up before the Electricity Ombudsman for hearing on 30.6.2016. Upon perusing the appeal petition, counter affidavit of the Respondent and after hearing both sides, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The Appellant very humbly prays to consider this appeal petition and direct the department/opposite parties to provide him with supply without making him to losses his seniority/priority.

2. Brief history of the Case:

2.1 The Appellant filed an application seeking agricultural service connection for a ground level tank in SF No.318/1. The Application was registered and the registration number is 2591/89-90 dt.23.2.1990.

2.2 The Appellant submitted a request to convert the application to provide supply to the Bore well at the same SF No.318/1 with 10 HP load and the same was approved by the EE concerned on 10.12.1999.

2.3 A notice was issued to the Appellant to register his readiness under special priority vide letter dt.29.10.10. The Appellant has not registered his readiness within the due date of the said notice.

2.4 The Appellant requested for extension of time to register his readiness on 27.8.2015. But, the request for extension of time was not approved by the CE/D/Erode as the original application for service was made for a ground level tank.

2.5 The Appellant filed a petition before the CGRF of GOBI EDC and the CGRF has dismissed the petition. Aggrieved over the orders of the CGRF, the Appellant filed the appeal petition before the Electricity Ombudsman.

3. Orders of CGRF :

The CGRF of GOBI EDC has issued its order on 10.3.2016. The relevant para of the order of CGRF of GOBI EDC is extracted below :

“மன்றத்தின் தீர்ப்பு :

மனுதாரர் கோபி வட்டம், சிறுவலூர் கிராமம், .ச.எண்.318/1 Bல் தனக்கு சொந்தமான விவசாய பூமியில் அமைக்கப்பட்டுள்ள நிலமட்டத் தொட்டிக்கு 5 HP மின் இணைப்பு வேண்டி 23.2.1990ல் விண்ணப்பம் பதிவு செய்துள்ளார். அதன் பிறகு மனுதாரரின் வேண்டுகோளின்படி செயற்பொறியாளர்/நகரியம்/ஈரோடு அவர்கள் நிலமட்டத்தொட்டிக்கு பதிவு செய்த விண்ணப்பத்தினை 10.12.1999 அன்று ஆழ்குழாய் கிணற்றிற்கு மாற்றியும் மின் பளுவை 10 HP ஆக உயர்த்தியும் கு.ஆ.எண்.செ.பொ/ந/ஈ/தொ.ந.உ./கோ.வி.வ/எண்.626/99 நாள் 10.12.1999ன் படி அனுமதி வழங்கியுள்ளார்.

கடந்த அக்டோபர் 2010ம் ஆண்டு மனுதாரரின் விண்ணப்பத்திற்கு சாதாரண வரிசையில் மின் இணைப்பு வழங்கும் பொருட்டு தயார்நிலை பதிவு செய்ய 30 நாட்கள் அறிவிப்பு கடிதம் மின்உரிமத்தாரரால் வழங்கப்பட்டுள்ளது. அறிவிப்பு கடிதத்தை பெற்றுக் கொண்டு மனுதாரர் சுமார் 5 ஆண்டுகளுக்கு பிறகு தயார்நிலையை பதிவு செய்ய கால அவகாசம் கேட்டு செயற்பொறியாளர்/இப/கோபி அவர்களுக்கு விண்ணப்பத்தின் அடிப்படையில் செயற்பொறியாளர்/இப/கோபி அவர்கள் தலைமைப் பொறியாளரிடம்/ஈரோடு அவர்களிடம் அனுமதி வேண்டியுள்ளார். ஆனால், Memo.No.020355/CE/D/ED/EA/F.Agr.TE/PR. 1681-1/15, dt.9.12.2015ன் படி தலைமைப் பொறியாளர்/ஈரோடு மண்டலம் /ஈரோடு அவர்களால் கால அனுமதி கீழ்க்கண்டவாறு நிராகரிக்கப்பட்டுள்ளது.

1. In the 1st 90 days notice, the applicant Thiru. C.M. Nanjappan, S/o Muthusamy have applied for agricultural services to well situated in 318/1 in Siruvalur village vide Regn No.2591/1989-90, dt.23.2.1990.
2. In the well change & SF change approval issued by the EE/Urban/Erode vide letter dt.10.12.1999, it is seen that the application have been registered for Ground level tank (Nilamatta neertheekka Thotti) with additional load of 5.0 HP (Total 10 HP).
3. Hence, the proposal is returned herewith.

நிலமட்டத்தொட்டிக்கு விவசாய மின் இணைப்பு வேண்டி முதலில் (1990)ல் பதிவு செய்த விண்ணப்பம் தகுதி இல்லை என்பதை காரணம் காட்டி, தலைமைப் பொறியாளர்/ஈரோடு

அவர்கள் கால அனுமதி வழங்க கோரிய கருத்துருவை, திருப்பி செயற்பொறியாளர்/இய/ கோபி அவர்களுக்கு அனுப்பியுள்ளதையடுத்து மின் உரிமத்தாரர் மனுதாரரின் விவசாய விண்ணப்பத்தின் மீது மேற்கொண்டு எந்த நடவடிக்கையும் எடுக்க இயலாது என தெரிவித்துள்ளதை இம்மன்றம் ஏற்றுக் கொள்கிறது. எனவே, மனுதாரரின் கோரிக்கை நிராகரிக்கப்படுகிறது.”

4. Argument of the Appellant furnished in the Appeal Petition :

- 4.1 On 23.2.1990 he had applied for getting electric supply under tariff V 5 HP to his SF No.318/1 and it was registered under N.2591/89-90 dt.23.2.90.
- 4.2 The petitioner after knowing that connection to Water Tank would not be given, he submits a request to convert the application to provide supply to the Bore Well at the same S.F.No.318/1 with 10 HP load enclosing the required documents.
- 4.3 The Executive Engineer accepts and permits his application vide letter dated 10.12.1999 bearing number 626.
- 4.4 The consumer was asked to register his readiness for getting his connection under special priority by a letter dated 29.10.2010.
- 4.5 The consumer makes a request to give him further time to register his readiness by his letter dated 27.8.2015.
- 4.6 In the mean time his land was subjected to subdivision and the survey number 318/1B was allotted to his land. The consumer has provided the required revenue records to support his property / title.
- 4.7 The EE/O&M/Gobi in turn sends his proposal to the CE/D/Erode. But the proposal was returned by the Chief Engineer by the letter dated 9.12.2015. The reason stated was that the application was made for a Ground level Tank.

4.8 The CE/D/Erode Region has returned the proposal to the EE/GOBI with some remarks. The CE has not rejected the application but he has asked explanation from the EE/GOBI. EE/GOBI could have very well explained him that the permission to convert the supply form the Ground Level Tank to Bore well with a load of 10 HP was long back permitted during 1999 But, he failed to give explanation. Thus his application got rejected.

4.9 The applicant then seeks help through Erode District consumer Protection Centre. Based on the representation given by the Appellant, The Secretary of the Consumer Protection Centre wrote letters to CE/D/Erode Region and SE/Erode EDC requesting them to provide electric supply. But, they failed to respond. The appellant then approached the Electric consumer redressal forum at GOBI. The petition was numbered as CGRF/04/2016 1.2.2016. The order was given on 10.3.2016 rejecting his petition. The reason stated in the order as follows :

“5.3 நில மட்டத்தொட்டிக்கு விவசாய மின் இணைப்பு வேண்டி முதலில் 1990ல் பதிவு செய்த விண்ணப்பம் தகுதி இல்லை என்பதை காரணம் காட்டி தலைமைப் பொறியாளர்/ஈரோடு அவர்கள் கால அனுமதி வழங்க கோரிய கருத்துருவை, திருப்பி செயற்பொறியாளர்/இய/கோபி அவர்களுக்கு அனுப்பியுள்ளதை அடுத்து மின் உரிமத்தாரர் மனுதாரரின் விவசாய விண்ணப்பத்தின் மீது எந்த நடவடிக்கையும் எடுக்க இயலாது என தெரிவித்துள்ளதை இம்மன்றம் ஏற்றுக் கொள்கிறது. எனவே, மனுதாரரின் கோரிக்கை நிராகரிக்கப்படுகிறது. “

4.10 The Appellant begs to submit that the CE has not stated anywhere as observed in the above order. The averments stated that in the above paragraph 5.3 are imaginary and illusionary.

4.11 The Appellant has been waiting all these years on the hope that he would get electric supply to his borewell. He would lose the seniority if the application is rejected at this stage after 26 years. The consumer redressal forum has failed to

note that the CE has only returned the proposal, with a query asking the EE/Gobi to explain how the application has been registered for the ground level tank and the SF change well and additional load has been approved. It is out of question and limitation to question a decision that was taken in the year 1999 now. For no fault of the applicant he should not be made to suffer. It is pertinent to note there was no rule or direction prescribed by the Board that prevented taking supply to ground level water tank in those days. Had they advised him earlier at the time of applying at 1990 or at 1999 he could have resort to remedial measure. If the application of this consumer is rejected then he would be put into irreparable loss. He has been all these years waiting and longing to get the electric supply.

4.12 A similar case came up which was happened at Gobi Circle itself. The aggrieved consumer got remedy at the Court by the order dated 31.7.2014. The order copy is enclosed herewith.

5. Argument of the Respondent furnished in the Counter :

5.1 The application seeking service connection for the ground level tank available in SF No.318/1 submitted by the Appellant was registered by the then EE/O&M/Town/Erode. The application registration number is 2591/1989-90, dt. 23.2.1990.

5.2 As the Appellant has requested for approval for change in well, the EE/O&M/Town/Erode has accorded approval for change of well in letter dt.10.12.1999.

5.3 A 30 days notice under normal priority was issued to the applicant to enter his

readiness vide notice dt.29.10.2010. The Applicant gave a letter for extending the time for entering his readiness along with the required revenue documents. The above proposal was submitted to the Chief Engineer/Distribution/Erode Region. The Chief Engineer/Distn/Erode Region has returned the proposal indicating that the original application was made for a ground level tank. The EE also requested to confirm whether any services are available in the two numbers wells available at SF No.318/1.

5.4 The proposal was submitted again to the Chief Engineer/Distribution/Erode Region duly furnishing the additional information called for.

5.5 The proposal was returned by the Chief Engineer/Distribution/Erode stating that the application was made for the ground level tank available in SF No.318/1. Therefore, extension of time can not be granted for entering the readiness.

5.6 In the CGRF order, it was stated that no further action could be taken on the above application since the proposal for extension of time submitted by EE/GOBI was returned by the Chief Engineer/Distribution/Erode on the ground that the application seeking agricultural service connection for a ground level water tank is not an eligible application.

6. Hearing held by the Electricity Ombudsman:

6.1 To enable the Appellant and the respondents to putforth their arguments in person, a hearing was held before the Electricity Ombudsman on 30-6-2016.

6.2 Thiru. C.M. Nanjappan, the Appellant herein and Thiru. R. Bala Subramanian, State General Secretary of Federation of Consumer Organisation of Tamil Nadu & Pondicherry and the District Secretary of Erode District Consumer Protecetion Centre, Erode have attended the hearing and putforth their arguments.

6.3 Tmt. S. Sasi Priya, Assistant Executive Engineer/O&M/South GOBI has attended the hearing on behalf of the Respondent and put forth her side arguments..

7. Arguments put forth by the Appellant's Representative on the hearing date :

7.1. Thiru. R. Balasubramanian, the representative of the Appellant has reiterated the contents of the Appeal Petition.

7.2 Thiru. R. Balasubramanian, argued that the application seeking agricultural service connection for the ground level tank was registered by the EE/Town/Erode and also approved the change in well.

7.3 But, the extension of time for entering readiness was rejected stating that the application was rejected for Ground level tank which is not eligible to get an Agriculture service.

7.3 The Appellant's representative argued that the Chief Engineer / Erode has only returned the proposal requesting some explanation for registering the application for a ground level water tank and subsequently approving the well change, SF change and additional load. The Executive Engineer / Gobichettipalayam instead of giving the grounds for such approval rejected his application.

7.4 Rejecting a registered application after a period of 26 years stating that the application seeking service connection for a ground level tank is an ineligible application is not correct. Had, the Respondent rejected the application on the same ground without registering it, the Appellant would have registered the application for the bore well and have got the service connection long back.

7.5 The Appellant after knowing that service connection for water tank would not be given, has submitted a request to convert the application to extend supply to a Bore well on the same SF number and was also approved by the Executive Engineer / town Erode on 10.12.1999. The Appellant is seeking Agricultural service connection for the bore well only and not for the Ground level Tank. Hence, rejection is not correct.

7.6 Without prejudice to claim the seniority from the date of registration of application, the Appellant's representative argued that even if we consider the change of well as the date of registration, he would have got his service now.

7.7 He also argued that in Appeal suit No. 12/2014 filed in the Court of subordinate judge, Gobichettipalayam the licensee was directed to provide supply to the Appellant / plaintiff in a similar nature of case. Citing the above, the Appellant's representative argued that this Appellant may also be given the service connection as above.

8. **Arguments putforth by the Representative of the Respondent.**

8.1 Thirumathi S. Sasi Priya, Assistant Executive Engineer / South / Gobichettipalayam reiterated the contents of the counter.

8.2 She argued that there is no provision in the rules to effect Agricultural services to the Ground level water tanks. Services are effected only for the open wells and bore wells. Hence, the application made for the ground level tank is not an eligible application and has to be rejected only.

8.3 She also argued that the order of the court in Appeal Suit No. 12/2014 is applicable to the petitioner of that case only. Hence, the Appellant cannot seek service connection for his application based on the above case.

8.4 The contention of the Appellant that the Chief Engineer / Erode has not rejected time extension proposal is not correct. The proposal was returned without approval. The Chief Engineer has also directed the Executive Engineer to explain how the application for Ground level tank has been registered. Therefore, he argued that the above implies, the registration itself is wrong.

8.5 The Assistant Executive Engineer also informed that for change of SF No and well, the Appellant has furnished an application in the prescribed format along with the required enclosures.

8.6 The Assistant Executive Engineer also informed that the time extension was also sought by the Appellant before expiry of the 5 years period permitted.

8.7 The AEE also informed that even if the change of well date is taken as the date of registration, the Appellant would have been issued with notice for entering the readiness.

9. Findings of the Electricity Ombudsman:

9.1 On a careful consideration of the rival submission, I find the issue to be decided is whether, the request of the Appellant to effect service for his agricultural application with the same seniority could be considered?

9.2 The Appellant furnished the following arguments in support of his prayer.

(i) The Chief Engineer / Erode has not rejected the application. He has requested the Executive Engineer to explain the reasons for registering an application seeking Agriculture service for a Ground level tank and subsequently approving the SF change, well change and additional load for the same application. Had the Executive Engineer / Gobichettipalayam explained that the registration and change of well, SF No. was done long back and the reasons for such acts, the Chief Engineer would have approved the extension of time. But, the Executive Engineer instead of resubmitting the proposal, rejected the application.

(ii) The Application was rejected after a long period of 26 years from the date of registration.

(iii) The rejection was done assuming that the application is for a ground level tank. But, during 1999, the application was amended to avail the supply from a bore well. Hence, the rejection is wrong.

(iv) In Appeal Suit No. 12/2014, the court of Subordinate Judge, Gobichettipalayam has directed the licensee to provide electric supply for the application registered by Thiru K. N. Badragiri to lift water from a storage tank constructed to store water for irrigation. As the above case is similar to the Appellant Case, the Appellant argued that his case may also be considered for effecting the service.

(v) The Appellant also argued that he has furnished all documents and fresh application while seeking change of well with a load of 10 HP. He argued that even if the above date is considered as the date of registration, he would have got his service now.

However he added that the above is without prejudice to his right to claim seniority from the date of registration.

9.3 The Respondent put forth the following arguments in support of the stand.

(i) The Appellant submitted an application for a Ground level tank. Agricultural services could be effected only in wells / Bore wells. Hence, the application has to be rejected only.

(ii) The change of well was done for the original application which itself is not an eligible application. Hence, the rejection of application is correct.

(iii) The court order is based on the case filed by an individual and hence it is applicable for the specific case only.

(iv) The order of the CE/D/Erode implies that the registration of application filed for Ground Level Tank itself is wrong.

9.4 On a careful examination of the copy of Application furnished, it is noted that the licensee has registered the Application seeking service for the Ground level tank available at SF No. 318/1 under tariff V. In the top of the Application itself, it has been written as Ground level tank striking the well/industry printed. Further, in the VAO certificate and FM sketch also it has been clearly indicated as (நிலமட்ட நீர்தேக்க தொட்டி) Ground level water tank and there is no mention about well. Hence, the licensee's officer has registered the application knowingly it is for the Ground level water tank. However, the Applicant (Appellant of this case) has given a request for changing the said application for a Bore Well with a load of 10 HP instead of the Ground level water

tank and 5 HP load on 28.9.1998 along with a fresh application, VAO Certificate and FM Sketch. The same was also approved by the EE/Town/Erode and vide கு.ஆ.எண்.செ.பொ/ந/ஈ/ தெ.ந.உ./கோ.விவ/எண் 626/91 நாள் 10.12.1999.

9.5 It is also noted that based on the change of well, a notice was issued to the Appellant to enter his readiness under special priority vide க.எண்.செ.பொ/ இ.பே/ கோபி/தெ.ந.உ.2/கோ-30 – 30 days (SPL) / எண் – /10 நாள் 29.10.2010. But, the Appellant has not registered his readiness within the due date of 3.12.2010 specified in the said notice.

9.6 The Appellant applied for extension of time for entering his readiness on 27.8.2015. The proposal was submitted to CE/D/Erode for approval. The CE/D/Erode has rejected the proposal, as the original application was for ground level water tank.

9.7 As the Appellant has cited the order dt. 31.7.2014 of the Court of the Subordinate Judge Gobichettipalayam in K.N. Badragiri Vs (1) TNEB represented by its Superintending Engineer / Gobichettipalayam & (2) Executive Engineer / Gobichettipalayam in Appeal Suit No.12/2014 and argued that in a similar case, the court has given direction to effect service for a ground level water tank the relevant paras of the order is extracted below:-

“ 13. The only reason given by the board vide Ex A3 is that the rules have been changed and as per the present rule electricity service connection cannot be granted to lift water. But the rules attached to Ex A9 provided by the board itself clearly proves that there is no change in the rule governing the sanction of electricity service connection to lift water from the storage tanks. Therefore, Ex.A9 itself falsifies the case of the defendants. Further, though the defendants have resisted the suit by filling the written

statement and have pleaded that as per the existing rules and regulations of the year 1990 service connection has been provided only to open wells and Bore wells, that service connection is not provided to storage water tanks, later the defendants have failed to contest the suit and have remained ex parte. Further the case of the plaintiff is that service connection has been given to other applicants and similar case to the storage water tank in SC 1044 dated 27.11.2001 to one. Borappa Gounder and others. But, it is pertinent to note that the board has deliberately failed to produce the said file relating to SC 1044 dated 27.11.2001 in spite of the notice given by the plaintiff to produce the same. Therefore, it is clear that only because if the said file is produced it will go adverse to the case of the defendants the same has not been produced before court. Further it is pertinent to note that the application given by plaintiff for providing electricity service connection to the storage water tank has been duly registered by the defendants on 5.2.1990 in registration number 344/89-90. If any rule had existed which prohibits service connection to storage water tank, then the application given by the plaintiff would not been received and registered.

14. Therefore through the oral evidence of PW 1 and the documentary evidences Exhibits A1 to Ex A9 the plaintiff has clearly established his case that his application for service connection to lift water from the storage water tank constructed to store water for irrigation though was received and registered as early as on 5.2.1990 by the defendants, later the Tamil Nadu Electricity Board has arbitrarily rejected his application on 26.8.2010 though no rule prohibiting to provide electricity service connection to the storage water tank was prevailing on the said date of application of the plaintiff. Hence, the plaintiff is entitled for the relief of declaration and mandatory injunction as prayed for and the judgment and decree passed in O.S.No.80/2012 by the learned District Munsif/Gobichettipalayam dated 1.3.2014 is set aside. The suit in O.S.No.80/2012 is decreed as prayed for this appeal is allowed. Accordingly, points 1 to 4 are answered in favour of the plaintiff.

15. In the result , this appeal is allowed. The judgment and decree passed by the learned District Munsif, Gobichettipalayam in O.S.No.80/2012 dated 1.3.2014 is set aside and the suit is decreed as prayed for. The defendants are hereby directed to

provide the electricity service connection with the 2 months. Considering the facts and circumstances of this case, both the parties are directed to bear their own cost of this appeal.”

9.8 On a careful reading of the said order, it is noted that the Court has directed the defendants to provide the electricity service connection for the said applicant for the storage water tank.

9.9 It is noted that the Executive Engineer / Gobichettipalayam has accorded approval for change of well from the storage water tank to bore well for the said Thiru. K.N. Badragiri stating the reason as based on direction of the Court vide his letter dt.18.3.2015.

9.10 As the Appellant has argued that after knowing that service cannot be granted for Ground Level Water Tank, he applied for a change of well, the relevant para the application dt.28.9.1998 of the Appellant is extracted below :

*“அனுப்புதல்
CM நஞ்சப்பன்,
S/o முத்துசாமி,
சின்னாநாயக்கன்புதூர்,
வெள்ளாங்கோவில் (Po)
கோபி(Tk) 638 054.*

*பெறுதல்
செயற்பொறியாளர் அவர்கள்,
நகர் பிரிவு, ஈரோடு,
தமிழ்நாடு மின்சார வாரியம்,
உதவி மின் பொறியாளர் சிறுவலூர் அவர்கள்,
- மூலமாக*

ஐயா,

*பொருள் - ஏற்கனவே பதிவு செய்யப்பட்ட விண்ணப்ப எண்.2591/23-2-1990-5HP ஐ
10 HP ஆக வேண்டி விண்ணப்பித்தல் - சம்பந்தமாக.*

ஏற்கனவே நான் SF 318/1ல் சிறுவலூர் கிராமத்திலுள்ள பூமியில் உள்ள நிலமட்ட நீர்த்தேக்கத்தொட்டிக்கு மின் இணைப்பு 5.HP வேண்டி விண்ணப்பித்துள்ளேன். அது தங்கள் அலுவலகலகத்தில் 2591/23-2-90ல் படி பதிவாகியுள்ளது. தற்பொழுது நிலமட்ட நீர்த்தேக்கத் தொட்டிக்கு பதிலாக ஆழ்குழாய்க் கிணற்றிற்கு விண்ணப்பத்தை மாற்றியும், 5.HPக்கு பதிலாக 10 HPக்கு மாறுதல் செய்தும் தருமாறு தங்களை அன்புடன் கேட்டுக் கொள்கிறேன். அது சம்பந்தப்பட்ட விண்ணப்பமும், கிராம நிர்வாக அலுவலர் சான்றும், வரைபடமும் இணைக்கப்பட்டுள்ளது என்பதைத் தாழ்மையுடன் தெரிவித்துக் கொள்கிறேன்.

இப்படிக்கு
ஒப்பம்/XX XX X/28.9.1998

9.11 On a careful reading of the letter, it is noted that the Appellant has sought for change from Ground Level Water Tank to Bore well only and there is no indication about the ineligibility of the Ground level Water for obtaining the service connection in the said application.

9.12 It is also argued that the Respondent has approved the change of well on 10.12.1999. The relevant letter dt.10.12.99 of EE/Urban/Erode is extracted below :

“தமிழ்நாடு மின்சார வாரியம்,

செயற்பொறியாளர் அலுவலகம்,
நகரியம்,
ஈரோடு மின் பகிர்மான வட்டம்,
ஈரோடு.

கு.ஆ.எண்.செ.பொ/ந/ஈ/தொ.ந.உ/கோ.விவ/எண்.626/99, நாள் 10.12.99

பொருள் – மின்சாரம் – ஈரோடு மின்பகிர்மான வட்டம் – விவசாய
மின்இணைப்பு – விண்ணப்ப நிலையில் க.ச. எண். பளு
மற்றும் கிணறு மாற்றம் அனுமதி. கோரியது – அனுமதி
அளித்தல் – தொடர்பாக

பார்வை – 1. விண்ணப்ப பதிவு எண்.2591/89-90 னவ.23.2.90
2. Endt. No.AEE/S/KVP/D /90 dt.23.11.99

பார்வை எண்.1ன் படி பதிவு செய்யப்பட்ட விண்ணப்பத்தில் தற்போது
க.ச.எண், பளு மற்றும் கிணறு மாற்றம் அனுமதி வேண்டி பார்வை எண்.2ன் வாயிலாக உதவி

செயற்பொறியாளர்/இபே/ தெற்கு / கவுந்தப்பாடி அவர்கள் விவரித்துள்ளதன்படி கீழ்க்கண்டவாறு அனுமதி அளிக்கப்படுகின்றது.

	<u>ஏற்கனவே உள்ள</u> <u>விண்ணப்பத்தின்படி</u>	<u>இவ்வனுமதியின்படி</u>
<u>பெயர்</u>	M. நஞ்சப்பன், S/o முத்துச்சாமி சின்னநாயக்கன்புதூர், வெள்ளாண்கோவில்	M. நஞ்சப்பன், S/o முத்துச்சாமி சின்னநாயக்கன்புதூர், வெள்ளாண்கோவில்
<u>கிராமம்</u> <u>க.ச.எண்.</u> <u>பளு</u> <u>கிணறு</u>	சிறுவலூர் 318/1 5.0 கு.திறன் நிலமட்ட நீர்தேக்கத்தொட்டி	சிறுவலூர் 318/1B 10.0 கு.திறன் ஆழ்குழாய் கிணறு

Sd/ xxx xxx xxx
செயற்பொறியாளர்/நகரியம்
ஈமிபவ/ஈரோடு-9

9.13 On a careful reading of the said letter, it is noted that the EE/Urban/Erode, Erode Electricity Distribution Circle has approved the change of load & well and SF No. The change was approved after 9 years from the date of registration of the original application. The licensee's officer would have informed to the applicant that his application for ground level water tank is not eligible to get the service and hence not eligible for change of well. He would have also informed him to submit a fresh application for the Bore well if he needs a service. But, the licensee's officer has not informed about the ineligibility but approved the change in well. It is to be noted that the Appellant has furnished a fresh application with required documents at the time of seeking the well change also.

9.14 As the change of well from Ground level water tank to Bore well was approved by the licensee's officer on 10.12.1999, I am of the view that the application is for the Bore well and not for the Ground level water tank. The notice for entering readiness was issued only for the Bore well and the changed capacity and not for the Ground level tank. The extension of time requested for entering the readiness is also for the above Bore well only. Even if we assume the date of approval accorded for change of well as the date of new application, the Appellant would have received notice for entering readiness as per the oral submission of the Appellant's representative during the hearing date. Further, in a similar case, based on the order of the Subordinate judge, Gobichettipalayam Court in Appeal Suit No.12/2014, the Executive Engineer / Gobichettipalayam has accorded approval for change of well in respect of the application registered for a storage tank by Thiru. K.N. Badragiri. It is also noted that the Appellant has applied for extension of time to enter his readiness on 27.8.2015 well before expiry of the 5 years period.

9.15 In view of the reasons stated in the previous para, I am of the view that the Appellant's application bearing registration 2591/89-90 dt. 23.2.1990 is eligible to get a service connection.

10. Conclusion :

10.1 In view of my findings in para 9, I am of the view that the Appellant is eligible to get a agricultural service for his application No.2591/1990 for which the change of well was already approved by the licensee.

10.2 Hence, the Appellant may be permitted to enter his readiness and the service shall be effected as per his readiness priority. A notice duly giving sufficient time for entering the readiness shall be issued to the Appellant within 30 days from the date of receipt of this order.

10.3 The Respondent shall furnish the compliance report within 45 days from the date of receipt of this order.

10.3 With the above findings, the A.P.No.32 of 2016 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru. C.M. Nanjappan,
Chinnanaicken pudur,
Vellankoil,
GOBI – 638 054.

2) The Executive Engineer,
GOBI,
GOBI Electricity Distribution Circle,
TANGEDCO (Formerly TNEB)
Dr. Venkatraman Street,
Gobichettipalayam 638 452.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
GOBI Electricity Distribution Circle,
TANGEDCO (Formerly TNEB)
132 Cutchery Street, GOBI – 638 452.

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

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