



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.82 of 2015

Tmt. O. Indira,
W/o Olimuthu,
No.2/121, Ramasamy Velar Kalavasal,
Sakkimangalam,
Madurai 625 020.

. Appellant
(Thiru. P. Murthy, Advocate)

Vs

1) The Assistant Engineer/Distribution,
Karuppayurani,
Madurai Electricity Distribution Circle,
TANGEDCO (formerly TNEB),
Sivagangai Main Road,
Madurai – 625 020.

2) The Executive Engineer/Distribution,
Madurai / East,
Madurai Electricity Distribution Circle,
TANGEDCO (formerly TNEB),
Tiruppalai,
Madurai – 625 014.

. . . . Respondents
(Thiru. S. Veerappan, EE./Madurai/East &
Thiru. K. Mookkaiyan, Asst.Engineer/Karuppayurani)

Date of hearing : 13.1.2016

Date of order : 16.3.2016

The petition dated 8.10.2015 filed by Thirumathi. O. Indira, W/o Olimuthu, Sakkimangalam was registered as appeal petition No.82 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 13.1.2016. Upon perusing the appeal petition, counter affidavit, the arguments putforth by the parties on the hearing date and the written arguments furnished, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The Appellant prayed that a new service connection may be effected as per section 27 (c) of the Electricity Act, 2003 read with as per para 27 (4) of the TNERC Distribution Code and suitable action may be taken against the Respondents for delaying the supply and for helping the owner of the premises by utilising the TANGEDCO as an instrument to vacate from the premises by arranging artificially a theft of energy inspection and succeed in his attempt and supply disconnected. Thus render justice with costs.

2. Brief history of the case:

- 2.1. The Appellant filed an application seeking service connection for her house as an occupier of the house on 29.4.2015.
- 2.2. The Assistant Engineer / Distribution / Karuppayurani has informed that the Melur District Munisif Court has issued orders to maintain status-quo in

the said land covered in I.A. No.616 of 2014 in O.S.No.263 of 2014. Hence, service could not be effected in the said premises.

- 2.3. Aggrieved over the above, the Appellant filed a petition before the CGRF of Madurai EDC on 15.5.2015 and the CGRF has issued its order on 22.9.2015. Aggrieved by the order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

3. Findings of the CGRF:

The CGRF of Madurai EDC has issued its order on 22.9.2015. The relevant para of the said order is extracted below:-

“மன்றத்தின் தீர்வு

6.1. முறையீட்டாளரின் கோரிக்கை மற்றும் விசாரணையில் எடுத்துரைத்த வாதங்கள் மற்றும் எதிர்மனுதாரரால் மன்றத்தில் சமர்ப்பிக்கப்பட்ட பதிலுரைகளின் அடிப்படையில், முறையீட்டாளர்கள் புதிய மின்னிணைப்பு வேண்டி அளித்த இடத்தில், ஏற்கனவே மின் திருட்டு நடைபெற்றதை கண்டறிந்து, அதற்கான அபராத தொகையும் மின் இழப்பீட்டு கட்டணமும் மின்னிணைப்பின் உரிமையாளரான திரு. காளிமுத்து அவர்களிடமிருந்து வசூல் செய்யப்பட்டுள்ளது என்றும், முறையீட்டாளருக்கும் நிலத்தின் உரிமையாளர் திரு.காளிமுத்து ஆகியோருக்கும் இடையேயான முரண்பாடு காரணமாக புதிய மின்னிணைப்பு வேண்டி முறையீட்டாளர்களால், மேலூர் உரிமையியல் நீதிமன்றத்தில் தொடரப்பட்ட வழக்கில், வழங்கப்பட்ட இடைக்கால உத்தரவின் பேரிலும், சட்ட நிலையாணர் / மதுரை அவர்களிடமிருந்து இத்தீர்ப்பாணையின் மீது பெறப்பட்ட சட்டக் கருத்துரையின் அடிப்படையிலும் மட்டுமே, முறையீட்டாளர்களால் புதிய மின்னிணைப்பு வேண்டி அளிக்கப்பட்ட விண்ணப்பங்கள் 1-ம் எதிர்மனுதாரரால் நிராகரிக்கப்பட்டுள்ளன என்றும், இதில் 1-ம் எதிர்மனுதாரர் வேண்டுமென்றே திரு.காளிமுத்து என்பாருக்கு உதவி புரியும் செயலில் ஈடுபடவில்லை என்பதையும் இம்மன்றம் தீர்மானிக்கிறது.

6.2. அத்துடன், மேலூர் மாவட்ட உரிமையியல் நீதிமன்றத்தில் தொடரப்பட்ட வழக்கிற்கு (I.A.No.616/2014 in O.S.No.263/2014), மாவட்ட உரிமையியல் நீதிபதி / மேலூர் அவர்களால் வழங்கப்பட்ட தீர்ப்புரை தொடர்பாக முறையீட்டாளரின் வேண்டுகோளுக்கிணங்க, வாரிய நிலையாணைக்குழு, சென்னையிடமிருந்து சட்டக்கருத்துரையினை பெறவும், சட்டக் கருத்துரையின் அடிப்படையில் முறையீட்டாளர்களின் புதிய மின்னிணைப்பு வேண்டிய விண்ணப்பங்கள் மீது நடவடிக்கை எடுத்திடவும் எதிர்மனுதாரர்களை இம்மன்றம் ஆணையிடுகிறது.

6.3. மேற்கண்ட தீர்வுடன் முறையீட்டு மனு (013/2015) முடிவுக்கு கொண்டு வரப்படுகிறது. செலவு தொகை இல்லை.’

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

- 4.1. As per Para (4) of the Terms & Conditions of supply Tamil Nadu Electricity Distribution Code, an intending consumer who is not the owner of the premises shall produce a consent letter in Form of Annexure III in the code from the owner of the premises for availing supply. If the consumer is not available or he refuses to give consent letter the intending consumer shall produce proof of his/her being in lawful occupation of the premises and also execute an indemnity Bond in Form of the Annexure III, to the code indemnifying the licensee against and on account of any dispute arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate. The above said rulings were framed only to give Electricity supply to the persons which is very essential to live in this world.
- 4.2. In this world without electricity we can't do anything. The injunction order of "Status -Quo" has been given by the Honorable Dist Munisif, Melur is only for the purpose of Tenancy Rights. As for as cultivation both the plaintiff and respondents should maintain the "Status -Quo". And the Court has not given any direction regarding the Electricity supply.
- 4.3. Further he states that there are three service connections as detailed below:
1. S.C.No.107 under T.F. (I) A
 2. S.C.No.160 under T.F. (V)
 3. One free Agri service
- 4.4. The SC -No.160 under T.F.(V) has been utilized for bricks manufacturing. And the energy utilized from T.F.(V) for field lighting in that place and also for

lighting purpose in the Mud house of the petitioner. It has been wantonly disconnected by the owner.

- 4.5. Secondly the owner for their Agriculture service has not utilized the energy for cultivation purpose, so as to give trouble to the petitioner.
- 4.6. Thirdly for some time he has allowed the petitioner to utilize the energy from SC no.107 under T.F.(1a) for using fan and one 60 watts bulb during the night times only. Further the owner of the said premises with the motive of vacating the petitioner has lodged a complaint that there is a theft of energy in the said premises with the connivance of the concerned AE Karuppayurani along with another Engineer one Thiru. Esakki working in the APTS wing.
- 4.7. Subsequently the APTS has fined the owner of the premises and disconnected the service SC NO.107, subsequently the petitioner has been threatened by the owner and the concerned Engineer not to utilize the energy from the SC No.107 and the energy utilized by the petitioner/complainant has been cut off from that day onwards. And everything has been arranged by the owner with the help of AE/Karuppayaurani. Hence, the complainant has been thrown to get a new service connection by invoking clause 27 of TNERC Distribution Code.
- 4.8. The E.E/EastIMadurai, in Para 2 of his letter no. E.E/ East /MDU/ DM/FRTI/ D.No.1669/15, dt.15.07.2015 has stated that under Section 43(I) of Electricity Act 2003 read with regulation 27(C) supply can be given to occupier after obtaining consent from the owner. If the consent is not available or refused then after obtaining indemnity Bond and twice security Deposit, supply may be granted.

- 4.9. However if there is Court order or status quo the TANGEDCO obey the Court order as stated in Regulation 27(C) of TNERC Distribution code. In this connection he states that no such order has been issued in Regulation 27(C) of the TNERC Distribution code.
- 4.10. However in TNERC 27, 16(C) of Distribution Code dt.22.05.2008, a notification has been issued. The complaints by the intending consumer of any decree or order' or judgement of any Civil Court in regard to supply of Electricity or other requirements mentioned in such decree or order or judgement, In this case, the interim order of the Melur District Court in IA, it is only to maintain the status quo for the tenancy right and not to get the new supply.
- 4.11. The CGRF Forum has advised the respondent in 6 (2) of the judgement to contact the legal adviser of the TANGEDCO legal cell regarding the status quo delivered in IA.no.616/2014 in OS.No.263/2014. Then after getting the advice, a new service can be given to the petitioner.
- 4.12. He applied for a new service connection on 27.04.2015 and it has been taken on file on 17.06.2015 and judgement delivered on 22.09.2015 and at the time of proceedings on 17.06.2015 his counsel has insisted the Forum to get the legal opinion of the legal cell. Forum has also agreed for the same and advised the Respondent on 17.6.2015 itself to get the legal opinion of the legal cell in this regard. But so far no action has been taken by the Respondent either to get the legal opinion or to give new service connection.
- 4.13. Further, the Chairman of the CGRF has not accepted the complaints in para 6 (1) given by him against the 1st respondent that the 1st respondent has not helped the said Thiru Kalimuthu, the owner of the said premises. The said

judgement has not been vividly discussed by the Chairman and simply it has been stated that the Respondent 1 has not helped the said Kalimuthu, the owner of the premises.

5. Arguments of the Respondent furnished in the Appeal Petition:

- 5.1. The Appellant Tmt. Indira and Karnan have filed application in the office of AE/Karuppayurani on 29.4.2015. They have not enclosed any document obtained from the owner in proof of their enjoyment in the said property. Further, they have enclosed the residence proof certificate issued by the President, Sakkimangalam Panchayat and Executive Officer, V.A.O. and Head quarters Deputy Tahsildar. They also enclosed a copy of the Melur District Munisif Court Interim Order dated 20.1.2015 in I.A.No.616 of 2014 in O.S.No.263 of 2014. Their applications were registered.
- 5.2. In the premises where the applicants have requested for the service, the following services are already existing in the name of Thiru Ramasamy Velar.
1. S.C.No.105-013-107 for domestic purpose.
 2. S.C.No.105-013-160 for commercial purpose - Bricks Manufacturing.
 3. S.C.No.105-013-117 for agriculture purpose
- 5.3. To effect service to the petitioner, legal opinion of the Standing Counsel for TNEB at Hon'ble Madurai Bench of Madras High Court was obtained stating the case pending at the Courts and the interim order of the Court.
- 5.4. The Standing Counsel has given his legal opinion as below:-
- “Under circumstances I am of considered opinion that the Lower Court has granted Status Quo directing both the plaintiff's and the defendants to*

maintain status quo and therefore granting electricity connection at this stage amount to the changing the status, which is not permissible as per interim order. Therefore, the application of the intending consumer cannot be processed at this stage. The application shall be returned Advised accordingly.”

- 5.5. Based on the opinion of the Standing Counsel, the applicants were informed that no further action could be taken on their application vide letter dated 19.5.2015 sent by RPAD and the intimation were also acknowledged by the Applicants.
- 5.6. The opinion of the legal cell of the Board was obtained as per the direction of the CGRF. The opinion is as below :

“The interim order in I.A. No.616 of 2014 in O.S.No.263 of 2014 dated 20.1.2015. In view of the specific order of the Court to maintain “Status Quo” the application could be considered after any modification of order passed by the court.”
- 5.7. The argument of the Appellant that the status quo order of the Court is only for tenancy rights and there is no stay for effecting new service connection. But, the meaning of tenancy rights refers all the facilities enjoyed by the parties which include, the service connection also. Hence, if the application of the appellant was processed and service effected then, it is against the interim orders of Civil Court.
- 5.8. The Respondents have not acted in support of the land owner. Actually on 23.4.2015, when the APTS squad inspected the SC No.105-103-107, a 60 walts bulb was connected illegally near the service pipe and theft of energy was noticed. The main switch of the service was in switch off condition and

locked. As energy theft was noticed in the said service, action was taken by the Board for the theft of energy and the owner has paid the penal charge.

6. Hearing held by the Electricity Ombudsman:

- 6.1. In order to enable the Appellant and the Respondent, to put forth their arguments in person, a hearing was conducted before the Electricity Ombudsman on 13.1.2016.
- 6.2. Thiru P. Murthy, Advocate has represented the Appellant and put forth his arguments.
- 6.3. Thiru S. Veerappan, Executive Engineer / Madurai East and Thiru K.Mookkaiyan, Assistant Engineer, Karuppayurani have attended the hearing on behalf of the Respondent and put forth their side arguments.

7. Arguments of the Appellant:

- 7.1. Thiru P.Murthy, Advocate, has put forth his arguments on behalf of the Appellant. He reiterated the contents of the appeal petition.
- 7.2. The learned Advocate argued that electricity is a basic requirement. Hence the appellant shall be given supply considering her as an occupant as per Regulation 27 of the Distribution Code. He further argued that denial of electricity will compel the Appellant to live in darkness which would amount to make her to lead an animal life which is not the purpose of the constitution. He has cited the orders of High Court in W.P.No.1396 of 2009 dt.15.4.2009 in support of his argument.

- 7.3. He has also argued that the local body authorities and the Headquarters Tahsildar has given certificate in support of her occupation status in the same premises which is sufficient for her legal occupation of the said premises.
- 7.4. The learned advocate has furnished his written argument also on the hearing date which are given below:-
1. The chief Engineer Commercial in this memo no. CE/Comml/EE3/AEE2 the SC objection JD855/2015 dt 28/10/2015 has clearly stated / issued instructions based on the provisions in the Electricity laws and the decisions of the Hon'ble' High Court Madras about the sec 43 of the Electricity Act 2003 and regulation 27 of the Tamilnadu Electricity Distribution Code about the documents required to be provided by the intending consumer.
 2. As per the decision rendered in P.Arumugam Vs Government of Tamil Nadu and three others (TNEB case) in W.P.No.13996 of 2002 dated 13.09.2002 reported in 2003 Writ LR 248 (Mad), it has been held as follows :

' It is also made clear that merely because the power supply would be given, it would not confer ownership over the disputed land. It is stated by the counsel for the petitioner that in fact a civil suit is pending between the petitioner and the District Collector. It is made clear that such suit is to be disposed of on its own merits and the fact that power supply connection now being given to the petitioner cannot be considered as the basis for conferring any right on the petitioner and petitioner's right is to be judged on the basis of other materials on record '
 3. So also, the Hon'ble High Court/Madras, in Rajendran -vs- Assistant Electrical Engineer, TNEB, Nallur, Tiruppur District and- another, in WP

No.66 of 2013 dated 11.02.2013, reported in (2013) 4 MLJ 150, has held that the grant of Electricity Service connection to the property in question, by the first respondent, shall not confer any right or interest to the petitioner in respect of the property in question.

4. In Dr.Kalavalli Vs The Chairman, TNEB and 3 others in WP No.12083 of 2013 dated 30.04.2013, it was held as follows :-

"in my considered view, the said stand taken by the learned counsel appearing for the petitioner appears to be well founded while granting electricity service connection. The electricity department may not be concerned with the suit filed by the fourth respondent claiming title over the said property. Since no interim order has been granted in favour of the fourth respondent, there cannot be any impediment to grant Electricity service connection to the petitioner. If anyone has to wait till the disposal of the suit and further appeal thereon, then electricity service connection cannot be granted for number of years...."

5. In S.A.Ponnappan Vs J.A. Bathurujaman and two others in W.A.No.1396 of 2007 dated 15.04.2009 (TNEB Case) reported in 2009 (2) TNCJ 411 (Mad), the division Bench of the Hon'ble High Court has held as follows:-

"The above provision makes it clear that an intending consumer, who is in lawful occupation, can apply to the Electricity Board, with the consent of the landlord, for supply of Electricity. In case if the owner refused to give consent letter or he is not in station, the consumer shall produce a proof that he is in lawful occupation of the premises and also execute an indemnity bond in form 6 of the Annexure III of this code indemnifying the

Electricity Board against any loss on account of disputes arising out of existing service connection.”

6. In such view of the matter, when there is a provision as enacted by the state Electricity Regulatory Commission in accordance with section 86 of the Electricity Act, 2003 (Central Act 36 of 2003,) certainly the lawful occupant has a right to have the electricity supply and if he is compelled to lead his life in darkness, it would amount to make him lead an animal life, which is not the purport of the constitution. Therefore, we are of the view that the said clause confers such valuable right to the occupant"

8. Arguments put forth by the Respondent on the hearing date:

- 8.1. Thiru S. Veerappan, Executive Engineer, East Madurai the Respondent 2 herein and Thiru Mookaiyan, Assistant Executive Engineer, Karuppaiyaurani, the Respondent 1 herein have attended the hearing and put forth their side arguments. They reiterated the contents of their counter.
- 8.2. The Executive Engineer informed that as per the directions of the Court, the status quo has to be maintained in the disputed property. As effecting of service connection in the said premises amounts to affecting the status quo, he argued that no new service connection could be effected in the disputed property. He cited the legal opinion obtained from the Standing Counsel for TANGEDCO at Hon'ble Madurai Bench of Madras High Court and the legal cell of the TANGEDCO in support of his argument.
- 8.3. Further he also informed that as theft of energy was detected in the said service connection No.105-103-117 necessary penal charges and compounding charges were collected from the owner of the service connection. The above is as per the rules of the Commission.

9. Written arguments of the Appellant :

9.1. The Appellant has furnished his written argument dated 23.1.2016. The arguments given in the above are furnished below:-

- (i) In Para (4) Explanation to the notification No.TNERC/DC/8-21, dated 7.10.2014, it is stated that any proof of occupancy such as registered proof of attorney or possession order from appropriate authority, the word such as means any documents produced like that in the explanation and as an intending consumer, I have produced voter ID, Residential Certificate received from the concerned Head Quarters Deputy Thasildar. And now I have also enclosed herewith the Aadhar card (ஆதார் அடையாள அட்டை) and the voter for the proof of residence and Bank account pass book front page received from Indian Bank, and Canara Bank and community Certificate and Birth Certificate of my Children for the proof of Residence from the appropriate authority for my possession in the said address for my lawful occupation.
- (ii) The Reserve Bank of India in 'E' Circular issued to the Nationalized Banks, it has been instructed that any one of the 33 documents can be accepted as proof of Residence for opening an account in the Nationalized Bank. The list was printed in the form.
- (iii) In that list Voter Id and other records produced by me has been furnished as accepted one for the proof of residence. Hence I request the Nationalized bank's which are under taking banks by the Central Government is accepting the Residential proof the TANGEDCO has to accept the same. Since the Central Government itself recognized the voter's Id, Aadhar card etc. as proof of residence and in the

absence of non-mentioning the specific records to be produced by the intending consumer except those mentioned in the "Expalanation". I am relaying the voter's Id, Aadhar card, certificate issued by the Thasildar etc are the possession order from appropriate authority. Hence allowing the above documents as valid proof for my lawful occupation.

- (iv) Further for the questions raised about the status Quo to be maintained by the order of the Hon'ble District Munsiff, Melur court in IA No 616 of 2014 in O.S.No.263 of 2014. I wish to submit the following points.

In the affidavit filed by the petitioner / plaintiff in I.A.No. 616/2014 in O.S.No. 263 / 2014, the prayer of the petitioner / plaintiff on Thiru.R.Kalimuthu is requesting the court to pass an order of interim - injunction by their man and agents from in any way restraining with the plaintiff peaceful possession and enjoyment of the undermentioned property till the disposal of the suit and the court has also ordered to maintain the status - quo. And the judgment is given in Tamil as detailed below.

“மனுதாரர் மற்றும் எதிர் மனுதாரர்கள் அசல் வழக்கு முடியும் வரை மனுச் சொத்துக்களில் உள்ளது உள்ளபடியே பராமரிக்க வேண்டுமென்று இந்த நீதிமன்றம் உத்திரவிடுகிறது”

- (v) In that connection I submit that the petitioner / plaintiff in I.A. No. 616 / 2014 in O.S.No 263 / 2014 has prayed only for peaceful possession and the judgment is to maintain the status - quo. Whereas the advice given by the standing Council and also legal cell is

contrary to the judgments and the decisions of the Hon'ble High Court Madras.

- (vi) I submit that I am relaying the judgment which is shown in Para 3 of the CE / Commercial TANGEDCO circular memo dated 28/10/2015 (Circular enclosed) as per the judgments shown in Para 3 (I) and (II), it is held that because of giving power supply the petitioner shall not confer any right of interest in respect of the property in question. In the case I will not confer any rights because of giving Electricity supply and if I approach the Civil Court or as directed by the TANGEDCO and if I have to wait till the disposal of the suit and for further appeal- the electricity service connection cannot be granted for very long years and this has been clearly stated in Dr.Kalavathy Vs Chairman TNEB case (shown in para (III)) further in para 10 and 11 it is clearly stated that an intending consumer who is in lawful occupation can apply to Electricity Board for new service connection even without the consent of the owner by executing an indemnity bond. In form 6 of annexure III and can get supply and as per Electricity Act 2003 certainly the lawful occupant has a right to have the electricity supply and if I am compelled to lead a life in darkness it would amount to make me lead an animal life which is not the purport of the constitution. Further in Nazeer Ahmed case (para (10) (3) even for the vacation order case it is held that the electricity connection should not be disconnected.
- (vii) Where as in my case the electricity service connection has not been provided even after producing the documents as required under

regulation 27 of the Distribution code 2004, as amended and the documents which are produced by me are not declared as null and void by any court / authorities. And there is no order of the court in force dispossessing or restraining me from utilizing the subject premises (The Court interim injunction is to maintain status - quo for peaceful possession of the plaintiff and respondent only) And there is no order of the court in force restraining the TANGEDCO from providing electricity supply to the premises in question.

- (viii) The intension of the Government is to ensure 24 x 7 supply to all the consumers and also to provide power to the unconnected village and micro grid. While so the fact, the TANGEDCO authority are not adhering strictly the rules framed there under and I compelled to run to pillar and post and they are working as an instrument to the owner of the premises there by vacating me from the premises in question by not giving new supply and made me to lead an animal life in darkness.

10. Written arguments of the Respondent:

- 10.1. The Respondents 1 & 2 have furnished the following as their additional arguments.
- 10.2. The instructions given in Chief Engineer / Commercial's Memo dated 28.10.2015 is not applicable to the case of the Appellant.
- 10.3. The order in W.P.No.13296/2002 dated 13.9.2002 is regarding effecting of supply while the case is pending. But in the case of Tmt. O. Indira the interim

order issued in I.A .No.616 of 2014 in O.S. No.263 / 2014 directed to maintain status quo in the said premises. Hence supply could not be effected.

10.4. The judgements referred by the Appellant in W.P. No.12083/2013 dt.30.4.2013 and WP No.136/2007 dt.14.5.2009 also not applicable to this case.

11. Findings of the Electricity Ombudsman:

11.1. On a careful of the arguments put forth by both the sides, the main issue to be decided is :

'whether a new service connection could be effected in the name of the Appellant while Hon'ble District Munsiff Court, Melur has ordered to maintain status quo in the disputed properties'

11.2. The appellant argued that in the affidavit filed by the petitioner / plaintiff in I.A. No.616/2014 in O.S. No,263/2014 the prayer of the petitioner / plaintiff Thiru R. Kalimuthu is requesting the court to pass an order of interim injunction in favour of the plaintiff by restraining the defendants, their men, agents, etc. from in anyway interfering with the plaintiff's peaceful possession and enjoyment of the under mentioned property till the disposal of the suit and the Court has also ordered to maintain the status quo. But there is no order of the Court in force dispossessing the Appellant from utilizing the subject premises. (The court's interim injunction is to maintain status quo for peaceful possession of the plaintiff and respondent only) and there is no order of the court in force restraining the TANGEDCO from providing Electricity Supply to the premises in question.

- 11.3. The Appellant also argued that the advice given by the Standing Counsel and legal cell is contrary to the judgements and the decisions of the Hon'ble High Court of Madras.
- 11.4. The Respondents argued that as per the opinion given by the Standing Counsel for the TANGEDCO (at Hon. Madurai Bench of Madras High Court) the lower Court has granted status quo directing both plaintiffs and the defendants to maintain status quo and therefore granting electricity connection at this stage amounts to the changing of the status, which is not permissible as per the written order of the Hon'ble Court.
- 11.5. The Respondent argued that their legal cell has opined that in view of the specific order of the Court to maintain status quo, the application for new service connection could be considered after any modification of the order passed by the Court.
- 11.6. In this regard, I would like to refer the interim order of the District Munisif's Court, Melur dated 20.1.2015 in I.A.No.616/2014 in O.S. No.263/2014 which is extracted below:-

“20.01.15 : உத்திரவு அவையறிய படிக்கப்பட்டது.

“முடிவாக மனுதாரர், மற்றும் எதிர்மனுதாரர்கள் அசல் வழக்கு முடியும் வரை மனுச் சொத்துக்களில் ‘உள்ளது உள்ளபடியே’ பராமரிக்க வேண்டுமென்று இந்த நீதிமன்றம் உத்தரவிடுகின்றது. செலவுத் தொகை இல்லை”

- 11.7. On a careful reading of the said order, it is noted that as per the direction of the Court, the existing condition of the disputed property shall be maintained by both petitioner and the Respondent. In other words, the existing condition of the property could not be altered by any of the parties till the original suit is disposed by the court. At the time of issue of interim order, there is no service

connection in the disputed property in the name of the Appellant. The following three service connections alone are existing.

1. S.C.No.105-013-107 for domestic purpose.
2. S.C.No.105-013-160 for commercial purpose.
3. S.C.No.105-013-117 for agriculture purpose

11.8 As effecting of a service in the name of the Appellant in the disputed property after the court order amounts to change of status of the disputed property, I am of the view that a new service connection could not be effected in the said property when the interim order of the Melur District Munisif Court to maintain status quo is in force.

119 As there is an interim order of the court to 'maintain status quo' in the disputed property by both the parties in the case on hand the case laws referred by the Appellant in support of effecting of service connection in her favour in the argument may not be applicable to her case.

11.10 With regard to the Appellants prayer to take action on the respondents for helping the owner of the premises to vacate from the premises by arranging artificially a theft of energy inspection, I would like to refer regulation 5 of the Regulation for CGRF and Electricity Ombudsman which is extracted below :

“5. The forum shall take up any kind of grievances/complaints as defined in clause 2 (f) of these Regulations. However, the consumer's grievances concerned with

(i) unauthorized use of electricity as detailed u/s 126 and

(ii) offences and penalties as detailed u/s 135 to 141 of the Electricity Act 2003 are excluded from the purview of this forum.”

11.12 As per the above regulations, the offences and penalties as detailed under section 135 to 141 are exempted from the purview of the forum. As the theft of energy is coming under section 135 of the Electricity Act 2003, I am of the view that the above could not be coming under the purview of the forum and Electricity Ombudsman to issue any orders. Hence, I am not taking the above prayer of the Appellant for issue of any orders.

12. **Conclusion:**

12.1 In view of the findings given in para11, I am unable to interfere with the orders of the CGRF of Madurai EDC.

12.2 With the above findings, the A.P.No.82 of 2015 is finally disposed off by the Electricity Ombudsman. No costs.

(A. Dharmaraj)
Electricity Ombudsman

To
1) Tmt. O. Indira,
W/o Olimuthu,
No.2/121, Ramasamy Velar Kalavasal,
Sakkimangalam,
Madurai 625 020.

2) The Assistant Engineer/Distribution,
Karuppayurani,
Madurai Electricity Distribution Circle,
TANGEDCO (formerly TNEB),
Sivagangai Main Road,
Madurai – 625 020.

3) The Executive Engineer/Distribution,
Madurai / East,
Madurai Electricity Distribution Circle,
TANGEDCO (formerly TNEB),
Tiruppalai, Madurai – 625 014.

4) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Thanjavur Electricity Distribution Circle,
TANGEDCO (formerly TNEB),
No.1 Vallam Road, Thanjavur - 613 007.

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

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

7) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**
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