



# **TAMIL NADU ELECTRICITY OMBUDSMAN**

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## **BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI**

**Present : Thiru. A. Dharmaraj, Electricity Ombudsman**

**Review Petition No. 1 of 2016**

Thiru S. Nandakumar.  
12, Bhavani Nagar,  
Perumal patti – 602024,  
Thiruvallur District.

..... Appellant  
(Thiru. S. Nandakumar)

Vs

1. The Junior Engineer/O&M,  
Kabisthalam,  
Thanjavur Electricity Distribution circle,  
TANGEDCO,  
Papanasam Taluk,  
Thanjavur-614203.
2. The Assistant Executive Engineer/O&M,  
Papanasam,  
Thanjavur Electricity Distribution circle,  
TANGEDCO,  
Papanasam Taluk,  
Thanjavur Dist.
3. The Executive Engineer/O&M,  
Kumbakonam,  
TANGEDCO,  
Thanjavur Electricity Distribution circle,  
Kumbakonam Taluk,  
Thanjavur District.

4. The Superintending Engineer,  
Thanjavur Electricity Distribution Circle,  
TANGEDCO,  
No.1, Vallam Road,  
Thanjavur – 613 007.

.....Respondents  
(Thiru. T.N. Sankaran, EE/Kumbakonam &  
Thiru. Thirunavukkarasu, JE/Kabisthalam)

**Date of hearing : 14.6.2016**

**Date of order : 3 . 8. 2016**

Thiru Nandakumar, Bhavani Nagar has filed a petition dt. 21.3.2016 to review the order dt. 7.3.2016 issued in AP No. 84 of 2015. The above petition was registered as Review Petition No. 1 of 2016. A hearing was conducted on the above petition before the Electricity Ombudsman on 14.6.2016. Upon perusing the review petition, counter filed by the Respondents and after hearing both sides, the Electricity Ombudsman passes the following order.

### **ORDER**

1. **Prayer of the Appellant:**

The Appellant prayed to review the order to address the appeal as per amendment rule 22 (6).

2. **Arguments of the Appellant furnished in the Review Petition:**

2.1 You have stated two RS Nos.74/14 and 74/2 as per postal records.

Service is obtained in which Survey No.? Should be considered for DC.

2.2 Post Office/Quarters and Service connection remained within 6 cents.

- 2.3 As per Vigilance report against SC No. SC 403-016-310/1A Thiru S. Rengarajan & S. Bashyam, S/o. T.R. Srinivasan are offender vide V.C. Memo No. 3685/B2/B21/2011-1 dt. 15.02.2011. My Statement is enclosed.
- 2.4 SC is effected as per House tax receipt. It is stopped. So SC stands illegal.
- 2.5 Legal opinion is vague without merits. GP misrepresented facts. Title deeds states that House is within 6 cents and vacant land in 6.5 aires.
- 2.6 He ignored District Registrar order. DR stated as M.D. Srinivasan (Srinivasa Iyengar) is title deed holder.
- 2.7 Unclaimed rent (Rs.34400) is still pending with postal department as Late Mrs. Laxmi W/o. TR Srinivasan failed to produce title deeds.
- 2.8 Service Connection obtained illegally against Supply Code/electricity rules and regulations which were in force.
- 2.9 DC it and advice consumer to seek legal remedy.
- 2.10 Petition is for DC and not for ownership recognition.
- 2.11 Document against SC Athanoor-660-403-016-306/1A is under appeal with Inspector of Registration, Chennai.
- 2.12 Patta enquiry is completed. Order is awaited.

3. **Arguments of the Respondent furnished in the Counter:**

- 3.1 The Service No. 06-430-016-309/Tf: V is given for the building situated in the SF No. 74/2 (new SF No. 251/25) and SC No. 06-430-016-306/Tariff is given for the thatched building situated in SF No. 74/14(New No.251/24).

- 3.2 Based on the vigilance report suitable action has been taken against the Individual Thiru S. Rengarajan, the TANGEDCO staff.
- 3.3 The service connection had been effected as per the rule in force at that time and no objection was raised by anybody else at that time.
- 3.4 The legal opinion given by Government Pleader is based on the documents given by Thiru S. Nandhakumar & Thiru S. Rengarajan. If there is any dispute in the legal opinion itself, it has to be dealt by the competent authority (ie) only by the court concerned.
- 3.5 The SC No. 06-430-016-309 /Tf: V, was effected 50 years back and no records are available. The CC charges for this service is being paid regularly by the consumer. Hence disconnection of service No. 06-430-016-309/Tf: V cannot be done.

4. **Hearing held by the Electricity Ombudsman:**

- 4.1 To enable the Review Petition and the Respondents to putforth their arguments in person, a hearing was held before the Electricity Ombudsman on 14.6.2016.
- 4.2 The Appellant Thiru Nandhakumar himself attended the hearing and putforth his side arguments.
- 4.3 The Respondent-3 Thiru. T.N. Sankaran, Executive Engineer/Kumbakonam, and Respondent-1 Thiru. G. Thirunavukkarasu, Junior Engineer/Kabistharam have attended the hearing and putforth their side arguments.

5. **Argument putforth by the Appellant:**

- 5.1 The Appellant argued that the service connection No. 403-016-309 is illegal as Thiru T.R. Srinivasan is not the title holder.
- 5.2 He argued that the service connection No.310 was shifted illegally by the legal heir of Thiru T.R. Srinivasan.
- 5.3 Thiru T.R. Srinivasan or his legal heirs are not the title holder of the property where the SC No. 403-016-309 was effected. He cited the order of D.R.O. informing Thiru M.D. Srinivasa Iyengar as the title holder in support of his above argument.
- 5.4 He pointed out that the unclaimed rent of Rs.34,400/- is still with postal department as Tmt. Lakshmi w/o. Thiru T.R. Srinivasan was failed to produce the title deeds. Hence argued that Thiru. T.R. Srinivasan is not the title holder.
- 5.5 He argued that the Respondents have argued that the service was effected based on the House tax receipt. Now the local body have stopped issuing tax receipt in the name of Thiru T.R. Srinivasan. Hence, argued that the service effected based on the tax receipt is illegal and has to be disconnected.
- 5.6 The Appellant also argued that the service may be disconnected and the encroacher may be directed to get legal remedy instead of directing Appellant himself to get legal remedy. The Appellant argued that as Thiru T.R. Srinivasan or his legal heirs are unable to establish their ownership, the service has to be disconnected only.

6. **Argument of the Respondent:**

- 6.1 The EE/Kumbakonam reiterated the contents of the counter.
- 6.2 The EE argued that the service was effected long back when the area was served by M/s. Kumbakonam Electric Company. The documents obtained for effecting the service connection are not available with them. Hence, could not decide whether the service was obtained by furnishing wrong documents.
- 6.3 The consumer is paying the charges regularly and a tenant is using the service. As electricity is a fundamental right, the disconnection of the said service is not possible when the charges are being paid promptly.
- 6.4 As per the code provision, there is no provision to disconnect the service.
- 6.5 He informed that the service connection No.06-430-309 is available in SF No. 74/2 only and SC No. 06-430-306 is available in SF No. 74/14 (New No. 251/24).
- 6.6 Service connection was given 50 years ago. Requesting disconnection of the said service stating that the service was effected based on wrong documents is not correct.

7. **Findings of the Electricity Ombudsman:**

- 7.1 The Appellant prayed to review the order issued in AP No. 84 of 2015. The arguments furnished in support to review the order are as below :-

- i. The service was effected as per House tax receipt. It is stopped. So Service connection is illegal.
- ii. Legal opinion is vague without merits. G.P. misrepresented the facts title deed states that the house is within 6 cents and vacant land in 6.5 aires.
- iii. The District Registrar order says Thiru M.D. Srinivasan is the title holder.
- iv. Unclaimed rent of Rs.34,400/- is still pending with postal department as late Mrs. Lakshmi w/o. Thiru T.R. Srinivasan failed to provide title deeds.
- v. Service connection obtained illegally against supply code, electricity rules and regulations which were in inforce.
- vi. Patta enquiry is completed and order is awaited.
- vii. The service may be disconnected and the consumer may be adviced to seek legal remedy.

7.2 The Respondent has furnished the following arguments.

- i. The service connection was effected as per rules inforce at the time of effecting service. The service was effected by M/s. Kumbakonam Electric Company. The documents obtained while effecting service connection were not available with them. Hence could not be decided whether service was effected based on wrong documents. He also argued that the service connection was effected some 50 years ago. Hence, seeking disconnection stating

that the service was effected based on wrong documents is not correct.

- ii. The legal opinion given by Government pleader is based on the documents given by Thiru S. Nandhakumar & Thiru S. Rengarajan. If there is any dispute in the legal opinion it has to be dealt by the competent court only.
- iii. The unclaiming of rent by late Tmt. Lakshmi is not relevant to TANGEDCO.
- iv. The CC charges is being paid regularly by the consumer. Hence disconnection of service No. 06-340-016-309 is not possible.

7.3 The Appellant is requesting disconnection of service stating that his father is the title holder as per the District registrar's order. He has also informed that Patta enquiry is completed and order is awaited. As the Appellant has stated that as per the District Registrar order Thiru M.D. Srinivasan (Srinivasa Iyengar) is the title holder . I would like to refer the said order dt. 26.3.2014 issued by the District registrar, Kumbakonam which is extracted below:

*“கும்பகோணம் மாவட்டப்பதிவாளர் அவர்களின் நடவடிக்கைகள்  
முன்னிலை-திரு.க.அசோகன்., எம்.காம்.,  
எண். 740/ஆ/1/2013 நாள் 26/3/2014*

*பொருள்: மனு-சுவாமிமலை சார்பதிவக தியாகசமுத்திரம் புள்ளபூதங்குடி கிராம  
சர்வே எண்.74/2----1722 சதுரடி நத்தம் ஆவண எண் 130/1994 ஐ  
மற்றும் சட்டத்திற்கு புறம்பாக புதியப்பட்ட குத்தகை ஆவணத்தினை ரத்து  
செய்யக்கோரியது தொடர்பாக.*

பார்வை: திரு-எஸ்.நந்தகுமார் பெருமாள்பட்டு, திருவள்ளூர் மாவட்டம் மனு  
நாள் 12.5.2012.

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மனதாரரின் தகப்பனார் திரு.எம்.டி.சீனிவாச அய்யங்கார் அவர்களுக்கு ஆவணம் மூலம் பிரஸ்தாப சொத்து உரிமையுடையதாக இருந்தபோதிலும், அதே சமயம், திரு.டி.ஆர். சீனிவாசன் பெயரில் வீட்டுவாரிசீது. மின் இணைப்பு ரசீது மற்றும் திருமதி. ஜானகி அம்மாள் பெயரிலும் பட்டா உள்ளது. எனவே வெவ்வேறு ஆவணங்கள் மூலம் இருவருக்கும் உரிமை உள்ளதாக இருப்பதால், உரிய நீதிமன்றத்தினை அணுகி பரிகாரம் தேடிக்கொள்ள அறிவிக்கப்படுகிறது.

மாவட்டப்பதிவாளர்  
கும்பகோணம்

7.4 On a careful reading of the above document, it is noted that though Thiru M.D. Srinivasa Iyengar, is the owner of the land (SF No. 74/2 – 1722 sq. ft), the house tax receipt, electric service connection receipt are in the name of Thiru T.R. Srinivasan and Patta is in the name of Janakiammal. As both of them are having rights as per different documents, the relief may be sought from the competent court. Hence, it is noted that the District Registrar has advised the petitioner to get the required relief from the competent court. Further, the Appellant himself has stated that in respect of issue of Patta, enquiry is completed and order is awaited. These facts only leads to a conclusion that there is a dispute over the property where the service connection No. 06-430-016-309 exists.

7.5 The Appellant argued that the tax receipt issued in the name of Thiru T.R. Srinivasan was stopped. The service has to be disconnected as it is was effected based on the tax receipt.

7.6 In this connection, the Respondent informed that they do not have any documents obtained while effecting the service as it was effected when Kumbakonam electric company was looking after the supply in that area. Hence,

the contention of the Appellant that the service was effected based on tax receipt is only an assumption. However, it is noted that no tax receipt was issued in favour of Thiru T.R. Srinivasan also by the local body. Hence, it also establishes that there is a dispute over the ownership.

7.7 The argument of the Appellant that the rent of Rs.34,400/- was unclaimed by late Tmt. Lakshmi for want of ownership title also support to the argument that the title of the property is under dispute only.

7.8 As the documents submitted at the time of effecting supply is not available, I am unable to consider the argument of the Appellant that the service was obtained illegally against Supply Code Electricity Rules and Regulations. It is also to be noted that Supply Code has come into force only during 2004. Where as the service was said to be effected some 50 years back. So rules at the time of effecting supply alone applicable for effecting the service.

7.9 Further, I would like to refer para 12.18 of AP No. 84 of 2015 which is extracted below:-

*“12.18. Summing up, in view of the following as discussed in earlier paras, I am of the view that the disconnection of service connection No.430-016-309 prayed by the Appellant is not acceptable.*

*(i) The ownership of the premises wherein the service connection was effected is under dispute. The ownership issue could be decided only by the competent Civil Court and Electricity Ombudsman cannot decide on it. As the prayer of disconnection of the service is based on the Appellant’s right over the ownership of the said premises, I am unable to accept the prayer.*

*(ii) It is noted that the premises is rented out and the tenant is utilizing the service and the Electricity charges are being paid regularly. The disconnection of the said service will deprive the basic requirement of Electricity to the tenant who is utilizing the said service.*

*(iii) The disconnection of service was not sought based on the violation of any of the regulations as discussed in my findings on the first issue.*

*(iv) Disconnection was sought for a service which was effected some 50 years ago.”*

7.10 On a careful reading of the above and the arguments given by the Appellant, I am of the view that the arguments of Appellant has not altered any of the above reasons furnished in para 12.18 of the order of AP No. 84 of 2015.

7.11 As the Appellant has prayed for review of the order citing regulation 22(6) of the Regulations for CGRF & Electricity Ombudsman, the relevant regulation 22(6) is extracted below:-

*“22. xxx xxx xxx  
xxx xxx xxx*

*(6) The Ombudsman may on his own or on the application of any of the persons or parties concerned within 30 days of the making of the decision, direction or order review such decision, direction or order on the ground that such decision, direction or order was made under a mistake of fact, ignorance of any material fact or any error apparent on the face of the record.*

*(a) The application for such review shall contain the name and address of the petitioner, Order Number & date of the Electricity Ombudsman and the grounds for review i.e, (i) mistake of fact (ii) ignorance of material fact (iii) error apparent on the face of the record.”*

7.12 On a careful reading of the said regulation, it is noted that the Electricity Ombudsman can review order if such order was made under mistake of fact, ignorance of any material fact or any error apparent on the face of the record.

7.13 In view of the discussions in para 7.10 above, I am of the opinion that the arguments putforth by the Appellant do not fall on the reasons given in the

regulation 22(6) of the Regulations for CGRF and Electricity Ombudsman to review the order of the Electricity Ombudsman. Hence, the above review petition is dismissed.

**8. Conclusion:**

8.1 As the arguments put forth by the Appellant do not fall on any of the reasons given under regulation 22(6) of Regulation, for CGRF & Electricity Ombudsman, the above Review Petition No. 1 of 2016 is dismissed. No costs.

**(A. Dharmaraj)**  
Electricity Ombudsman

To

1) Thiru S. Nandakumar.  
12, Bhavani Nagar,  
Perumal patti – 602024,  
Thiruvallur District.

2) The Junior Engineer/O&M,  
Kabisthalam,  
Thanjavur Electricity Distribution circle,  
TANGEDCO,  
Papanasam Taluk, Thanjavur-614203.

3) The Assistant Executive Engineer/O&M,  
Papanasam,  
Thanjavur Electricity Distribution circle,  
TANGEDCO,  
Papanasam Taluk, Thanjavur Dist.

4) The Executive Engineer/O&M,  
Kumbakonam,  
TANGEDCO,  
Thanjavur Electricity Distribution circle,  
Kumbakonam Taluk,  
Thanjavur District.

5) The Superintending Engineer,  
Thanjavur Electricity Distribution Circle,  
TANGEDCO,  
No.1, Vallam Road,  
Thanjavur – 613 007.

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

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

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