



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.6 of 2016

Thiru. S. Vijayaramalingam,
Old No.51/A, New No.69A/1,
Bastin Nagar 4th Street,
Bethaniapuram, Madurai – 16.

..... Appellant
(Party in person)

Vs

The Superintending Engineer,
Madurai Electricity Distribution Circle,
TANGEDCO,
K.Pudur,
Madurai – 625 007.

.....Respondent
(Rep by S.K. Sivakumar, AEE/Samayanallur)

Date of hearing : 12-4-2016

Date of order : 17-5-2016

The appeal petition dated 12-1-2016, filed by Thiru. S. Vijayaramalingam, Madurai was registered as Appeal Petition No. 6 of 2016. The above petition came up for hearing before the Electricity Ombudsman on 12-4-2016. Upon perusing the appeal petition, counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The Appellant prayed to change the name of the following service connections into his name.

- (i) 05-172-005-808
- (ii) 05-172-005-926
- (iii) 05-172-005-930
- (iv) 05-172-005-1603
- (v) 05-172-005-1749

2. Brief history of the Case:

2.1 The Appellant obtained the following service connections in his name on varies dates (i) 05-172-005-808, (ii) 05-172-005-926, (iii) 05-172-005-930, (iv) 05-172-005-1603 and (v) 05-172-005-1749.

2.2 In all the above services except SC No.172-005-1749, name transfer was effected in favour of Tmt. M. Radhakumari based on the records furnished by her.

2.3 The Appellant filed a petition before the CGRF of Madurai EDC to transfer the name of the above services into his name and also sought for certain details about the above services.

2.4 The CGRF of Madurai EDC in its order dt.16.12.2015 has directed the Respondents to furnish the details of the documents obtained for name transferring the services to Tmt. M. Radhakumari and also informed that if the Appellant

furnished the required revenue documents for effecting name transfer in his favour, the same will be considered.

2.5 Aggrieved by the order of the CGRF of Madurai EDC , the appellant filed a appeal petition.

3. Orders of the CGRF :

The CGRF of Madurai EDC has issued its order on 16.12.2015. The relevant paras of the order is extracted below :

“மன்றத்தின் தீர்வு

முறையீட்டாளர் வாதம் மற்றும் 2ம் எதிர்மனுதாரர் அவர்களால் எடுத்துரைக்கப்பட்ட பதிலுரைகளின் அடிப்படையில் முறையீட்டாளர் மின்இணைப்பு எண்.172-005-808, 172-005-926, 172-005-1603, மற்றும் இதர மின்இணைப்புகளை தனது பெயருக்கு மீண்டும் பெயர் மாற்றம் செய்திட உரியவருவாய் ஆவணங்களை சமர்ப்பிக்கும் பட்சத்தில் பெயர் மாற்றம் செய்யப்படும் என்ற எதிர்மனுதாரரின் வாதத்தை இம்மன்றம் ஏற்பதுடன் ஏற்கனவே திரு. விஜயராமலிங்கம் பெயரிலிருந்து திருமதி. ராதாகுமாரி என்பார் பெயருக்கு மின்இணைப்புகளை பெயர் மாற்றம் செய்திட திருமதி. ராதாகுமாரி அவர்களிடமிருந்து பெறப்பட்ட ஆவணங்கள் தொடர்பான விபரங்களை இம்மன்றத்தின் ஆணை வழங்கப்பட்ட 15 தினைங்களுக்குள் முறையீட்டாளருக்கு தெரிவித்திட எதிர்மனுதாரர்களை இம்மன்றம் ஆணையிடுகிறது.”

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

4.1 He availed the following connection from the time of his building construction 1999-2001 till 2007-2008.

- (i) 05-172-005-808
- (ii) 05-172-005-926
- (iii) 05-172-005-930
- (iv) 05-172-005-1749
- (v) 05-172-005-1603

4.2 The above said connection received from 2000 on varies dates, with out any intimation and knowledge they had changed name on the website.

4.3 Regarding this, several times, he asked the concerned section officer and engineer, who deemed to give the details for one more connection, which they have sanctioned without his knowledge.

4.4 More over on 26.11.2015, dispute is placed before the Forum and he received the same result what he had from section office.

5. Arguments of the Respondent furnished in the Counter :

5.1 The service connection Nos 05-172-005-808, 05-172-005-926, 05-172-005-930, 05-172-005-1603 & 05-172-005-1749 referred by the Appellant's were effected in the name of Thiru. S. Vijayaramalingam and the same were transferred to Tmt. M. Radhakumari after receiving the required revenue documents.

5.2 The Appellant, filed a petition dt.26.11.2015 before the CGRF of Madurai EDC to change the name of the services to his name and to intimate the details of documents based on which the name transfer of services were done in favour of Tmt. M. Radhakumari. The CGRF of Madurai EDC has informed to the Appellant that on furnishing of the required documents, by Thiru. S. Vijayaramalingam, the name transfer will be made and directed the Respondents to furnish the details of documents furnished by Tmt. M. Radhakumari while effecting the name transfer in the said services.

5.3 Based on the order of CGRF, the copies of documents obtained while transferring the name of the services into Tmt. M. Radhakumari was handed over to the Appellant.

5.4 The Appellant has obtained loan from M/s Union Bank of India by mortgaging the above premises and as he has not repaid the loan, the above property was sold on auction and Tmt. M. Radhakumari has purchased the premises in the said auction. The property tax receipt is also in the name of Tmt. M. Radhakumari.

Hence, the name transfer sought by the Tmt. M. Radhakumari was approved as per rules in force.

6. Hearing held by the Electricity Ombudsman

6.1 To enable the Appellant and the respondent to put forth their arguments in person, a hearing was held before the Electricity Ombudsman on 12.4.2016.

6.2 Thiru. S. Vijayaramalingam, the Appellant herein has attended the hearing and put forth his arguments.

6.3 Thiru. S.K. Sivakumar, Assistant Executive Engineer/Samayanallur of Madurai EDC has attended the hearing on behalf of the Respondent and put forth his side arguments.

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

7.1 The Appellant Thiru. S. Vijayaramalingam reiterated the contents of the Appeal Petition.

7.2 He argued that the Union Bank of India has not followed the procedure while auctioning the property. He was also not informed about the auction. Hence, he argued that the auction sale is not correct.

7.3 He also informed that he has filed a petition before the Department of Recovery Tribunal, Madurai in this regard.

7.4 The Electricity Board officials have not informed him about the name transfer of the services which were effected in his name.

7.5 The property tax receipt in the name of Tmt. M. Radhakumari was issued by the local body was taken as proof for name transfer. This is not correct.

8. Arguments putforth by the Respondent's representative on the hearing date :

8.1 Thiru. S.K. Sivakumar, Assistant Executive Engineer/Samayanallur reiterated the contents of the counter.

8.2 The Assistant Executive Engineer argued that Tmt. Radhakumari has purchased the said premises from M/s Union Bank of India under auction sale and has furnished the Xerox copy of the sale deed in support of the ownership.

8.3 The Assistant Executive Engineer/Samayanallur also informed that the tax receipt in the name of Tmt. M. Radhakumari for the period 2009-2010 was also submitted by the party in support of the ownership.

8.4 The local body (viz) Kovilpappakudi Panchayat is the authority for issue of property tax in respect of the premises. Hence, it was taken as a proof of ownership.

8.5 The Assistant Executive Engineer also informed that the Chief Manager, Union Bank of India, Kochadai Branch has signed in the name transfer form as the Bank is the seller of the said premises to Tmt. Radhakumari.

8.6 The AEE argued that the name transfer was done as per the Supply Code provision and is in order and hence argued to dismiss the appeal petition. He has also furnished the Xerox copies of documents supporting the name transfer.

8.7 The Asst. Executive Engineer also informed that the account in respect of SC No.172-005-1749 which was under disconnection from 16.8.2008 was already closed.

9. Written arguments of the Appellant :

9.1 The Appellant was sent to Jail in respect of cheque dishonoured case under section 138 of Negotiable Instrument Act for one year. In the interregnum period without the Appellant's knowledge the Union Bank of India in which the Appellant had availed a loan and got confiscation of Appellant property, by fabricating a illegal sale document all the behind the back of the Appellant. The Appellant further states that he intends to prefer appeal against the order of the Debt Recovery Tribunal, Madurai, before the Debt Recovery Appellate Tribunal, Chennai. Due to family problem, financial constrain, irreparable loss and hardship, the Appellant not able to continue more than Debt Recovery Tribunal. Hence, it is placed before the Madurai District Legal Service Authority, Madurai on 14.2.2011. Further states that, still the voter ID, Driving License and the Certificate of Encumbrance of Property till 17.12.2013 denotes the house and shopping premises, which stands in the name of Vijayaramalingam.

9.2 The Appellant further states that the Respondent need not hurried and transfer the E.B. service connection to the above numbers in favour of the Mrs. Radhakumari and the same amounts to highly illegal, unjust and against the principles of natural justice.

9.3 The Appellant further states that on 26.11.2015 he had preferred consumer complaint in application No.1269 of 2015 dated 16.12.2015 and after receipt of the counter filed by the Assistant Engineer/Kudal Nagar and Executive Engineer/Samayanallur he came to know the fact of his transfer of property as well as the transfer of E.B. connection in favour of Tmt. M. Radhakumari. So everything is modified on false documents and filed as counter. The Appellant

further states that after the happenings to this property he had collected all the papers and intends to prefer appeal before the Debt Recovery Appellate Tribunal, Chennai.

9.4 Hence, the Appellant prays that this Hon'ble Electricity Ombudsman direct the respondent to cancel the transfer of E.B. Connections which stands in the name of Tmt. M. Radhakumari in service connection Nos. 172-005-808, 172-005-926, 172-005-1603 and transfer the same in the name of Appellant and thus render justice.

10. Issues to be considered :

10.1 On a careful consideration of the rival submissions, I find the following as the issues to be decided.

- (i) What are the Regulations for transferring name of the service connection to another person ?
- (ii) Whether the name transfer done is correct ?

11. Findings on the First issue :

11.1 The Regulations deals with the name transfer of a service connection is Regulation 5(7) of the Tamil Nadu Electricity Supply Code. The said regulation 5(7) of the TN Elec. Supply Code is extracted below :

"5. Miscellaneous charges

xxx xxx 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.

(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..

(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.”

10.2 The present case falls under Regulation 5(7)(ii) as it is coming under transfer of the service name consequent to sale of a property.

10.3 On a careful reading of the above regulation, it is noted that the applications transfer of name shall be :-

(a) in forms (1) & (2) and accompanied by the documents supporting the transfer with undertaking in form (4).

(b) consent letter from the consumer for transfer the security deposit if it is not included in the documents supporting the transfer where no such consent letter can be produced, the applicant shall pay fresh security deposit.

10.4 The form-1, is a format for name transfer application indicating the address of the transferee and the details of the service connection for which the name transfer is requested. The property is in the possession of the transferee will also be indicated.

10.5 The documents supporting the transfer as per form (1) is detailed below :

(i) Xerox copy of the sale deed for the said premises Or

(ii) Attested Xerox copy of the property tax receipt for the above property given in the name of the transferee. Or

(iii) attested Xerox copy of the Metro Water/Sewerage connection given in the name of the transferee.

10.6 The form-2 is the format of the consent letter from the transferor in case of sale etc., the same is given below :

FORM-2
NAME TRANSFER FORMS [REFER TO REGULATION 5 (7)]
(To be used as a consent letter from transferor in case of sale etc.)

To

The Designated Engineer /

Address of the Licensee Engineer

I.....(S/o. D/o. W/o.)owner of premises bearing Door No.(Name of the Street Place(.....)) hereby give my consent for the transfer of service bearing A/c. No.standing in my name / in the name of to Thiru/Tmty.]S/o. D/o. W/o.since I had sold my house to him/her.....

*The transfer may be effected with available deposit / subject to the condition that the transferee pays the security deposit and other charges *.*

*Signature of transferor,
Full Address.*

Place

Date

** Strike out the portion not required*

10.7 Summerising, the name transfer application shall contain the following :

- (i) Application in form -1
- (ii) Consent Letter in form -2
- (iii) Document supporting the transfer
- (iv) Undertaking in form-4
- (v) Consent letter from the consumer for transfer of Security Deposit if it is not included in the document supporting the transfer
- (vi) Fresh application form and agreement form
- (vii) Required fee has to be paid

12. Findings on the Second Issue :

12.1 The Appellant argued that he has not been informed about the transfer of name in respect of the services which were sanctioned in his name.

12.2 The Appellant also argued that the auction sale done by the Union Bank of India Ltd is not correct as they have not followed the procedure. Therefore, he argued that the names of services are to be changed to his name.

12.3 The Appellant informed that he has been sent to jail in a cheque dishonoured case for one year and in the interregnum period, without the Appellant's knowledge, the Union Bank of India in which the Appellant had availed a loan got confiscation of the Appellant property by fabricating an illegal sale deed.

12.4 The Appellant also argued though he intends to prefer an appeal against the order of the Debt Recovery Tribunal Madurai before the Debt Recovery Appellate Tribunal, Chennai due to family circumstance he was not able to file. However, he has filed a petition before the Madurai District Legal Service authority.

12.5 He argued that the certificate of Encumbrance on property till 17.12.2013 denotes the house and shopping premises are in his name.

12.6 He also informed that he intends to prefer an appeal before the Debt Recovery Appellate Tribunal, Chennai.

12.7 The Respondent argued that Tmt. M. Radhakumari has purchased the property in the open auction conducted by M/s Union Bank of India Ltd and the sale deed was registered also. He also informed that all the above service connection numbers were also clearly mentioned in the sale deed executed by the Bank. Hence, he argued that the name transfer done based on the ownership of the said property is correct. He further informed that the local body has issued the property tax receipt in the name of Tmt. Radhakumari. A copy of the same was also

furnished in support of the ownership of the property. Hence he argued that the name transfer is conforming to the relevant regulations.

12.8 The Asst. Executive Engineer also argued that the name transfer application and other documents were furnished by Tmt. M. Radhakumari as specified in the regulations.

12.9 As per Regulation 5(7)(ii) of the Supply Code detailed in para 11.1, the name transfer application shall be in form(1) and (2) in appendix to the Supply Code accompanied by the following :

- (a) Document supporting the transfer with the undertaking in form(4) in Appendix to Supply Code.
- (b) Consent letter from the consumer for transfer of security deposit if it is not included in the document supporting the transfer.
- (c) Fresh application with fee to be specified by the Commission and agreement form.

12.10 On a careful examination of the documents furnished by the Respondent, it is noted that the following documents were obtained by the licensee..

- (i) Name Transfer Form -1
- (ii) Name Transfer Form-2
- (iii) Under taking in Form-4
- (iv) Fresh application form in the name of Radhakumari
- (v) Indemnity Bond in Form-3 in stamped paper of value of Rs.80/-
- (vi) Xerox copy of house tax receipt No.19447 dt.26.2.2010.
- (vii) Xerox copy of sale deed.
- (viii) Revised Test Report
- (ix) Rs.200/- collected as Name transfer fees

12.11 It is noted that the licensee has obtained both the sale deed and a copy of the tax receipt in support of the ownership of the premises (ie) the documents supporting the name transfer. Separate fresh agreement form was not obtained as the application itself is the agreement in respect of LT service other than agricultural & Industrial consumer. Indemnity Bond in form-3 are to be obtained in case of name transfer due to legal succession. But, the same was also obtained here.

12.12 As the licensee has obtained all the required documents as specified in the Regulations, I am of the view that the Name transfer done in all the four services are conforming to Regulation 5(7)(ii) of the Supply Code only.

12.13 Regarding the arguments on the ownership of the property stating that the sale is illegal, I would like to inform that the ownership issue could be decided only by a competent Civil Court and the Electricity Ombudsman does not have any jurisdiction on the ownership issue. The Electricity Ombudsman can only decide whether the name transfer is as per the regulations. Hence, I have taken the above only as issue for this case and given my findings.

13. Conclusion :

13.1 In view of my findings in second issue, I am of the view that the name transfer done in all the four services are conforming to Regulations 5(7)(ii) of the Supply Code and the appeal petition is dismissed.

13.2 With the above findings, the A.P.No.6 of 2016 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru. S. Vijayaramalingam,
Old No.51/A, New No.69A/1,
Bastin Nagar 4th Street,
Bethaniapuram,
Madurai – 16.

2) The Superintending Engineer,
Madurai Electricity Distribution Circle,
TANGEDCO,
K.Pudur,
Madurai – 625 007.

3) The Chairman,
(The Superintending Engineer),
Consumer Grievance Redressal Forum,
Madurai Electricity Distribution Circle,
TANGEDCO,
K.Pudur, Madurai – 625 007.

4) The Chairman & Managing Director,
TANGEDCO,
NPKRR 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.](#)
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