



TAMIL NADU ELECTRICITY OMBUDSMAN

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

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.12 of 2017

Thiru. R. Venkataraman,
RVR House, 1, 2 & 3 Thirumalai Street,
Jai Balaji Nagar, K.K. Nagar,
Chennai – 78.

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

Vs

1) The Assistant Engineer/O&M/Pandhanallur,
Thanjavur Electricity Distribution Circle,
TANGEDCO,
1/11, Main Road,
Kavanur,
Pandhanallur- 609 807.

2) The Assistant Executive Engineer/O&M,
North/Kumbakonam,
Thanjavur Electricity Distribution Circle,
TANGEDCO,
Thiruvaidaimarudhur Salai, Rajan Thottam,
Kumbakonam.

3) The Executive Engineer/O&M,
North/Kumbakonam,
Thanjavur Electricity Distribution Circle,
TANGEDCO,
Thiruvaidaimarudhur Salai, Rajan Thottam,
Kumbakonam.

..... Respondents
(Rep by Thiru. Elangovan, AEE/North/Kumbakonam,
Thiru. S. Kaliyanasundaram, JE/Pandanallur)

Date of hearing : 6.4.2017

Date of order : 15-5-2017

The petition dated 28.1.2017 filed by Thiru R. Venkataraman, K.K. Nagar, Chennai – 600 078 was registered as Appeal petition No. 12 of 2017. The above appeal petition came up for hearing before the Electricity Ombudsman on 6-4-2017. 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 petitioner has filed this petition as a public interest petition on the Revenue loss to TANGEDCO. He has stated that the service connection No.482-001-1744 was granted against norms and without proper documents.

2. Brief History of the case:

2.1 The Appellant filed a grievance through online before the CGRF of Thanjavur EDC on 27.11.2016 vide petition ID 2711160025316.

2.2 As there was no communication from the CGRF, the Appellant filed this petition before the Electricity Ombudsman on 8.2.2017.

2.3 As more than 50 days have since been passed after submission of a petition before the CGRF without any reply, the petition dt 28.1.2017 received on 8.2.17 was registered as appeal petition No.12 of 2017.

3. Contention of the Appellant furnished in the Appeal petition:

4.1 There is a standing order from the HR & CE Commissioners Office on the application for a service connection on temple lands. The Executive Officer has no powers to apply for a electricity service connection on a temple land without the norms and orders made by the competent authority. The competent authority is the Joint Commissioner / Commissioner in this regard.

4.2 When the Joint Commissioner has already stated in his reply to complaint that the Electricity from the other temple is used for the Aathi Kesava Perumal Temple obviously, there could not be any order from the Joint Commissioner for a new service connection to the Sri Aathi Kesava Perumal temple.

4.3 When the consumer namely the Joint Commissioner has admitted that the Electricity was drawn from the other temple according to HR & CE there was no need for a new connection for the temple.

4.4 There is a contradicting report of the AEE vide his report no 253-16-17 dated 5.10.2016 stating that there is no physical separation of temples and as such how the AE has now overlooked the report of the AEE and a gave an additional service connection in the name of the same Executive Officer when there is no physical separation as per the AEE

4.5 The AEE report dated 5.10.2016 is false and misleading. The AEE has failed to make a proper report and prepare a provisional assessment for the misuse and failed to issue a notice under the appropriate sections of the Act and his act is represented in my appeal petition in the CGRF petition NO.2311160803666.

4.6 The new service connection No.482-001-1744 was given by the AE without collecting the compounding charges and other charges applicable in the old service connection No.482-001-1104. He stated that the grant of service connection No.482-

001-1744 is challenged on the following grounds. (i)The new service connection application was not processed as per the norms of the TANGEDCO.

(ii) There was no proper order from the HR & CE to grant a new service connection.

The service connection was given urgently by the AE while the complaint was under investigation and granted before the inspection of the APT squad.

(iii) The AE failed to check the balance amount payable by the consumer on the discontinued service 482-001-1104 and collect the same.

(iv) The AE has not prepared a OTR before effecting the service connection.

(v) The AE also colluded with the consumer and supported them in granting a new service connection against the norms and thereby causing a heavy loss to the TANGEDCO.

5. Arguments furnished by the Respondents :

5.1 SC No.482-001-1104 disconnected due to non payment & subsequently account was closed on 20.9.2016 due to more than two year non payment list and all the dues were adjusted regarding this service connection.

5.2 The new service connection 482-001-1744 on 5.11.2016 was effected as per the consumer request after getting proper documents as per the TANGEDCO norms after collecting previous dues pertaining to service.

5.3 The new service was effected as per the consumer request after adopting all TANGEDCO norms. In this connection no question of urgently effected service before inspection APTS wing because APTS wing inspection schedule is not known please.

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 conducted before the Electricity Ombudsman on 6-4-2017.

6.2 Thiru R. Venkataraman, the Appellant herein attended the hearing and putforth his arguments.

6.3 Thiru C. Elanselvan, Assistant Executive Engineer / O & M / North Kumbakonam the Respondent II herein and Thiru. Kaliyanasundaram, Junior Engineer / O & M / Pandhanallur the Respondent – 3 herein have attended the hearing and putforth their arguments. The Respondent 1 has authorized the Respondent – 2. Thiru C. Elanselvan, Assistant Executive Engineer / O & M / North, Kumbakonam to attend the hearing and argue on behalf of him.

7. Rejoinder of the Appellant

7.1 The Respondents have given a false statement in their counter petition dated 3.2.2017 which was received by him on 25.2.2017 and suppressed a lot of facts to the Hon'ble Electricity Ombudsman.

7.2 This petition is connected and related to the appeal petition no.9 of 2017 and may be taken into file along with that file and the hearing date of this appeal petition.

7.3 The application for a new service connection for Sri Aathi Kesava Perumal Temple was not accepted as per the TANGEDCO Norms and against the HR &* CE Standing Orders. The Respondents have not produced any copies along with the counter and they are put in Strict Proof to produce all the Documents before the Forum.

7.4 The AE has violated the norms in granting the service connection urgently when a complaint was under investigation on the previous service connection 482-

001-1104 of the same consumer and the objections is related to the same temple and objection filed against the AEE report A/253/16-17 dated 5.10.2016.

7.5 The AEE report was also challenged since the concerned AE was not available at the time of his inspection. Hence, when all these were pointed in the objections the AE has violated.

7.6 The officers concerned colluded with the consumers for the misuse and there was no need to grant a new connection when a complaint was pending before the CM Spl Cell, TNERC Chairman, TANGEDCO and also complaints were registered to all the Respondents more particularly to the Respondent No.1 namely the AE.

7.7 The AE failed to resolve his grievance petition or reject his petition before the granting a new service connection to the Disputed place.

7.8 This complaint is a fit case to transfer to the vigilance cell to find out the lapses and submit a report before the forum. Hence, I request the Hon'ble Electricity Ombudsman, if satisfied, may transfer this petition to the vigilance squad for investigation and action thereon.

7.9 The AE has granted the service connection overlooking all the objections for the reasons best known to him. The AE ignored the objections pending before the TNERC, Chairman, CM Office and others and thus misused his authority and acted against the corporation for which suitable actions to be imitated for his act and pass such orders that may deem fit and thus render justice.

8. Findings of the Electricity Ombudsman:

8.1 I have heard the arguments of both sides. On a careful consideration of the arguments of both side, the issue to be decided is whether the appeal petition could be could be entertained by Electricity Ombudsman.

8.2 The Appellant herein raised a grievance about effecting of a service connection bearing No.482-001-1744 which is not effected in his name but effected in the name of Executive Officer, Athikesava Perumal Koil, Pandanallur.

8.3 As the grievance raised in the appeal petition is not related to a service connection of the Appellant, I would like to refer the definition of complainant, complaint and consumer given in regulation 2(e), 2(f) and 2(g) of the Regulation for CGRF & Electricity Ombudsman. The same are extracted below :

"2(e) "complainant" means—

- (i) a consumer of electricity supplied by the Licensee including applicants for new connections;*
- (ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force;*
- (iii) the Central Government or any State Government - who or which makes the complaint;*
- (iv) one or more consumers, where there are numerous consumers having the same interest;*
- (v) in case of death of a consumer, his legal heirs or representatives.*

- (f) "complaint" means any grievance made by a complainant in writing on:- (i) defect or deficiency in electricity service provided by the licensee;*
- (ii) unfair or restrictive trade practices of licensee in providing electricity services;*
- (iii) Charging of a price in excess of the price fixed by the Commission for consumption of electricity and allied services;*
- (iv) Electricity services which will be unsafe or hazardous to public life in contravention of the provisions of any law for the time being in force.*

(g) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person as the case may be."

8.4 On a careful reading of the definition the complaint means any grievance by a complainant and complainant means a consumer of electricity supplied by the licensee including applicants for new service connection and a consumer means any person who is supplied with electricity for his own use by a licensee.

8.6 On a conjoint reading of the definition of the complaint, complainant and consumer. the grievance of a consumer relating to supply of electricity for his own use shall be redressed by the CGRF and Electricity Ombudsman.

8.7 In this regard, it is also to be pointed out that the Secretary / TNERC in his U.O dated 17.10.2016 has clarified as below :

“From the definition of ‘consumer’, ‘complainant’ and ‘complaint’ in Regulations for CGRF & Electricity Ombudsman 2004 and its Annexure-I the complaint format, it is implied that the grievances relating to supply of electricity for his own use shall only be redressed. xxxx

xxx xxxx “

In view of the above, the complaints of a petitioner over other person service could not be admitted as complaint.

8.8 As the Appellant has raised a grievance about SC No.482-001-1744 which is not in his name but effected in the name of Executive Officer, I am of the opinion that the above grievance could not be entertained by the Electricity Ombudsman. Accordingly, the petition is dismissed.

9. Conclusion :

9.1 In view of the findings in para 6 above, the Appeal petition 12 of 2017 is dismissed. No Cost.

(A. Dharmaraj)
Electricity Ombudsman

To
1) Thiru. R. Venkataraman,
RVR House, 1, 2 & 3 Thirumalai Street,
Jai Balaji Nagar, K.K. Nagar,
Chennai – 78.

2) The Assistant Engineer/O&M/Pandanallur,
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Thanjavur Electricity Distribution Circle,
TANGEDCO,
Thiruvaidaimarudhur Salai, Rajan Thottam,
Kumbakonam.

5) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Thanjavur Electricity Distribution Circle,
TANGEDCO,
No.1, Vallam Road,
Thanjavur – 613 007.

6) The Chairman & Managing Director,
TANGEDCO,
NPKRR Maaligai,
144, Anna Salai,
Chennai -600 002.

7) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmiipathy Salai,
Egmore,
Chennai – 600 008.

8) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**
Tamil Nadu Electricity Regulatory Commission,
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