

A consumer is the important visitor on our premises.
He is not dependent on us. We are dependent on him.
- Mahatma Gandhi



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Before The Tamil Nadu Electricity Ombudsman, Chennai

Present : Thiru. S. Devarajan, Electricity Ombudsman

A.P.No. 08 of 2021

Thiru J. Soundararaj,
s/o. Ponnaiah,
2/113, A7, Vettuvadi,
Konnasal Post,
Pandalur Taluk, Nilgiris.

. Appellant
(Thiru J. Soundararaj)

Vs.

1. The Executive Engineer/O&M/Gudalur,
Nilgiris Electricity Distribution Circle,
TANGEDCO,
110/11 KV SS, Gudalur, Nilgiris.

2. The Assistant Executive Engineer/O&M/Pandalur,
Nilgiris Electricity Distribution Circle,
TANGEDCO,
D. No. 13/136B, Colony Road,
Pandalur – 643 205.

3. The Assistant Engineer/O&M/Cherambadi,
Nilgiris Electricity Distribution Circle,
TANGEDCO,
No15/17/B1, Goles Land,
Near Manu tea stall,
Cherambady-643205.

. Respondents
(Thiru V. Jeyaprakash, EE/O&M/Gudalur
Thiru K. Muthukumar, AEE/O&M/Pandalur
Thiru M. Hari, AE/&M/Cherambadi)

Date of Hearing: 03-03-2021

Date of order: 25-03-2021

The Appeal Petition received on 19.01.2021 from Thiru J. Soundararaj, s/o. Ponnaiah, 2/113, A7, Vettuvadi, Konnasal Post, Pandalur Taluk, Nilgiris was registered as Appeal Petition No. 08 of 2021. The above appeal petition came up for hearing before the Electricity Ombudsman on 03.03.2021. Upon perusing the Appeal Petition, Counter affidavit, written argument and the oral submission made on the hearing date from both the parties, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The Appellant has prayed to effect electricity service connection to his house built at Government Poromboke land.

2.0 Brief History of the case:

2.1 The Appellant has submitted his application to AE/Cherambadi to effect new new service connection for his house located at Government Poramboke Land where he is residing for many years.

2.2 The AE/Cherambadi has returned his application asking to apply for new service connection along with No Objection Certificate obtained from the competent authority.

2.3 Since the grievance of the Appellant was not settled by the Assistant Enginner/Cherambadi, the appellant filed a petition before the CGRF of Nilgiris EDC. The CGRF of Nilgiris EDC has issued an order dated 31.12.2020. Aggrieved over the order, the appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Nilgiris Electricity Distribution Circle have issued its order on

31.12.2020. The relevant portion of the order is extracted below:-

“மன்றத்தின் முடிவு

மனுதாரர் மற்றும் எதிர்மனுதாரரின் வாதங்கள் கேட்கப்பட்டது. நீலகிரி மின் பிகிரிமான வட்டத்தில் கூடலூர், பந்தலூர் வட்டங்களில், நிலப்பிரச்சனை (sec.17, sec. 53 மற்றும் புறம்போக்கு தொடர்பாக அநேக வழக்குகள் உச்சநீதிமன்றத்தில் நிலுவையில் இருப்பதால் தடையில்லா சான்றிதழ் மாவட்ட நிர்வாகத்திடமிருந்து பெற்ற பின்னரே மின் இணைப்பு வேண்டுவோர்க்கு வழங்கப்பட்டு வருகிறது. ஆகவே மனுதாரர் மாவட்ட நிர்வாகத்திடம் இருந்து தடையில்லாச் சான்று பெற்ற பின்னர் www.tangedco.gov.in என்ற இணையதளத்தில் விண்ணப்பிக்குமாறு அறிவுறுத்தப்பட்டது. மேலும் எதிர்மனுதாரருக்கு மனுதாரர் தடையில்லாச் சான்று பெற்று விண்ணப்பிக்கும் பட்சத்தில் மின் இணைப்பு வழங்க அறிவுறுத்தப்பட்டது.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondents to put forth their arguments a hearing was conducted on 03.03.2021 through Video conferencing.

4.2 The Appellant Thiru J. Soundararaj has attended the hearing and put forth his arguments.

4.3 The Respondents Thiru V. Jeyaprakash, EE/O&M/Gudalur, Thiru K. Muthukumar, AEE/O&M/Pandalur and Thiru M. Hari, AE/&M/Cherambadi of Nilgiris Electricity Distribution Circle have attended the hearing and put forth their arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing order. Further the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone are discussed hereunder.

5.0 Arguments of the Appellant :

5.1 மேல்முறையீட்டாளரின் வீடு உள்ள நிலம் 1963 இல் அப்போதைய அரசு ஆதி திராவிடர்களுக்கு கூட்டுறவு சங்கம் அமைத்து சர்வே எண்.18/1ல் 154.8 ஏக்கர் கூட்டு பட்டாவாக நிலக்குடியேற்ற சங்கத்திற்கு கொடுத்திருந்ததாகவும், 1967 இல் சங்கங்கள் கலைக்கப்பட்டு அந்த நிலங்களை GO Ms No.255 dated 2.11.1993 (Para 3 (1)(2)(8) ன்

படி அரசு வருவாய் துறை புறம்போக்கு நிலமாக மாற்றியதாகவும், இதே ஆணையில் பட்டா கொடுக்கவேண்டுமென para 4 ல் குறிப்பிட்டுள்ளதாக மேல்முறையீட்டாளர் தெரிவித்துள்ளார்.

5.2 அரசாணை (நிலை) எண். 508 நாள் 16.11.2004 ல் முதல் பக்கத்தில் நில குடியேற்ற சங்க உறுப்பினர்களுக்கும் தற்போதைய அனுபவதாரர்கள், வாரிசுதாரர்களுக்கும் பட்டா கொடுக்கவும் மாவட்ட ஆட்சியர்களுக்கு ஆணை பிறப்பித்தும் இதுவரை தனக்கு பட்டா வழங்கவில்லை என்றும் ஆகவே தன்னுடைய வீட்டு நிலம் sec 17, 53 யின் கீழ் வருவதில்லை என்பது நிச்சயமாகிறது என்று மேல்முறையீட்டாளர் தெரிவித்துள்ளார்.

5.3 பட்டா நிலம் புறம்போக்கு நிலமாக மாறிவிட்டது. உதகை மன்றத்தார் demanded that electricity connection should be given only on the production of NOC. The respondent, Executive Engineer/Ooty has stated that the Hon'ble High Court Order is inapplicable to this district. The Hon'ble Chairman and Committe Members said that there are lot of cases in the Hon'ble Supreme Court restraining provision of electricity to the two taluks. But they were unable to provide any evidence/documents except expressing their views orally. In the interest of justice and equality they should have given him the orders or any other documents which establishes that the cases are pending in the Hon'ble Supreme Court. They haven't even accepted when the appellant wanted to submit the documents to establish indeed it is a Patta land in 1963 and was converted as poromboke in 1967.

5.4 The Appellant has stated that the Committee has also not even considered the orders of the Hon'ble Madras High Court in which the Hon'ble Court said that even if they reside in Government Poromboke land to extend electricity connection to the poor and the needy on compassionate ground. The Appellant has further stated that being a senior citizen aged about 63 years after a long struggle he constructed a asbestos sheeted house, these orders of the Hon'ble High Court becomes meaningless.

5.5 The Appellant has submitted that according to his view "compassionate ground" struck down everything whichever comes in between to avail the connection.

6.0 Arguments of the Respondent

6.1 The respondent has stated that the land where the Appellant requires power supply comes under the Government poramboke land as per the Appellant statement. In order to extend electricity connection to Government poramboke lands necessary no objection certificate must be obtained from the District Administration and the same should be enclosed along with the application by the Appellant at the time of applying for electricity service connection.

6.2 The respondent has further stated that most of the lands in the Pandalur Taluk and Gudalur Taluk in the Nilgiris District comes under section 17, Janmam Land and reserve forest. Hence in order to extend electricity service connection necessary no objection certificate must be obtained from the competent authority and the same should be enclosed along with the application by the Appellant.

6.3 The respondent has stated that the appeal petition lacks bonafide. It is therefore prayed that this Hon'ble court may be pleased to dismiss the above appeal filed by the appellant in the interest of justice.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard the arguments of both the appellant and the respondent. In this connection, the issue to be decided is whether the prayer of the appellant to extend electricity service connection without obtaining NOC from the competent authority is acceptable?

7.2 The appellant in his arguments has stated that the Survey No.18/1 consists of 154.8 Acres had been allotted to Adidravidar Cooperative Society in 1963 as joint pataa. Later during 1967, the society was abolished and entire allotted land has been converted as Government Poramboke land as per G.O. Ms No.255 dated 02.11.1993 para 3(1)(2)(8). However, in the same GO, it has been instructed to give patta to the concerned. Further, the appellant has contended that the Honourable High Court of Madras in W.P. No. 17608 of 2013 in MP No. 1 of 2013, the case pertaining to a batch of eleven petitioners of Tiruvannamalai District that the poor

and the needy should be given electricity on compassionate ground even if they reside in Government Poromboke land.

7.3 The respondent has stated that since the land where the appellant requires power supply comes under the Government Poromboke land, no objection certificate from the District Administration is necessary. Further, most of the lands in the Pandalur taluk and Gudalur Taluk in Nilgiris District comes under section 17, Janmam land and reserve forest and hence NOC from the competent authority is must.

7.4 In support of his contentions that the electricity shall be given to the poor and needy on compassionate grounds, the appellant has referred the order of the Hon'ble High Court of Madras in a case W.P. No. 17608 of 2013 in MP No. 1 of 2013 dated 29.09.2013. On going through the Hon'ble court order it is seen that the case pertains to eleven numbers petitioners of Tiruvannamalai district which is a specific case which can't be applied in general and to the Nilgiris district in particular which is a hill area having vast forest land involving environmental issues. Further the respondent has stated that the Collector of Nilgiris, Udthagamandalam in his letter dated 06.05.2004 has given specific order that the power connection can be given in the Janmam lands area after production of possession Certificate issued by the Revenue Divisional Officer, Gudalur and No Objection Certificate issued by the collector in consultation with the District Forest Officer, Gudalur. In this regard I would like to refer regulation 27(12) TNE Distribution Code Regulation, 2004 which is reproduced below:

“27. Requisitions for Supply of Energy:

xxx xxx xx

(12) Supply shall be given in Poromboke lands/Government lands on production of No Objection Certificate obtained from the concerned officer of the Government of Tamil Nadu. The applicant shall execute an indemnity bond in FORM-6 of the ANNEXURE III to this code and also pay security deposit twice the normal rate.”

7.5 On a plain reading of the above, it is noted that supply shall be given in Poromboke lands/ Government lands on production of No Objection Certificate obtained from the concerned officer of the Government of Tamil Nadu. In the case on hand, the District Collector is the competent authority empowered to issue the No Objection Certificate. Therefore, I am of the view that the contentions of the respondent that NOC is required to be submitted along with the application for extending power supply to the appellant is acceptable to me.

8.0 Conclusion:

8.1 In view of my findings in para 7.0 above, the appellant has to submit No Objection Certificate from the Collector of Nilgiris District, Udthagamandalam along with the application for new service connection as per the regulation 27(12) of the Tamil Nadu Electricity Distribution Code and hence I am unable to interfere with the orders of CGRF of Nilgiris Electricity Distribution Circle.

8.2 With the above conclusion the appeal petition No.8 of 2021 is disposed of. No costs.

(S. Devarajan)
Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”
“**No Consumer, No Utility**”

To

1. Thiru J. Soundararaj,
S/o. Ponniah,
2/113, A7, Vettuvadi,
Konnasal Post, Pandalur Taluk,
Nilgiris district.

2. The Executive Engineer/O&M/Gudalur,
Nilgiris Electricity Distribution Circle,
TANGEDCO,
110/11 KV SS, Gudalur, Nilgiris.

3. The Assistant Executive Engineer/O&M/Pandalur,
Nilgiris Electricity Distribution Circle,
TANGEDCO,
D.No. 13/136B, Colony Road,
Pandalur – 643 205.

4. The Assistant Engineer/O&M/Cherampadi,
Nilgiris Electricity Distribution Circle,
TANGEDCO,
No. 15/17/B1, Goles Land,
Near manu tea stall,
Cherambadi -643205.

5. The Superintending Engineer,
Nilgiris Electricity Distribution Circle,
TANGEDCO,
New Diary Complex, Coonoor Road,
Udhagamandalam-643 001.

– By Email

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

– By Email

7. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.

– By Email

8. The Assistant Director (Computer) – **For Hosting in the TNERC Website**
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