

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



TAMIL NADU ELECTRICITY OMBUDSMAN

4th Floor, SIDCO Corporate Office Building, Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.

Phone : ++91-044-2953 5806, 044-2953 5816 Fax : ++91-044-2953 5893

Email : tneochennai@gmail.com Web site : www.tnerc.gov.in

Before The Tamil Nadu Electricity Ombudsman, Chennai
Present : Thiru. S. Devarajan, Electricity Ombudsman

A.P.No. 13 of 2022

Thiru R.Parthasarathy,
32, Kasthuribai Nagar,
3rd Cross street, Adyar,
Chennai – 600 020.

. Appellant
(Thiru R.Parthasarathy)

Vs.

The Executive Engineer/O&M/Adyar,
Chennai Electricity Distribution Circle/South-II,
TANGEDCO,
110 KV Tidel Park SS Complex,
Tharamani, Chennai-600 113.

. . . . Respondent
(Thiru K. Christopher Leo Raj, EE/O&M/Adyar)

Petition Received on: 19-01-2022

Date of hearing: 30-03-2022

Date of order: 12-04-2022

The Appeal Petition received on 19.01.2022 filed by Thiru R.Parthasarathy, 32, Kasthuribai Nagar, 3rd Cross street, Adyar, Chennai – 600 020 was registered as Appeal Petition No. 13 of 2022. The above appeal petition came up for hearing before the Electricity Ombudsman on 30.03.2022. 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 not to erect the pillar box in the front side of his building as it may cause damage to his property.

2.0 Brief History of the case:

2.1 The Appellant has stated that he had given complaint to the concerned AE namely Thiru Parthiban not to install the pillar box in the frontage of his property.

2.2 The Respondent has stated that on receipt of the complaint AEE/O&M/Velachery had inspected the site and explained to the appellant about the work progress in Gandhi street, Taramani.

2.3 Not satisfied with the reply of the Respondent, the appellant has filed a petition with the CGRF of Chennai Electricity Distribution Circle/South-II on 18.10.2021. The CGRF of Chennai Electricity Distribution Circle/South-II has issued an order dated 22.12.2021. 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 Chennai Electricity Distribution Circle/South-II have issued its order on 22.12.2021. The relevant portion of the order is extracted below :-

“Findings and order of the forum:

The forum observed that the Executive Engineer/O&M/Adyar explained the need for erection of Pillar box.

Hence CGRF petition is disposed off without any orders.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments, a hearing was conducted on 30.03.2022 through video conferencing.

4.2 The Appellant Thiru R.Parthasarathy and his counsel Thiru D.Parthasarathy have attended the hearing and put forth their arguments.

4.3 The Respondent Thiru K.Christopher Leo Raj, EE/O&M/Adyar, Chennai Electricity Distribution Circle/South-II has attended the hearing and put forth his 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 The Appellant has stated that himself, his mother Renuka, his sisters Sowmiya and Saranya are the owners of the land and building at the western portion of the property at No.9, Gandhi Street, Taramani, Chennai 600 113. His father's brothers namely Devan and Kannan are the owner of the building on the eastern side of the said property and have illegally occupied his building in the said property and causing damage to the same. There are suits pending in respect of the same.

5.2 The Appellant has stated that on 30.09.2021, electricity pillar boxes were originally installed on the eastern side of the said property in front of the said building of Kannan and Devan. But the said Devan and Kannan, deliberately to obstruct the appellant's building on the western side and to cause damage to Appellant's property, with their high influence had removed those boxes and are now attempting to install it on the western side of the property to obstruct the frontage of the appellant's building.

5.3 The Appellant has requested to take immediate and appropriate action and to direct the concerned Respondent not to install the said Pillar boxes as the said pillar boxes will obstruct the Appellant's frontage and further cause damage to his property and also prayed to conduct an enquiry in respect of shifting the boxes from

the eastern portion of the said property to the Western portion of the said property at Door No. 9, Gandhi Street, Taramani, Chennai - 600113.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that as per Indian Telegraph Act, the Distribution License, TANGEDCO, empowered to provide Distribution Network in the Public places. It is stated that the OH to UG conversion schemes is undergoing in the Velachery/Taramani area. Door.no.9, Gandhi Street, Taramani is also included in this scheme.

6.2 The Respondent has further stated that the LT distribution work is under progress by laying of 240 sq.mm / 120 sq.mm UG cable and erection of mini pillar / 6Way Pillar box. It is stated that in the existing LT pole location, it was proposed to erect mini and 6Way pillar box.

6.3 The Respondent has stated that the door.No.9, Gandhi Street property is very old building with empty land for a length of 80 feet frontage along the road side. The Respondent erected the 6 Way pillar in the western side of the property.

6.4 The Respondent has stated that on receipt of the complaint, AEE/O&M/Velachery has visited the site on 18.10.21 and discussed with the petitioner and explained in details about the work progress in Gandhi street, Taramani.

6.5 The Respondent has stated that the petitioner has objected to erect 6W pillar box in the western side of the property. The petitioner had approached CGRF forum for pillar objection. Temporarily the work was stopped and the fact was communicated to the forum. The essential requirement of LT network and erection of pillar / cable was explained to CGRF forum.

6.6 The Respondent has stated that the CGRF has given opportunity to attend the meeting through Video conferencing on 03.12.2021. The petitioner has not

attended the meeting and EE/O&M/Adyar attended the meeting. The petitioner was called over phone for a meeting at EE/O&M/Adyar office on 17.02.2022 to resolve the pillar box issue. Subsequently the site was inspected along with the petitioner, AEE/O&M/Velachery and AE/Schemes on 17.02.2022 by EE/O&M/Adyar. It is now instructed to AEE/O&M/Velachery for erecting 6W pillar box between the petitioner and his neighbor. The petitioner also accepted and requested to execute it.

7.0 Appellant's Objection raised on the Counter filed by the Respondent:

7.1 The Appellant has stated that the Respondent had attempted to mislead this Hon'ble Authority by placing false and frivolous statement as if I have agreed to place the 6 way pillar box between appellant's property and his neighbor.

7.2 The Appellant has stated that though he was present at the time of inspection, he never accepted to erect the pillar box between his property and his neighbor's property. Instead the appellant requested them to inform him where they have proposed to erect the 6W pillar box and they have agreed to inform the appellant. Therefore the appellant has requested to consider his Objection and also direct them to remove the unconnected 6w pillar box at the North western portion of the property obstructing his entrants and thus render justice.

8.0 Findings of the Electricity Ombudsman:

8.1 I have heard the arguments of both the appellant and the Respondent. Based on the arguments and the documents submitted by them the following conclusion is arrived.

8.2 The Appellant has stated that he himself, his mother and sisters are the owners of the land and building on western side of the property at No.9, Gandhi Street, Taramani and his father's brothers Devan and Kannan are the owner of the building on the eastern side of the said property. The Respondent originally installed electric pillar box on the eastern side of the said property but on objection

by them now proposed to erect on the western side which will obstruct movement of the Appellant to his house. Hence the Appellant has prayed not to erect the pillar box on western side.

8.3 The Respondent has stated that the LT Distribution work is under progress and a 6 way pillar box proposed on the Eastern side of the property at No.9, Gandhi Street which is very old building with empty land for a length of 80 feet frontage along the road side. The Respondent has stated that as per Indian Telegraph Act, the Distribution Licensee is empowered to provide Distribution Network in the public places. As there was objection, the site was inspected and the pillar box is now proposed between the neighbor and the Appellant which is accepted by the Appellant.

8.4 The Appellant has stated that he has never accepted the proposal as stated by the Respondent and prayed to relocate the pillar box as it is obstructing his movement. Based on documents and the photographs submitted by the Appellant and the Respondent and also based on the explanation with a line diagram given by them during the hearing, it is noted that the original location proposed by the Respondent is on the public road, Gandhi Street which is outside the compound wall of the property on eastern side of the property owned by Thiru Devan and Kannan. As long as the Pillar box is proposed on the public road outside the compound wall, the objection raised by Thiru Devan and Kannan is not sustainable and the Respondent is free to erect the Pillar box at the original location i.e. Eastern side of the property at No.9, Gandhi Street. It is to be noted that the Respondent in his counter has stated that the Distribution Licensee, TANGEDCO is empowered to erect poles and lay electric lines in public road/place as per Indian Telegraph Act 1885 but failed to understand that the same Act holds good for the original location also. The Respondent cannot apply the Act selectively. Further, the Respondent has agreed to the above view point and accepted to erect the Pillar box at the original location itself as proposed initially. In view of the above, the Respondent is directed to erect the 6 way Pillar box on the eastern side of the said property at No.9, Gandhi Street enforcing the Licensee's authority.

9.0 Conclusion:

9.1 As per the conclusion arrived in Para 8.0 above, the Respondent is directed to erect the electric 6 way Pillar box at the eastern side of the property at No.9, Gandhi Street, at the location proposed originally.

9.2 The above work shall be completed within 45 days from the date of receipt of this order and a compliance report shall be sent to the Electricity Ombudsman within 15 days after completion of the work.

9.3 With the above findings the AP. No. 13 of 2022 is finally disposed of by the Electricity Ombudsman. No Costs.

(S. Devarajan)
Electricity Ombudsman

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

To

1. Thiru R.Parthasarathy,
32, Kasthuribai Nagar,
3rd Cross street, Adyar,
Chennai – 600 020.

2. The Executive Engineer/O&M/Adyar,
Chennai Electricity Distribution Circle/South-II,
TANGEDCO,
110 KV Tidel Park SS Complex,
Tharamani, Chennai-600 113.

3. The Superintending Engineer,
Chennai Electricity Distribution Circle/South-II,
TANGEDCO,
110KV SS Complex,
K.K.Nagar, Chennai-600 078.

- By Email

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

– By Email

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

– By Email

6. The Assistant Director (Computer) – **For Hosting in the TNERC Website**
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.