



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

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Before The Tamil Nadu Electricity Ombudsman, Chennai

Present : Thiru. N.Kannan, Electricity Ombudsman

A.P.No. 30 of 2024

Thiru A.Elumalai,
No.18, Mahalakshmi Street,
Kalaivanar Nagar,
Padi, Chennai – 600 050.

. Appellant
(Rep. by Thiru S. Pavesh Kannan,
Advocate)

Vs.

The Executive Engineer/O&M/Ambattur,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
110-33-11KV Ambattur 3rd Main Road SS Premises,
No: 73-11-A, Ambit Park Road, Sai Nagar,
Ambattur 3rd Main Road, Chennai – 76.

. . . . Respondent
(Thiru V. Malaiventhan, EE/O&M/Ambattur)

Petition Received on: 30-04-2024

Date of hearing: 19-06-2024

Date of order: 03-07-2024

The Appeal Petition received on 30.04.2024, filed by Thiru A.Elumalai, No.18, Mahalakshmi Street, Kalaivanar Nagar, Padi, Chennai – 600 050 was registered as Appeal Petition No. 30 of 2024. The above appeal petition came up for hearing before the Electricity Ombudsman on 19.06.2024. 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 for name transfer of Service Connection No.09-040-005-271 in his name and to set aside the CGRF order issued by Chennai EDC/West.

2.0 Brief History of the case:

2.1 The Appellant has stated that the SC No. 09-040-005-271 which was in his name has been illegally changed to Tmt. Rajeshwari and Tmy. Radhika.

2.2 The Respondent has stated that the above service connection was registered in the name of Tmt. Rajeshwari and Tmy. Radhika based on the latest property tax receipt.

2.3 As the grievance of the Appellant was not settled by the Respondent, the Appellant approached the CGRF on 01.02.2024. The CGRF of Chennai Electricity Distribution Circle/West issued an order dated 01.04.2024. Aggrieved over the order, the Appellant preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Chennai Electricity Distribution Circle/West issued its order on 01.04.2024. The relevant portion of the order is extracted below: -

“Order:

Findings :

It is observed that, on receipt of the complaint, consumer ledger of service connection no.040-005-271 was verified and it was found that name transfer application was registered vide application no. 100090401023674 dt.31.10.2023 and paid all the necessary charges vide dt.26.10.2023. As per the application process, the documents uploaded along with the application were verified and the name was transferred on 31.10.2023 from A. Elumalai to Rajeshwari.V Rathika.M.

In this regard, the instruction communicated by the Chief Engineer / Commercial vide Memo No.CE/Coml/SE/EE2/AEE2/F. Name Transfer Mela/D.388/2023 dt.21.07.2023 in respect of name transfer, is as follows:

- A. Name Transfer due to the sale of the premises etc.,*
- a. Copy of recent property tax receipt in respect of Municipality and Corporation area (or) Xerox copy of Sale deed (or) any other valid document (Gift deed/Settlement deed etc.,) (or) Court Order.*
 - b. In respect of areas other than Municipality and Corporation, Xerox copy of Sale deed (or) any other valid documents (Gift deed/Settlement deed etc.,) (or) Court Order.*

The application was registered for name transfer in the name of V Rajeswari M Rathika during name transfer mela and furnished the latest property tax receipt in the name of M Umamageshwari V Rajeswari M Rathika S Nirmala as a document supporting the name transfer along with an undertaking in Form-4 and No Objection Certificate from other owners.

Hence, the forum concludes that the name transfer effected in service connection no.040-005-271 is found correct.”

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 19.06.2024 in person.

4.2 On behalf of the Appellant Thiru S. Pavesh Kannan, Advocate attended the hearing and put forth his arguments.

4.3 The Respondent Thiru V. Malaiventhan, EE/O&M/Ambattur of Chennai Electricity Distribution Circle/West 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 orders. Further, the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone is discussed hereunder.

5.0 Arguments of the Appellant:

5.1 The Appellant has stated that the impugned order of the Consumer Grievance Redressal Forum is contrary to law, weightage of evidence and opposed to facts. The order that the name transfer effected in service connection No.040-

005- 271 is found correct by the consumer grievance Redressal Forum is incorrect, illegal, improper and irregular.

5.2 The Appellant has stated that the inquiry conducted by the consumer grievance Redressal Forum was not formal and due to legal process. The consumer grievance Redressal Forum committed manifest error on a point of law which has resulted in miscarriage of justice. The consumer grievance Redressal Forum did not respect the Hon'ble Court Order. Acted only to protect the Respondents against the Hon'ble Court. Does not consider customer interest.

5.3 The Appellant has stated that the electricity connection was in the name of the Mr.Elumalai before the change of name in electricity service connection No. 040-005-271 dated 31.10.2023. The deposit amount is also in his name. In this case, the Respondent have illegally changed the name without taking his Permission /No objection letter/without any Court Order / Court direction.

5.4 The Appellant has stated that the Respondents have not produced any documents on their behalf in the consumer grievance Redressal Forum hearing. Notably, even a counter to the complaint was not filed. A letter in this regard was sent to the 1st Respondent by registered post. The consumer grievance Redressal forum order has been issued as a capstone order to protect the 1st Respondent from trial.

5.5 The Appellant has stated that in the Consumer Grievance Redressal Forum order No. GRPF/CEDC/W/No.34/24102 of 2023, dated 01.04.2024 the Hon'ble Forum did not properly mention his documents (i.e., The Hon'ble Court Order O.S.No.42 of 2005, dated 12.07.2017 and recent Affidavit document No. 38/2024, dated 15.02.2024) in the order which he had subjected to change of name. In the consumer grievance Redressal Forum order is not clear and transparent. The above service are not in conformity with the regulation 5 (7) (ii) of the Supply Code.

5.6 The Appellant has stated that the Tamil Nadu Electricity Supply Code Notification No THERE/50/7/1, dated 21.07.2004 (IN GO No.34A Part Vi section (Supplement) dated 1.9.2004

Section 7 –

Name Transfer Charges :

Every application for transfer of name consequent to the death of the consumer shall be in Form (1) accompanied by

(a) Legal heir ship certificate from the Thasildar concerned in 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. 10/- and a sworn in affidavit and authenticated by a Notary Public or by a gazette officer to show the status of other legal heirs

(c) Fresh application with fee to be specified by the Commission and agreement form. Every application for transfer of name, in other cases, shall be form (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
Where no such consent letter can be produced, the applicant shall pay fresh security Deposit.

(c) Fresh application with fee to be specified by the Commission and agreement form.

5.7 The Appellant has stated that the above procedure is not properly followed. The name change has taken place on the basis of wrongful property tax name change. The investigation is going on before the City Revenue Officer (CRO), Chennai Corporation, regarding the fact that the 3rd and 4th Respondents have already done wrong and changed the name of the property Tax.

5.8 The Appellant has stated that while the Consumer Grievance Redressal Forum order states that the Hon'ble Court Order is prima facie for name change.

The Original Suit (O.S) No. 42 of 2005 filed by the 3rd and 4th Respondents mother Mrs. Vishalachi against me in the District Munsif Court at Ambattur on the basis of settlement document made through fraudulent registration Doc No. 1926/2003, dated 24.06.2003. In the result, the Hon'ble District Munsif Court at Ambattur for the foregoing reasons, this suit is hereby dismissed leaving the parties to bear their own costs.

In the judgment for above mentioned suit property which was dismissed in his favour. In it, referred to as Exhibit No.B-16 settlement document No. 1926/2003 executed by Mrs. Visalakshi in favour of her daughters i. Mrs. Uma Maheswari, ii. Mrs. Rajeshwari and iii. Mrs. Radhika, (3rd and 4th Respondent herein) registered in the Villivakkam Sub Registrar's Office on 24.06.2003.

5.9 The Appellant has stated that an "Affidavit" was registered on 15.02.2024 by him confirming that there is no appeal against the above said order vide registered document No. 38/IV/2024, dated 15.02.2024, SRO Villivakkam.

5.10 The Appellant has contended that the deposit was Rs.8,575/- as he had electricity connection in the name of Mr.A. Elumalai on 31.10.2023, he has come to know through the RTI Act that the Court Order was hidden when the name of the electricity connection was changed. 1st Respondent 's information letter A.No.3481/2024, dated 21.02.2024.

5.11 The Appellant has stated that he has already paid the deposit amount Rs. 8,575/- and the change of name has taken place irregularly without obtaining his permission letter/No objection letter. In letter Name Transfer Mela D.No.388/2023, dated 21.07.2023, the first Respondent has concealed the information regarding "Court Order" in his letter, while the Court order for changing the name of the electricity connection is also a primary document.

Citation-1.

#The Hon'ble TN Electricity Ombudsman Appeal No. 4 of 2012, Order dated 16.07.2012. The Property tax is one of the document to the name transfer. In the above circumstances, accordingly to Hon'ble Court Judgment and Order Original Suit (O.S) No. 42 of 2005 already received, the Suit case has been

dismissed and the previous judgment in his favour has been properly considered and the settlement deed Doc. No. 1926/2003, dated 24.06.2003 filed in the dismissed case is not eligible for name transfer, the names of the 3rd and 4th Respondent will be removed and the name Mr.A.Ellumalai will be added to the electricity service connection number 040-005-271.

5.12 The Appellant has stated that recently the above said the Hon'ble Court order was registered through an affidavit on 15.02.2024 by him confirming that there is no appeal against the above said order vide Registered document No. 38/IV/2024, dated 15.02.2024, SRO Villivakkam.

5.13 The Appellant has prayed to set aside the Consumer Grievance Redressal forum Order No.CGRPF/CEDC/W/No.34/24102 of 2023, dated 01.04.2024 and pass such further order or other order as this Hon'ble Ombudsman may deem fit and proper in the circumstances of the case and thus render Justice.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that the petitioner has filed the above petition against the Name Transfer in the Service Connection No. 09 040 005 271 from Thiru.A.Elumalai to Mrs. V.Rajeswari and Mrs.M.Rathika and praying to set aside the Consumer Redressal Forum Order No.CGRPF /CEDC/W/No.34 of 2024, dated 01.04.2024.

6.2 The Respondent has submitted that he has read over the affidavit filled by the petitioner in the above petition and deny all the averments/allegation made therein except those that are specifically admitted hereunder and put the petitioner strict proof of all his averments /allegations. It is further submitted that the petition is neither maintainable in law nor on facts and as such the same is liable to closed in timeline.

6.3 The Respondent has submitted in the first instance the history of the case on hand to this Honourable TNE OMBUDSMAN that TANGEDCO organized a Name

Transfer Mela starting from 24.07.2023. During the Name Transfer Mela, the application was registered for name Transfer of Service Connection No. 040-005-271 in the name of Mrs.V Rajeswari and Mrs.M.Rathika vide application No.0401023674 dt 31.10.2023 and furnished the latest property tax receipt in the name of Mrs.M.Umamageshwari Mrs.V.Rajeswari Mrs.M.Rathika Mrs.S.Nirmala as a document supporting the name transfer along with an undertaking in Form-4 and No Objection Certificate from Co-owners of Mrs.M. Umamageshwari and Mrs.S. Nirmala.

6.4 The Respondent has submitted that as per the instructions communicated by the Chief Engineer / Commercial vide Memo No. CE/COMMI/SE/EE/AEE/F. Name Transfer Mela/D.388/2023, Dt 21.07.2023. in respect of Name Transfer, is as follows:

- A. Name Transfer due to the sale of the premises etc.,
 - a. Copy of recent property tax receipt in respect of Municipality and Corporation area (or) Xerox copy of Sale deed (or) any other valid document (Gift deed/Settlement deed etc.,) (or) Court Order.
 - b. In respect of areas other than Municipality and Corporation, Xerox copy of Sale deed (or) any other valid documents (Gift deed/Settlement deed etc.,) (or) Court Order.

6.5 The Respondent has submitted that in support to the Name Transfer the applicant has submitted the required following documents with the application:

- a. Latest property tax (part II/22-23, 07-008-14641-000) receipt No.2023-24/ON/0652643 in the Name of Mrs.M.Umamageshwari, Mrs. V.Rajeshwari, Mrs.M.Radhika and Mrs.S.Nirmala.
- b. No Objection certificate from Mrs. Umamageshwari and Mrs.Nirmala.
- c. Aadhar card copies of Mrs. Rajeshwari and Mrs.Radhika.
- d. Form-4.

6.6 The Respondent has submitted that based on the provided documents, the necessary name transfer fees was collected vide receipt number

CHW040RS152166/26.10.2023 In addition to that, Security Deposit also collected from the Applicant. The documents submitted are in accordance with the TNERC supply code (5) sub regulation (7)(ii)(b) and the simplified procedure for name transfer was implemented for LT Domestic and Common service connections vide TANGEDCO circular Memo No: CE/COMI/SE/EE/AEE/F. NAME TRANSFER MELA/D.388/2023/DT:21.07.2023. Hence the name was transferred from Thiru.A.Elumalai to Mrs. Rajeswari.V, Mrs.Rathika.M on 31.10.2023.

6.7 The Respondent has submitted that the Petitioner Thiru. A.Elumalai has approached CGRF through an online petition with the petition number 102241926214 on 01.02.2024. In this regard, The CGRF Chairman conducted an enquiry on 23.02.2024 and issued an order with the reference number CGRF/CEDC/W/NO:34/24 on 01.04.2024, as follows:

"It is observed that, on receipt of the complaint, consumer ledger of service connection no.040-005-271 was verified and it was found that name transfer application was registered vide application no. 100090401023674 dt.31.10.2023 and paid all the necessary charges vide dt.26.10.2023. As per the application process, the documents uploaded along with the application were verified and the name was transferred from on 31.10.2023 from Thiru.A. Elumalai to Mrs.Rajeswari.V, Mrs.Rathika.M."

Therefore the forum concluded that, the name transfer effected in service connection no.040-005-271 is found correct.

6.8 The Respondent has prayed to dismiss the Appeal Petition No. 30 of 2024 as may deem it fit and thus render justice.

7.0 Findings of the Electricity Ombudsman

7.1 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.

7.2 The Appellant has stated that the electricity connection was in the name of Mr. Elumalai before the change of name in electricity service connection No. 040-

005-271 dated 31.10.2023. The deposit amount was also in his name. In this case, the Respondent has illegally changed the name without obtaining his permission/ No-objection letter/without any Court Order / Court direction.

7.3 The Appellant has stated that in the Consumer Grievance Redressal Forum order No. GRPF/CEDC/W/No.34/24102 of 2023, dated 01.04.2024, the Hon'ble Forum did not properly mention his documents (i.e., the Hon'ble Court Order O.S.No.42 of 2005, dated 12.07.2017, and the recent Affidavit document No. 38/2024, dated 15.02.2024) in the order, which he had submitted for the change of name. The Consumer Grievance Redressal Forum order is not clear and transparent. The above service is not in conformity with regulation 5 (7) (ii) of the Supply Code.

7.4 The Appellant has stated that while the Consumer Grievance Redressal Forum order mentions the Hon'ble Court Order, it only indicates that the order is prima facie for the name change.

The Original Suit (0.5) No. 42 of 2005 filed by the 3rd and 4th Respondents mother Mrs. Vishalachi against me in the District Munsif Court at Ambattur on the basis of settlement document made through fraudulent registration Doc No. 1926/2003, dated 24.06.2003. In the result, the Hon'ble District Munsif Court at Ambattur for the foregoing reasons, this suit is hereby dismissed leaving the parties to bear their own costs.

In the judgment for above mentioned suit property which was dismissed in his favour. In it, referred to as Exhibit No.B-16 settlement document No. 1926/2003 executed by Mrs. Visalakshi in favour of her daughters i. Mrs. Uma Maheswari, ii. Mrs. Rajeshwari and iii. Mrs. Radhika, (3rd and 4th Respondent herein) registered in the Villivakkam Sub Registrar's Office on 24.06.2003.

7.5 The Appellant has stated that an affidavit was registered on 15.02.2024 by him, confirming that there is no appeal against the above mentioned order, vide registered document No. 38/IV/2024, dated 15.02.2024, SRO Villivakkam. The Appellant has prayed to set aside the Consumer Grievance Redressal Forum Order No. CGRPF/CEDC/W/No.34/24102 of 2023, dated 01.04.2024.

7.6 The Respondent has submitted that initially, in the case history presented to this Hon'ble TNE OMBUDSMAN, TANGEDCO organized a Name Transfer Mela commencing on 24.07.2023. During this event, an application was filed for the name transfer of Service Connection No. 040-005-271 in the names of Mrs. V. Rajeswari and Mrs. M. Rathika under application No. 0401023674 dated 31.10.2023. They also provided the latest property tax receipt in the names of Mrs. M. Umamageshwari, Mrs. V. Rajeswari, Mrs. M. Rathika, and Mrs. S. Nirmala as supporting documents for the name transfer. Additionally, they submitted an undertaking in Form-4 and a No Objection Certificate from co-owners Mrs. M. Umamageshwari and Mrs. S. Nirmala.

7.7 The Respondent has submitted that name transfer has been done as per the instructions communicated by the Chief Engineer/Commercial via Memo No. CE/COMMI/SE/EE/AEE/F. Name Transfer Mela/D.388/2023, dated 21.07.2023 and based on the following required documents with the application:

- a. Latest property tax (part II/22-23, 07-008-14641-000) receipt No.2023-24/ON/0652643 in the Name of Mrs.M.Umamageshwari, Mrs. V.Rajeshwari, Mrs.M.Radhika and Mrs.S.Nirmala.
- b. No Objection certificate from Mrs. Umamageshwari and Mrs.Nirmala.
- c. Aadhar card copies of Mrs. Rajeshwari and Mrs.Radhika.
- d. Form-4.

7.8 The Respondent has submitted that necessary name transfer fees were collected under receipt number CHW040RS152166 dated 26.10.2023. Additionally, a security deposit was collected from the Applicant. The documents submitted comply with the TNERC Supply Code (5), sub-regulation (7)(ii)(b), and the simplified procedure for name transfer was implemented for LT Domestic and Common service connections, as per TANGEDCO circular Memo dated 21.07.2023. Therefore, the name was officially transferred from Thiru A. Elumalai to Mrs. Rajeswari V and Mrs. Rathika M on 31.10.2023.

7.9 Before addressing the issue, the following observations from O.S. No. 42 of 2005 dated 12-07-2017 are reproduced below:

E.Visalatchi (Plaintiff) Vs A.Elumalai (Defendant)

Para 1

This suit is filed by the plaintiff for the relief of permanent injunction restraining the defendant, his men, agents or his nominees, from selling, alienating or encumbering the suit property to any third parties in any manner whatsoever and also for the costs.

Para 7

7. Answer for Issue No.1:

(a) It is the claim of the plaintiff that the suit property was purchased by her which is the grama natham property and she is in possession of it. In order to establish her possession in the suit property, she filed Ex.A1 and Ex.A2 notices issued under the Tamil Nadu Land Encroachment Act, Ex.A3, Ex.A4, Ex.A5, Ex.A6, Ex.A7 and Ex.A8 property tax receipts in her name. Also, filed Ex.A9 property tax demand notice, Ex.A11 property tax payment challan, Ex.A12 electricity consumption charges card, Ex.A13 and Ex.A16 are the family cards, Ex.A14 encumbrance certificate, Ex.A15 voters identity card, Ex.A17 gas card, Ex.A18 census receipt. Even though, Ex.A10 being a tax receipt due to no name is found in it and also, in view of it being a photocopy, no reliance can be placed on it.

(b) it is the case of the defendant that he has been evicted from the suit property by the plaintiff and her son-in-law even though suit property was purchased by him. In view of the suit property was purchased by him, he has right over it to deal with it and in support of his contention, he filed Ex.B1 complaint lodged by him to the Assistant Commissioner of Police, Ex.B2, C.S.R., Ex.B3 Town survey filed register, Ex.B4 assessment notice issued by the Ambattur Corporation, Ex.B5 and Ex.B10 property tax receipts, Ex.B6 property tax demand card, Ex.B7 electricity consumption charges payment receipt, Ex.B8 electricity consumption charges card, Ex.B9 notice issued under the Tamil Nadu Land Encroachment Act, Ex.B11 postal cards, Ex.B12 and Ex.B13 driving license, Ex.B14 residential certificate, Ex.B15 wedding invitation and Ex.B16 deed of settlement of the suit property executed by plaintiff in favour of her four daughters. Moreover, the above said documents were also filed to establish the possession of defendant in the suit property.

(c) Admittedly, plaintiff is the second wife of defendant herein wherein defendant's first wife is none other than the sister of plaintiff herein. Though, plaintiff and defendant, claims that the suit property was purchased by them and in support of the defendant, he wanted to mark an unregistered deed of sale which was impounded by this Court and forwarded to District Collector, Tiruvallur for collecting penalty on

11.07.2013. Wherein, it was returned on 01.03.2017 stating that the suit property is an "Eri poramboke" and no value can be fixed in it and thereby returned the impounded document to this court."

(e) On perusal of the evidences of PW1, DW1, DW2 and DW3 they all categorically admitted that plaintiff and defendant are residing jointly in the suit property together. Whereas, DW2 during his cross examination clearly admitted that, plaintiff and defendant are residing in the suit property jointly for nearly 30 years.

Para 9

In the result, for the foregoing reasons, this suit is hereby dismissed leaving the parties to bear their own costs.

7.10 From the observation above, it is clear that there was a dispute between E. Visalatchi and A. Elumalai, wherein the Plaintiff E. Visalatchi, is the second wife of A. Elumalai, and his first wife happens to be the sister of the Plaintiff. An unregistered deed of sale, which was impounded by the Court and forwarded to the District Collector of Tiruvallur for collecting penalty on 11.07.2013, was returned on 01.03.2017. The District Collector stated that the suit property is classified as "Eri poramboke". Additionally, it is noted in paragraph 'e' that both the plaintiff and defendant are jointly residing in the suit property.

7.11 Furthermore, the court observed that Ex A3, Ex A4, Ex A5, Ex A6, Ex A7, and Ex A8 show that the property tax was in the name of E. Visalatchi, which is reproduced below.

PLAINTIFF SIDE EXHIBITS:

Exhibit A3	19.08.1991	Property tax receipt in the name of plaintiff – Original
Exhibit A4	21.04.1994	Property tax receipt in the name of plaintiff – Original
Exhibit A5	12.01.1996	Property tax receipt in the name of plaintiff – Original
Exhibit A6	27.03.1998	Property tax receipt in the name of plaintiff – Original
Exhibit A7	13.02.2002	Property tax receipt in the name of plaintiff – Original
Exhibit A8	28.04.2003	Property tax receipt in the name of plaintiff – Original

From the above, the property tax was in the name of E. Visalatchi during the year 1991, 1994, 1996, 1998, 2002 and 2003.

7.12 For the same suit property the property tax was in the name of Thiru A.Elumalai as per ExB5 and ExB10 for the period 19.12.2011 and 01.07.2008.

DEFENDANT SIDE EXHIBITS:

Exhibit B5	19.12.2011	Property tax receipt – Original
Exhibit B10	01.07.2008	Property tax receipt (3 Nos) - Original

7.13 In this appeal petition before this E.O., Thiru A. Elumalai is the appellant against the respondent seeking the cancellation of the name transfer of the electricity service connection, which was carried out in the names of Mrs. Rajeswari and Mrs. Rathika who are none other than his daughters through his second wife. It is noted from the appellant's prayer in paragraph 5.8. Upon scrutiny of the respondent's documents for the same property, the Greater Chennai Corporation issued a property tax receipt, numbered 2023-24/ON/0652643, dated August 8, 2023, in the names of M. Umamaheswari, V. Rajeswari, M. Rathika, and S. Nirmala.

7.14 From the information above, E.O. found that the property tax for the service connection 040-005-271, which has undergone a name transfer, was paid for certain periods which was in the name of E. Visalatchi, wife of A. Elumalai, during 1991, 1994, 1996, 1998, 2002, and 2003. Subsequently, it was in the name of Thiru A. Elumalai, the appellant, during the period viz. July 1, 2008 and December 19, 2011. Now, it has been noticed that the property tax receipt dated August 8, 2023, is in the name of M. Umamaheswari, V. Rajeswari, M. Rathiga, and S. Nirmala.

7.15 The issue revolves around property tax and its various names used over time by family members of Thiru A Elumalai for the same property. The circumstances under which different names were issued by the competent authority who handles property tax play a pivotal role in determining the crux of the dispute between the appellant and respondent. The appellant now seeks to challenge a property dispute concerning service connection 040-005-271. The respondent relied on property tax receipts provided by Mrs. Rajeswari and Mrs. Rathika for a name transfer. Resolving this matter will likely involve clarifying the authority responsible for issuing property

tax names and ensuring that the correct names are associated with the property in question.

7.16 In this context, many petitioners nowadays seek to involve the electricity service provider as a litigant in civil property title disputes, overlooking that electricity services are provided based on necessary documents and lawful occupancy. The DSOP regulations are designed to facilitate these tasks, requiring the licensee to respond within a specified timeframe to consumer requisitions, provided the required documents and fees are submitted. One such DSOP item is the transfer of electricity service names, where the licensee must address consumer requests accordingly.

7.17 In this context, the Ombudsman's role is to determine whether the transfer of the electricity service name complied with DSOP regulations. The appellant's appeal requests the cancellation of the electricity service name transfer carried out by the licensee after the cause of action. This cancellation request is clearly informed by the court's observation of a property dispute among family members, specifically between the appellant and his second wife, both recognized as lawful occupants. The appellant's daughters obtained the name transfer by submitting property tax receipts, but the appellant already contested the validity of these property tax receipts before the issuing authority and an investigation is going on before the City Revenue Officer (CRO), Chennai Corporation.

7.18 The DSOP Regulations 2004 of TNERC and subsequent amendments typically outlines standards and obligations for electricity distribution licensees, ensuring they meet certain performance criteria and service levels for consumers. These regulations are important for ensuring timely and reliable service to consumers. The licensee must complete tasks on time, including providing services that require documents, fees, and resolving grievances as requested by consumers which are tabled below:

S.No.	Events
1.	Duty to give supply on request a) New Service Connection b) Additional Load c) Temporary Supply

	d) Shifting of service connection e) Transfer of service connection f) Change of tariff
2.	Complaints in billing
3.	Replacement of meters
4.	Interruption of supply
5.	Voltage fluctuations and complaints
5A.	Rectification of voltage Complaints (a) Where no expansion or enhancement of network is involved (b) Where up-gradation of LT network, transformers or installation of capacitors is involved (c) involving up-gradation of HT network
6.	Responding to consumer's complaints
7.	Making and keeping appointments
8.	Grievance handling
9.	Refund of deposit in respect of temporary supply after the expiry of the temporary supply period and refund of balance deposit within the period as stipulated in regulation 6 of Distribution Standards of Performance Regulations or in the regulation 17 (6) of the Tamil Nadu Electricity Supply Code or in the regulation 33 (5) of the Tamil Nadu Electricity Distribution Code

7.19 Among the above task, Regulation 8 of the Tamil Nadu Electricity Distribution Standards of Performance regulations likely specifies the process and timelines for transferring the name on an electricity bill. The same is reproduced below:

“8. Transfer of Service Connection

The transfer of service connection shall be effected within 7 days from the date of receipt of complete application.”

7.20 Hence the role of the Consumer Grievance Redressal Forum (CGRF) and the Ombudsman is to adjudicate on non-compliance with DSOP regulations by licensees in cases affecting aggrieved consumers. However, the present appeal seeks to cancel the name transfer of the electricity service connection, which I consider a civil dispute over property rights rather than a grievance to be resolved under DSOP regulations. This cancellation request stems from a court's observation and finding that there is a property dispute among family members, specifically between the appellant, his second wife and their wards, all recognized as lawful occupants. This appears to be beyond the scope of grievance resolution under DSOP regulations and may require legal adjudication regarding property ownership and rights.

7.21 Now the appellant's daughters have obtained name transfer for the said service connection by submitting a property tax receipt. However, the appellant contends that the name change was based on an erroneous property tax transfer, and he has challenged the property tax receipt issued under their names before the relevant authority and the same is reproduced below

“The investigation is going on before the City Revenue Officer (CRO), Chennai Corporation, regarding the fact that the 3rd and 4th Respondents have already done wrong and changed the name of the property Tax.”

7.22 In view of the above, I would like to refer the TNERC's Supply code regulation 5 (7) and Appendix Form-I.

Section 7 – Name Transfer Charges :

(i) Every application for transfer of name consequent to the death of the consumer shall be in Form (1) appendix to this code accompanied by:

(a) Legal heir 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 gazette 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 such as sale including auction sale / Registered Lease of property or any other lawful occupation etc., 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. Where no such consent letter can be produced, the applicant shall pay fresh security Deposit.

(c) Fresh application with fee to be specified by the Commission and agreement form.”

The portion of the Appendix Form-I is reproduced below;

1) The Xerox copy of the Sale deed / Registered Lease deed/any other valid documents for lawful occupation based on registered power of attorney or possession order from appropriate authority or decree or judgment of Court of law of competent jurisdiction in my favour for the said premises is enclosed.

or

The property tax receipt for the above property is given in my name and Xerox copy of the same duly attested by Gazetted Officer is enclosed.

or

Metro Water/Sewerage Connection is given in my name and the Xerox copy of the same duly attested by Gazetted officer is enclosed.

or

Legal Heirship Certificate from the Tahsildar concerned.”

7.23 It appears that the respondent has justified the name change based on the property tax issued by the corporation authority. This action is purportedly compliance with Regulation 7(ii) of the Supply Code, Appendix Form I (1). However, the correctness of property tax name changes typically falls under the jurisdiction of the relevant Municipal or Local authority, such as the Chennai Corporation in this case. Licensees, like electricity providers, generally rely on the proof of documents provided by consumers, such as property tax receipts. The appellant's challenge hinges on the validity of the property tax issued by the competent authority is a clear case of civil dispute which is not under the purview of the Electricity Ombudsman.

8.0 Conclusion:

8.1 Based on my findings in the above para, the course of action of the respondent aligns with the principles outlined in Regulation 7(ii) of the Supply Code, Appendix Form I (1) and hence the prayer of the appellant is rejected.

8.2 With the above findings A.P.No.30 of 2024 is disposed of by the Electricity Ombudsman.

(N. Kannan)
Electricity Ombudsman

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

To

1. Thiru A.Elumalai,
No.18, Mahalakshmi Street,
Kalaivanar Nagar,
Padi, Chennai – 600 050.

- By RPAD

2. The Executive Engineer/O&M/Ambattur,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
110-33-11KV Ambattur 3rd Main Road SS Premises,
No: 73-11-A, Ambit Park Road, Sai Nagar,
Ambattur 3rd Main Road, Chennai – 76.

3. The Superintending Engineer,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
Thirumangalam 110/33/11 KV SS Complex,
Anna nagar, Chennai - 600 040.

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

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