



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.tnec.gov.in

Before The Tamil Nadu Electricity Ombudsman, Chennai

Present : Thiru. S. Devarajan, Electricity Ombudsman

A.P.No. 47 of 2021

Thiru N. Govindaraju,
s/o. G. Narayanan,
No. 20, Avvai 2nd Street,
Camp road, Selaiyur,
Chennai – 600 073.

..... Appellant
(Thiru N. Govindaraju and
Thiru I. Prakash Raj, Advocate)

Vs.

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

..... Respondent
(Rep. by Thiru M.Murugan, EE/Tambaram (i/c))

Thiru R.Sekar,
No.14/15, Manickavasagar Street,
Rajakilpakkam, Chennai – 600 073.
Presently c/o. D.Arun Kumar,
No.23/6, Rajagopal Street,
W.Tambaram,
Chennai – 600 045.

.....Impleader
(Rep. by Thiru D. Arun Kumar, Advocate)

Petition Received on: 04-06-2021

Date of hearing: 22-09-2021, 21-10-2021 & 25-10-2021

Date of order: 20-01-2022

The Appeal Petition received on 04.06.2021 filed by Thiru N. Govindaraju, s/o. G. Narayanan, No. 20, Avvai 2nd Street, Camp road, Selaiyur, Chennai – 600 073 was registered as Appeal Petition No. 52 of 2021. The above appeal petition came up for hearing before the Electricity Ombudsman on 22.09.2021, 21.10.2021 & 25.10.2021. 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 order the restoration of service connection no. 273-114-831 to his name.

2.0 Brief History of the case:

2.1 The Appellant had purchased a property from Tmt.R.Kamala and he has been the rightfull and legal owner of the said property from 19.04.2002 to till date. Subsequent to the purchase of the said property, he had constructed a shed for the purpose of storing materials.

2.2 The Appellant had obtained four EB service connections for the constructed building and all the four service connections are still active in appellant's name. The appellant has stated that Tmt.R.Kamala committed fraud on TANGEDCO by obtaining a service connection No.273-114-831 for the shed.

2.3 The respondent has stated that based on the order of CGRF, the name transfer effected in the name of Thiru Govindaraju was cancelled and was reverted back to Tmt.R.Kamala and the same has been informed to Thiru Govindaraju.

2.4 The appellant filed a petition with the CGRF of Chennai EDC/South-II on 24.02.2021. The CGRF has informed the appellant on 04.05.2021 that the CGRF petition could not be considered and hence the hearing is not feasible of

compliance. Aggrieved over the response of the CGRF, 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 a letter dated 04.05.2021. The relevant portion of the letter is extracted below :-

“It is hereby informed that discussion/hearing an already ordered CGRF is not feasible of compliance.

Hence your petition could not be considered in this Forum and the call letter sent vide letter No. CH/CGRF/South-II/F.CGRF.50/D.349/2021, dated 21.04.2021 stands withdrawn.”

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 25.10.2021 through video conferencing.

4.2 The Appellant Thiru N. Govindaraju and his counsel Thiru I. Prakash Raj, Advocate have attended the hearing and put forth their arguments.

4.3 On behalf of the Respondent Thiru M.Murugan, EE/Tambaram (i/c)) of Chennai EDC/South-II has attended the hearing and put forth his arguments.

4.4 On behalf of the Impleader Thiru D. Arun Kumar, Advocate has attended the hearing and put forth his arguments.

4.5 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing order. Further the prayers 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 vide registered sale deed No.2217/2002 dated 19.04.2002, he had purchased a property admeasuring 2755 sq.ft. situated

in Grama Natham S.No.24B/1, Manikavasagar Street, Rajakilpakkam, Chennai-600073 (Sembakkam Municipality, Tambaram Taluk).

5.2 The Appellant has stated that this property was purchased by him from one Mrs. R. Kamala W/o Ramachandran Pillai (then residing at No.2/3 Manickavasagar Street, Rajakilpakkam, Chennai 600073), by payment of due sale consideration of Rs.5,31,715/-. By virtue of this registered sale deed, he has been the rightful and legal owner of the said property from 19.04.2002 to till date.

5.3 The Appellant has stated that subsequent to the purchase of the property, he constructed a shed of about 150 sq.ft., for the purpose of storing materials. The fact of the constructing the shed is proved by the Engineer's Valuation Report dated 13.01.2004. His continued possession and enjoyment of the said property is proved by Enjoyment Certificate No.MU.MU.No. 1597/04/A5 dated 23.02.2004 issued by the Tahsildhar, Tambaram. His sole, exclusive legal rights over the said property is further proved by the proceedings no.Na.ka.No.223/2004/A1 Dated 18.03.2004 of Sembakkam Town Panchayat (presently Sembakkam Municipality) whereby the property tax assessment No.2013 was duly transferred from the name of Mrs. R. Kamala to the appelklant's name (N Govindaraju). The appellant has been paying property tax for the said property till date and submitted copy of tax receipts.

5.4 The Appellant has stated that during the year 2011-12, he has constructed further civil structures on the said property of 2755 sq.ft., after obtaining planning permission from Sembakkam Town Panchayat (presently Sembakkam Municipality) vide their proceedings no. Ka.Vu. no.155/2010 dated 08.07.2010. He has obtained four EB service connections for the building so constructed, under the following service connection numbers:

- a) 273- 114- 1273 b) 273- 114- 1274 c) 273- 114- 1275
- d) 273- 114- 1276

He has stated that the above four EB connections are still active in his name and he hold EB cards for these connections.

5.5 The Appellant has stated that the entire property comprising of the land area of 2755 sq.ft., along with the shed of 150 sq.ft standing on the said land and the other building constructed by him subsequently, continues to be under his possession and ownership till date. That being the case, the vendor, Mrs R Kamala,-perpetrated a fraud on TANGEDCO, by obtaining an electricity connection under service no.273-114-831 for the shed, although she was not the rightful owner of the shed. It is not known to him as to how TANGEDCO gave an electricity connection in the name of a person who was not the rightful, legal owner of the property.

5.6 The Appellant has stated that coming to know of the above fraud by Mrs R.Kamala, he had approached the office of TANGEDCO, submitted proof of his ownership of entire property including the shed and got this electricity connection no. 273-114-831 transferred to his name. However, he came to know subsequently that some people were prevailing on TANGEDCO authorities and were trying to cancel the above transfer of service connection no.273-114-831 and get it reverted to the name of Mrs R Kamala. Immediately, he has written letter dated 07.01.2020 to the AE, Sembakkam cautioning him about such fraudulent attempts being done by some strangers.

5.7 The Appellant has stated that it is pertinent that Mr R. Sekar (S/o of Mrs. Kamala) and Mrs.Tharah (W/o of Mr.R.Sekar) damaged the compound wall constructed by him around his property, with an intention of having access to my property and thereby tried to grab my property. I hold photographs of the attempted trespass committed Mr. R. Sekar and others. He stated that he had filed a police case against them for their unlawful action. Selaiyur police authorities registered FIR no.131 dated 05.03.2020 and arrested Mrs.Thara and Mr. R Sekar obtained anticipatory bail. Presently, they are enlarged on bail.

5.8 The Appellant has stated that Mr R. Sekar further tried to grab his property by filing a petition in the name of his wife, Tharah, before the Revenue Divisional Officer, Tambaram (Executive Magistrate), by furnishing irrelevant and fictitious

documents. After due inquest into the matter, the Hon'ble Court dismissed their petition, vide proceedings no. Na.Ka.No.1030/2020/A dated 9/11/2020.(Copy filed).

5.9 The Appellant has stated that after the attempts to grab the property failed at the hands of the police authorities and the Hon'ble Executive Magistrate, Mr R.Sekar used the TANGEDCO officials as a tool for his fraud. He approached the TANGEDCO authorities, suppressed facts, gave misleading information and secured an order from CGRF, South-II, Chennai cancelling the transfer of service connection No.273-114-831 already made in his name. This cancellation was done by CGRF maliciously and unilaterally, without even informing him and without giving him an opportunity to explain to them about the illegal actions done by Mr. R. Sekar and Mrs. Tharah. He was not also provided with a copy of CGRF's proceedings. By taking such surreptitious actions, CGRF has become an abetting party to the fraud committed by Mr. Sekar and Mrs. Tharah.

5.10 The Appellant has stated that the decision of CGRF was communicated to him by the AE/Sembakkam vide his letter no.184/20-21 dated 05.02.2021. In this letter, it is informed that CGRF has treated the transfer of service connection no.273-114-831 to his name as invalid due to the reason that only an empty plot of land measuring 2755 sq.ft. was registered in his name, implying that the shed in question was not registered in his name. This reason given by CGRF is astonishingly unbelievable and defies all kind of logic. When the land is owned by him (which is admitted by CGRF itself), the shed that was built by him subsequently on the land is also owned by him. Anyone else cannot be the owner of the shed alone without owning the underlying land, because the shed is built by him on his land and nobody else has built the shed on thin air without the underlying land.

5.11 The Appellant has stated that after he received letter dated 05.02.2021 from AEE/Sembakkam informing about CGRF's above decision he sent his appeal petition dated 24.02.2021 to CGRF. His petition was referred by the Chairman of CGRF to the EE/O&M, Tambaram on 26.02.2021 directing him to furnish a detailed

reply within 10 days. In the meanwhile, the appellant received letter dated 21.04.2021 from CGRF fixing a hearing over video conference on 05.05.2021 at 2.30 pm, which was duly acknowledged by the appellant. While appellant was ready for the hearing with all relevant documents, appellant was shocked and surprised to receive an email from CGRF on 04.05.2021 informing that the hearing is withdrawn for the reason "discussion/hearing an (on) already ordered CGRF is not feasible of compliance".

5.12 The Appellant has stated that this reason is an afterthought and this raises serious suspicion about the alignment of CGRF with the fraudulent land grabbers.

5.13 The Appellant has prayed to objectively analyse the facts of the case and reach the right determination that the appellant is the rightful owner of electricity service connection no. 273-114- 831, as the unfettered lawful owner of the shed in question and the land on which the shed stands.

5.14 The Appellant has also prayed to pass an order annulling the proceedings dated 08.01.2021 of the CGRF, CEDC, South-II (communicated to the appellant by AE/Sembakkam vide letter no.184/20-21 dated 05.02.2021), whereby the CGRF had cancelled the transfer of service connection to his name which was already done.

5.15 Further the Appellant has prayed to order the restoration of service connection no. 273-114-831 to his name and thereby uphold the rule of law.

6.0 Counter submitted by the Respondent:

6.1 The Respondent has submitted that initially the service connection No.273-114-831 was effected on 31.07.2008 in the name of Kamala for residential purpose. Thereafter in the year 2019 i.e., 21.08.2019 the appellant herein i.e., Mr.N.Govindaraju had approached the Assistant Engineer /O&M/ Sembakkam and submitted an application for name transfer from Kamalammal to N.Govindaraju name, to that effect he submitted a sale deed dated 19.04.2002 in

Doc No.2217/2002 situated at S.No.24B/1, Manikavasagar Street, Rajakilpakkam, Chennai - 600 073 and further the applicant submitted indemnity bond along with the application. Based on the above, the application for name transfer was considered and changed from Mrs.Kamala to N.Govindaraju.

6.2 The Respondent has submitted that one Mr.R.Sekar, son of Kamala had filed a petition before the Consumer Grievance Redressal Forum, Chennai South - II Electricity Distribution Circle, Chennai on 16.12.2019. The said petition was taken on record and the Hon'ble Forum heard both sides and the finding of the forum was "The respondent obtained sale deed registered during 2002 and no later document was obtained from Thiru.N.Govindaraju for transferring the service connection. On reviewing the documents obtained by AE/O&M/Sembakkam from Sub-Register of Tambaram, it is ascertained that 2755 sq feet vacant land in survey No.24B/1 is registered in the name of Thiru.N.Govindaraju with registration Department. Hence the argument of respondent objecting the name transfer effected from Tmty.Kamalammal to Thiru.N.Govindaraju in existing house at No.14/15, Manickavasagar street, Rajakilpakkam, Chennai-73, based on the letter obtained from Tambaram Sub Registrar office is not acceptable"

Order: "The forum directs the respondent to cancel the name transfer effected on 21.08.2019 in Service Connection No.273-114-831. With this order the CGRF petition is disposed off"

6.3 The Respondent has submitted that as per the orders of the CGRF, the name transfer effected on 21-08-2019 in the name of Thiru N.Govindaraju was cancelled and name transfer of S/C No 273-114-831 was reverted back to Tmty.R.Kamala on 10.02.2021 and the same had been informed to Thiru.N.Govindaraju on 05.02.2021.

6.4 The Respondent has submitted that Thiru.N.Govindaraju obtained the following S/Cs from TNEB as detailed below:

S.No	S/C. No	Tariff	Load during Effect	Supply effect date
1	273-114-1273	LM 51	15 KW	03.10.2012
2	273-114-1274	LM 51	15 KW	03.10.2012
3	273-114-1275	LM 51	5 KW	03.10.2012
4	273-114-1276	LM 51	15 KW	03.10.2012

The above 3 phase services were obtained at Survey No.24B/1 Manickavasagar Street, Rajakilpakkam.

6.5 The Respondent has submitted that as per the sale deed No.1167/18.04.2002 (SRO/Tambaram) it is found that Thiru.Govindaraju acquired the said property to the extent of 2755 Sq.ft vacant land in SF No.24B/1 from Thiru. M.Manavalan (Authorized power agent of Tmtty.R.Kamla, the mother of the CGRF petitioner Thiru.R.Sekar). Further it is mentioned in the sale deed that some portion of land belongs to Tmtty.R.Kamala (South side boundary of N.Govindaraju's extent of land).

6.6 The Respondent has further submitted that Single phase S/C No:273-114-831 was effected on 31.07.2008 under tariff LAIA, for a thatched house in the name of Tmtty.R.Kamala and not for a shed as stated by Thiru.N.Govindaraju.

6.7 The Respondent has prayed to pass appropriate orders as the Court may deem fit and proper in the circumstances of the case and thus render Justice.

7.0 Written submission of the Appellant:

7.1 The Appellant has stated that he had filed this Appeal to quash the impugned order passed by the CGRF, CEDC, South-II (communicated to the Appellant by AE/Sembakkam vide letter no.184/20-21 dated 05.02.2021) vide its proceedings dated 08.01.2021 whereby the CGRF had cancelled the transfer of Electricity service connection no. 273-114- 831 in the name of the Appellant and to restore the same.

7.2 The Appellant has submitted that the land to an extent of 2755 Sq.ft, comprised in Survey No: 24B/1, Rajakilpakkam Village, Tambaram Taluk, and within the limits of Sub - Registrar Office of Selaiyur (previously Sub Registrar Office Tambaram) and Registration District of Chennai South, originally belonged Mrs. R. Kamala W/o Mr. Ramachandran Pillai and she had executed a General Power of Attorney deed dated 11.04.2002 Registered as Document Number 550 of 2002 at the Sub-Registrar Office Tambaram and had appointed Mr. M. Manavalan S/o Mr. Manickam as her Power Agent with all powers of alienation.

7.3 The Appellant has submitted that from the date of purchase of the property the Appellant had been in absolute possession and enjoyment of the property and had also erected compound wall and an iron gate, further the second Plaintiff had also developed a 150 sq.ft., of shed or thereabouts for the purpose of a welding shop. The fact that the Appellant had constructed the shed is proved by the Engineer's Valuation Report dated 13.01.2004, which is also filed with the Appeal Petition.

7.4 The Appellant has submitted that the vendor, Mrs. R. Kamala, all of a sudden without producing any title deed / documents to prove that she is the owner of the shed and land in which it is constructed had applied to the TANGEDCO and the TANGEDCO authorities without verifying the title documents for reasons other than merit, had provided an electricity service connection bearing number 273-114-831 on 31.07.2008, even after selling the land in the year 2002.

7.5 The Appellant has submitted that again on 14.02.2020 (1) Mr. SEKAR, (2) Mrs. THARA, (3) Mrs. LAKSHMI, (4) Mrs. SARASWATHI, and (5) Mrs. PATTAMMAL, on 9:30 P.M. entered the Appellant shop and threatened to break the glass and the counters at the Appellant shop and threatened the customers in the shop causing serious defamation to me in front of my staff and customers, the entire incident was caught in the CCTV cameras and due to which the Appellant was

very much defamed and the act of the accused amounts to defamation under section 499 and liable to be punished under section 500 of I.P.C.

7.6 The Appellant has submitted that he had filed a petition under 156(3) of Cr.P.C. before the Judicial Magistrate –I, Tambaram and the same was enquired and an F.I.R No: 475 of 20121 dated 14.08.2021 was registered against the accused. The F.I.R No: 475 of 20121 dated 14.08.2021 is filed.

7.7 In reality there is no more remaining land left in the name of the Mrs. R. KAMALA after the registered sale deed dated 19/04/2002 registered as document Number: 2217 of 2002. There is remaining land on the Sothern side of the property and Mrs R.Kamala had put up a thatched shed for which the EB service is provided is a fiction written, screenplay and direction by the TANGEDCO to cover up their illegal act. The photographs submitted and the field visit to the site would clearly show that the property is bounded on the South by - Property belonging to Mrs. Vijayalakshmi and there is no remaining land in the name of Mrs. Kamala in between the property of the Appellant and Mrs. Vijayalakshmi. The Photographs are filed along with this written submission.

7.8 The TANGEDCO has stated in their counter that the sale deed dated 19.04.2002 registered as document number: 2217 of 2002 through which the land purchased states that the property is vacant land and that the shed is not mentioned in the sale deed. But the TANGEDCO had failed to appreciate the fact that after purchase of the property in the year 2002 the Appellant had constructed the shed, the Engineers valuation report and building approval will prove the existence of the shed, but the same for no reason had been ignored by the Respondent. The Appellant affirms " that the shed for which EB service connection 273-114-831 is provided by TANGEDCO is located within the compound of land owned by him, kept under lock and key with his possession and enjoyment and the land grabbers are nowhere in the vicinity of the property. The statement of CGRF that the service is provided to thatched shed in the

remaining property of Mrs R Kamala on the southern side, is an unadulterated lie without even an iota of TRUTH.

7.9 The RDO/Executive magistrate order dated 09.11.2020 also mentions about the enquiry report of the THASILDHAR, TAMBARAM and POLICE OFFICER SELAIYUR clearly shows that Mrs.Kamala had purchased only 5 cents of land in the year 1978 from Mrs.Sudamani Ammal. Hence the statement of TANGEDCO that Mrs.Kamala has remaining land on the southern side of the Appellant is false.

7.10 It is therefore prayed that this Hon'ble Forum may be pleased to quash the impugned order passed by the CGRF, CEDC, South-II (communicated to the Appellant by AE, Sembakkam vide letter no.184/20-2 1 dated 05.02.202 1) vide its proceedings dated 08.01.2021 whereby the CGRF had cancelled the transfer of Electricity service connection no. 273-114- 831 in the name of the Appellant and to restore the same within fixed time and thus render justice.

8.0 Written submission of the Impleader:

8.1 The Impleader has submitted that the above appeal petition has been filed by N.Govindaraju S/o. G. Narayanan as against the transfer of EB Service No.273-114-831 from the above mentioned N. Govindaraju in favour of R.Kamala.

8.2 The impleader has submitted that both the land and the EB service number belongs to his deceased mother R.Kamala W/o. Ramachandran. The said N. Govindaraju with the help of some corrupt lower level officials of the TNEB at Rajakilpakkam managed to get the service connection mutated in his favour.

8.3 The Impleader has submitted that he had gone on appeal against the same before the TNEB KK Nagar administrative head Office subsequent to which the order transferring the EB service connection in the name of N. Govindaraju was quashed and the original ownership in favour of R.Kamala was restored.

8.4 The Impleader has submitted that the above mentioned N. Govindaraju is a land grabber who with the full support of the local police and other officials has managed to grab our house as against which I have initiated legal action.

9.0 Findings of the Electricity Ombudsman:

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

9.2 The appellant has stated that he had purchased the property measuring 2755 sq. ft. situated in Grama Natham S.No. 24B/1, Manikavasagar Street, Rajakilpakkam, Chennai – 600 073 vide sale deed No. 2217/2002 dt. 19.04.2002. The details of the property as available in the page 7, 8 and 9 of the sale deed is furnished below.

"சொத்து விபரம்

தென் சென்னை பதிவு மாவட்டம், தாம்பரம் துணைப்பதிவு மாவட்டம், காஞ்சிபுரம் மாவட்டம், தாம்பரம் வட்டம், மாணிக்கவாசகர் தெரு, ராஜ கீழ்பாக்கம், கிராமத்தில், கிராம நத்தம் சர்வே நெ. 24பி/1 ல் விஸ்தீரணம் 2755 சதுர அடி காலி மனை தங்களுக்கு சுத்த விக் கிரயம் செய்யப்பட்டது.

மேற்படி சொத்துக்கு ஜெக்பந்தி:

<i>திசைகள்</i>	<i>அளவுகள்</i>	<i>எல்லைகள்</i>
<i>வடக்கில்</i>	<i>- கி/மே.59 அடி</i>	<i>- ரோடு,</i>
<i>தெற்கில்</i>	<i>- கி/மே.57 அடி</i>	<i>- கமலா அவர்களின் மிகுதி மனை,</i>
<i>கிழக்கில்</i>	<i>- வ/தெ. 52 அடி</i>	<i>- மாணிக்கவாசகர் தெரு,</i>
<i>மேற்கில்</i>	<i>- வ/ தெ.43 அடி</i>	<i>- விட்டோபாய் சொத்து,</i>

இதன் மத்தியில் உள்ள சொத்து மட்டில் தங்களுக்கு சுத்த விக் கிரயம் செய்யப்பட்டது.

மேற்படி சொத்தின் மார்கட் மதிப்பு ரூ.5,31,715/-."

It has been clearly given that on Southern side of the said vacant plot Mrs. Kamala has excess of the said plot.

9.3 The appellant has stated that he had constructed a shed measuring 150 sq. ft. for the purpose of storing materials and submitted Engineer's Valuation Report dated 13.01.2004 in support of his claim for the existence of the shed. The boundary of the said property mentioned in the Valuation Report is given as "South by Kamala land". It has been indicated the existence of welding workshop occupied by a Tenant. Also the availability of three phase electric supply has been mentioned as on 13.01.2004, however the service connection number has not been furnished whereas the SC No. 273-114-831 has been sanctioned in the name of Kamala on 31.07.2008 under domestic category.

9.4 The appellant has further stated that his continued possession and enjoyment of the said property is proved by the Enjoyment Certificate No. MU.MU.No. 1597/04/A5 dated 23.02.2004 issued by the Tahsildhar, Tambaram. On perusal of the above certificate it is observed that the said property is bound by the excess of the plot under enjoyment by Mrs.Kamala on Southern side.

9.5 The appellant has stated that his property is bounded on the South by the property belonging to Mrs. Vijayalakshmi and there is no remaining land in the name of Mrs. Kamala in between the property of the Appellant and Mrs. Vijayalakshmi. But Mrs. Kamala has excess of the plot on southern side of the Appellant's property which has been clearly given in the sale deed of the property, Engineer's Valuation Report and also in the Enjoyment Certificate issued by the Tahsildhar, Tambaram.

9.6 From the paras 9.1 to 9.5 above, it is seen that this is a case of property dispute between the Appellant and Mrs.Kamala(late) and subsequently the son of Mrs. Kamala. Further the issue has gone to the Selaiyur police authority and also Revenue Divisional Officer, Tambaram (Executive Magistrate) which confirms that the main issue is property dispute between the Appellant and Mr.R.Sekar (son of Mrs.Kamala) and Mrs. Tharah (W/o. of Mr.R.Sekar).

9.7 Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman 2004 under regulation 2(f) states that a complaint means any

grievance made by a complainant in writing on defect or deficiency in electricity service provided by the licensee. As per the regulation, only the appeal petition filed against the order of the CGRF alone will be taken on the file of Electricity Ombudsman for issuing order. Hence I am considering only the prayer of the appellant pertaining to the domestic service connection No. 273-111-831.

9.8 The prayer of the appellant is to quash the impugned order passed by the CGRF, Chennai EDC/South-II vide proceedings dated 08.01.2021 whereby the CGRF had cancelled the transfer of electric service connection No. 273-114-831 in the name of the Appellant and to restore the same.

9.9 The SC No. 273-114-831 has been sanctioned and effected originally in the name of Mrs. Kamala on 31.07.2008. Subsequently the above service connections has been name transferred to Thiru N.Govindaraju by the Respondent on 21.08.2019 based on the sale deed dated 19.04.2002. The CGRF held that without obtaining the latest documents, the name transfer effected in the name of the Appellant Thiru N.Govindaraju based on the sale deed registered in the year 2002 is not in order and ordered the respondent to cancel the name transfer effected on 21.08.2019 in the Sc. No. 273-114-831.

9.10 In this connection, I would like to refer regulations 5(7) of Tamil Nadu Electricity Supply Code with regard to name transfer procedure which is given below.

“5(7) Name Transfer charge

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

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. 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.*

Explanation : The name transfer is effected only for such services which are not under disconnection.”

A plain reading of the above regulation it is seen that the name transfer of an electricity service connection can be done on the following two occasions namely;

- (i) In case of death of the service connection holder
- (ii) In other cases such as sale of the property, etc.

In the case on hand the vacant plot has been sold by Mrs.Kamala to the Appellant Thiru N. Govindaraju on 19.04.2002 but the service connection No. 273-114-831 has been effected under domestic category in the name of Mrs. Kamala much later on 31.07.2008. Hence the name transfer effected in the name of Thiru N. Govindaraju from Mrs. Kamala by the respondent based on the old sale deed document dated 19.04.2002 is not correct since sale transaction of the property with SC No. 273-114-831 has not happened after 31.07.2008.

9.11 Further in the case of death of a person, the service connection can be name transferred to the legal heirs following procedures prescribed in the above regulation. Here in this case Thiru N. Govindaraju is not a legal heir of Mrs. Kamala as there is no record made available to proof the same.

9.12 Also, the impleader, Thiru R.Sekar, s/o. Mrs. Kamala has stated that his mother Mrs.Kamala is no more. Hence the name transfer of the service connection to the name of Thiru N. Govindaraju from Mrs. Kamala(late) is also not feasible, since he is not a legal heir.

9.13 In view of the above, I am of the opinion that the order passed by the CGRF of Chennai EDC/South-II vide proceedings dated 08.01.2021 cancelling the name transfer of the electricity service connection No.273-114-831 is in order.

10.0 Observation:

10.1 It is seen that the consumers are trying to solve their property disputes by name transferring the electricity service connection available in the disputed property through the TANGEDCO. Electricity consumers must aware that just

because the electricity service connection is in their name they are not entitled to become owner of the property unless they purchase the property since the electricity service connection can be given even to a tenant or a lessee on submission of registered agreement and other required documents prescribed in the TN Electricity Distribution Code regulation.

11.0 Conclusion:

11.1 As per my findings in the paragraphs 9.0 above, I am of the opinion that the order passed by the CGRF of Chennai EDC/South-II in the proceedings dated 08.01.2021 cancelling the name transfer of the electricity SC No. 273-114-831 is in order.

11.2 With the above findings the AP No. 47 of 2021 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 N. Govindaraju,
s/o. G. Narayanan,
No. 20, Avvai 2nd Street,
Camp road, Selaiyur,
Chennai – 600 073.

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

3. Thiru R.Sekar,
No.14/15, Manickavasagar Street,
Rajakilpakkam, Chennai – 600 073.
Presently c/o. D.Arun Kumar,
No.23/6, Rajagopal Street,
W.Tambaram,
Chennai – 600 045.

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

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

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.