



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. S. Devarajan, Electricity Ombudsman**

### **A.P.No. 07 of 2022**

Thiru S.Sadasivam,  
Plot No.68, 1<sup>st</sup> Main Road,  
CLRI Nagar, Neelankarai,  
Chennai – 600 115.

. . . . . Appellant  
(Thiru S.Sadasivam)

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: 07-01-2022**

**Date of hearing: 10-03-2022**

**Date of order: 08-04-2022**

The Appeal Petition received on 07.01.2022 filed by Thiru S.Sadasivam, Plot No.68, 1<sup>st</sup> Main Road, CLRI Nagar, Neelankarai, Chennai – 600 115 was registered as Appeal Petition No. 07 of 2022. The above appeal petition came up for hearing before the Electricity Ombudsman on 10.03.2022. 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 to shift the existing EB Transformer from the present place to some other place to develop the house site like other Residents of this CLRI Nagar.

### **2.0 Brief History of the case:**

2.1 The Appellant has stated that a Transformer erected in front of his plot need to be shifted to some other place.

2.2 The Appellant has received a reply from the AE and AEE stating that the shifting of the existing transformer comes under DCW.

2.2 Hence the appellant has filed a petition with the CGRF of Chennai Electricity Distribution Circle/South-II on 03.10.2021. The CGRF of Chennai Electricity Distribution Circle/South-II has issued an order dated 15.12.2021. 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 15.12.2021. The relevant portion of the order is extracted below :-

#### **“Findings and order of the forum:**

*The Forum directs EE/O&M/Adyar to inspect the site and the newly erected pillar box shall be located within the extent of structure of 10 feet width and compliance report shall be furnished to this forum within 30 days from the date of receipt of this order.*

*With this order the CGRF petition is disposed off.”*

### **4.0 Hearing held by the Electricity Ombudsman:**

4.1 To enable the Appellant and the Respondent to put forth their arguments in person a hearing was conducted on 10.03.2022.

4.2 The Appellant Thiru S.Sadasivam has attended the hearing and put forth his 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 the present EB Transformer is in front of his Plot No.69 which is West facing, extends North-South with a width of 38 feet of a corner plot situated on the 1st Main Road of CLRI Nagar. It is a corner plot after leaving space of 4 feet at the junction of 1st and 2nd Main Road on the Northern side of the site. The balance available space is 34 feet as frontage.

5.2 The Appellant has stated that the present EB Transformer pillars and the boxes extends up to 25 feet ultimately and the available space on the Northern side is only 9 feet. On the Southern side only 4 feet available to enter into the house site. This is the status when this letter was drafted. With this above said available space the Appellant face constraint to fully well develop the house site like other Residents in CLRI Nagar.

5.3 The Appellant has stated that when EB Transformer was erected 10 years before, Public utility spaces were available on the 1st Main Road and some other parts of the CLRI Nagar Layout and too many street blind ends were also available if these were considered at the time of erection, the problem would have not emerged.

5.4 The Appellant has stated that around 250 plots are there in the CLRI Nagar Layout and could not understand why the present place was earmarked by the TNEB officials to erect this EB Transformer. This EB Transformer is serving the CLRI Nagar and beyond. When all the consumers are enjoying the full benefit of the EB Transformer, it is affecting his legitimate interest alone.

5.5 The Appellant has stated that when appealed in this connection, he had received the reply letters from the Assistant Engineer /TNEB and the Assistant Executive Engineer/TNEB stating as follows,

*"It was informed that the request of shifting of the existing EB Transformer comes under DCW category. Further it was also informed that he has to submit DCW application to prepare the Estimate cost for shifting of the DT".*

Since this EB Transformer was erected without the consent of the land owner it is not justifiable to compel the innocent land owner to bear the entire cost and also to show the alternate place for shifting of the existing EB Transformer. The Appellant has also appealed to shift the EB Transformer only when the proposed Under Ground Cable Work is to be undertaken in CLRI Nagar and hence it is presumed that there will not be any extra cost / expenditure incur.

5.6 The Appellant has stated that on 03.12.2021 at 4.30pm CGRF online hearing took place and CGRF,CEDC/ South-II passed orders as follows, "The Forum directs EE/O&M/Adyar to inspect the site and the newly erected pillar box shall be located within the extent of structure of 10 feet width and compliance report shall be furnished to this Forum within 30days from the date of receipt of this order". The above order is not executed so far.

5.7 The Appellant has stated that the Plot Owner's Welfare Association (POWA) of CLRI Nagar, has also appealed to the Superintending Engineer, CEDC South, Chennai - 600 078 in it's letter dated 19-04-2021 & 13-10-2021 and to the Executive Engineer, O&M, Adyar, Chennai -600 113 to shift the existing EB Transformer to some other place.

5.8 The Appellant has stated that on 21-10-2021, the Assistant Executive Engineer, O&M, Indira nagar, along with Assistant Engineer, Neelankarai, himself, POWA President, Secretary, Treasurer and one of the Executive Committee member of POWA visited various places to identify a suitable place for the shifting of the above said EB Transformer in CLRI Nagar. Afterwards no development in this regard.

5.9 The Appellant has prayed to consider his appeal sympathetically and pass orders to shift the existing EB Transformer from the present place to some other place to develop the house site like other Residents of this CLRI Nagar and render justice.

#### **6.0 Arguments of the Respondent:**

6.1 The Respondent has submitted that as per Indian Telegraph Act, the Distribution License TANGEDCO is empowered to provide Distribution Network in the Public places.

6.2 The Respondent has submitted that it is utter lie that only one DT was erected and feeding all the 250 Plots of the CLRI Nagar. In the CLRI Nagar area 4 Nos. of DTs namely;

1. CLRI Nagar 1st main road 55-I 250KVA Double pole Structure
2. CLRI Nagar 11th main road SS-II 250KVA Double pole Structure
3. CLRI Nagar 3rd main road SS-III 250KVA Double pole Structure
4. CLRI Nagar 6th main road SS-IV 250KVA Double pole Structure

are feeding supply of Electricity to the CLRI Nagar area.

6.3 The Respondent has submitted that as per TNE Supply code 5(6), the Cost of shifting Service/line, Structure and equipments shall be borne by the Consumer. The Consumer shall pay the estimate cost of shifting in advance in full. Hence the Appellant request is totally unlawful.

6.4 The Respondent has submitted that the Appellant's presumption is not maintainable by law and would like to inform OH line to UG cable work is sanctioned

and the work is under premature stage. If so also, as per TNE supply code Regulations 5 (6), the Consumer should bear the shifting of DT cost.

6.5 The Respondent has submitted that the CGRF Forum has directed that the newly placed Pedestal pillar (For OH to UG Cable) to be shifted to the underneath of the existing Distribution Transformer.

6.6 The Respondent has submitted that Appellant along with POWA given Petitions in the Grievance day to shift the existing Distribution transformer. Area Distribution Engineer (Assistant Executive Engineer/O&M/Indira Nagar) has replied to the Appellant in his letter dated 28.10.201 and 18.11.2021. The Appellant has neither provided suitable location nor applied for shifting of DT.

6.7 The Respondent has submitted that the Appellant's prayer is totally not maintainable by law in force. It is the individual claim of shifting the DT at the Board's cost. Hence, the prayer of the petitioner may please be set aside.

#### **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 he is the power agent of Thiru T.Elangovan, the owner of the plot No.69, 1<sup>st</sup> Main Road, CLRI Nagar, Neelankarai, Chennai – 600115. The Respondent erected Distribution Transformer in front of the Plot No. 69 about 10 years before, leaving only 9 feet on Northern side and 4 feet on Southern side. The Appellant has stated that DT has been erected without the consent of the land owner and hence it is not justifiable to ask the Appellant to pay the cost of shifting. Further, the CGRF/CEDC/South-II has directed the Respondent to relocate the newly erected pillar box within the extent of 10 feet width of the DT structure which will have more space for approaching the plot, but the same was not executed by the Respondent. Not satisfied with the order of CGRF, the Appellant prayed to shift the DT to some other location.

7.3 The Respondent has stated that the Distribution Licensee, TANGEDCO is empowered to provide Distribution Network in the public places as per the Indian Telegraph Act. Further stated that as per TNE Supply Code 5(6), the cost of shifting service/line, Structure and equipments shall be borne by the consumer. Hence the shifting of DT can be done provided the Appellant submit an application agreeing to pay for the estimate cost in advance under DCW scheme, contended the Respondent. Further stated that as per the Orders of the CGRF, Pillar pedestal has been shifted to the underneath of the existing DT.

7.4 It is noted, as per the execution of the CGRF order, the pillar pedestal has been shifted and hence more frontage is available to the Appellant. However, the Appellant has requested to shift the DT to some other place. About 10 years before the DT has been erected and the Respondent didn't face any objection from any quarter during erection. The Respondent has stated that TANGEDCO is empowered to lay electric lines, erect poles and equipments as per the Indian Telegraph Act, 1885. As per the Electricity Act 2003, under section 164, the Government of Tamil Nadu have issued G.O. vide G.O(Ms) No.16 Energy(C.3) Dept., dated 23.02.2012. The Notification of the said G.O. is furnished below:

*“Notification*

*In exercise of the powers conferred under section 164 of the Electricity Act, 2003 (Central Act 36 of 2003), the Governor of Tamil Nadu for the placing of electric lines for the transmission of electricity, hereby confers upon the Tamil Nadu Transmission Corporation Limited and Tamil Nadu Generation and Distribution Corporation Limited the powers which the telegraph authority possesses under the provisions of the Indian Telegraph Act, 1885 (Central Act 13 of 1885).”*

From the above, it is noted that for the placing of electric lines for the transmission of electricity, the Governor of Tamil Nadu confers upon the Tamil Nadu Transmission Corporation Limited and Tamil Nadu Generation and Distribution Corporation Limited the powers which the telegraph authority possesses under the provisions of the Indian Telegraph Act, 1885.

7.5 Further, I would like to refer the Regulation 5(6) of the T.N.E. Supply Code which is given below:

*“5. Miscellaneous charges*

(1) xxxxx

(2) xxxxx

(6) *Service/line, Structure and equipments shifting charge*

*(1) The cost of shifting service / line shall be borne by the consumer. The consumer shall pay the estimated cost of shifting in advance in full. The shifting work will be taken up only after the payment is made."*

From the above, it is noted that the cost of shifting service / line shall be borne by the consumer. The consumer shall pay the estimated cost of shifting in advance in full and the shifting work will be taken up only after the payment is made.

7.6 From the foregoing paras, I am of the opinion that the prayer of the appellant to shift the existing EB Transformer from the present place to some other place is feasible only under Deposit Contribution Work (DCW) as per regulation 5(6) of TNE Supply code. In view of the above, the Respondent is directed to shift the DT on receipt of application from the Appellant under DCW scheme. Further, it is the responsibility of the Respondent to finalise a suitable place/location for the DT.

#### **8.0 Observation:**

8.1 Though the Respondent is empowered to lay electric lines, poles and equipments in public place under Indian Telegraph Act, 1885, the Respondent should ensure execution of the work without affecting the common public. In the case on hand, the DT structure, pillar boxes have been erected covering major portion of the frontage of the plot which is blocking the approach to the plot. The present issue couldn't have arisen had the Respondent erected the DT structure at one end of the plot at the initial stage itself. The Respondent should bear in mind the interest of the public and should not follow the procedures without practical consideration.

#### **9.0 Conclusion:**

9.1 As per the conclusion arrived in para 7.0 above, the prayer of the appellant to shift the existing EB Transformer from the present place to some other place is feasible only under Deposit Contribution Work (DCW) as per regulation 5(6) of TNE Supply code. In view of the above, the Respondent is directed to shift the DT on receipt of application from the Appellant under DCW scheme.



9.2 With the above findings the AP No. 07 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 S.Sadasivam,  
Plot No.68, 1<sup>st</sup> Main Road,  
CLRI Nagar, Neelankarai,  
Chennai – 600 115.

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.