



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. 86 of 2023

Tmt.K.Nithya Purana,
New. No. 9, Old No.33, TNGO Colony,
2nd Main Street, Near TNGO Children Park,
Adambakkam, Chennai – 600 088.

..... Appellant
(Tmt.K.Nithya Purana)

Vs.

1. The Executive Engineer/Distribution/Sivakasi,
Virudhunagar Electricity Distribution Circle,
O/o.The Executive Engineer,
TANGEDCO,
Near Bell Hotel, Sivakasi-626123

2. The Assistant Executive Engineer/Town/Sattur,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
O/o.The Assistant Executive Engineer,
Sattur-626203.

3. The Assistant Engineer/Rural/East/Sattur,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Office of the Assistant Engineer,Sattur-626203.

.... Respondents
(Thiru S.Pavanasam, EE/Distribution/ Sivakasi
Thiru V. Nanniyuran, AEE/Town/Sattur
Thiru D.Vetriselvan, AE/Rural/East/Sattur)

Petition Received on: 21-11-2023

Date of hearing: 24-01-2024

Date of order: 31-01-2024

The Appeal Petition received on 21.11.2023, filed by Tmt.K.Nithya Purana, New. No. 9, Old No.33, TNGO Colony, 2nd Main Street, Near TNGO Children Park, Adambakkam, Chennai – 600 088 was registered as Appeal Petition No. 86 of 2023. The above appeal petition came up for hearing before the Electricity Ombudsman on 15.06.2023. 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 remove/shift the Transformer and Post/Pillar at EB cost.

2.0 Brief History of the case:

2.1 The Appellant has given complaint to TANGEDCO officials to shift the transformer erected in her agriculture land at TNEB cost.

2.2 The Respondent has stated that transformer has been erected based on the public and Chairman of Panchayat. Since there were no objection while erecting the transformer, the transformer was erected and the appellant was not owning the agriculture property

2.3 Since the grievance was not settled with the Respondent, the Appellant filed a petition with the CGRF of Virudhunagar Electricity Distribution Circle on 14.07.2023.

2.4 The CGRF of Virudhunagar Electricity Distribution Circle issued an order on 12.10.2023. Aggrieved by the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Virudhunagar Electricity Distribution Circle issued its order on 12.10.2023. The relevant portion of the order is extracted below: -

“Order:

மேற்கண்ட தீர்வுகளுடன், மனுதாரர் திருமதி நித்யா பூர்ணா அவர்கள் உரிய DCW விண்ணப்பம் அளித்து மதிப்பீட்டுத் தொகையை செலுத்தும் பட்சத்திலேயே, அவரது நிலத்தில் உள்ள மின்மாற்றியை மாற்றியமைக்க முடியும் என உத்தரவிட்டு மேற்படி மனு எண்.: 35/2023 இம்மன்றத்தால் முடித்து வைக்கப்படுகிறது.”

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 24.01.2024.

4.2 The Appellant Tmt.K.Nithya Purana attended the hearing and put forth her arguments.

4.3 The Respondents, Thiru S.Pavanasam, EE/Distribution/ Sivakasi, Thiru V. Nanniyuran, AEE/Town/Sattur and Thiru D.Vetriselvan, AE/Rural/East/Sattur of Virudhunagar Electricity Distribution Circle attended the hearing and put forth their arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing 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 she is not satisfied with the contents/outcome of the Consumer Grievance forum. Authorised representative from her side attended the meeting on 15-09-2023 It is mentioned in the letter based on the advice/instruction from Panchayat president, EB Transformer was installed in her Patta agri land. Further it is mentioned that no Objection is received from the then Owner of the Land Shri Sanka Reddy but she stated that the previous owner Shri Sanka Reddy is a senior citizen and raised several objections during installation of Transformer in the agriculture land and his objections never heeded . Due to peak

of Corona in 2021 he was unable to move out of his place and he raised several objections.

5.2 The Appellant has stated that it is mentioned that EB transformer was erected based on the advice of Panchayat President. Panchayat president has no locus standi on the above subject and no prior approval obtained from the present or the previous owner of the land in installing the Transformer and Post /Pillar in Patta Agri culture land. Patta No. 1710 issued in her name is enclosed herewith. It is once again requested to remove/shift the Transformer and Post/Pillar from their land by EB at the cost of EB at the earliest and do the needful.

6.0 Arguments of the Respondent:

6.1 மனுதாரர் விருதுநகர் மாவட்டம் சாத்தூர் தாலுகா A. இராமலிங்காபுரம் கிராமத்தில் உள்ள தனது நிலத்தில் உள்ள மின்மாற்றி மற்றும் மின் கம்பங்களை மாற்றித்தரக்கோரி மனு அளித்துள்ளதாகவும், மனுதாரர் குறிப்பிடும் A இராமலிங்காபுரம் கிராமத்தில் அதிக மின்பளு காரணமாக அடிக்கடி மின்தடை ஏற்பட்டு பொதுமக்களுக்கு இடையூறு ஏற்பட்டதால் அதனை சரி செய்ய புதிய மின்மாற்றி அமைக்க ரூபாய்.7,54,990/- மதிப்பில் 24.12.2020 அன்று மதிப்பீடு அனுமதி பெறப்பட்டதாகவும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.2 அதன் அடிப்படையில் பணியை மேற்கொண்ட போது 02.02.2021 அன்று பஞ்சாயத்து தலைவர் திருமதி சரிதா கோபாலகிருஷ்ணன் மற்றும் ஊர் பொது மக்கள் தேர்வு செய்யப்பட்ட இடத்தில் மின் மாற்றி நிறுவுவதற்கு ஆட்சேபணை தெரிவித்ததால் மாற்று இடமாக தற்பொழுது மனுதாரர் குறிப்பிடும் இடம் பொது மக்களால் பஞ்சாயத்து தலைவர் முன்னிலையில் தேர்வு செய்யப்பட்டதாகவும், அவ்விடமானது இராமலிங்காபுரம் சந்தையூர் மெயின் ரோட்டில் இருந்து பிரிந்து கீழ் மேல் வண்டிப்பாதைக்கு வடக்கே ஏற்கனவே செல்லும் 3 மின்கம்பங்களில் தெருவிளக்குகளும் அமைக்கப்பட்டு 246-021-33 நாள் 29.07.1979 என்ற மின் இணைப்பில் இருந்து இயங்கி வருவதாகவும் எதிர்மனுதாரர் தெரிவித்துள்ளார். மேலும் அத்தாழ்வமுத்த மின்பாதையில் மின் இணைப்பு எண் 07-246-021-09, 23.05.1978 முதல் மேற்படி தெருவிளக்கோடு

அமைந்துள்ள வண்டிப்பாதைக்கு வடபுறம் ஏற்கனவே செல்லும் தாழ்வழுத்த மின்பாதையில் இயங்கி வருவதாகவும், அந்த மின்பாதையின் இடையில் புதிய மின் மாற்றிக்கான இரண்டு மின்கம்பம் அமைக்கப்பட்டு பணிகள் முடிக்கப் பெற்றதாகவும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.3 மேலும் மின் மாற்றி அமைக்கும் பாதையின் வடக்கே எந்தவித குத்துக்கல்லோ அல்லது பென்சிங்கோ அமைக்கப்படவில்லை என்றும், ஆகையால் தாழ்வழுத்த மின்பாதையின் கீழே மின்மாற்றி அமைக்கப்பட்டது. பணி ஆரம்பித்து சுமார் 1½ மாதம் கழித்து 12.03.2021 அன்று மின்மாற்றி இயக்கத்திற்கு கொண்டு வரப்பட்டு இராமலிங்கபுரம் கிராம மக்களின் நீண்ட நாள் கோரிக்கை நிறைவேற்றப்பட்டதாகவும், இந்த இடைப்பட்ட காலத்தில் அந்நிலத்தின் உரிமையாளர் திரு. சங்காரெட்டியோ அவர்களது உறவினர்களோ மின்மாற்றி அமைப்பதற்கு ஆட்சேபனை ஏதும் தெரிவிக்கவில்லை என்றும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.4 புதிய மின்மாற்றி நிறுவப்பட்டு சுமார் 22 மாதங்கள் கழித்து மேற்கண்ட நிலத்தை அக்டோபர் 2022-ல் மனுதாரர் கிரையமாக வாங்கியுள்ளதாகவும், நிலத்தின் மனுதாரர் அவ்விடத்தை கிரையமாக வாங்கிய பிறகு தான் கிழக்கு மேற்கு பாதையில் குத்துக்கல் ஊன்றி வைத்துள்ளதாகவும், நிலத்தின் வரைபடம் மின்மாற்றி மின்கம்பம் மற்றும் வண்டிப்பாதை இருந்ததற்கான வரைபடம் சமர்ப்பித்துள்ளதாகவும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.5 மனுதாரர் நுகர்வோர் குறைதீர்க்கும் மன்றம் விருதுநகரில் 35/2023 மன்ற மனுவின் மூலம் விண்ணப்பம் செய்ததாகவும், அதன் அடிப்படையில் 15.09.2023 அன்று விசாரணை நடைபெற்றதாகவும், மனுதாரரான திருமதி K.நித்திய பூர்ணா அவர்கள் மேற்கண்ட நிலத்தை கடந்த அக்டோபர் 2022 அன்று தான் அதாவது மின்மாற்றி நிறுவப்பட்ட பின்னர் சுமார் 22 மாதங்கள் கழித்தே கிரையம் பெற்றுள்ளார் என்றும், எனவே மனுதாரர் மேற்படி நிலத்தை வாங்கும் பொழுதே மின் மாற்றி இருப்பது தெரிந்து தான் கிரையம் பெற்றுள்ளார் என்பதன் அடிப்படையில் தள்ளுபடி செய்யப்பட்டுள்ளதாகவும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.6 மனுதாரர் குறிப்பிடும் மின்மாற்றி நிறுவப்பட்டுள்ள இடமானது கிழ-மேல் செல்லும் வண்டிப்பாதையின் வடக்கு ஓரத்தில் சென்று கொண்டிருந்த தெருவிளக்கு மற்றும் விவசாய மின் பாதையின் கீழ் தாழ்வழுத்த மின் பாதையை கட் பண்ணி அதனிடையில் தான் இரண்டு மின்கம்பம் நடப்பட்டு மின்மாற்றி அமைக்கப்பட்டுள்ளது என்றும், மின்மாற்றி நிறுவுவதற்கு பொதுமக்கள் மற்றும் பஞ்சாயத்து தலைவர் ஒப்புதலுடனே தேர்வு செய்யப்பட்டுள்ளது என்றும், மின் மாற்றி அமைக்க பணிகள் நடைபெற்ற போது திரு சங்காரெட்டி அவர்களோ அல்லது அவர்களது உறவினர்களோ எவ்வித ஆட்சேபனையும் தெரிவிக்கவில்லை என்றும், மேலும் மனுதாரர் மேற்கண்ட இடத்தை சுமார் 22 மாதங்கள் கழித்து விலைக்கு வாங்கியுள்ளார் என்பதையும் கருத்தில் கொண்டு மனுதாரரின் கோரிக்கையை ஏற்க இயலாத நிலையில் உள்ளதாக எதிர்மனுதாரர் தெரிவித்துள்ளார்.

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 sought the relocation of a transformer and post from their land situated in A. Ramalingapuram village, Ammapatti, Satur Taluk, Virudhunagar District. The land, measuring 34.80 acres of vacant punjai land, was acquired by the appellant from Thiru.Sanka Reddy in October 2022 and officially registered as patta no.1710. The Appellant asserts that, acting upon the advice or instruction of the Panchayat president, an EB Transformer was installed on their patta Punjai land. Furthermore, it is mentioned that objections were raised by the former landowner, Shri Sanka Reddy, during the installation of the transformer.

7.3 The Appellant contends that the selection of the land for erection of EB transformer on 02/02/2021 was based on the advice of the Panchayat president. However, it is emphasized that the Panchayat president lacks the necessary authority on this matter, and no prior approval was obtained from either the current or previous landowner for the installation of the transformer and associated

post/pillar on the patta land. The Appellant has enclosed Patta No. 1710, issued in their name, as supporting documentation. It is reiterated that the transformer and post/pillar be promptly removed or relocated from their land by the EB at the expense of the EB, and necessary action is requested at the earliest convenience.

7.4 The Respondent asserts that the petitioner has filed a petition seeking the replacement of the existing transformer and electric poles in A. Ramalingapuram village, Satur taluk, Virudhunagar district. To meet the over loading of the existing transformer and avoid breakdown for the general public, a new distribution transformer was approved at the cost of Rs. 7,54,990/- on December 24, 2020.

7.5 The respondent stated that on 02.02.2021, when the work was carried out, objections were raised by Panchayat President Mrs. Saritha Gopalakrishnan and the villagers regarding the earlier chosen location for the transformer. The Respondent asserts that an alternative location was chosen by the villagers in the presence of the Panchayat President which was on the alignment of the existing LT line which extends LT supply to agriculture service and street light since 1978. The existing LT line was geographically passes through main road of the Sattur, Sandhaiyur and branches out public carriage way and the disputed claim of the Appellant which was not at all fenced during the DT was commissioned on 12.03.2021. The DT erection work was completed on the alignment of the existing low-voltage power line by erecting two poles to place the distribution transformer.

7.6 The Respondent further argued that at the time of commissioning of the new DT on 12.03.2021 for the need of the Ramalingapuram village there was no fencing and boundary exists along the LT line alignment land and the public passage carriage way. The Respondent emphasizes that neither the previous owner Thiru Sangareddy nor their relatives raised any objections at the time erection of DT.

7.7 The Respondent asserts that the petitioner acquired the punjai land in October 2022, about 22 months after the commissioning of the DT. Subsequent to the purchase of the land Appellant placed boundary stone.

7.8 Furthermore, the Respondent highlights that the petitioner approached the Consumer Grievance Redressal Forum in Virudhunagar through a CGRF petition (35/2023). In the hearing held on 15.09.2023, it was revealed that the petitioner, Mrs. K. Nithya Poorna, acquired the land in October 2022, approximately 22 months after the transformer installation. The Respondent argued that the petitioner, being aware of the presence of the electricity transformer, at the time of purchase of the land and the LT line alignment was not fenced.

7.9 The Respondent argued that the installation of the power transformer was approved by the Panchayat president, and there was no objection raised by the previous land owner where there was no fence exists along the LT line alignment. He further stated that the LT line was in service since 1978 at the edge of the public carriage way and the disputed land which was now fenced after commissioning of the Distribution Transformer ie on 12-03-2021.

7.10 To decide on the issue, whether an electric pole can be erected on a public place, I would like to go through the Electricity Act 2003, Section 164 of the Telegraph and Telecommunications Act 1885 in which the Government of Tamil Nadu has issued an order granting permission to the Tamil Nadu Power Generation and Distribution Corporation to carry out all the said powers and erect electric poles and power. The relevant sections of the Act are given below.

“Section 164 (Exercise of powers of Telegraph Authority in certain cases):

“The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.”

7.11 On a plain reading of the above, it is noted that the Appropriate Government may, by order in writing, confer upon the licensee or any other person

engaged in the business of supplying electricity under this Act, to the provisions of the Indian Telegraph Act, 1885 for the placing of electric lines or electrical plant for the transmission of electricity. Further, the Government of Tamilnadu vide G.O.(Ms).No.16, Energy (C.3) Department, dated 23.02.2012 has empowered the Tamil Nadu Transmission Corporation Limited and Tamil Nadu Generation and Distribution Corporation Limited to exercise such powers for placing of electric supply lines that a telegraph authority possess under the provisions of Indian Telegraph Act, 1885 under section 164 of Electricity Act, 2003. Since the Government of Tamilnadu has empowered the TANGEDCO to exercise such powers of the telegraph authority, I would like to refer the relevant paras of said Telegraph Act, 1885 which is reproduced below:

“Part III

Power to Place Telegraph Lines and Posts

10. Power for telegraph authority to place and maintain telegraph lines and posts:-

The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:

Provided that:-

1. The telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained.

2. The [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and

3. Except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and

4. In the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.”

7.12 Section 10 of the Indian Telecommunications Act, 1885 above provides power to erect an electric pole or line on any land. As per the above mentioned Indian Telecommunication Act, it is established that the licensee may erect electric poles in public places. Also, I would like to examine Section 68 (1), (2)(a) of the Electricity Act, 2003 and regulation Section 29(6) of the Tamil Nadu Electricity Distribution Code in this regard. The relevant section is given below.

"68. Overhead lines

(1) An overhead line shall, with prior approval of the Appropriate Government, be installed or kept installed above ground in accordance with the provisions of sub-section (2).

(2) The provisions contained in sub-section (1) shall not apply—

(a) in relation to an electric line which has a nominal voltage not exceeding 11 kilovolts and is used or intended to be used for supplying to a single consumer; "

7.13 As per 68(2)(a) of the above mentioned Electricity Act, it is not necessary to obtain permission from the Government if the supply of electricity is extended for providing to a single consumer where the nominal voltage is not exceeding 11 KV. In this case, the existing LT line alignment which passes since 1978 i.e. by more than 45 years. On the existing LT line alignment, the DT was erected on 12.03.2021 for the service to the public residing Ramalingapuram village. Also, the appellant's claim to shift DT and pole was erected in agriculture Punjai land which was not fenced and the Appellant was not the owner at the time of Commissioning of DT on 12-03-2021 whose installation necessitate to cater the Ramalingapudur Village and to existing street lights and agriculture electrical connection is a modified HT/LT line and LT line.

"(29) Service Lines:

xxx

xxx

(6) The Consumer shall permit the Licensee to install all requisite equipments such as Transformers, switchgears, meters, etc., and to lay necessary cables or overhead lines and to provide connections thereto on the consumer's premises and shall also permit the Licensee to extend supply to other consumers through the cables, lines and equipments installed in the consumer's premises, provided that supply to the consumer in the opinion of the Engineer is not thereby unduly affected."

7.14 To decide on the issue of Appellant's prayer to shift the transformer to another location at the Licensee's cost, I would like to go through the Rule 6 of the

Tamil Nadu Electricity Supply Code to know who is liable to bear the assessment cost of transformer structure relocation. That rule is given below.

“(6) Service/line, structure and equipments shifting charge:

(1) The cost of shifting service / line, Structure and equipments shall be borne by the consumer. The consumer shall pay the estimated cost of shifting in advance in full. The copy of the estimate shall be given to the consumer. The shifting work will be taken up only after the payment is made.”

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

7.16 From the foregoing paras, it is noted that the existing transformer structure was erected at the edge of the public carriage way and the Appellant claim of the land was found as a Punjai land without any fencing at the time of installation. Further, the DT was erected on 12.03.2021 on the existing LT line alignment which was exists by more than 45 years. The DT was erected to serve the public of the Ramalingapuram Village with the necessary safety clearance. The cost of shifting service / line structure and equipment shall be borne by the consumer only under Deposit Contribution Work (DCW) as per Regulation 5(6) of the TNE Supply code. In view of the above, the prayer of the Appellant to shift the transformer structure pole to another location at the Licensee’s cost is not feasible.

8.0 Conclusion:

8.1 From the findings in the fore going paras, I am of the view that the existing DT structure is erected on the existing LT line alignment which was exists by more than 45 years for the benefit of the Ramalingapuram Village. Hence, the Appellant's request to relocate the transformer structure at the at the Licensee’s cost is not feasible of compliance. However, if the Appellant still wishes to relocate the structure, the same shall be done on DCW basis and the Respondent shall examine the request of the Appellant and take necessary action subject to technical feasibility.

8.2 With the above findings A.P.No.86 of 2023 is finally disposed of by the Electricity Ombudsman. No Costs.

(N.Kannan)
Electricity Ombudsman

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

To

1. Tmt.K.Nithya Purana, - By RPAD
New. No. 9, Old No.33, TNGO Colony,
2nd Main Street, Near TNGO Children Park,
Adambakkam, Chennai – 600 088.
2. The Executive Engineer/Distribution/Sivakasi,
Virudhunagar Electricity Distribution Circle,
O/o.The Executive Engineer,
TANGEDCO,
Near Bell Hotel, Sivakasi-626123
3. The Assistant Executive Engineer/Town/Sattur,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
O/o.The Assistant Executive Engineer,
Sattur-626203.
4. The Assistant Engineer/Rural/East/Sattur,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
Office of the Assistant Engineer,Sattur-626203.
5. The Superintending Engineer, - By Email
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
65, 1, Ramamoorthy Road, Virudhunagar-626001.
6. The Chairman & Managing Director, - By Email
TANGEDCO,
NPKRR Maaligai, 144, Anna Salai, Chennai -600 002.
7. The Secretary,
Tamil Nadu Electricity Regulatory Commission, - By Email
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate, Guindy, Chennai – 600 032.
8. 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.