

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. 92 of 2021

Thiru.C.Prabhakaran,
28/2, Dasappan street,
Rathinapuri,
Coimbatore – 641 027.

. Appellant
(ThiruC.Prabhakaran)

Vs.

1. The Executive Engineer/O&M/Urban Division,
Coimbatore Electricity Distribution Circle/Metro,
TANGEDCO,
Dr. Rajendra Prasad Road,
Tatabad, Post Box No. 2959,
Coimbatore – 641 012.

2. The Assistant Executive Engineer/O&M/Urban Division,
Coimbatore Electricity Distribution Circle/Metro,
TANGEDCO,
110/11 KV Coimbatore SS Campus,
Tatabad, Coimbatore – 641 012.

3. The Assistant Engineer/O&M/Rathinapuri,
Coimbatore Electricity Distribution Circle/Metro,
TANGEDCO,
66, P.M.Samy colony, Rathinapuril,
Coimbatore-641027.

. . . . Respondents

Common order for A.No.92 of 2021

Date of order: 03-01-2022

1. The Appeal Petition received on 02.12.2021 filed by Thiru C.Prabhakaran, Rathinapuri, Coimbatore was registered as Appeal Petition No. 92 of 2021.

2. The Appellant has prayed in this petition to provide new electricity service connection to his building located at 28/2, Dasappan street, Rathinapuri, Coimbatore. The Appellant has applied for a new service connection in Online portal of the TANGEDCO vide application No.200030250321318 dated 31.03.2021.

3. The petitioner's building has been built with height of 49.2 feet i.e., within 15 metres, in the area of 868 Sq.m with G+4 floor. The petitioner obtained building plan approval from Coimbatore Corporation on 26-07-2018 which has a validity for 3 years from 26-07-2018 to 25-07-2021. Further the Appellant stated that based on the revised levy for Building license, Water and Sewage connections were also effected by the Coimbatore Corporation. Property taxes are being levied and the copies are enclosed.

4. In this connection, the Respondent has stated before the CGRF that the appellant has sought service connection for the building with G+4 floors on 31.03.2021. In this connection, the CE/ Comml/sE/Comml/EE3/AEE2/F.Plg.Per/D-139/2020, Dt.04.07.2020 specified,

“6(d) Production Completion certificate shall not apply to constructions in progress as per the valid approved plans accorded on or before 04.02.2019 including subsequent renewal period and also for buildings constructed already as per the approved plan and completion certificate is awaited from the competent authority”.

Moreover the respondent has stated that W.P.No.15344 of 2020 has been disposed of by directing the TANGEDCO to comply strictly with the Tamil Nadu Combined Building Development Rules 2019 with regard to the grant of electricity service connections.

The Respondent has also stated that, in adherence of 2019 Rules, the application was put on hold. Further, as the building is of G+4 floors, safety certificate from CEIG also required, the respondent contended.

5. It is found from the submission of the Appellant that the Coimbatore Corporation has issued revised Building License fees on 03-08-2020 for G+4 floors. In this connection, the Tamil Nadu Combined Building Development Rules 2019 is clear under Clause 74(4) in respect of the approval granted before 4th February 2019 which doesn't require completion certificate. It is also clear that as per Regulation 27(11A) of Tamil Nadu Distribution Code 2004, the approval from the Chief Electrical Inspector (CEIG) to Government is required only in the case of building exceeding 15 metres height; in the appellant's case the height of the building does not exceed 15 metre height. Hence CEIG certificate is not necessary.

6. On perusal of the said appeal petition, the issue under dispute is effecting of the Electricity Service connection to the building which obtained approval before 04.02.2019, i.e., prior to the date of effect of Tamil Nadu Combined Building Development Rules 2019; but the deviation identified by the TANGEDCO officials is deviation from the initially approved plan. In this regard, subsequent additional levy of Licensee fees, LWF, after site inspection by Coimbatore corporation officials, under its letter dated 03-08-2020, also to be taken into account.

7. The above issue is, similar to the issue discussed & decided by the Electricity Ombudsman in Appeal No.40 of 2021. In this connection, I would like to refer the Regulation 17(4) of the Regulations for CGRF & Electricity Ombudsman which is extracted below -

"17(4) No complaint to the Electricity Ombudsman shall lie unless:

(a) The complainant had before making a complaint to the Electricity Ombudsman made a written representation to the forum of the licensee named in the complaint and either the forum had rejected the complaint or the complainant had not received any reply within a period of 50 days from date of filing of the grievance or the complainant is not satisfied with the reply given to him by the forum. Provided that this shall not be applicable to the complaints of common nature described under sub-regulation(1).

(b) The complaint is made within three months after cause of action has arisen.

(c) The complaint, which is not settled, is not in respect of the same subject, which was settled through the office of the Electricity Ombudsman in any previous proceedings whether received from the same complainant or along with one or more

complainants or anyone or more of the parties concerned with the subject matter;
(d) The complaint does not pertain to the same subject matter for which any proceedings before any court is pending or a decree or award or a final order has already been passed by any competent court; and
(e) The complaint is not frivolous or vexatious in nature."

8. On a careful reading of the said regulation 17(4) (c) of the Regulations for CGRF & Electricity Ombudsman, it is noted that the Electricity Ombudsman shall not entertain a petition pertaining to the same subject matter which was settled through the office of the Electricity Ombudsman in any previous proceedings whether received from the same complainant or along with one or more complainants or anyone or more of the parties concerned with the subject matter.

9. As per my findings in the foregoing paras, the subject matter has already been decided by the Electricity Ombudsman in A.P.No.40 of 2021. Since the order issued in AP No.40 of 2021 is also applicable to the present appeal petition, the Electricity Ombudsman cannot entertain the appeal petition filed in A.P. No. 92 of 2021 for passing an order as per regulation 17(4)(c) of the Regulations for CGRF and Electricity Ombudsman, 2004.

10. With the above findings the A.P.No.92 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.C.Prabhakaran,
28/2, Dasappan street,
Rathinapuri,
Coimbatore – 641 027.

2. The Executive Engineer/O&M/Urban Division,
Coimbatore Electricity Distribution Circle/Metro,
TANGEDCO,
Dr. Rajendra Prasad Road,
Tatabad, Post Box No. 2959,
Coimbatore – 641 012.

3. The Assistant Executive Engineer/O&M/Urban Division,
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TANGEDCO,
110/11 KV Coimbatore SS Campus,
Tatabad, Coimbatore – 641 012.

4. The Assistant Engineer/O&M/Ratinapuri,
Coimbatore Electricity Distribution Circle/Metro,
TANGEDCO,
66, P.M.Samy colony, Rathinapuril,
Coimbatore-641027.

5. The Superintending Engineer/Coimbatore/Metro, – By Email
Coimbatore Electricity Distribution Circle/Metro,
TANGEDCO,
No.2940,Tatabad,Coimbatore-641012.

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

7. The Secretary, – By Email
Tamil Nadu Electricity Regulatory Commission,
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.