



TAMIL NADU ELECTRICITY OMBUDSMAN

19- A, Rukmini Lakshmiipathy Salai, (Marshal Road),
Egmore, Chennai – 600 008.

Phone : ++91-044-2841 1376 / 2841 1378/ 2841 1379 Fax : ++91-044-2841 1377
Email : tnerc@nic.in Web site : www.tnerc.gov.in

BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 74 of 2015

Thiru. V. Rathinagiri, M.A.,
S/o Vairaperumal Pillai,
Shenbagavanam,
1/78, Pillaiyar Koil Street,
Vadivelkarai, Madurai

..... Appellant
(Thiru. V. Rathinagiri &
Thiru. N. Natarajan, Advocate)

Vs

1. The Executive Engineer/Distribution,
Sivagangai,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Sivagangai Collector Office Complex, Sivagangai – 623 562.

2. The Assistant Executive Engineer/Distribution,
Sivagangai,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Sivagangai Collector Office Complex, Sivagangai – 623 562.

3. The Assistant Engineer / Distribution,
Malampatti,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Sivagangai Collector Office Complex, Sivagangai – 623 562.

4. The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Sivagangai Collector Office Complex, Sivagangai – 623 562.

..... Respondents
(Thiru. E. Samuel Ratnasamy,
Assistant Engineer/Malampatti)

Date of hearing : 29-12-2015

Date of order : 31-12-2015

1. The Appeal Petition dt.10.9.2015 filed by Thiru. V. Rathinagiri, Madurai was registered as appeal petition no.74 of 2015.
2. In the appeal petition, the Appellant prayed to change the electricity service connection No.463 effected in the name of Thiru. V. Kannan as Sri Theepachiamman Koil Trust.
3. A copy of the above appeal petition was forwarded to the Respondents for furnishing their counter vide letter dt.21.9.2015.
4. The Superintending Engineer, Sivagangai Electricity Distribution Circle has furnished the counter dt.19.10.2015 which was received on 23.10.2015.
5. To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was proposed on 2.12.2015. Due to heavy rain, the above hearing was postponed to 29.12.2015.
6. On 29.12.2015, Thiru. V. Rathinagiri, the Appellant herein and Thiru. N. Natarajan, Advocate have attended the hearing on behalf of the Appellant and putforth their arguments.
7. Thiru. E. Samuel Ratnasamy, Assistant Engineer/Distribution/Malampatti the Respondent-3 herein has attended the hearing and putforth his side arguments.
8. The learned Advocate informed that W.P.No.9755 of 2015 is pending in the Madurai Bench of High Court of Judicature at Madras. He also gave a copy of the W.P.(MD) No.9755 of 2015 . The prayer of the Appellant in the above writ petition is to change the name of the service connection standing in the name of Thiru. V. Kannan to the name of the petitioner as Trusteeof the Theepachiamman Koil Trust.

9. As there is a case pending on the same subject matter in the Hon'ble High Court of Madras Judicature at Madurai Bench, I would like to refer regulation 17(4) of the Regulations for CGRF and Electricity Ombudsman which is extracted below :

“17 (1) xxx xxx xxx

(2) xxx xxx xxx

(3) xxx xxx xxx

(4) *no complaint to Electricity Ombudsman shall lie unless ;*

(a) the complainant before making a complaint to the Electricity Ombudsman shall made a written representation to the forum of the licensee named in the complaint and either the forum has rejected the complaint or the complainant had not received any reply within a period of fifty days from date of filing of the grievance or the complainant is not satisfied with the reply given by the forum.

(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.”

10. On a careful reading of the said regulation 17(4)(d), it is noted that the Electricity Ombudsman cannot entertain a petition if any proceeding before any Court is pending or decree or award or final order has already been passed by the competent Court on the same subject matter.

11. In order to analyse whether, the Appellant's prayer in the Writ Petition filed before the Hon'ble High Court is on the same subject matter of the A.P.No.74 of 2015, we have to examine the prayers of both the cases. Hence, the prayers given in W.P.(M.D) No.9755 of 2015 and A.P.No.74 of 2015 are extracted below :

“Prayer in W.P.(M.D) No.9755 of 2015 :

It is therefore prayed that this Hon’ble Court may graciously be pleased to issue a writ or order or direction in the nature of Writ of Mandamus directing the 5th Respondent to change the electricity connection standing in the name of the 6th Respondent to the name of the petitioner as trustee of the above said Theepachi Amman Koil Trustee and to pass such other and further orders as this Hon’ble Court may deem fit and proper in the circumstance of the case and thus render justice.

Prayer in A.P.No.74 of 2015:

நான் தான் கோவிலுக்கு வயரிங் செய்து வைத்திருந்தேன். கோவிலுக்குரிய சாவி என்னிடத்திலுள்ளது. மேற்படி கோவில் பெயருக்கு மின் சப்ளையை மாற்றி தராததால் மதுரைக் கிளை உயர்நீதிமன்றத்தில் W.P.(M.D) No.9755 of 2015 படி வழக்கு தொடர்ந்து நிலுவையில் இருந்து வருகிறது. மின் இணைப்பை கோவில் டிரஸ்ட் பெயருக்கு மாற்றி கொடுத்துவிட்டால் வழக்கை வாபஸ் பெற்று விடுவேன். புதுப்பட்டி புல எண்.247 /1 B-ல் உள்ள ரயத்துவாரி நன்செய் நிலம், மோசடியாக கிரையம் வாங்கியுள்ளார். இது சம்பந்தமாக இந்து சமய அறநிலையத்துறை ஆணையாளர் அவர்களுக்கு மனு சமர்ப்பித்து நிலுவையில் இருந்து வருகிறது- அடங்கலில் ரயத்துவாரி நன்செய் நிலம் என்றுதான் உள்ளது. மேற்படி புகார் மனு அடங்கல் அ பதிவேட்டின் நகல் தாக்கல் செய்யப்படுகிறது. திரு. கண்ணன் பெயரில் மின் இணைப்பு இருப்பதால் பிற்காலத்தில் கோவிலிலும் உரிமை கொண்டாட வாய்ப்புள்ளது. எனவே, திரு. கண்ணன் பெயரில் உள்ள மின் இணைப்பை (SC No.463) ஸ்ரீ தீப்பாச்சி அம்மன் கோவில் டிரஸ்ட் பெயருக்கு மாற்றித் தர உத்திரவிடும்படி மிக பணிவன்புடன் வேண்டி கேட்டுக் கொள்கிறேன்.”

12 As the same prayer of the appeal petition to change the electricity service connection standing in the name of V. Kannan into Trustee of the said Theepatchi Amman Koil Trust is pending before the Hon’ble Madurai Bench of the High Court of Judicature at Madras, in W.P.(M.D) No.9755 of 2015, the matter is sub-judice and

the Electricity Ombudsman cannot entertain the above petition for passing any order as per regulation 17(4)(d) of the Regulations for CGRF and Electricity Ombudsman.

Hence, the above appeal petition No.74 of 2015 is treated as closed. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru. V. Rathinagiri,
S/o Vairaperumal Pillai,
Shenbagavanam,
1/78, Pillaiyar Koil Street,
Vadivelkarai, Madurai

2) The Executive Engineer/Distribution,
Sivagangai,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Sivagangai Collector Office Complex,
Sivagangai – 623 562.

3) The Assistant Executive Engineer/Distribution,
Sivagangai,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Sivagangai Collector Office Complex,
Sivagangai – 623 562.

4) The Assistant Engineer / Distribution,
Malampatti,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Sivagangai Collector Office Complex,
Sivagangai – 623 562.

5) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Sivagangai Collector Office Complex,
Sivagangai – 623 562.

6) The Chairman & Managing Director,
TANGEDCO,
NPKR Malaigai,
144, Anna Salai,
Chennai – 600 002.

7) The Secretary
Tamil Nadu Electricity Regulatory Commission
No.19A, Rukmini Lakshmi pathy Salai
Egmore,
Chennai – 600 008.

8) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.