



## **TAMIL NADU ELECTRICITY OMBUDSMAN**

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### **BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI**

**Present : Thiru. A. Dharmaraj, Electricity Ombudsman**

#### **Appeal Petition No.32 of 2017**

Thiru E. Boopathi,  
5/116, Chinna Soli Palayam,  
Peria Soli Palayam Post,  
Paramathi Vellur Taluk,  
Namakkal District

..... Appellant  
(Party in person)

Vs

The Executive Engineer/ O & M,  
P. Velur,  
Namakkal Electricity Distribution Circle,  
110 KV SS Complex,  
Pandemangalam Road,  
Kabilarmalai – 637 204

..... Respondent  
(Rep by Thiru. Saravanan, AE/Kabilarmalai)

**Date of hearing : 22-6-2017**

**Date of order : 4-8-2017**

The petition dated 16.4.2017 filed by Thiru E. Boopathi, Chinna Soli Palayam, Paramathi Velur (TK), Namakkal District was registered as Appeal Petition No. 32 of 2017. The above appeal petition came up before the Electricity Ombudsman for hearing on 22.6.2017. Upon perusing the appeal petition, counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

## Order

### **1. Prayer of the Appellant:**

- i. A person next to us in seniority got connection 6 years back and our connection was delayed without any reason. So we request you to take action against the erring official and sought a compensation of Rs.20 lakhs from the erring official for our family mental agony due to the harassment as well as agricultural loss.
- ii. We would like to have a copy of Government directive issued on October 2010 to provide agricultural connections to farmers based on which our readiness order was issued.
- iii. We would like to know the priority being followed under various schemes under tariff LM 41.
- iv. When LM 41 tariff rate readiness order is already pending for more than 3 years and new readiness orders issued under same tariff rate and connections is provided immediately. Is it correct?

### **2. Brief History of the case:**

- 2.1 The Appellant's father registered an application seeking Agricultural service connection for his well at SF No.272/2. The registration number is EE/PV/JPM/A93/92-93 dated 18.2.93.
- 2.2 The Applicant has signed his readiness for the said application on 3.12.2010.
- 2.3 As service was not effected to the said application, the Appellant filed various petitions to CM Cell.
- 2.4 The Appellant filed a petition before the CGRF and the CGRF has issued its order on 18.3.17.

2.5 The agricultural service was effected on 31.3.2017.

2.6 Aggrieved over the order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

### **3. Order of the CGRF:**

The CGRF of Namakkal Electricity Distribution Circle issued its order on 18.3.2017, the relevant portion of the order is extracted below:-

#### ***“தலைவரின் ஆணை***

*தயார்நிலை பதிவேடுகள் மற்றும் ஆவணங்களை பரிசீலனை செய்ததில் தயார்நிலை பதிவு வரிசைப்படி சிறப்பு முன்னுரிமை திட்டத்தின்படி MSC, one pole, wire conversion ஆகிய பிரிவில் 30.6.2011 வரை மட்டுமே மின்இணைப்பு வழங்கப்பட்டுள்ளதும், அதன் பிறகு ஒரே பிரிவில் தயார்நிலை பதிவு வரிசைப்படிதான் மின்இணைப்பு வழங்கப்பட்டு வந்துள்ளது உறுதியாகிறது.*

*மேலும், மனுதாரரின் தயார் நிலை முன்னுரிமை வரிசைப்படி அவருக்கு மின் இணைப்பு வழங்க மின்மாற்றி கட்டுமான பணிகள் முடிவறும் நிலையில் இருப்பதால் மனுதாரருக்கு இம்மாத இறுதிக்குள் 3/2017 மின்இணைப்பு வழங்க நடவடிக்கை எடுக்க செயற்பொறியாளர்/இப/ப.வேலூர் அவர்களுக்கு உத்தரவிட்டு மனு எண்.18/2016-17 நாள் 17.1.2017 ஆனது இம்மன்றத்தால் முடித்து வைக்கப்படுகிறது”*

### **4. Arguments of the Appellant furnished in the Appeal Petition:**

#### **4.1 Wanton delay to effect service connection :**

After my father bought 4 or 5 star rated motor in November'2010 as per order from then DE and now Executive Engineer Mr. Panneerselvam (He is continuing the same post for more than 7 years), our connection was delayed without considering the fact that motor is lying idle and he is very much aware that more than 300 connections has been provided under LM 41 tariff rate from November '2010 onwards. After making complaint against EE, the work started for providing the connectivity after delaying it for more than 6 years.

#### 4.2 Denial of requisite information :

When asked for Estimation Date and value details, the requested information was denied. Also, in person asked for the Government directive for the Agri connection in Oct'2010, EE failed to provide it. And the priority which is followed under various schemes under tariff rate LM41 is not provided by EE.

#### 4.3 Providing Wrong information to Consumer:

Our seniority was provided as 22 on 31/May/2013 and as 37 on 31/Jan/2014. When we asked about this change, he did not provide the reason for this seniority change and maintained it as 37 only. Now letter dated 18/Jan/2017 after CGR Forum complaint, EE is accepting the error in provided Seniority Number. Also, EE states that a letter was send from AE, Kabilarmalai Office for this error in seniority. But we are not aware of any such letter received from Assistant Engineer, Kabilarmalai. Also, EE states that when Minor and Major segregation was done, the error in seniority has happened. But as per EE statement says that all Minor category connection has been completed by 30/June/2011 then there is no question of Minor and major category segregation after that. All my queries were sent after 30/Jun/2011 only. In person also EE did not provide the reason for it. Also, as per EE, estimation values can be changed without assigning any reason, EE is misguiding consumer and hiding the fact.

4.4 Vested interest in doing Estimation value :

When Minor and Major category was segregated, without doing estimation of our connection, they have done it. Because of this, after 2.5 years, the estimation value may get changed and consumer stands loose his position. Also, when estimation was done on 23/Jul/2013, our estimation was done wrongly by Mr. Mohanraj (he has vested interest in our connection) of TANGEDCO, Kabilarmalai along with one more gentleman. We were told that no load in the existing Transformer. But, after that many 3 phase connections (including LM41 Tariff rate connection- near by our land itself) has been provided from the same transformer.

4.5 Seniority number related complaint, provided explanation is not satisfactory as there is no question of Minor category issue at that time. Only major categories were pending at that time. repeated request to Executive Engineer failed to get reason for it.

4.6 The seniority list provided by Executive Engineer is partial and online system shows there are many LM41 tariff connections provided during this period. Those behind us in seniority and got connection before us are not there in the provided list by Executive Engineer.

4.7 There is no reply for Estimation related complaint from CGRF. Also, no one inspected and provided the reason for estimation change. When shortest distance is measured, the nearest pole to our well is 70 Meter only.

4.8 There is no proper reason for delaying the connection for more than 6 years after buying motor based on order issued by Executive Engineer.

4.9 The person behind us is provided the connectivity on or before 30/Jun/2011 and our connection estimation is done only on 23/Jul/2013.

This is not justified.

4.10 I had sought appropriate compensation for the delay in the effective service connection. But there is no reply for it from CGRF.

### **5. Arguments of the Respondent furnished in the Counter:**

5.1 கபிலர்மலை பிரிவிக்குட்பட்ட பெரிய சோளிபாளையம்கிராமம் சர்வே எண்.272/2ல் உள்ள திறந்தவெளிக்கிணற்றிற்கு சிறப்பு முன்னுரிமை திட்டத்தில் 30.10.2010 அன்று ப.வேலூர் கோட்டத்திலிருந்து விடுவிக்கப்பட்ட நோட்டீஸ் மனுதாரரின் தந்தையார் பெயரில் பதிவு செய்யப்பட்டிருந்த விண்ணப்பத்திற்கும் அனுப்பப்பட்டது. அவ்விண்ணப்பத்திற்கு 3.12.2010 அன்று சாதாரண வரிசையில் மனுதாரர் தந்தை திரு. எட்டிக்கவுண்டர் பெயரில் தயார்நிலை பதிவு செய்யப்பட்டது. அப்போதைய சிறப்பு முன்னுரிமை திட்டத்திற்கான வழிகாட்டுதலில் தயார்நிலை பதிவிற்போது star rated motor மற்றும் capacitor உடன் மட்டுமே பதிவு ஏற்க அறிவிக்கப்பட்டிருந்த காரணத்தால் தயார்நிலை பதிவிற்போது மோட்டார் மற்றும் கெப்பாசிட்டர் கட்டாயப்படுத்தப்பட்டது.

5.2 சிறப்பு முன்னுரிமை திட்டத்திற்கான வழிகாட்டுதலின் படி 30.6.2011 வரை தயார்நிலை பதிவு செய்தவர்களுக்கு சிறப்பு முன்னுரிமை திட்டத்தில் MSC 1 pole மற்றும் wire conversion ஆகிய categoryல் இருக்கும்பட்சத்தில் உடனடியாக மின்இணைப்பு வழங்கப்பட்டது. அவ்வாறு வழங்கப்படும் நிகழ்வுகளில் மின்மாற்றியில் மின்பளு இருக்கும் சூழ்நிலையில் ரெகுலேசன் கணக்கில் கொள்ளப்படாமல் மின்இணைப்பு வழங்கப்பட்டது.

5.3 24.6.2011 நாளிட்ட குறிப்பாணையின்படி 30.6.2011ற்கு பிறகு சிறப்பு முன்னுரிமை நிறுத்தப்பட்டு நிலுவையில் உள்ள அனைத்து தயார்நிலை விண்ணப்பங்களும் சாதாரண வரிசைக்கு கொண்டு செல்லப்பட்டு தயார்நிலை பதிவு வரிசையில் மின்இணைப்பு வழங்க உத்தரவிடப்பட்டது.

5.4 மனுதாரரது விண்ணப்பக்கிணறு சின்னசோளிபாளையம் SSI LT மின்பாதையிலிருந்து 76 மீட்டர் தொலைவில் இருந்ததால் மேற்படி மின்மாற்றியில் மின்பளு இருந்திருந்தாலும் சிறப்பு முன்னுரிமைத்திட்டத்தில் மின்இணைப்பு வழங்கியிருக்க இயலாது எனத் தெரிவித்துக் கொள்ளப்படுகிறது.

5.5 அவரது விண்ணப்பத்திற்கு 23.7.2013 அன்று திட்ட மதிப்பீடு அனுமதி பெறப்பட்டுள்ளது. கபிலம்லை பிரிவு அலவலகத்தில் மனுதாரர் தயார்நிலை பதிவு செய்துள்ள வரை உள்ளவர்களின் விவரம் மற்றும் சிறப்பு முன்னுரிமை திட்டத்தில் மின்இணைப்பு பெற்றவர்களின் விவரம் மற்றும் சிறப்பு முன்னுரிமை திட்டத்தில் மின்இணைப்பு பெற்றவர்களின் விவரம் மற்றும் சிறப்பு முன்னுரிமை திட்டம் முடிந்து சாதாரண வரிசையில் மின்இணைப்பு பெற்றவர்களின் விவரம் மற்றும் சிறப்பு முன்னுரிமை திட்டம் முடிந்து சாதாரண வரிசையில் மின்இணைப்பு பெற்றவர்களின் விவரம் மற்றும் சிறப்பு முன்னுரிமை திட்டம் முடிந்து சாதாரண வரிசையில் மின்இணைப்பு பெற்றவர்களின் விவரம் மற்றும் சிறப்பு முன்னுரிமை திட்டம் முடிந்து சாதாரண வரிசையில் ஆகியவற்றை தனித்தனியாக அட்டவணை தயார்செய்து இத்துடன் இணைக்கப்பட்டுள்ளது.

5.6 மேலும், விண்ணப்பதாரர் தெரிவித்துள்ளதைப்போல் விதிமுறைகளை பின்பற்றாமல் மின்இணைப்பு வழங்க இயலாது என்பதையும் தயார்நிலை வரிசையில் மின்இணைப்புகள் வழங்கப்படுகிறது என்பதையும் மேற்படி மனுதாரரின் விண்ணப்ப கிணற்றிற்கு புதியதாக மின்மாற்றி அமைத்து 31.3.2017 அன்று மின்இணைப்பு வழங்கப்பட்டுள்ளது எனப் பணிவுடன் தெரிவித்துக் கொள்ளப்படுகிறது.

5.7 மனுதாரர் தெரிவித்துள்ள குற்றச்சாட்டுகளை அவரே ஆதாரத்துடன் நிரூபிக்க கடமைப்பட்டவராகிறார். விதிமுறைகளை கடைப்பிடிக்காமல் மின்இணைப்பு யாருக்கு வழங்கப்பட்டது என்பதை தக்க ஆதாரத்துடனும் வேண்டுமென்றே அவரது விண்ணப்பக்கிணற்றுக்கு தாமதப்படுத்தப்பட்டது என்பதையும் அவரே நிரூபிக்க கடமைப்பட்டவராகிறார். TNERC விதிமுறைகளின்படி விவசாய மின்இணைப்புகள் வழங்குவதற்கு காலக்கெடு இல்லை என்பதாலும் ப.வேலூர் கோட்டத்தில் தற்போதைய நிலையில் 1300 தயார்நிலை பதிவுதாரர்களுக்கு மேல் நிலுவையில் உள்ள நிலையில் மாதம் பிற

இன மின்இணைப்புகள் வழங்கிக்கொண்டும் முடிந்தவரை விவசாய மின் இணைப்புகளும் வழங்கப்பட்டு வருகிறது என்பதையும் பணிவுடன் தெரிவித்துக் கொள்ளப்படுகிறது.

#### **6. Hearing held by the Electricity Ombudsman:**

6.1 To enable the Appellant and the Respondents to put forth their arguments in person, a hearing was conducted on 22.6.2017.

6.2 Thiru E. Boopathi, the Appellant herein has attended the hearing and put forth his arguments.

6.3 Thiru P. Saravanan, Assistant Engineer, Kabilarmalai has attended the hearing on behalf of the Respondent and put forth his arguments.

#### **7. Arguments put forth by the Appellant on the hearing date:**

7.1 The Appellant reiterated the contents of the Appeal Petition.

7.2 The Appellant argued that those who have entered their readiness after their readiness date of 3.12.2010 have been provided with the agricultural service connection in the year 2011 itself where as their service was effected only on 31.3.2017. There was six years delay in effecting the service. Hence, the licensee has to compensate the loss due to the said delay in effecting the service. Hence he argued that Rs.20 lakhs has to be paid as compensation towards mental agony, agricultural loss etc besides taking action against the erring officials. There was error in his seniority number as agreed by the licensee.

7.3 They have entered their readiness on 3.12.2010 after purchasing the pumpset, capacitor, etc. But service was effected on 31.3.2017. As the applicants were asked to enter readiness based on targets effecting supply after 7 years from the date of readiness is not justifiable.

7.4 As per the original version, no transformer erection is necessary for effecting service connection for their application. But due to delay in effecting the service connections, their service was effected by erecting a transformer for which they have provided the required land. There was some loss to them as land was provided for erection of the transformer.

7.5 He has informed that one Thiru Periyasamy who has signed his readiness on 14.12.2010 has got his service during 2011 itself citing the above he argued that their priority was overlooked. He also argued that there were number of such cases but has not produced any documents.

7.6 He also argued that the details regarding the priority and the categorization was not furnished by the Executive Engineer.

**8. Arguments furnished by the Respondent's representative on the hearing date:**

8.1 Thiru P. Saravanan, Assistant Engineer, Kabilarmalai who represents the respondent reiterated the contents of the Counter.

8.2 The Assistant Engineer informed that there was no overlooking of priority as argued by the Appellant. He informed that under energisation of 2 lakhs pumpset scheme, the notice was issued to the applicants for entering their readiness. As per the said scheme, the mere service connections, one pole and wire conversion categories have been listed separately and effected service immediately as per their readiness priority. Further, priority for minor extension and major extension have also been maintained separately based on the readiness.

8.3 The Appellant's application was coming under minor category initially as his well was 76 metres from the nearest pole. But after 30.6.2011, the special priority scheme was stopped and all the pending readiness parties have been prioritized as per their readiness seniority under normal category only irrespective of the work involved.

8.4 Those applicants who are coming under mere service, on pole extension wire conversion could have been effected immediately based on their readiness priority on such category. Hence, such parties would have got their service in 2011 itself even though they have entered their readiness after the appellant.

8.5 In the case of Periasamy, referred by the Appellant the Assistant Engineer informed that it was a mere service category, the readiness was entered on 14.12.2010 and the service was effected on 19.2.2011. As the mere service connection case priority is separate, the service was effected as per the priority. Hence, he argued that there is no irregularity or overlooking of priority in the said case

8.6 Regarding the argument of the Appellant that as per their original versions, no need to erect a transformer, but, now a new transformer was commissioned for effecting the service, the Assistant Engineer argued that the Diversity factor was now changed to 1 whereas it was 1.6 for agri load and 1.2 for Industrial load initially. However, he argued that this has no relevance as the entire expenditure was met by the licensee only to effect service under normal priority.

8.7 The agricultural services are effected based on the target fixed by the Government only. As, the special priority readiness parties have also been clubbed with normal category, the service connection to the Appellant's father

was effected as per their priority on 30.3.2017 after erecting a transformer and hence the Assistant Engineer argued that there is no wanton delay of overlooking of priority in effecting the service.

**9. Findings of the Electricity Ombudsman:**

9.1 On a careful consideration of the arguments put forth by the Appellant and the Respondent, the findings of the Electricity Ombudsman was discussed below in prayer wise:

**10. Findings on the First prayer:**

10.1 The Appellant informed that persons next to him in seniority has got service six year back. therefore, he prayed to take action against the erring TANGEDCO officials and sought a compensation of Rs.20 lakhs from the erring officials for their family mental agony due to the harassment as well as agricultural loss.

10.2 The Appellant argued that a person next to them in seniority got connection six years back and their connection was delayed without any reasons. It is financial loss to them. Also mental harassment of not providing correct information to them. His aged father who is no more now had suffered physical as well as mental harassment due to this delay in connection. His mother who was looking after his father also went through mental as well as physical harassment. the motor bought was lying idle for more than six years and it was loss to them.

10.3 The Respondent argued that only the mere service / one pole extension and wire conversion categories have been prioritized separately and effected service connection. As the Appellant was not coming under the above categories, they got the service as per their priority. The persons who have come under mere service/one pole extension and wire conversion category would have got their

service earlier than the Appellant as per their seniority in such category. Further, all the pending readiness parties have been grouped under normal category as per the readiness priority as per the subsequent directions. Therefore, he argued that they have not overlooked priority and effected service to anybody.

10.4 Further, he has also pointed out the Appellant has also not furnished any proof for overlooking his priority. The Respondent also argued that it is the duty of the Appellant to establish that his priority was overlooked.

10.5 As the prayer of the Appellant is to direct the employees of the TANGEDCO to pay a compensation of Rs.20 lakhs I would like to refer regulation 7(11) of the Regulation for CGRF and Electricity Ombudsman.

*“7(11) In respect of grievances on non implementation of standards of performance of licensee on consumer service specified by the Commission under section 57(1) of the Electricity Act 2003, if the forum finds that there was default of the licensee, it shall only hold that the consumer is entitled to the compensation and shall state that, the consumer if agreed, can accept the compensation prescribed by the Commission in the relevant Regulations.”*

10.6 On a careful reading of the said regulation 7(11) of Regulation CGRF and Electricity Ombudsman it is noted that in respect of grievances on non implementation of standard of performance of licensee on consumer service specified by the Commission under section 57 (1) of the Electricity Act 2003, the forum can hold that the consumer is entitled for compensation. There is no other provision for the Forum and Electricity Ombudsman to award compensation other than the above.

10.7 Further, Regulation 5 off the Distribution of Standards of Performance Regulations is extracted below :

**“5. Exceptions on Duty to Supply for Agricultural and Hut Services:**

*The provision under section 43 of the Act is however not applicable in the case of agricultural and hut services, which shall be governed by the directives issued by the Commission from time to time, on the basis of the guidance on this matter by the National Electricity Policy (as stipulated in section 86(4)) of the Act and the policy directions in public interest by the State Government (as stipulated in section 108 of the Act).”*

10.7 As per Regulation 5 of Distribution Standards of Performance Regulation the provision under Section 43 of the Act is however not applicable in the case of agricultural and Hut services.

10.8 As there was no provision in the regulation to award compensation other than the compensation that was specified by the Commission on non implementation of standards of Performance of licensee on certain consumer services specified by the Commission and the compensation claim raised by the Appellant is not coming under the regulation, I am not considering the above prayer for issue of any order.

**11. Findings on the second prayer and third prayer**

11.1 The Appellant has sought a copy of Government directive issued on October 2010 to provide agricultural farmers based on which readiness order was issued and priority being followed under various schemes under tariff -IV.

11.2 As the above prayer is regarding seeking some information from the licensee, the Appellant is directed to address the licensee under any other mode such as RTI to get those informations.

**13. Findings on the Fourth Issue:**

13.1 The Appellant informed that when the readiness is already pending for more than 3 years new readiness orders are issued under same tariff and connection is provided immediately. Is it correct?

13.2 The Appellant has not given any details in support of the above grievance. Hence, the above prayer was not examined for want of details.

**14. Conclusion :**

**14.1 Prayer 1:** As there is no provision to award compensation other than non implementation of standards of performance of licensee on certain consumer services specified by the Commission under Section 57 (1) of the Electricity Act 2003, I am not considering the above prayer seeking compensation for mental agony, agricultural loss etc for issue of any order.

**14.2 Prayer 2 & 3:**

As the prayer 2 & 3 relates to seeking certain information the Appellant is directed to seek these information from the Officers of the licensee under any other mode such as RTI.

**14.3 Prayer -4**

As no details were furnished in support of the grievance, the above prayer was not examined for want of details.

14.4 With the above findings the AP. No 32 of 2017 is finally disposed of by the Electricity Ombudsman. No Costs.

**(A. Dharmaraj)**  
Electricity Ombudsman

To  
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3) The Chairman,  
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4) The Chairman & Managing Director,  
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5) The Secretary,  
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6) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**  
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