



TAMIL NADU ELECTRICITY OMBUDSMAN

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

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.95 of 2016

Tmt. Saraswathi Venkataraman,
W/o R. Venkataraman,
RVR House, 1, 2 & 3 Thirumalai Street,
Jai Balaji Nagar, K.K. Nagar,
Chennai – 78.

..... Appellant
(Rep by Thiru.R. Venkataraman)

Vs

1) The Assistant Engineer/O&M/Pandhanallur,
Thanjavur Electricity Distribution Circle,
TANGEDCO,
1/11, Main Road,
Kavanur,
Pandhanallur- 609 807.

2) The Assistant Executive Engineer/O&M,
North/Kumbakonam,
Thanjavur Electricity Distribution Circle,
TANGEDCO,
Thiruvaidaimarudhur Salai, Rajan Thottam,
Kumbakonam.

3) The Executive Engineer/O&M,
North/Kumbakonam,
Thanjavur Electricity Distribution Circle,
TANGEDCO,
Thiruvaidaimarudhur Salai, Rajan Thottam,
Kumbakonam.

..... Respondents
(Rep by Thiru. Elanselvan, AEE/North/Kumbakonam,
Thiru.Kaliyanasundaram, JE/ Pandanallur)

Date of hearing : 21.2.2017

Date of order : 2-5-2017

The petition dated 29.11.2016 filed by Tmt. Saraswathi Venkataraman, K.K. Nagar, Chennai – 600 078 was registered as Appeal petition No. 95 of 2016. The above appeal petition came up for hearing before the Electricity Ombudsman on 21-2-2017. 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 :

The Appellant prayed that TANGEDCO shall carry out the necessary works and enmark the required land for the transformer erected in its land so that it may be legally owned by the corporation or en marked the boundaries.

2. Brief History of the case:

2.1 The Appellant is the owner of SF No.22/5 wherein a Distribution Transformer was erected.

2.2 She is objecting the encroachment of the land by Rural Development and Panchayat Raj Department.

2.3 She filed a petition before the CGRF on 17.6.2016. The Appellant received a notice on 8.8.2016 to attend the hearing on 9.8.2016. As there was no sufficient time to attend the hearing, the Appellant has not attend the hearing. She filed a petition before the Electricity Ombudsman on 30.11.2016. as there was no further communication from CGRF. As more than 50 days have passed since submission of petition before the CGRF of Thanjavur EDC , the above petition was registered as

Appeal Petition No.95 of 2016 as per regulation 17(4)(a) of Regulation for CGRF & Electricity Ombudsman.

3. Contention of the Appellant furnished in the Appeal petition:

3.1 As per the information obtained through RTI application from the Thirumangacheri Panchayat on 15.6.2016, the Transformer at Vannikudi is in a Private Patta land survey No.22/5 belonging to her.

3.2 Recently the village Panchayat president Mrs. Vembu Kumar encroached her land and constructed a huge wall in the pond utilising Govt fund more than Rs 1.5 lakhs.

3.3 It is also mentioned that the concerned TANGEDCO officials gave permission and supervised the job.

3.4 The president utilised to draw his quota of money and spend which is not a engineering job and as per safety norms of the transformer. TANGEDCO is also a part of the misuse.

4. Contention of the Respondents-1 to 4 :

4.1 As per the Telegraph Act 1885/13 of 1885), TANGEDCO is empowered to erect distribution lines and transformers at any place. Hence, petitioner statement may not be consider please.

5. Rejoinder of the Appellant filed on the hearing date :

5.1 There is a dispute with the Rural Development and Panchayat Raj Department for encroaching their patta land in survey no.22/5 and spending government funds thus violating the norms.

5.2 The Transformer was also erected in their above Patta lands, while they have raised objection for the RDPR Department, we have not raised any objection for the erection of the Transformer eventhough without

obtaining their permission.

5.3 When the transformer was erected the villagers started to encroach the entire extent of lands and their adjoining lands, thinking that the entire land is a poramboke land.

5.4 She wanted to save the other portion of their land other than the area given to the transformer and hence registered their objection to the RDPR Department. In fact She filed a case against the District Collector for sanctioning Government funds in their patta lands in Kumbakonam Court in File No. O.S. 31/2016.

5.5 She raised objection for the Panchayat President for carrying out wall construction and established that wall as a retaining wall for the Transformer. The President utilised the opportunity to utilise his funds and carried without any engineering since they are not competent.

5.6 She wanted the tangedco to carry out all necessary works and en mark the required land for the transformer and so that it may be legally owned by the corporation or En marked for the boundaries.

5.7 That this grievance petition was presented on a public interest and in the interest of the TANGEDCO and wanted to bring it to the notice of the CGRF Thanjavur and kindly request you to pass such orders that may deem fit and thus render justice.

6. Hearing held by the Electricity Ombudsman :

6.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was conducted before the Electricity Ombudsman on 21-2-2017.

6.2 Thiru R. Venkataraman, represented the Appellant and putforth his side arguments.

6.3 Thiru C. Elanselvan, Assistant Executive Engineer / O & M / North Kumbakonam the Respondent II herein and Thiru. Kaliyanasundaram, Assistant Engineer / O &M / Pandhanallur the Respondent – 3 herein have attended the hearing and putforth their arguments. The Respondent-1 Executive Engineer/North/Kumbakonam has authorized the Respondent – 2. Thiru C. Elanselvan, Assistant Executive Engineer / O & M / North, Kumbakonam to attend the hearing and argue on behalf of him.

7. Arguments putforth by the Appellants representative on the hearing date :

7.1 The Appellant reiterated the contents of the Appeal Petition and the rejoinder.

7.2 The Appellant's representative argued that though the licensee has erected the transformer without their consent they do not have any objection in erecting the transformer in their land as it caters the need of their village.

7.3 The Appellant's representative argued that the retaining wall for the transformer was constructed by the President of the Panchayat. As the transformer is the property of the TANGEDCO, any work on the transformer or for the transformer has to be executed only by the TANGEDCO and not by others.

7.4 He also argued that the TANGEDCO may provide fence around the transformer yard by property enmarking the boundaries.

8. Argument putforth by the Respondents on the hearing date :

8.1 The Assistant Executive Engineer/North/Kumbakonam reiterated the contents of the counter.

8.2 The AEE informed that there was no objection from any body while erecting the transformer.

8.3 The AEE also informed that they have not arranged for the construction of retaining wall. He also informed that any maintenance work on the transformer will be done by their employees only.

8.4 The AEE informed that there is no provision in the sanctioned estimate to provide a fence around the transformer yard. However, he argued that the transformer yard will also be maintained by them.

9. Findings of the Electricity Ombudsman:

9.1 The Appellant's representative informed that though the transformer was erected without their permission, they do not have any objection over it, as it caters the need of their village.

9.2 The Appellant's representative argued that the retaining wall for the transformer was constructed by the President of the Panchayat . But as TANGEDCO is the competent authority, he argued that any work on the transformer or far the transformer has to be carried out by the TANGEDCO only and not by others.

9.3 He also argued that transformer yard shall be properly fenced by enmarking the boundaries.

9.4 The Assistant Executive Engineer informed that there was no objection from any body at the time of erection of the said transformer.

9.5 The Assistant Executive Engineer informed that they have not arranged for the construction of the retaining wall. He also informed that any maintenance work on the transformer will be done by the TANGEDCO only. He also informed that as per the estimate sanction there is no provision to provide a fence around the said transformer. However, he argued that the transformer yard will be maintained by TANGEDCO only.

9.6 On a careful examination of the arguments putforth by the Appellant and Respondent there is no issue about the erection of transformer in the said location.

9.7 The Appellant has raised objection for constructing a retaining wall by the local body in her land. As the said issue is in between the Appellant and the local body, the Electricity Ombudsman has no jurisdiction to entertain the above issue.

9.8 Regarding the prayer of the Appellant that any work on the transformer has to be done by the TANGEDCO, the Respondent also informed that all works on the transformer structure and yard will be done by TANGEDCO only. Therefore, there is no issue on the above grievance also.

9.9 Regarding enmarking the boundaries of the transformer yard, the licensee is directed to enmark the boundaries.

10. Conclusion :

10.1 The Respondent is directed to enmark the boundaries of the transformer yard within 15 days and send a compliance report within 30 days from the date of receipt of this order.

10.2 With the above direction, the appeal petition 95 of 2016 is finally disposed of by the Electricity Ombudsman. No Cost.

(A. Dharmaraj)
Electricity Ombudsman

To
1) Tmt. Saraswathi Venkataraman,
W/o R. Venkataraman,
RVR House, 1, 2 & 3 Thirumalai Street,
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Thanjavur Electricity Distribution Circle,
TANGEDCO,
Thiruvaidaimarudhur Salai, Rajan Thottam,
Kumbakonam.

5) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Thanjavur Electricity Distribution Circle,
TANGEDCO,
No.1, Vallam Road,
Thanjavur- 613 007.

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

7) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmiipathy Salai,
Egmore,
Chennai – 600 008.

8) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**
Tamil Nadu Electricity Regulatory Commission,
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Egmore,
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