



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. S. Devarajan, Electricity Ombudsman

A.P. No. 44 of 2017

Thiru. S. Boopathy,
No.1/1-74, Kuralagam, Kattur,
Poolampatti Post,
Edappady (via),
Salem 637 107.

..... Appellant
(Thiru. S. Boopathy)

Vs

1) The Executive Engineer/O&M/Edappady,
Mettur Electricity Distribution Circle,
TANGEDCO,
Kurumbapatti Post,
Edappady Tk – 637 105.

2) The Assistant Executive Engineer/O&M,
Edappady /Town,
Mettur Electricity Distribution Circle,
TANGEDCO,
D.No.51F, Salim Main Road, Velladivalasu,
Edappady Post, Edappady – 637 105.

3) The Assistant Engineer/O&M,
Poolampatti,
Mettur Electricity Distribution Circle,
TANGEDCO,
D.No.2/1,23(3), Poolampatty,
Edappady 638 311.

..... Respondents
(Thiru. M. Srinivasan, AEE/O&M/Town/Edappady &
Thiru. M. Krishnamoorthy, AE/O&M/Poolampatty)

Date of hearing: 26.9.2017

Date of order : 17.11.2017

The Appeal Petition dt. 5.6.2017 filed by Thiru. S. Boopathy, Kattur, Poolampatti Post, Edappady, Salem was registered as Appeal Petition No. 44 of 2017. The above appeal petition came up for hearing before the Electricity Ombudsman on 26.9.2017. 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 requested the Electricity Ombudsman to pass order to disconnect the power supply provided to S. Suresh kannan with immediate effect since there is a deviation in every step and violation of Govt. Orders.

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

2.1 The Appellant has agricultural land in survey No.174/3 fed by a open well with service No.44. A new bore well has been dug by his neighbor nearer to his well (within 3 meters). Power connection to the borewell need not be effected to, as it will affect the agricultural activities and water level of his well will go down.

2.2 The Appellant stated that power connection provided for the bore well of his neighbor for commercial purpose within three meters of his agricultural well in survey no.174/3 violating the GO Ms order no.52 dated 2.3.2012 and guidelines / criteria from GOI, Central Ground water authority (w.e.f 16.11.2015).

2.2 The Appellant filed a petition before the CGRF of Mettur Electricity Distribution Circle to redress the above grievance.

2.3 The CGRF of Mettur Electricity Distribution Circle issued its order on 25.04.2017.

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

3. Order of the CGRF

3.1 The CGRF of Mettur Electricity Distribution Circle issued its order on 25.4.2017, the relevant portion of the order is extracted below :-

“Forum’s Order/Conclusion :

Based on the enquiry in the forum and the documents submitted that the temporary supply effected to Thiru. Suresh, S/o Subramanian is in line with the TNERC guildelines hence the petitioner grievance is not feasible of compliance.

With these findings the petition is disposed.”

4.0 Argument of the Appellant furnished in the Appeal petition:

4.1 I have agricultural land in survey No. 174/3. The adjacent agricultural property - Survey No. 174/2 belongs to one Mr. Natrayan and his sons Mr.Parthiban and Mr.Rajavel. The above owners sold a portion of agricultural property to one by name S.Suresh Kannan. This property has been registered as Housing site on 26.02.16.

4.2 The above S.Suresh Kannan, despite my strong objection, put up a borewell adjacent to my agricultural open well within a radius of three metres from my well which caters my Agricultural property. Immediately on knowing that a borewell has been put up, I have informed A.E. TNEB on 16.03.17 that this bore well once energized, the water level of my Agricultural well will go down and will affect my Agricultural activities.

4.3 I have received a reply from the Assistant Engineer/O&M/Poolampatti on 21.03.17 that they came to know that there are no rules and regulations to get NOC for house/Construction purpose or for energising individual bore well whatever nearer to the Agricultural well. Hence action will be taken as per rules.

4.4 The copy of the G.O. (Ms) No.52 dated 2.3.12 issued by the Public Works Dept has been enclosed. It may be noted that as per the above G.O the Edappadi taluk wherein my village Poolampatti situated comes under Notified Blocks under B category (semi critical) and ground water clearance ie NOC from the Chief Engineer State Ground and Surface water resources shall be obtained prior to tap Ground water. The same order depicts that the spacing between the Dug well and shallow tube well shall be atleast 162.5 metres. The above copy has also been received by the A.E./TNEB on 10.04.17 sent by my advocate. Unmindful of the above the A.E./TNEB, Poolampatti was in a hurry to provide power connection deviating the Govt. orders and provided the power connection on the same day of 10.04.17.

4.5 More over no clearance of agricultural department has been obtained by Mr.S.Sureshkannan for conversion of agricultural land for some other purpose. I have enclosed a copy of land purchased by him (taken on 03.06.17) which clearly indicates that the land is not kept fallow for more than three years for conversion into non farming land as per Govt. orders.

4.6 I have further enclosed a copy of Guidelines/Criteria for evaluation of proposals/requests for Ground water extraction (with effect from 16.11.15) from GOI, Central Ground Water Authority, Ministry of Water resources. The Guidelines says that in respect of Notified areas, Permission to abstract ground water through **energised means** will not be accorded for any purpose other than drinking water. NOC for ground water withdrawal will be considered only if Water supplying department is not providing adequate water in the area/premises. Proof for this is to be produced from the concerned authority by the applicant. It is further intimated that any violation of the above conditions will attract legal action under Section 15 of the Environment (Protection) Act, 1986. In Poolampatti village, drinking water arrangement is taken care of by the Town Panchayat and water is supplied on daily basis with restricted hours.

4.7 While the Govt. Orders as above are totally violated, my Agricultural activities have come to a halt by the action of A.E./TNEB, Poolampatty. However the A.E. (O&M) in his letter dated 25.03.17 (copy enclosed) has requested for a No Objection certificate from the concerned dept ie. PWD dept. to energise the Bore well constructed recently adjacent to my Agricultural well within a radius of three metres. We do not know whether such No Objection certificate has been received from the appropriate authority of PWD Dept. by Mr. S.Sureshkannan since the same should have insisted by the A.E./TNEB from Mr.S.Sureshkannan prior to provide power connection.

4.8 The following lacunas are there in providing the Power supply to Mr. Sureshkannan :

(i) Necessary clearance from the Agricultural dept. has not been insisted by the AE/TNEB/Poolampatty for conversion of Agricultural land to other use. Moreover, the bore well constructed for commercial purpose (the building is totally for commercial purpose) is within three metres from my agricultural well.

(ii) Since Poolampatti is coming under Notified area, necessary clearance from the Chief Engineer, State Ground and Surface water resources has not been obtained by the AE/TNEB/Poolampatti from the consumer prior to energise the bore well to tap Ground water (as per G.O.Ms No.52 dated 2.3.12).

(iii) As per his own version (AE/TNEB/Poolampatti letter dated 25.03.17) No Objection certificate from the concerned dept ie. PWD dept. to energise the Bore well constructed has not been insisted upon.

(iv) NOC from the local Panchayat has not been insisted upon by the AE/TNEB to provide power supply (As per the Guide lines/criteria from GOI, Central Ground water authority (w.e.f. 16.11.2015)

(v) The Chair person/CGRF/Metturdam has passed an order without considering the (G.O.Ms No. 52 dated 02.03.12 and the Guide lines/criteria from GOI, Central Ground water authority (w.e.f. 16.11.2015) which have been issued subsequent to the Notification No. TNERC/DC/8-8 dated 8.2.2008.

5.0 Argument putforth by the Respondent in the counter :

5.1 Thiru.S. Sureshkannan has applied for a Temporary service connection for his land in SF.No.174/2 for building construction for a load of 2.36 kw.

5.2 An objection was received from Thiru .Boopathy on 17.3.2017 objecting to effect Temporary service connection to Thiru. Sureshkannan towards construction of building. The appellant's reason for the objection is that if Thiru. Sureshkannan uses his bore well then the applicants bore well which is just 3 mtrs away would get affected.

5.3 A prompt reply was given to the appellant by Assistant / O&M / Poolampatti on 21.3.2017, in that following points were clearly explained.

(1).Thiru. Suresh Kannan is legal owner of the land in SF.No:174/2 of Poolampatti village as per the sale deed No:2493 dt:26.2.16. Hence as per TNERC CLAUSE 27(1 & 3) distribution code he is eligible to apply for new Temporary supply service connection for his building construction in SF.No.174/2.

(2). There is no provision in any of the instructions from TNEB or from TNERC to prevent the licensee to effect supply to an applicant for a reason that he has a bore well in vicinity to another private bore well.

5.4 The appellant-has quoted G.O.Ms.No:52/dt.2.3.12 of PWD in support of his objection to effect service connection for Thiru. Sureshkannan. However no TNEB proceedings is available in this contest. Also the supply was effected to Thiru.Suresh Kannan only after observing the rules and regulation at TNEB. The supply requested by Thiru. Suresh Kannan is a Temporary supply towards building construction purpose.

5.5 It is to be mentioned that only when a Government order is being referred and issued as a separate Proceedings of Board, that proceeding will bind the activities of Electricity Board. Also the supply was effected to Thiru.Suresh Kannan only after observing the rules and regulation in vogue at TNEB.

5.6 The Assistant Engineer / O&M / Poolampatti in his Letter dated 25.03.2017 had not insisted Thiru.Suresh Kannan to obtain NOC. Copy of letter is enclosed. Hence the statement of the appellant that Assistant Engineer/ O&M/ Poolampatti had insisted to obtain NOC vide Letter dt.25.03.2017 is only a Mis-Conception. Further the Temporary service connection to Thiru.Suresh Kannan was effected in accordance of the Rules & Regulations of TNEB/TANGEDCO.

6. Written submission by the Appellant :

6.1 The Appellant Thiru. S. Boopathy, submitted written arguments vide his letter dated 10.07.2017.

6.2 The construction of the building in survey No.174/2 is not a house and it may be noted that it is a non residential building for commercial purpose.

6.3 In the counter furnished to Electricity Ombudsman the EE has mentioned that both are bore wells. Please note that Mr. Sureshkannan has dug a borewell and where as mine (S.Boopathy) is an agricultural open well which is in operation for more than 40 years. Also note that the borewell dug by Mr.Sureshkannan is within three metres from my open well.

6.4 The Appellant wordings have been mis- interpreted. It is pertinent to note that A.E./TNEB only initially in his reply dated 25.03.17 has asked for NOC from the respective dept. so as to energise pump or otherwise and not the Appellant. The Respondent now in his reply (EE/TNEB/Edappady) has comfortably not indicated any thing about NOC they have asked for.

The G.O. Ms order No.52 dated 02.03.12 has not been followed though a copy of the order has been marked to The Chairman, TNEB. It may be noted that this order has been issued in the year 2012 where as the Respondent refer to an old TNERC order dated 08.02.2008. Atleast after seeing the copy of the order the Respondent should have reacted immediately. But to our dismay the Respondent and his associate the AE/TNEB, Poolampatty collided with each other and were in a hurry to provide power connection to the disputed site on the same of day of seeing the G.O.Ms copy which were given to them on 10.04.17. I do not no why the order issued by the PWD has not been considered at all by these two officers when there is a crisis everywhere to safe guard .the under ground water potential.

6.5 The appellant (myself) has mentioned about the guide lines given by the GOI, Central Ground authority about tapping of ground water. The Respondent instead of going through the Govt. Orders and Guidelines issued by the State and Central Govts. respectively, finds fault with the TNEB board that a separate proceedings should have been issued by the TNEB board. Atleast after seeing the orders which have been given to them by myself in advance they should have referred the matter to their higher ups and got their specific approval highlighting all the points instead of providing power connection in a hurried manner.

6.6 The Respondent is again highlighting about NOC. Please go through the letter dated 25.03.17 once more and see that there is no mis-conception by the Appellant and the Respondent only is twisting the issue. The subject of NOC was initiated only by the AE/TNEB and not by the Appellant. A copy has again been enclosed for your reference.

7. Hearing held by the Electricity Ombudsman:

7.1 To enable the Appellant and the Respondents to put forth their arguments in person, a hearing was conducted on 26.9.2017.

7.2 Thiru. S. Boopathy, the appellant has attended the hearing and putforth his side arguments.

7.3 Thiru.M.Srinivasan, Assistant Exe. Engineer/O&M/Town/Edappady and Thiru M.Krishnamoorthi, Assistant Engineer/O&M/Poolampatti Mettur EDC has attended the hearing on behalf of the Respondent and putforth their side arguments.

8.0 Arguments putforth by the Appellant on the hearing date:

8.1 The appellant Thiru.S.Boopathy has reiterated the contents of his arguments furnished in the appeal petition.

8.2 Appellant argued that despite his strong objection, Mr.S.Sureshkannan put up a borewell adjacent to his agricultural open well within a radius of three metres which caters his Agricultural property. Immediately he has informed A.E. TNEB on 16.03.17 that this bore well once energized, the water level of his Agricultural well will go down and will affect the Agricultural activities.

8.3 Further he argued as per the G.O. (Ms) No.52 dated 2.3.12 issued by the Public Works Dept, the Edappadi taluk wherein the village Poolampatti situated comes under Notified Blocks under B category (semi critical) and ground water clearance ie NOC from the Chief Engineer State Ground and Surface water resources shall be obtained prior to tap Ground water. The same order depicts that the spacing between the Dug well and shallow tube well shall be atleast 162.5 metres. Unmindful of the above the A.E./TNEB, Poolampatti has provided power connection deviating the Govt. orders.

8.4 NOC for ground water withdrawal will be considered only if Water supplying department is not providing adequate water in the area/premises. Proof for this is to be produced from the concerned authority by the applicant. However in Poolampatti village drinking water arrangement is taken care of by the Town Panchayat and water is supplied on daily basis with restricted hours.

9.0 Arguments putforth by the Respondent on the hearing date:

9.1 An objection was received from Thiru .Boopathy on 17.3.2017 to effect Temporary service connection to Thiru. Sureshkannan towards construction of building. The appellant's reason for the objection is that if Thiru. Sureshkannan uses his bore well then the water level in the appellant well would get affected.

9.2 Thiru. Suresh Kannan is legal owner of the land in SF.No:174/2 of Poolampatti village. Hence as per TNERC CLAUSE 27 (1 & 3) of distribution code he is eligible to apply for new Temporary supply service connection for his building construction.

9.3. There is no provision in any of the instructions from TNEB or from TNERC to prevent the licensee to effect supply to an applicant for a reason that he has a bore well / open well in vicinity to another private bore well/ open well.

10. Findings of the Electricity Ombudsman:

10.1 On a careful consideration of the arguments put forth by the Appellant and the Respondent, the following are the issues to be decided:

- i) What are the procedures/Regulations to effect new service connection?
- ii) Whether the SC effected in the name of Thiru.S.Sureshkannan is in line with the Regulations?
- iii) Whether the contention of the Appellant to disconnect the Temporary supply effected in the name of Thiru.S.Sureshkannan is acceptable ?

11. Findings on the first issue:

11.1 In order know the procedure/regulations to effect new service connection to the intending consumers, the regulation 27 of TN Electricity Distribution Code has to be referred. The same is extracted below:

27.Requisitions for Supply of Energy:

(1) *The provision regarding the duty of Licensee as detailed in section 43 of the Act to supply electricity on request is reproduced below:*

“(1) Save as otherwise provided in this Act, every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or Commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or Commissioning or within such period as may be specified by the Appropriate Commission.

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

Provided that the licensee will refuse to supply electricity to an intending consumer who had defaulted payment of dues to the licensee in respect of any other service connection in his name

Explanation:- For the purposes of this sub-section, “application” means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.”

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1)

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.”

(2) *****

(3) *The application for HT service connection shall be in FORM-4. Application for LT service connection (other than Agriculture and Hut), LT Agriculture service connection and LT Hut service connection shall be in FORM - 1, 2 and 3 respectively.*

Note : Requisitions for supply of energy (Applications) , even if incomplete, and irrespective of whether they are handed over in person or by post, should be acknowledged in writing. If they are in order, they shall be registered immediately and acknowledged. If they are incomplete, the defects should be indicated and returned without registration.

11.2 On a careful reading of the above, as per regulation 27(1), every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply.

11.3 As per regulation 27 (3) of TN Electricity Distribution Code, the application for HT service connection shall be in FORM-4. Application for LT service connection (other than Agriculture and Hut), LT Agriculture service connection and LT Hut service connection shall be in FORM - 1, 2 and 3 respectively.

11.4 Application for LT Service Connection (other than Agriculture and Hut) Form 1 is extracted below:

“ *FORM-1*
Application Form for L.T. Service connection (except Agriculture and Hut)

*FORM OF REQUISITION FOR SUPPLY OF LOW TENSION ENERGY (SINGLE
PHASE / THREE PHASE)
[Refer regulation 27(3)]*

To

*The Designated Engineer
(Address of the Licensee)
Sir,*

*1. I hereby request you to supply electrical energy to the premises hereinafter described.
(Note : This undertaking does not preclude a separate written contract being entered into, if so desired by the Licensee or the consumer.)*

2. I agree to pay for said energy, service connection charges, the deposit of such security, meter rent, as may be demanded in accordance with the scale of rates prescribed under Tamil Nadu Electricity Distribution Code, Supply Code, notifications and orders issued in this regard by Tamil Nadu Electricity Regulatory Commission.

3. I wish to be charged under Tariff under schedule of the TNERC tariff order dated..... .

4. I agree to take supply for years and utilize the energy in the premises described hereunder or outside the premises for my bonafide use.

5. In case I sell or otherwise dispose of the property / vacate the premises while the supply is continued, I agree to give one Calendar month notice in writing and pay all the arrears to the Licensee. Failing such notice, I hold myself responsible for energy consumed in the premises till such notice is given to the Licensee.

6. Description of the premises

Door No. and / or name of the house or premises

Street

Town / Village and Taluk

Owned by (Name in Block Letters)

Tenanted by (Name in Block Letters)

Applicant's address for correspondence:

The following are my requirements

7. The following are my requirements

(A) Lighting	Number of Points	Wattage of points	Total Wattage
(i) Lights	-	-	-
(ii) Fans	-	-	-
(iii) Convenient wall plugs	-	-	-
(B) Domestic electrical apparatus:			
(i) Cookers	-	-	-
(ii) Water heaters	-	-	-
(iii) Refrigerator	-	-	-
(iv) Air Conditioners			
(v) Other purpose	-	-	-
(vi) Convenient wall plugs			
(C) Power Loads			
(i) Domestic			
(ii) Industrial			
(iii) Welding			
(iv) Other purposes			
(v) Convenient			
Wall Plugs			
Demand applied			
for in KW			
The wiring has been completed on :			

Signature of the Applicant

Place :

Date :

Note : The application shall be accompanied with the following documents:

- (i) Certified copy of proof of ownership such as sale deed/ partition deed/gift settlement /allotment letter/computer patta / ownership certificate issued by revenue department officials /court judgment or recent property tax receipt.
- (ii) In the case of joint property, certified copies of proof of ownership such as legal heir certificate along with parent documents specified in note(i) above and consent letters from co-owners. If consent letter is not produced, an indemnity bond with enhanced security deposit.

- (iii) *If the applicant is not the owner, consent letter from owner in FORM No.5 or valid proof of occupancy, and indemnity bond in FORM No.6.*

FOR LICENSEE'S USE ONLY
Application registered as No. _____ dated _____

Note.1. In case of transfer of the service, fresh application should be signed by the transferee (or a letter signed by both the transferor and transferee, agreeing to the above conditions for transfer should be obtained).

2. Additions or omissions to the connected load to be notified to the Licensee before effecting the electricity connections.

PRECAUTION TO BE ADOPTED BY CONSUMERS, OWNERS, ELECTRICAL CONTRACTORS, ELECTRICAL WORKMEN, AND OTHER SUPPLIERS OF ENERGY

No electrical installation work, including additions, alterations, repairs and adjustments to existing installations except such replacement of lamps, fans, fuses, switches and other component parts of the installations as in no way alter its capacity or character shall be carried out upon the premises or on behalf of any consumer or owner for the purpose of the supply of energy to such consumer or owner, except by an authorized person specified by the Authority.]”

11.5 From the above, it is clear that the intending consumers shall submit Form 1 along with the following documents to get supply of electricity.

- (i) Certified copy of proof of ownership such as sale deed/ partition deed/gift settlement /allotment letter/computer patta / ownership certificate issued by revenue department officials /court judgment or recent property tax receipt.
- (ii) In the case of joint property, certified copies of proof of ownership such as legal heir certificate along with parent documents specified in note(i) above and consent letters from co-owners. If consent letter is not produced, an indemnity bond with enhanced security deposit.
- (iii) If the applicant is not the owner, consent letter from owner in FORM No.5 or valid proof of occupancy, and indemnity bond in FORM No.6.

11.6 Therefore, if the intending consumers submit Form 1 along with any one of the above documents, the licensee is duty bound to effect supply of electricity to such premises within 30 days from the date of receipt of application.

12. Findings on the Second issue:

12.1 The appellant argued that since Poolampatti village is coming under Notified area, necessary clearance from the Chief Engineer, State Ground and Surface water resources should have been obtained by the AE/TNEB/Poolampatti from the consumer prior to energise the bore well to tap Ground water (as per G.O.Ms No.52 dated 2.3.12).

12.2 The respondent argued that Thiru. Suresh Kannan is the legal owner of the land in SF.No:174/2 of Poolampatti village. Hence as per Regulation 27 (1) & (3) of TN Electricity Distribution Code the service connection has been effected to Thiru. S.Suresh Kannan for building construction under Temporary Supply category.

12.3 The Respondent further argued that there is no provision in any of the instructions from TNEB or regulations from TNERC to prevent the licensee to effect supply to an applicant for a reason that he has a bore well in vicinity to another private bore well, since the appellant has quoted G.O.(MS).No:52/dt.2.3.12 of PWD in support of his objection to effect service connection for Thiru.S. Suresh Kannan.

12.4 Further the respondent argued that only when the Government order is adopted and issued as a separate Proceedings of the Board will alone bind the activities of Electricity Board. Also the supply effected to Thiru.Suresh Kannan was only after observing the rules and regulations in vogue at TNEB.

12.5 The respondent submitted the following documents in proof of having effected the service connection to Thiru.S.Suresh Kannan:

- i) Copy of LT application in (Form 1)
- ii) Copy of sale deed document No.818 of 2016, dated 26.2.2016
- iii) Copy of undertaking
- iv) Estimate copy of AEE/O&M/Edappady

12.6 On perusal of the above documents, it is noted that the individual has applied for temporary service connection vide his application dated 14.03.2017 and same has been registered in the office of the AE/O&M/Poolampatti vide Registration No.AE/PPY/TySy/026/16-17, dated 24.03.2017. Subsequently the proposal and estimate for the temporary supply service was sanctioned by AEE/O&M/Edappady vide Sanction No.626/A51/434/ 2016-17, dated 27.03.2017 and service connection was effected on 20.04.2017.

12.7 On a careful reading of the above, I am of the considered opinion that the service connection effected to Thiru.S.Suresh Kannan is in line with Regulation 27 of TN Electricity Distribution code.

12.8 Further in the case on hand there is some dispute between the Appellant and Respondent regarding NOC. The appellant has argued that the AE in his letter dated 25.03.2017 has requested for NOC from the concerned department i.e. PWD so as to energize bore well constructed adjacent to his Agricultural well. However, Respondent replied that no such NOC was insisted from the applicant.

12.9 In this regard, I would like to refer the relevant para the AE/O&M letter dated 25.03.2017 which is given below:

மேலும் தங்களின் மனு 24.03.2017 அன்று பெறப்பட்டதில் மீண்டும் ஆய்வு செய்யப்பட்டதில் மின்வாரியத்தில் TNERC Clause 27(1)ன்படியும் மற்றும் மின்வாரிய விதிகளின் படியும் மின் நுகர்வோர் விவசாய மின் இணைப்பு கேட்டால் அதற்கு அரசு ஆழ்துளை கிணறு, PWD வாய்க்கால், காவரி ஆறு, அரசு திறந்த வெளி கிணறு இவற்றிற்கு மட்டுமே தூரம் எடுத்து கொண்டு சரியான தூரத்தில் மின் நுகர்வோர் ஆழ்துளை கிணறு இருந்தால் மின் இணைப்பு வழங்கப்படும். அவ்வாறு இல்லாத பட்சத்தில் சம்மந்தப்பட்ட துறையிடம்

தடையில்லா சான்று பெற்று வரும்படி அறிவுறுத்தப்படுகிறது. மேலும், தங்களது கட்சிக்காரரின் கருத்துகள் ஏற்படையதாக இல்லாத காரணத்தினாலும் திரு. சுரேஷ் அவர்கள் வீடு கட்டுமான பணிக்காக அவருடைய சொந்த நிலத்தில் வீடு கட்டுவதற்கு மின்இணைப்பு கோரியுள்ளார் என்றும் மேலும் தங்களது புகார் மனுவை கருத்தில் கொண்டு மின்வாரிய விதிகளின்படி நடவடிக்கை எடுக்கப்படும் என்ற தகவல் தங்களுக்கு அன்புடன் தெரிவித்துக் கொள்ளப்படுகிறது.

ஒப்பம் (25.3.17) AE/O&M/Poolampatti ”

12.10 On a careful reading of the above, it is be noted that the distance criteria and necessary clearance (NOC) from the concerned department is applicable only when extending agricultural supply to private bore wells which are within 100 metres of Public bore wells / wells sunk by the Government/Local Bodies, PWD Canal and Kaveri River belt area. But in the case on hand the issue is between two private parties and the distance criteria are not applicable since the temporary supply effected to Thiru.S.Suresh Kannan was for the house construction activity and was not for the purpose of agriculture. Hence I agree with the arguments of Respondent that NOC was not insisted from Thiru.S.Suresh Kannan.

13. Findings on the Third issue:

13.1 The appellant has prayed to pass order to disconnect the power supply provided to S. Suresh Kannan with immediate effect since there is a deviation in every step and violation of Govt. Orders for effective supply.

13.2 In view of my finding in para 12, it is concluded that there is no deviation in effecting temporary supply of electricity to Thiru.S.Suresh Kannan.

13.3 Further the reason stated by the Appellant to disconnect the Service Connection is not as per the provisions in the regulations which are given below

- i) Non payment of Electricity charges as per Regulation 21 of the Supply Code.
- ii) On deduction of theft of electricity as per Regulation 23 (A) (1A) of the Supply Code.
- iii) Where a consumer refuses to allow a licensee or any other authorize person to enter his premises or land in pursuance of the provision of subsection 1 & 2 of Section 163 of the Electricity Act and
- iv) the licensee can terminate the agreement by giving one month notice in writing if the consumer has violated the terms of the agreement or the terms of conditions of the code or the provisions of the Act and Rules and Regulations made thereunder as per regulation 33 of the Distribution code.

14. Conclusion:

14.1 In view of my findings in para 11, 12 and 13, I am unable to interfere with the Orders of the CGRF of Mettur EDC.

14.2 With the above findings, the AP 44 of 2017 is treated as closed.

(S. Devarajan)
Electricity Ombudsman

To

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2) The Executive Engineer/O&M/Edappady,
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4) The Assistant Engineer/O&M,
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5) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
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TANGEDCO,
Mettur Dam - 636 401, Salem District.

6) The Chairman & Managing Director,
TANGEDCO,
NPKRR Maaligai,
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7) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
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8) The Assistant Director (Computer) – **For Hosting in the TNEO Website please**
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