



TAMIL NADU ELECTRICITY OMBUDSMAN

19- A, Rukmini Lakshmiipathy 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.9 of 2017

Thiru. 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, AE/Pandanallur)

Date of hearing : 6.4.2017

Date of order : 15-5-2017

The petition dated 23.1.2017 filed by Thiru R. Venkataraman, K.K. Nagar, Chennai – 600 078 was registered as Appeal petition No. 9 of 2017. The above appeal petition came up for hearing before the Electricity Ombudsman on 6-4-2017. 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 :

- (a) The AE/O&M/Pandanallur to be enquired for his statement as confirmed by the JC Hr & CE Mayiladuthurai to the CM office. If true, necessary actions may be taken against the AE for violation of law and certifying misuse.
- (b) On complaint the AEE O&M Kumbakonam North has acted against the Department by not conducting inspection in a proper way and submitted a contradicting report favouring the consumer and against the department and law and suppressing the facts, hence request to take appropriate action for violating the law and misusing his authority.
- (c) The AEE/O&M/Kumbakonam north also acted in favour of the consumer and hinted them to get a new connection before the inspection of the APTS. Hence, request to take appropriate action against AEE for his act for not taking action against the AE for allowing the misuse.
- (d) The consumer has to be assessed for whole period of misuse confirmed by the Joint Commissioner officially to the Government Since, the period of misuse is clearly confirmed the assessment may not be limited to one year since it is

recommended only when the period of misuse cannot be ascertained. The consumer is a custodian of the who represents and his violation cannot be treated as a violation by the God. Hence, request to take appropriate actions as per law.

(e) The Hon'ble forum can decide the case on the misuse of authority and violation of law by the officers concerned causing loss for the department and pass orders to the appropriate authority. i.e. The Chairman, TNERC or the Chairman and MD TANGEDCO or any other forum that this Hon'ble forum may decide to take actions against the consumer.

2. Brief History of the case:

2.1 The Appellant filed a online petition before the CGRF on 23.11.16 requesting taking action against AEE for not taking action under section 126 or 135 in respect of SC No.482-001-1104 effected in the name of Pasupatheswarar Koil, and taking action against the AE for his lapses etc.,

2.2 As there was no reply from the CGRF of Thanjavur EDC, the Appellant filed a petition before the Electricity Ombudsman. As 50 days have since been passed without reply from the CGRF, the above petition was registered as appeal petition No.9 of 2017 as per regulation 17(4)(a) of the Regulation for CGRF and Electricity Ombudsman.

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

3.1 As per the statement of the JC HR & CE a service connection No.06-482-002-1 was given in 1954 in the name of the E.O and address of the operating service connection was mentioned as Pasupatheeswarar Koil Pandanallur as per his letter 8763 dated 15.11.2016.

3.2 There is no evidence for any existence of a separate service connection from 1954 for the Aathi Kesava Perumal Koil and it is presumed that electricity was used from the service connection given to the Sri Pasupatheeswarar Temple.

3.3 As per the statement of the JC HR & CE that he had to apply for a separate service connection for the Sri Aathi Kesavaperumal Temple for additional loads for Kumbabishegam during 2003.

3.4 As per the Formation of rules and guidelines by then TNEB immediately rectified the misuse of Electricity by advising to take a separate service connection since the temple had a physical separation and separate entrance. If there was no physical separation and separate main entrance, it is a violation of law for granting a separate connection and a new meter board in a different place in service connection no.482-001-1104.

3.5 The service connection No.482-001-1104 was given through a different routing and through a different distribution during 2012 in a new wiring of the Sri Aathi Kesava Perumal Temple with a separate meter board inside the Aathi Kesavaperumal Temple. I state that the OTR of the said service connection No.482-001-1104 will substantiate the evidences. The above service connection was disconnected on 5.8.2014 due to non payment of consumption bill.

3.6 There were several complaints on the temple management on mis management and the perumal koil without electricity without any Bhattachariyar and regular pujas. The E.O and the head clerk of the Sri Pasupatheeswarar Temple defended the complaint and confirmed though the service connection was disconnected said that there was electricity drawn from the service connection of the Sri Pasupatheeswarar Temple. The Pandanallur TANGEDCO officials removed the above service meter only on 21.9.2016 after the complaint.

3.7 He made a representation to the Government about the misuse of electricity which attracts action against section 135 (E) of the Electricity Act 2003 and the assessment can be made as per the statement of the temple authorities. The Joint Commissioner and the divisional Head of the HR & CE Mayiladuthurai Confirmed that electricity was drawn from the Sri Pasupatheeswarar Temple service connection 482-002-1 from 5.8.2014 vide his letter 8763 dated 15.11.2016 and defended that he surrendered the service connection and the Pandanallur. AE approved the usage from the other temple and that he has certified and signed and approved the usage in the bills.

3.8 The report of the AEE is challenged on the following grounds :

(i) The disconnected service was in use for 12 years.

(ii) As per FMB there is a physical separation between the two temples.

The service gate for moving machinery / heavy materials during maintenance work cannot be treated as the Permanent/main entrance of the temple. The main entrance is on the Eastern side. As per agamas Sivan and Perumal cannot be in one place without separation. The AEE failed to check with the Revenue records namely the patta which are two different pattas and FMB which clearly shows the separation AEE has given a wrong report saying that there is no separation. If that is true the new service connection given during 2002 is a violation which he has not inspected all these years.

(iii) The AEE did not conduct the inspection in the presence of the E.O of the temple and without the presence of the AE and did not take the statement from temple authorities/consumer.

(iv) The AEE failed in his duty to submit a provisional assessment for the misuse.

(v) The AEE warned the consumer to immediately take a new service connection. When there was no misuse found in the inspection why the AEE suggested to apply for a new connection separately.

4. Contention of the Respondents-1 to 4 :

4.1 At the time of inspection no violation found in the site so collection of compounding & compensation is not required.

4.2 Enquiry is made as per the TANGEDCO norms.

4.3 In this regard there is no permission given by Junior Engineer, Pandanallur.

4.4 Petitioner said SC No.482-001-1104 account was closed on 20.9.2016 and all dues pertaining to this service were adjusted and new service 482-001-1744 was effected as per the consumer request on 5.11.2016.

5. Hearing held by the Electricity Ombudsman :

5.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was conducted before the Electricity Ombudsman on 6-4-2017.

5.2 Thiru R. Venkataraman, the Appellant herein attended the hearing and putforth his arguments.

5.3 Thiru C. Elanselvan, Assistant Executive Engineer / O & M / North Kumbakonam the Respondent II herein and Thiru. S. Kalyanasundaram, Junior Engineer / O & M / Pandhanallur the Respondent – 3 herein have attended the hearing and putforth their arguments. The Respondent 1 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.

6. Findings of the Electricity Ombudsman :

6.1 The prayer of the Appellant is regarding extending supply for SC No.482-002-1 of Sri Pasupatheeswarar Temple to Aathi Kesava Perumal temple which is located adjacent to Sri Pasupatheeswarar temple. The Appellant argued that it was misuse of Electricity which attracts action under Section 135 (e). He has also stated that his petition may be treated as Public Interest petition on Revenue loss.

6.2 The Grievance of the Appellant is extending supply from a service connection of a premises (temple) to another premises (another temple). The Appellant also argued that it was misuse of electricity which attracts action under section 135(e).

6.3 In this regard, I would like to refer regulation 5 of the Regulations of CGRF & Electricity Ombudsman which is extracted below:-

*“5. The forum shall take up any kind of grievances/complaints as defined in clause 2 (f) of these Regulations. However, the consumer's grievances concerned with
(i) unauthorized use of electricity as detailed u/s 126 and
(ii) offences and penalties as detailed u/s 135 to 141 of the Electricity Act 2003 are excluded from the purview of this forum.”*

6.4 It is noted that the Consumer grievance connected with unauthorized use of Electricity under Section 126 and offences and penalties as detailed under Section 135 to 141 of the Electricity Act 2003 are excluded from the purview of the Forum.

6.5 As the grievance of the Appellant is extending supply to other premises and issues related to same grievance, I am of the view that the CGRF & Electricity Ombudsman do not have jurisdiction to entertain such complaints in terms of the above said regulation 5.

6.6 In this regard, it is to be noted that the above position was already informed to this Appellant in Electricity Ombudsman letter dt.29.11.2016 in response to his petition dt.21.11.2016.

6.7 In view of the above, the petition filed by the Appellant is dismissed.

7. Conclusion :

7.1 In view of the findings in para 6 above, the Appeal petition 9 of 2017 is dismissed. No Cost.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru. R. Venkataraman,
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Thiruvaidaimarudhur Salai, Rajan Thottam,
Kumbakonam.

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

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

7) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi Pathy Salai,
Egmore,
Chennai – 600 008.