



TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai

Present : Thiru. S. Devarajan, Electricity Ombudsman

AP No. 57 of 2017

Miss. Sheryle Wilcox,
No.3, First Street, Association Road,
Madhavaram,
Chennai – 600 060.

..... Appellant
(Miss. Dorothy Wilcox)

Vs

The Superintending Engineer,
Chennai Electricity Distribution Circle/North,
TANGEDCO,
5A, Block,
144, Anna Salai, Chennai – 600 002.

..... Respondent
(Tmt. S. Chitradevi, AEE/O&M/Madhavaram)

Date of hearing: 05.12.2017

Date of order : 24.05.2018

The Appeal Petition dt. 9.11.2017 filed by Miss Sheryle Wilcox, Madhavaram, Chennai was registered as Appeal Petition No. 57 of 2017. The above appeal petition came up for hearing before the Electricity Ombudsman on 5.12.2017. 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 prayed to supply 100% electricity and requested to remove and destroy all the unlawful industrial service connections TNEB has unlawfully connected to her house.

2. Brief History of the case :

The Appellant filed a petition before the CGRF for redressal of her grievance of illegal connection from her service cable to her neighbour and is being used for illegal activities and also requested 100% electricity to her service connection. The CGRF of Chennai EDC/North has not replied to her grievance even after 50 days and therefore the appellant preferred this appeal petition before Ombudsman.

3. Contention of the Appellant :

3.1 Sir, you are consciously aware that under Section 15 of the Terrorist Act, and various Sections of all Acts against terrorism, bomb making etc., are applicable and enforceable in my case, as you have no jurisdiction over terrorist activity of unlawful activity of bomb making, and you have no right to make me and my family suffer for so many years, the fear of our lives, deterioration of our health, due to the MLA lawyer Mr. V K. Murthy's unlawful bomb making, done without prior intimation to me, and without my permission, on my house property. Besides my family and I have suffered from 1993, the strong smells of poisonous and noxious gases, toxic chemical bombs, stench of the disease laden "dirty bombs", and probably radiological and nuclear materials, for the MLA/Councillor Mr. V. K. Murthy's, unlawful bombs, aided and abetted by TNEB, on my private house.

3.2 Clause 17(4), and Sections of the CGRF, and Ombudsman Regulations 2004, are not applicable to unlawful bomb making, for which you have no jurisdiction, and you are bound to direct my genuine petition to the appropriate

competent authority. You have failed to do so, but you have used a time wasting tactic, of making me unnecessarily wait for 50 days, for a case that does not lie with you, but with the Hon'ble TADA Court at Madras High Court

3.3 Sir, you are not empowered to take cognizance of the offence of terrorist activity of unlawful bomb making, but you are duty bound to forward my complaint to the competent authority viz: our Prime Minister, Shri Narendra Modi-ji, who frequently publishes that he is against terrorism, and on 09 August 2017 had published a pledge " ... striving for a corruption free and terrorism free India ... " Or you should have forwarded my complaint to our Home Minister Shri Rajnath Singh-ji, or even forwarded it to the Hon'ble TADA Court. INSTEAD, unlawfully you cover up TNEB's abetment, and MLA Mr. V. K. Murthy's bomb making on my house done without my permission.

3.4 With deep bitterness, I strongly object to the senior most Public Servants from TNEB abetting MLA lawyer Mr. V. K. Murthy's unlawful bomb making on my private house, and I also object that you Sir, as an Hon'ble Judge, alongwith the Chairman TNERC, and the Director of your Computer Division, all three senior most Public Servants from TNERC, are unlawfully encouraging erring Public Servants from TNEB, and the unlawful bomb making, just because it is organised by another erring Public Servant the MLA lawyer Mr. V.K. Murthy. Where is the oath that each of you Public Servants make to Government, that you "will be neutral, and will conscientiously uphold the law". About two months ago, one High Court had published that at their swearing in, (..Judges swear to uphold the law as given in the law books ..."

3.5 WHEREAS, you Sir, as an Hon'ble Judge, you failed to uphold The Electricity Act, TNEB Rules, Government norms, Ombudsman's Regulations, and all laws in force, etc., despite the vast sea of indisputable proof of evidence on the face of the record of Government TNEB's (unlawful) Legal Creatures, against TNEB's numerous cognizable offences, and MLA Mr. V. K. Murthy's unlawful bomb making, without my permission on my house, that I own and live in.

3.6 Sir, you are consciously aware that various Sections of numerous Acts against terrorism, bomb making, etc., are applicable for my genuine complaint with vast proof of indisputable evidence available, and that in compliance with the law, you ought to have dealt very firmly with the senior most Public Servants from TNEB (TANGEDCO) for acting or purporting to act, while carrying out their official duties but violating the Law. WHEREAS, the said senior most Public Servants corruptly, consciously, deliberately and defiantly transgressed many cognizable Sections of The Electricity Act, TNEB Rules Regulations, Government norms, and all laws in force. Despite the vast sea of proof of evidence, unlawfully you have ignored TNEB's numerous cognizable offences.

3.7 I still strongly object that TNEB still violates Sec. 135 (e), and misuses my electrical connections, for which I have paid mandatory Deposit to TNEB for Domestic service connection for my household appliances. I did not pay TNEB for MLA Mr V. K. Murthv's mike and speaker system, illegal cameras, dual switches etc., by which TNEB unlawfully deprives me of 98 % electricity and water from the borewell in my house. For 25 years I am deprived of Ac, 14 years I am deprived of TV & fridge etc.

3.8 I invoke Article 21 of The Constitution for house owners legal rights for:

- i) Correct address record, for my TNEB Consumer card, as per TNEB 1992 records and for several years, but changed without intimation to me.
- ii) I insist on my legal Consumer's right for TNEB to supply me 100 % electricity and to water from the borewell in my house.
- iii) Immediate destruction & removal of MLA Mr. V. K. Murthy's hazardous Industrial connections, TNEB has unlawfully reconnected to my house from the said MLA's houses etc., for his unlawful bomb making, without my permission on my house.
- iv) For TNEB to unloop and separate the three phases of my Domestic meter. I paid TNEB for three phase meter, I want all three phases for my own usage, not for MLA Mr. V. K. Murthy's unlawful misuse.

- v) Removal of all illegal'T' connections from my u/g power cable, given by TNEB.
- vi) Immediate removal and destruction of all the illegal Domestic connections and dual switches unlawfully attached to every electrical switch in my house.
- vii) I insist on removal of MLA's unlawful cameras, mikes, dual switches etc., installed without my permission inside my house, invading my privacy, even in the toilets.
- viii) Removal of PVC conduit pipes from my house walls, without my permission, unlawfully embedded by TNEB, for Mr. V. K. Murthy's unlawful Industrial connections, and also for the Domestic connections TNEB stole from my house.
- ix) To forward my complaint 14 July 2017, to our Prime Minister and to our Home Minister, or to the Hon'ble Judge at the TADA Court at the Madras High Court, for framing of charges and trial.

4.0 **Counter affidavit filed by the Respondent :**

4.1 I respectfully submit that point-1 As per regulations for consumer grievance redressal forum and electricity Ombudsman Regulation 2004(6)(2) every grievance to the forum must be submitted in writing in the complaint format given in Annexure-1. No such petition in format received from the petitioner. The petition has been received only through CE/D/North address by the petitioner. Hence, the petition was sent to the field for disposal.

4.2 I respectfully submit that the consumer states that as per class 17(4) within a 50 days has to be replied by the CGRF to the Petitioner. But the complaint letter dated 14.7.2017 not received by Chairman CGRF/North so far.

4.3 I respectfully submit that point-2 that the consumer states that neighbor involved in Bomb making and terrorist activity aided and abetted by TNEB. The TNEB is not related to such type of complaint.

4.4 I respectfully submit that the consumer states that point-3 to 7 is not related to TNEB and all the complaints will come under the law and order. And also not related to the CGRF complaint regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman 2004, 6(2) part I General-2 (f to k)

4.5 I respectfully submit that the consumer states that point-8 and 9 misuse of electricity. There is no illegal dual switch, no illegal camera and there is no theft of energy in the inside of consumer premises.

4.6 Hence, once again I submit that As per regulations for CGRF and Electricity Ombudsman Regulations 2004, 6(2), the consumer has not submitted the petition as per CGRF format and the complaint given is also not related to CGRF, it is related to law and order.

4.7 For the past 15 years this type of complaints are being received from Ms. Wilcox and so many reply has been given by our official, but still she is not convinced. Hence, the petition may be dismissed, at this end.

5. **Hearing held by the Electricity Ombudsman:**

5.1 To enable the Appellant and the Respondents to put forth their arguments in person, a hearing was conducted on 5.12.2017.

5.2 Miss. Dorathy Wilcox has attended the hearing on behalf of the Appellant and putforth her side arguments.

5.3 Tmt. S. Chitradevi, AEE/O&M/Madhavaram has attended the hearing on behalf of the Respondent and putforth her side arguments.

6.0 **Arguments putforth by the appellant on the hearing date:**

6.1 The appellant has reiterated her arguments furnished in the appeal petition.

6.2 The appellant has further insisted to supply 100 % electricity to pump water from the borewell in her house since she does not get sufficient voltage for pumping of water.

6.3 The appellant has further requested to remove MLA Mr. V. K. Murthy's hazardous Industrial connections that TNEB have unlawfully reconnected to her house for unlawful bomb making, without her permission. Further the appellant has insisted to remove MLA's unlawful cameras, mikes, dual switches etc. installed inside the house without her permission.

6.4 Further the appellant has requested all three phases for her own usage and not for V.K.Murthy's unlawful misuse. Further requested to remove all illegal PVC conduits pipes from her house walls and "T" Connection from her UG power cable.

7.0 **Arguments putforth by the Respondent on the hearing date:**

7.1 The representative of respondent has reiterated the contention further in the counter affidavit.

7.2 The respondent has argued that on inspection it was found that there is no misuse of electricity by the appellant's neighbour. Further there is no illegal dual switch and there is no theft of electricity inside the appellant's premises.

7.3 Further the respondent has argued that other complaints of the appellant such illegal activities, bomb making etc will come under law and order and not related to the complaints under CGRF Regulations.

8. Findings of the Electricity Ombudsman:

8.1 I have heard the arguments of both the appellant and the respondent. Before going into the merits of the case I would like to point out the issues to be considered for redressal as per Regulations for CGRF and Electricity Ombudsman, 2004. The same is furnished below:

8.2 Issues for considerations: In the petition, the Appellant has raised lot of issues which are not connected with electricity services. As per CGRF Regulation 2 (f) complaint means any grievance made by a complainant in writing on. (i) defect or deficiency in Electricity service provided by the licensee. (ii) Unfair or restrictive trade practices of a licensee in providing electricity services. (iii) Charging of a price in excess of the price fixed by commission for consumption of electricity and allied services. (iv) Electricity services which will be unsafe or hazardous to public life in contravention of provisions of any law for the time being in force.

8.3 Hence, the following prayers of the Appellant which are related with Electricity services provided by the licensee alone are considered for redressal.

- (1) Permanently remove all illegal connections tapped from her power cable.
- (2) Remove MLA Mr. V. K. Murthy's hazardous Industrial connections that TNEB have unlawfully reconnected to her house for unlawful bomb making.
- (3) The water pump is not pumping water due to low voltage. This has to be rectified.
- 4) Neighbors' loop all the three phases of her meter box into a single phase and switch of the power to her house. The appellant needed all the three phases for her own use.
- 5) Further the appellant has insisted to remove MLA's unlawful cameras, mikes, dual switches etc.
- (6) Correct address record for her TNEB consumer card as per TNEB 1992 records.

8.4 During the hearing on 05.12.2017, the appellant was informed that the Electricity Ombudsman has only jurisdiction to redress the grievance of the consumer which are related to the electricity services provided by the licensee.

8.5 Prayer (1) to (5) of this appeal petition are one and same as that of the prayers contained in the appellant's previous Appeal Petition No.39 of 2012. In this connection I would like to refer Regulation 17(4) (c) of CGRF and Electricity Ombudsman, 2004 which is extracted below:

"17 (4)

(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 same matter."

On a careful reading of the above, it is noted that Electricity Ombudsman cannot entertain the complaint 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 same matter.

Therefore Prayer (1) to (5) of this appeal petition which were settled in the Appeal Petition No. 39 of 2012, is not taken up on the files of Ombudsman to give decision.

8.6 Regarding prayer (6), the appellant has requested to provide correct address record as per TNEB 1992 records which have changed now without any intimation to her. Therefore the respondents are directed to verify the correctness of the address as per records or correct the address as per the proof given by the appellant within 7 days from the date of issue of this order.

8.7 Further the Appellant has complained that her water pump is not pumping water due to low voltage. Even though the prayer is already settled in A.P.No.39 of 2012, the respondent is directed to inspect the Appellant's service connection and attend the low voltage problem if any.

9. Observation :

9.1 The Appellant is making a very serious allegations that her neighbour is misusing electricity for illegal activities which shall not be treated lightly. Therefore, the licensee, not below the rank of Executive Engineer may be deputed to carry out surprise check on the Appellant's house and of her neighbour so as to ensure safety.

9.2 The Appellant is advised to seek redressal of her grievances relating to defect or deficiency of the electricity services provided to her own service connection. The appeal on the issues already redressed and the issues not related to the electricity services will not be entertained.

10. Conclusion:

10.1 In view of my findings in Para 8 above, the respondent is directed to verify the correctness of the address as per records or correct the address as per the proof given by the appellant within 7 days from the date of issue of this order.

10.2 Low voltage problem if any shall be rectified within 30 days.

10.3 A compliance report in this regard shall be furnished within 45 days from the date of receipt of this order.

10.4 With the above findings the A.P. No. 57 of 2017 is finally disposed of by the Electricity Ombudsman. No Costs.

(S. Devarajan)
Electricity Ombudsman

To

1) Miss. Sheryle Wilcox,
No.3, First Street, Association Road,
Madhavaram,
Chennai – 600 060.

2) The Superintending Engineer,
Chennai Electricity Distribution Circle/North,
TANGEDCO,
5A, Block,
144, Anna Salai, Chennai – 600 002.

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

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

5) The Assistant Director (Computer) – **For Hosting in the TNEO Website please**
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
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