



TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai

Present : Thiru. S. Devarajan, Electricity Ombudsman

A.P. No. 9 of 2018

Dr. K. Sivarajamony,
4-49(1) South Thamarai kulam,
South Thamarai kulam Post,
Kanyakumari District - 629 701.

..... Appellant
(Dr. K. Sivarajamani)

Vs

The Executive Engineer,
Nagercoil
kanyakumari Electricity Distribution Circle,
TANGEDCO,
Parvathipuram,
Nagercoil. PIN - 629 003

..... Respondent
(Tmt. N. Thenmozhi, EE/D/Nagercoil)

Date of hearing: 07.06.2018

Date of order :05.07.2018

The Appeal Petition dt. 1.3.2018 filed by Dr. K. Sivarajamony, 4-49(1) South Thamarai kulam, South Thamarai kulam Post, Kanyakumari District 629 701 was registered as Appeal Petition No. 9 of 2018. The above appeal petition came up for hearing before the Electricity Ombudsman on 7.6.2018. 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 for free agricultural service connection under SFS as per seniority vide application dated 20.09.2011.

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

2.1 Appellant has applied for free Electricity for agriculture on 20.9.2011 by paying Rs.50/- vide receipt No.PCB 441124 and Registration No.11409121577 and as per the discussion with the Executive Engineer, the appellant had given a written application for seeking special quota under RSFS and paid Rs.500/- on 20.09.2012.

2.2 Meanwhile the appellant has come to know that those who have applied in the year 2013 were considered. Hence he approached the Executive Engineer for service connection. Since there was no response, the appellant has filed complaint to the Chairman, Consumer Redressal forum, Kanyakumari District.

2.4 The CGRF of Kanyakumari EDC have issued order on 11.01.2018. Aggrieved over the order, the appellant preferred this appeal petition before the Ombudsman.

3. Orders of the CGRF :

3.1 The CGRF of Kanyakumari Electricity Distribution Circle have issued its order on 11.1.2018. The relevant portion of the order is extracted below :-

“தீர்வு

மின் பகிர்மான உரிமையாளரால் மன்றத்தில் சமர்ப்பிக்கப்பட்ட விவசாய மின் இணைப்பு பதிவு ஏட்டின் நகல், மனுதாரருக்கு 26.9.2012ல் சாதாரண வரிசையில் விவசாய விண்ணப்பம் பதிவு செய்ததற்கான ஒப்புக்கை சீட்டு அனுப்பப்பட்டதற்கான ஏட்டின் நகல், 17.8.2017 அன்று செயற்பொறியாளர் விநியோகம் நாகர்கோவில் அவர்களால் நடத்தப்பட்ட விசாரணை அறிக்கையின் நகல் ஆகியவை மன்றத்தில் ஏற்றுக் கொள்ளப்படுகிறது.

மனுதாரர் மனுவில் குறிப்பிட்டுள்ள ரூ.500/- செலுத்தியதற்கான ஆவணம் எதுவும் சமர்ப்பிக்கவில்லை.

மன்றத்தில் சமர்ப்பிக்கப்பட்ட ஆவணங்களின்படி மனுதாரர் இலவச விவசாய மின் இணைப்பு வேண்டி அளித்த விண்ணப்பமானது சாதாரண வரிசையில் பதிவு எண்.62/2012-13ன் படி பதிவு செய்யப்பட்டு அதற்கான பதிவு கட்டணம் ரூ.50/- TIK114ARIS1877 நாள் 20.9.2012 மூலம் செலுத்தப்பட்டது என்பது உறுதி செய்யப்படுகிறது.

மனுதாரர் ரூ.50000/- செலுத்தி விவசாய மின் இணைப்பு பெற சம்மத கடிதம் அளித்தார் என்பதற்கான ஆவணம் எதுவும் சமர்ப்பிக்கவில்லை என்பது மன்றத்தில் உறுதி செய்யப்படுகிறது.

விசாரணையின்போது மனுதாரர் தட்கல் முறையில் விவசாய மின் இணைப்பு பெற 16.10.17 ல் சம்மத கடிதம் அளித்ததாகவும் ஆனால் தற்பொழுது தட்கல் முறையில் மின் இணைப்பு வேண்டாம் என்று கூறியது இம்மன்றத்தில் ஏற்றுக் கொள்ளப்படுகிறது.

மனுதாரருக்கு ரூ.50000/- செலுத்தி சுயநிதி திட்டத்தின் மூலம் (RSFS) மின் இணைப்பு பெற சம்மதம் இருப்பின் சம்மத கடிதம் செயற்பொறியாளர், விநியோகம், நாகர்கோவில் அவர்கள் அலுவலகத்தில் சம்மத கடிதம் கொடுத்து மின் இணைப்பு பெறலாம் என்றும், மனுதாரர் சம்மத கடிதம் கொடுக்கும் பட்சத்தில் மின் பகிர்மான உரிமையாளர் நடவடிக்கை எடுக்க வேண்டுமென்று தீர்மானிக்கப்படுகிறது.

மனுதாரர் விவசாய மின் இணைப்பு வேண்டி 20.9.2012 அன்று அளித்த விண்ணப்பம் தற்பொழுது நிலுவையிலுள்ளது. அரசு உத்தரவின்பேரில், முன்னுரிமையின் அடிப்படையில் மின்சார வாரிய விதிமுறைகளுக்குட்பட்டு மின் இணைப்பு வழங்கப்படும் என்ற மின் பகிர்மான உரிமையாளரின் வாதம் ஏற்றுக் கொள்ளப்பட்டது.

முடிவுரை

மனுதாரர் திரு. கே. சிவராஜமணி, தென்தாமரை குளம் அவர்கள் ரூ.50000/- செலுத்தி சுயநிதி திட்டத்தின் மூலம் (RSFS) விவசாய மின் இணைப்பு பெற சம்மதம் இருப்பின் செயற்பொறியாளர் விநியோகம் நாகர்கோவில் அலுவலகத்தில் சம்மத கடிதம் கொடுக்க வேண்டுமென்றும், அவ்வாறு கொடுக்கும்பட்சத்தில் மின்பகிர்மான உரிமையாளர் நடவடிக்கை எடுக்கவேண்டுமென்று உத்தரவிடப்படுகிறது.

மனுதாரர் விவசாய மின் இணைப்பு வேண்டி 20.9.2012 அன்று அளித்த விண்ணப்பம் சாதாரண முன்னுரிமை வரிசையில் நிலுவையிலுள்ளதால் அரசு அளிக்கும் குறியீடுகளின் (Target) முன்னுரிமையின் அடிப்படையில் தமிழ்நாடு மின்சார வாரிய விதிமுறைகளுக்குட்பட்டு மின்இணைப்பு வழங்கப்படும் என்று இம்மன்றம் தெரிவித்துக் கொள்கிறது.”

4. Arguments in the appeal petition filed by the Appellant :

4.1 I have applied for free Electricity for agriculture on 20.9.2011 by paying Rs.50/- vide receipt No.PCB 441124 and Registration No.11409121577. As per the discussion with the Executive Engineer, I had given one written application for seeking special quota (RSFS) and paid Rs.500/- on 20.09.2012 vide Receipt No. TIK114 ARIS 1877. I was waiting for the intimation for paying Rs.50000/-. But it was neither considered nor given any information.

4.2 Meanwhile I came to know that those who have applied in the year 2013 were considered. I have written a letter to Executive & Superintending Engineer and to the Honourable Collector of Kanyakumari District. On 17.08.2017 the Executive Engineer had kept an enquiry. But there is no justice.

4.3 On 13.12.2017 I have filed complaint to the Chairman Consumer Redressal forum, Kanyakumari District. The Superintending Engineer conducted an enquiry on 11.01.2018. The Enquiry Committee told that as per their record my application was received by the Executive Engineer on 20.09.2012. Further they asked me to submit a fresh application by paying Rs.500/- for getting free Electricity Connection under RSFS (Rs.50000). On 10.01.2018 I have submitted a fresh application and paid Rs.500/- on 30.01.2018. Receipt No. JIK143IA 2S3008 dated 30.01.2018.

4.4 The CGRF has provided me the enquiry report on 16.02.2018 which clearly states that the following documents were missed by the Office bearer.

- 1) My RSFS option letter dated 18.09.2012 and 20.09.2012.
- 2) Not providing/showing me the Xerox copy of the receipt No. TIK114AR1S1877 dated 20.09.2012 and receipt PCB 441124/11 Registration No.11409121577
- 3) Revenue Tax Receipt, Patta, Land survey Plan which were given by the Village Officer on 10.09.2011.

4.5 The circumstances stated herein above. It is clearly proved that the cause of action took place by the negligence and maladministration of the concerned officer and I am not satisfied to the enquiry held on 11.01.2018. Hence you are kindly requested to hold proper enquiry and justice may be granted.

5.0 Arguments in the Counter affidavit filed by the Respondent :

5.1 The petitioner Dr.K.Sivarajamani, South Thamaraiikulam had applied for free Electricity for Agriculture only on 14.9.2012 as against 20.9.2011 as stated in the petition. After field verification by the Junior Engineer/ Distribution/ Kottaram vide letter dated:15.9.2012, the petitioner has paid sum of Rs.50/- towards registration fees as below.

- a) Application No.11409121577
- b) PR.No:TIK114AR1S1877, dt:20.9.2012
- c) PCB NO:441124
- d) Amount Rs:50/-

5.2 The application was registered under Normal priority on 20.9.2012, as priority No.62/12-13 ,dt:20.9.2012. The petitioner has not submitted any application seeking special quota (RSFS) and has not paid Rs: 500/- on 20.9.2012 as stated in the petition.

5.3 The petitioner has not given option seeking special quota (RSFS) and registration fees of Rs.500/- has not been paid. Hence no intimation was given

to pay Rs.50000/-. The Executive Engineer/Distribution/Nagercoil has conducted an enquiry and the same was confirmed that no option for RSFS was given by the petitioner.

5.4 The Consumer Redressal forum has conducted an enquiry on 11.01.2018. Once again it was confirmed that the original application was: received by the Executive Engineer/Distribution/Nagercoil on 20.9.2012 only. Subsequently the petitioner was suggested to submit a fresh application by paying Rs.500/- for getting free electricity RSFS (Rs.50000/-). The petitioner had submitted fresh application and paid Rs.500/- vide Receipt no. TIK143IA2S3008, dt:30.1.2018.

5.5 No letter for RSFS option dated 18.9.2012 and 20.9.2012 has been received in this office. The Xerox copy of the PCB no.441124, dt:20.9.2012 has been submitted in the consumer grievance redressal forum. No documents regarding land have been received in this office on 10.9.2011.

6.0 Rejoinder to the Counter Affidavit:

6.1 There are number of false statements made by the Respondent in their counter Affidavit filed on 4.05.2018. I have applied for free Electricity for agriculture on 20.09.2011, the Registration No is 11409121577, Receipt No. PCD 441124, Amount Rs.50/-.

6.2 In the original application, the serial number was not printed. The application No. 11409121577 as stated by the Respondent is not the application number but it is the registration Number, and P.R. Number TIK1140AR1S1877 is the receipt Number for payment of Rs.500/- made by me on 20.09.2012.

6.3 Further the Respondent stated that the application was registered under Normal priority on 20.09.2012 as priority No.62/12-13, dt. 20.09.2012. Respondent neither sent any acceptance letter nor asked the petitioner to submit option letter for special Quota (RSFS). On 10.09.2012 when I met the Executive

Engineer and explained my grievance, he suggested me to pay Rs.500/- for seeking special Quota. As such I had submitted one option letter on 18.09.2012 in H.R.O. letter head and another application on 20.9.2012 and paid Rs.500/- on the same date. But the two letters were misplaced.

6.4 The Respondent stated that the petitioner didn't give any option letter for seeking special Quota and not paid Rs.500/- Hence intimation was not sent, I say that, my option letters were misplaced by the Technical Assistant. More over there was no special Quota in that time. So the department should inform to the applicant about the special Quota. But no such information given by the Respondent.

6.5 The Respondent conducted an enquiry on 06.01.2018 and not submitted the same report before the enquiry committee arranged by the Consumer Redressal forum on 11.01.2018. Hence the enquiry committee couldn't take proper decision.

6.6 The Respondent misguided the enquiry committee by producing manipulated documents. But the committee understood that the negligence done by the concerned clerk and wanted to settle the matter amicably. Hence they asked me to give one more fresh option letter, and promised that my application will be considered as 2012 priority basis. Hence I paid Rs.500/- on 30.01.2018.

6.7 I have paid Revenue Tax and get Thasildar's signature on 10.09.2011 and submitted the application on 20.09.2011 by paying Rs.50/- vide Receipt No. 441124 dated 20.09.2011.

6.8 In the facts and circumstances stated here in priority may be given to the petitioner on merit.

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 07.06.2018.

7.2 Dr. K. Sivarajamani, the appellant herein has attended the hearing and putforth his side arguments.

7.3 Tmt. N. Thenmozhi, EE/D/Nagercoil has attended the hearing and putforth her side arguments.

8.0 Arguments putforth by the appellant on the hearing date:

8.1 The appellant has reiterated his arguments furnished in the appeal petition.

8.2 Appellant has argued that only after the discussion with the Executive Engineer, he had given a option letter for seeking special quota (RSFS) and paid Rs.500/- on 20.09.2012 vide Receipt No. TIK114ARIS1877.

8.3 Further the CGRF have told that as per their record my application for agricultural service connection was received by the Executive Engineer only on 20.09.2012. The respondents have misguided the Forum by manipulating documents. Therefore to settle the issue they asked me to submit a fresh application by paying Rs.500/- for getting free Electricity Connection under RSFS and promised that my application will be considered as 2012 priority basis. Hence, I have submitted a fresh application and paid Rs.500/- on 30.01.2018 vide receipt no. JIK143IA2S3008 dated 30.01.2018. Now, it is learnt that I will get the priority on 2018 seniority basis under RSFS.

8.4 The appellant has requested to give priority based on his original application dated 20.09.2011 under normal category and requested to consider 2012 priority under RSFS scheme based on his option letter dated 20.09.2012.

9.0 Arguments putforth by the Respondent on the hearing date:

9.1 The Executive Engineer, Nagercoil, the respondent herein has reiterated the contention furnished in the counter affidavit.

9.2 Respondent has stated that the appellant had applied for free Electricity for Agriculture only on 14.9.2012 as against 20.9.2011 as stated in the petition. After field verification by the Junior Engineer/ Distribution/ Kottaram vide letter dated:15.9.2012, the appellant has paid sum of Rs.50/- vide PR.No:TIK114AR1S1877, dt:20.9.2012 towards registration fees.

9.3 Further, the application was registered under Normal priority on 20.9.2012, as priority No.62/12-13, dt.20.9.2012. The appellant has not submitted any application seeking special quota (RSFS) and has not paid Rs.500/- on 20.9.2012 as stated in the petition.

9.4 Further, the respondent stated that the Consumer Redressal forum has conducted an engaging and confirmed that the original application was received by the Executive Engineer/Distribution/Nagercoil on 20.9.2012 only. Subsequently the appellant was suggested to submit a fresh application by paying Rs.500/- for getting free electricity under RSFS scheme Rs.50000/-. The appellant had submitted fresh application and paid Rs.500/- vide Receipt no. TIK143IA2S3008, dt:30.1.2018.

10. Findings of the Electricity Ombudsman:

10.1 I have heard the arguments of both the appellant and the respondent. In this connection, the following are the issues to be decided.

- i) whether the contention of the appellant that he has paid Rs.50/- on 20.09.2011 for registering the application for free electricity under normal category and Rs.500/- on 20.09.2012 towards special priority under RSFS (Rs.50000/-) Scheme is correct?
- ii) whether the appellant's request to seek special quota under RSFS (Rs.50000/-) Scheme considering 2012 priority basis is acceptable?

11. Findings on the first issue:

11.1 The appellant has stated that he has applied for free electricity for agriculture on 20.09.2011 and paid Rs.50/- towards registration fee vide receipt No.PCB 441124 and registration number is 11409121577. Further he stated that he does not have any copy of receipt for having paid Rs.50/- towards application registration fee on 20.09.2011.

11.2 The appellant has further stated that in continuation to his agricultural application dated 20.09.2011, he has given option letter to seek special quota under RSFS (Rs.50000/-) Scheme and paid Rs.500/- for registering under RSFS vide P.R. Number TIK114AR1S1877, dated 20.09.2012. When asked to produce the copy of receipt, he refused to submit the receipt and stated that he will produce the same only before the Hon'ble High Court.

11.3 The respondent has stated that the appellant had applied for free Electricity for Agriculture only on 14.9.2012 as against 20.9.2011. After field verification by the Junior Engineer/ Distribution/ Kottaram vide letter dated:15.9.2012, the appellant has paid a sum of Rs.50/- vide PR.No:TIK114AR1S1877, dt:20.9.2012 towards registration fees. The respondent has produced the following documents:

- i) Appellant's copy of application dt. 20.9.2012 for agriculture service connection (Form- 2)
- ii) Field inspection report called for from the JE/Kottaram by the Executive Engineer vide letter dated 14.09.2012.
- iii) Field inspection report of JE/Kottaram dated 15.09.2012 addressed to the Executive Engineer/Distribution/Nagerkoil.
- iv) Daily collection report pertaining to 20.09.2012 vide PCB No.441124.
- v) Copy of petty cash book No.441124, dated 20.09.2012.
- vi) Copy of agriculture application register – Page No.93

11.4 On perusal of the above documents, it is noted that on receipt of the appellant's application for agriculture service connection, the Executive Engineer has called for field inspection report from the Junior Engineer/Kottaram on 14.09.2012 and the JE has submitted his field inspection report on 15.09.2012. Based on the field report the application was registered on 20.09.2012 by collecting registration fee of Rs.50/- vide PR No.TIK114AR1S1877, dated 20.09.2012.

11.5 The appellant has stated that he has paid Rs.50/- vide PCB No.441124 on 20.09.2011. On perusal it is found that Petty Cash Book (Bill Collections) No.441124 pertains to the Assessor's total collection made on 20.09.2012. As per the extract of the PCB Rs.97547/- has been collected by cash and Rs.11669/- has been collected by cheque and the same has been remitted into Axis Bank, Nagercoil Branch vide Challan No.M138097, dated 20.09.2012.

11.6 Further the split up details of the Daily Collection Report made on 20.09.2012 has been perused and found that Rs.50/- has been collected towards application fees vide Receipt No. TIK114AR1S1877 by cash (DCR SI No.107). Consolidated collection as per DCR is Rs.1,09,216/- {Rs.97,547/- (cash) + Rs.11,669/- (cheque) } which is tallied with PCB No.441124, dated 20.09.2012.

11.7 On perusal of copy of agriculture application register page number 93, it is found that Appellant's application has been registered vide Registration No.62/12-13 which is preceded by Thiru.Raskin Kadatcham vide Registration No. 61/12-13, dated 20.09.2012 and followed by Tmty.Anna Pushpam, w/o Narayanan vide Registration No.63/12-13, dated 22.09.2012

11.8 Further, the collection report made on 20.09.2011 has also been perused and found that 160 cash receipts amounting to Rs.54,589/- was collected on that day (Receipt No.TIK114AR11589 to TIK114AR1748) vide PCB No.424625 and there was no collection under the head Application Fees (61909a). The following are the abstract of collection made on 20.09.2011;

	<u>Account Head</u>	<u>Account Code</u>	<u>Amt. in Rs.</u>
i)	White Meter Card	61956	10
ii)	R.C.Charges	61902	360
iii)	BPSC	62250	61
iv)	CC Charges	23100	54158

		Head wise total amount	54589

11.9 On a careful consideration of the foregoing paras, I am of the considered opinion that the contention of the appellant that he has paid Rs.50/- on 20.09.2011 for registering the application for free electricity under normal category and Rs.500/- on 20.09.2012 towards special priority under RSFS (Rs.50000/-) Scheme is not acceptable based on the available documents.

12. Findings on the second issue :

12.1 As per my findings in para 11, the appellant's request to seek special quota under RSFS (Rs.50000/-) Scheme considering 2012 priority basis is not acceptable to me. Therefore, I am unable to give any relief to the appellant.

13. Conclusion :

13.1 In view of my findings in para 11 and 12 above, I am unable to interfere with the orders of the CGRF of Nagercoil Electricity Distribution Circle.

13.2 With the above findings the A.P. No. 9 of 2018 is finally disposed of by the Electricity Ombudsman. No Costs.

(S. Devarajan)
Electricity Ombudsman

To
1) Dr. K. Sivarajamony,
4-49(1) South Thamaraiikulam,
South Thamaraiikulam Post,
Kanyakumari District - 629 701.

2) The Executive Engineer,
Nagercoil
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Parvathipuram,
Nagercoil. PIN - 629 003.

3) The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Parvathipuram,
Nagercoil. PIN - 629 003.

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

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

6) 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.