



# TAMIL NADU ELECTRICITY OMBUDSMAN

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## BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

**Present: Thiru. S. Devarajan Electricity Ombudsman**

### **Appeal Petition No. 26 of 2018**

Thiru. Viswanathan Devarajan,  
Flat No.2, V-25, 14<sup>th</sup> Street,  
V-Block, Anna Nagar,  
Chennai – 600 040.

. .... Appellant  
(Rep by Thiru. Viswanathan Devarajan)

Vs

The Executive Engineer/O&M/Anna Nagar,  
Chennai Electricity Distribution Circle/West,  
TANGEDCO,  
No.1100, H-Block 5<sup>th</sup> Street,  
11<sup>th</sup> Main Road, Anna Nagar,  
Chennai – 600 040.

. .... Respondents  
(Rep by Thiru. S. Udaya Sankar, Executive Engineer/  
O&M/Anna Nagar )

**Date of hearing : 14.8.2018**

**Date of Order : 20.12.2018**

1. The Petition dt. 18.5.2018 filed by Thiru. Viswanathan Devarajan, Flat No.2, V-25, 14<sup>th</sup> Street, V-Block, Anna Nagar, Chennai – 600 040 was registered as Appeal Petition No.26 of 2018. The above appeal petition came up for hearing before the Electricity Ombudsman on 14.8.2018. 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:**

Improper shifting of meter box not in conformity with Rules & Regulations, positioned in the steps of the stairway causing obstruction which may lead to electrical accident since it is protruding into the pathway of the staircase steps. The meter box shall be positioned nearer to the cut out in a safe location at the cost of respondent.

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

2.1 The petitioner Thiru. Viswanathan Devarajan residing in an apartment at V-25, 14<sup>th</sup> Street, Anna Nagar, Chennai – 40 which is one among the 5 flats. There are 7 domestic service connection Nos. 169-025-288 to 169-025-294.

2.2 With the consent of all the 5 flats owners they have shifted the meter box from the basement to ground floor leaving the cut out in the basement itself. The present location of meter box is in the foot path adjacent to the staircase causing obstruction for movement.

2.3 The Appellant represented to CGRF of Chennai Electricity Distribution Circle/West on 20.11.2017 requesting to arrange for inspection by a Senior Engineer of TANGEDCO and to rectify the defects. The complaint was registered with the CGRF, Chennai EDC/West on 25.11.2017.

2.4 The CGRF held a hearing on 30.01.2018, issued its order on 16.04.2018. Aggrieved over the order of CGRF, the Appellant has filed this appeal petition with the Electricity Ombudsman.

### **3. Order of the Forum**

The CGRF of Chennai Electricity Distribution Circle/West have issued its order on 16.4.2018. The relevant portion of the order is extracted below :-

“ Order :

*In view of the above, the respondent is directed that shifting of the service connection point to some other location in the petitioner’s premises may be taken up as per regulation 5(6) of TNE Supply Code, if the request is received from all the owners of the premises and proper location shown by them in the same premises. Also it is directed that the service cable hanging shall be properly clamped in safe and secure manner within 30 days from the date of receipt of this order”*

**4. Arguments of the Appellant furnished in the Appeal Petition :**

4.1 In the hearing held on 30-01-2018 the Member Forum directed the Respondents to go for inspection and find out if there is any obstruction and report the same before the Forum. From the date of hearing every alternate day officials from TANGEDCO had come, inspected and taken photos and confirmed the violation and obstructions and assured me to shift it to the proper place in a day or two.

4.2 After a fortnight, the AE told me that he has visited 5 or 6 times our premises as per the direction of the Member Forum but all the times the owner Ms. Vidya did not permit him to enter and inspect the place and threatened to call the police.

4.3 The complainant has failed to get redress at the hands of the internal machinery and the hierarchical authorities. Further the Forum concluded stating that upon hearing the arguments of the petitioner and the respondent and on verification of the records without highlighting petitioner's arguments.

4.4 Further the Forum stated that in the written statement given by the owners it is observed that the owners had purchased the new board and completed the wiring works by themselves.

4.5 The complaint is against the improper shifting of Meter boxes positioned in the steps of the stairway in violation of laid down regulations, norms, instructions and procedures that causes obstructions that may lead to death or injure by means of electrocution. The improper shifting of meter boxes is against the Electricity Act 2003 which insists to protect the public from dangers arising from the distribution of electricity or use of electricity supplied or installation, maintenance or use any electric line or electrical plant.

4.6 Respondents always stated that the present location of meter box is nearby steps as against positioned on the steps of the stairway.

4.7 Even for argument sake if the owners have chosen the place as claimed by the Respondents, don't the Respondents see the obstructions or know the regulations and procedures in that aspect. Clear obstruction still exists.

4.8 I have been complaining since May 2017 about the matter extremely serious that may cause electrocution - the dangerous improper shifting of meter box carried out. No doubt that the said shifting is in violation of the laid-down norms, rules, regulations, instructions and procedures and accepted by TANGEDCO.

4.9 The task of shifting the meter boxes from basement to FF has been undertaken by the AE Mr. Manimaran and his electrician as claimed by the other owners. Four meter long cable passing through 9 inches drilling hole from the EB cutout in the basement to meter boxes in the FF was used.

4.10 I hope that the Ombudsman will take necessary action to rectify the mistakes appear openly.

#### **4. Arguments of Respondent furnished in the Counter:**

4.1 I submit that the owners Tmy.Shanthi, Tmy.Vidya, Tmty.Bindu & Tmy. Parvathy Devarajan of Residential apartment at V - 25,14th Street, V -Block, Anna Nagar, Chennai - 40 -have requested to shift their meter in the basement floor to

Ground floor vide their representation dt.14.11.16, signed by all the owners. Based on that, the premises at V-25,14<sup>th</sup> Street, Anna Nagar, Chennai - 40 was inspected and on the date of inspection, the owners of the premises had shown the proposed new location of meter box in the Ground floor. Hence, the owners of the premises were informed to install the adequate size of the distribution box to cater their loads in the new location at Ground floor. The shifting charges of Rs.335/- per service was paid by the consumers on 19.11.16. The owners of the premises have installed the new distribution box in built with fuse unit in Ground floor by engaging the electrician themselves and they have requested to shift the meter from the basement floor to the Ground floor. Hence, meters at the basement floors were shifted from basement to ground floor after releasing the meters at basement.

4.2 I deny the averment and allegation of the appellant that the owner of the premises Tmt. Vidhya not permitted AE to enter and inspect the appellant's premises. I submit that co-owners of the premises had allowed for inspection of the meter board but they have not permitted to shift the meter board to another location.

4.3 I deny the contention of the appellant that the respondent had obtained the statement from the co owners for favouring to them. I submit that based on the complaint of the appellant to the TANGEDCO, the Assistant Exe Engineer/ O&M/ Anna nagar had enquired the owners of the premises and the written statement given by the above owners themselves.

4.3 I deny the averment and allegation of the appellant that the shifting of meter box not properly carried out and violated the norms and also new location of meter box placed nearby staircase. I submit that the shifting work was taken up only on payment of necessary charges by the all the owners of the premises and after completing the new meter board erection in the new location in common area and wiring works completed by the electrician engaged by the owners of the premises. I submit that the shifting carried out as per norms in the new location chosen by the owner of the premises only and there is no violation.

4.4 I deny the averment and allegation of the appellant that the fake bill of the meter box was given by the AE Manimaran. I submit that Thiru Manimaran, Assistant Engineer/O&M/Anna Nagar/ North had collected only shifting charges from the consumer as per norms and he is not involved any such work of purchase of materials as stated by the appellant. The owners of the premises only had purchased the new Distribution meter box with necessary switches and completed the wiring work by themselves which is statutory duty of consumer. The written statement furnished by the co owners of the premises Tmt Vidhya, Tmt Shanthi & Tmt Bindu are submitted herewith.

4.5 I deny the averment of the appellant that the service cable was not properly laid from basement floor to Ground floor. I submit that the service cable was released from the existing cutouts in the basement floor and properly connected to the newly installed distribution box at ground floor. As per the direction of CGRF order, the service cable was properly clamped in safe and secure manner.

4.6 I deny the contention of the appellant that the CGRF/CEDC/West has not accepted their request and rejected the petition. The Chairman/CGRF has conducted the enquiry on 30.1.2018. During the hearing, the petitioner has been given ample opportunity to represent the case and putforth his views. I submit that order of the CGRF is issued in accordance with rules only.

4.7 I submit that the meter boards from basement floor to ground floor were shifted based on the request of all the owner of the premises and the new location in common area at ground floor was chosen by the owners of the premises only. Now the appellant has again requested to shift the meters of his service connection alongwith the all the other owners to some other location in their premises without the consent of other owners. As the other owners not given consent, the request of the appellant to shift the other owners meters in the present location to another location is not feasible of compliance. It is again reiterated that shifting of all meters from Basement floor to Ground floor were done at the consent of all the owners concerned.

4.8 Under the above Circumstances, it is prayed that the Electricity Ombudsman may please be dismiss the above appeal in TNEO Appeal No. 26 of 2018 as having no merits and thus render justice.

**5. Rejoinder submitted by the Appellant :**

5.2 The Respondent sent his officials at 07.30 pm (seems to be untimely) and served the affidavit untimely after taking more than 80 days against the 10 days' time given by the Ombudsman. The issue is whether obstruction exists or not that is pending since 2016.

5.3 The Respondent stated that the owners of the flats made representation on 14-11-2016 for shifting and based on that, inspection was carried out and the owners were informed to install the distribution box in the new location shown by them in the GF. The shifting charges of Rs.335/- per service were paid on 19-11-2016. The owners have requested to shift the meter from BF to GF after releasing the meters at BF. Who are the owners, who have shown the location and who is the Engineer satisfied with the location (where the obstruction still exists)in conformity with rules, regulations, instructions, guidelines and procedures prescribed. Who has done the testing and when - since the shifting charge Rs.335/- consists of Testing Fees of Rs.150. When details of all these are available with him why the Respondent failed to give in the affidavit.

5.4 The respondent further stated that the co-owners had allowed for inspection of meter board. The AE Mr. Manimaran told me that he had come to our premises on 10-02-2018 (as per the directions given by the Member CGRF at the time of hearing on 31-01-2018) and subsequent 5 or 6 times to find out the obstruction free location to position the meter box. He further told that the owner Ms.Vidya alone did not permit him to enter and inspect by threatening to call police.

5.5 Since the matter is extremely serious and there was no development till 25th Mar 2018, I went to SE office on prior appointment at 3 pm on 26th Mar 2018. Then I wanted to know whether the said shifting is in order or in violation of the laid-down regulations, instructions and procedures. They maintained silence. They refused to rectify the dangerous position of the cutout and meter boxes. By 4 pm on the same day the AE concerned Thiru. Manimaran and his Foreman were taking photos and searching for the better place where no obstruction exists. They told me that it will be shifted by tomorrow. Why the Respondent has not spoken about it in his affidavit. Since they didn't turn up till 18-05-2018, I filed complaint with Ombudsman requesting to shift the meter boxes to new place to ensure safety from the death or injure that may cause by means of electrocution.

5.6 I have been complaining since May 2017 about the matter extremely serious that may cause electrocution on account of the dangerous improper position of meter box and also giving an example of the incident wherein a person met injury by means of electrocution on account of obstruction in the staircase. Why the Respondent has not spoken about it in his affidavit though I had brought this injury incident to his notice in my earlier communications.

5.7 The Respondent has not given primacy to the complaint. "Till date the complaint has not been rectified - (1) the Cutout is not adjacent to the Meter box (2) The Meter box must not open out onto a footpath or right of way and must be positioned as near as possible to the Cutout; but here the Meter boxes were positioned open out onto the footpath through stairway. The meter boxes were shifted and positioned on the stairway steps that cause obstruction. The stairway is under usage since 1998 (3) the EB cable has big joint that may cause fire when high voltage passes through.

5.8 Regarding the written statement said to be given by the other owners I am to state that it is contrary to the truth. Why the Respondent has not shown me in the hearing held on 31-01-2018 the statements said to be given by the other owners. It also might be a forgery/fake one.

5.9 As per the direction of the Member/CGRF, officials from TANGEDCO had come, inspected and taken photos and confirmed the violation and obstructions and assured me to shift it to the proper place in a day or two. The inspection made and consequent report submitted to the CGRF before the order was passed is not known till date. Respondent maintains silence about it in his affidavit furnished. The CGRF has given only one hearing and postponed for inspection report from the Respondents. While this is the case how the Respondent could claim that the petitioner has been given ample opportunity to represent the case.

5.10 Therefore it is prayed that my appeal may please be allowed and direct the Respondent to officiate the facts above and position the meter boxes in an obstruction free location.

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

6.1 To enable the Appellant and the Respondent to put forth their arguments in person a hearing was conducted on 14.8.2018.

6.2 The appellant Thiru. Viswanathan Devarajan attended the hearing and put forth his arguments.

6.3 Thiru. S. Udaya Sankar, Executive Engineer/O&M/Anna Nagar has attended the hearing and put forth his arguments.

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

7.1 The Appellant Thiru. Viswanathan Devarajan reiterated the contents furnished in the Appeal petition.

7.2 The Appellant stated that the meter boxes have been shifted to the ground floor but the location is improper. They have been positioned in the steps of the staircase in violation of the laid down regulations, norms and procedures. It is obstructing the stairway which may cause electrocution. The improper shifting of meter boxes is against the Electricity Act, 2003.

7.3 Eventhough the owners have chosen the new location the respondent should have refused to extend the supply in order to comply with the rules and regulations to ensure safety of the consumers.

7.4 The meter boxes have been fixed in a dangerous position violating the norms. The appellatant requested to shift the meter boxes to a safe location with the cutouts adjustment to the meter boxes in the same floor in order to avoid unforeseen electrical accident.

**8.0 Arguments put forth by the Respondent on the hearing date:**

8.1 Respondent has reiterated the contents furnished in the counter affidavit.

8.2 The respondent stated that the new location was decided by the owners of the apartment. The shifting request was submitted by them with the consent of all the owners. The owners of the premises were informed to install adequate size of the distribution box in the new location at the ground floor.

8.3 The owners of the flats have installed the new distribution boxes with inbuilt fuse units in the ground floor on their own and requested to shift the meters from the basement. They have paid the shifting charges and the shifting was carried out as per the norms to the new location chosen by them.

8.4 The Respondent also argued that the new meter erection and wiring works were done by the consumer only.

8.5 The respondent denied the allegation that the service cable has not been lad properly and stated that as per the direction of the CGRF, the service cable was properly clamped in safe and secure manner.

8.6 Stating that the allegations levelled by the appellatant is unwarranted as the shifting work was taken up based on the request of all the owners including the appellatant, the respondent requested to dismiss the appeal petition.

## **9. Findings of the Electricity Ombudsman :**

9.1 I have heard the arguments of both the Appellant and the Respondent. On a careful consideration of the rival submission and perusal of the documents the following are the issues to be decided.

(i) Whether the shifting of meter boxes, cut outs and wires are carried out as per the regulations and safety standards.

(ii) Whether the request of appellant to inspect and rectify the defect at the cost of the licensee is acceptable?

## **10. Findings on the first issue :**

10.1 The Appellant has argued that the shifting of meter boxes is improper, positioned in the steps of the stairway in violation of laid down regulations, norms, and procedures causing obstruction which may cause an accident. In this regard, I would like to refer the regulation 29(4) & 29(10) of TN Electricity Distribution Code with regard to service wires, and the regulation (30) on consumer's installation which was in force at the time of meter box shifting.

(a) Regulation 29(4) and 29(10) of TN Electricity Distribution Code are extracted below :

"29. Service Line :

xxxx xxxx xxxx

*(4) Upon receipt of an application for supply of electricity, a notice will be sent to the intending consumer that he or his/ her authorized representative to meet the Engineer to agree on the position of the point of supply, cut-out or circuit-breaker and meter. The Licensee will in no case fix its meter, cut-out etc., nor allow the same to remain in any position which will entail entry by its employees into certain restrictive areas which are socially well defined. In case of service connection from OH line, the service mains shall be visible and accessible up to metering point for inspection.*

xxx xxxx xxxx

*(10) In all storied buildings irrespective of the number of floors, service connections (whether through overhead wires or through under-ground cables) will be effected normally at the ground floor. Service connections will also be effected, at the request of the consumer, at the basement floor of the storied building, provided the place where the Licensee's meters, cut-outs etc., are installed has direct and independent access from outside, is well ventilated, has sufficient headroom and the doors provided for the service room have adequate fire resistance property and water proof and free from water logging."*

10.2 On a plain reading of the above regulations, it is to be noted that the intending consumer or his/ her authorized representative to meet the Engineer to agree on the position of the point of supply, cut-out or circuit-breaker and meter. The Licensee will in no case fix its meter, cut-out etc., nor allow the same to remain in any position which will entail entry by its employees into certain restrictive areas which are socially well defined. In case of service connection from OH line, the service mains shall be visible and accessible up to metering point for inspection.

10.3 Further, in all storied buildings irrespective of the number of floors, service connections (whether through overhead wires or through under-ground cables) will be effected normally at the ground floor. Service connections will also be effected, at the request of the consumer, at the basement floor of the storied building, provided the place where the Licensee's meters, cut-outs etc., are installed has direct and independent access from outside, is well ventilated, has sufficient headroom and the doors provided for the service room have adequate fire resistance property and water proof and free from water logging.

10.4 Now, the above provision is amended with effective from 4<sup>th</sup> April, 2018 and the amended regulation 29(4) and 29(10) of TN Electricity Distribution Code are extracted below :

"29. Service Line :

xxx xxx xxxxx

*(4) Upon receipt of an application for supply of electricity, a notice will be sent to the intending consumer informing that he or his authorized representative shall meet the Engineer to agree on the position of the point of supply, cut-out or circuit-breaker and meter. The licensee shall not fix its meter. Cut-out, or allow them to*

*remain in a position which will entail entry by its employees into certain restrictive areas which are socially well defined. The service mains shall be visible and accessible up to metering point for inspection.*

xxxx xxxx xxxx

*(10) In all storied buildings irrespective of the number of floors, service connections (whether through overhead wires, or through under-ground cables) will be effected normally at the ground floor. In areas that are prone to floods, the height of the meter shall be raised at a level as may be determined by the Engineer”,*

10.5 As per the amended provisions, whether it is through OH line or through underground cable the service mains shall be visible and accessible up to metering point for inspection. Further in all storied buildings irrespective of the number of floors, service connections (whether through overhead wires, or through underground cables) will be effected normally at the ground floor. In areas that are prone to floods, the height of the meter shall be raised at a level as may be determined by the Engineer.

10.6 Therefore as per the amended regulations, the service connection whether OH line or through underground cable shall normally be effected only at the ground floor i.e. the provision of effecting service connections at the basement floor is dispensed with effect from 4<sup>th</sup> April, 2018. The same provision applicable even for modification if any at later date.

10.7 From the foregoing paras, it is clear that the appellant is responsible for arranging location and fixing the meter boxes, cut-outs and wiring with the concurrence of the respondent.

10.8 In the case on hand, shifting and fixing of meter boxes were done by the owners of the flats including the appellant with the knowledge of the respondent. After having executed the work and extending the supply, the appellant, one among the five owners, raising objection stating that the shifting is improper and is not safe. Clearly it is a case of disagreement among the owners and in no way the respondent is responsible for shifting of meters to the new location in the ground

floor. However, it is clearly visible from the photographs submitted by the appellant that the meter boxes are protruding and occupying the pathway in the staircase which is very unsafe. Clearly it is a mistake on the part of the respondent for having accepted the location though it was carried out by the consumers themselves. As the shifting of meter boxes was done by the owners including the appellant, now blaming the respondent is unfair.

10.9 In view of the above, I am of the considered opinion that the present location is very unsafe and it has not been carried out as per the regulations and safety standards. Hence, it is directed that the meter boxes shall be shifted at the earliest. The respondent is directed to issue notice to all the owners including the appellant to shift the meter boxes and cut-outs to a safe location at the ground floor.

10.10 Further, as per the amended regulations 29(10) it is clear that the meter boxes and cut-outs shall be fixed at the ground floor only and it should not be fixed in the basement, where the areas will be prone to flood which is unsafe. Even in the ground floor, it should be fixed at a suitable height as decided by the Engineer taking into account the level of flood that may occur at the site.

## **11. Findings on the second issue :**

11.1 With regard to rectification works, I would like to refer amended regulation 30(1) of TN Electricity Distribution Code which is furnished below :

### **“30.CONSUMER’S INSTALLATION:**

*(1) The consumer’s installation should invariably comply with the statutory provisions contained under section 53 of the Act relating to wiring and equipment. The responsibility with regard to maintenance or testing of equipments and wiring on consumer’s premises shall lie upon the consumer.”*

11.2 From the above, it is clear that the responsibility with regard to maintenance or testing of equipment and wiring on consumer’s premises shall lie upon the consumers.

11.3 In the case on hand the shifting of meter boxes has been done by the consumers including the appellant and they are only responsible for the work done by them. Hence, it is the responsibility of the consumers to shift and rectify the defects if any in their premises at their own cost including wiring taking safety aspects into consideration.

11.4 However, the consumers are not required to pay the shifting charges of Rs.335/- per service since the same has already been collected by the respondents.

**12. Conclusion :**

12.1 As per my findings in para 10, the respondent is directed to issue notice to all the owners including the appellant to shift the meter boxes and cut-outs to a safe location at the ground floor.

12.2 As per my findings in para 11, the cost towards rectification and shifting of meter board, meter boxes and cut-outs have to be carried out by the consumer.

12.3 With the above findings the AP. No.26 of 2018 is finally disposed of by the Electricity Ombudsman. No Costs.

**(S. Devarajan)**  
Electricity Ombudsman

To

1) Thiru. Viswanathan Devarajan,  
Flat No.2, V-25, 14<sup>th</sup> Street,  
V-Block, Anna Nagar,  
Chennai – 600 040.

2) The Executive Engineer/O&M/Anna Nagar,  
Chennai Electricity Distribution Circle/West,  
TANGEDCO,  
No.1100, H-Block 5<sup>th</sup> Street,  
11<sup>th</sup> Main Road, Anna Nagar,  
Chennai – 600 040.

3) The Chairman,  
(Superintending Engineer),  
Consumer Grievance Redressal Forum,  
Chennai Electricity Distribution Circle/West,  
TANGEDCO,  
33/11 KV Thirumangalam SS Complex,  
Anna Nagar, Chennai – 40.

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,  
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