

A consumer is the important visitor on our premises.
He is not dependent on us. We are dependent on him.
-Mahatma Gandhi



TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai

Present : Thiru. N.Kannan, Electricity Ombudsman

A.P. No. 10 of 2024

Thiru S.Palaniswamy,
1-40, Hassanur, Hassanur Post,
Sathyamangalam, Erode – 638 401.

. Appellant
(Thiru S.Palaniswamy)

Vs.

1. The Executive Engineer/O&M/ Sathyamangalam,
Gobi Electricity Distribution Circle,
TANGEDCO,
D. No. 33A, 4, Siva Complex,
Athani Road, Sathy-638401.

2. The Assistant Executive Engineer/O&M/ Bhavanisagar,
Gobi Electricity Distribution Circle,
TANGEDCO,
Velliampalayam Power House Compound,
Bhavanisagar-638 451.

3. The Assistant Engineer/O&M/ Rajan Nagar,
Gobi Electricity Distribution Circle,
TANGEDCO,
238, Rajan Nagar, Sathy (TK).

. . . . Respondents
(Thiru D.Shanmugasundararaj, EE/O&M/Sathy
Thiru M.Kumanan, AEE/O&M/Bhavanisagar
Thiru M.Premkumar, AE/O&M/Rajan Nagar)

Petition Received on: 15-02-2024

Date of hearing: 16-04-2024

Date of order: 22-04-2024

The Appeal Petition received on 15.02.2024 filed by Thiru S.Palaniswamy, 1-40, Hassanur, Hassanur Post, Sathyamangalam, Erode – 638 401 was registered as Appeal Petition No. 10 of 2024. The above appeal petition came up for hearing before the Electricity Ombudsman on 16.04.2024. 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 has prayed to set aside the order passed by CGRF dated 28.12.2023 and to direct the respondent to issue the Appellant's agriculture service bearing No. 04-362-009-500 in S.F. No. 130/2.

2.0 Brief History of the case:

2.1 The Appellant has claimed that his existing Agriculture EB service connection 04-362-009-500 was wrongly effected to the borewell in SF No. 129/4A which was subsequently disconnected and the same to be provided to his bore well in 130/2.

2.2 Based on the application, the site was inspected and was found that SF No. 129/4A has separated into residential plots and an agricultural service, but the land was not used for agricultural activities. Hence notice was issued to the Appellant to dismantle the agri service connection.

2.3 Since the grievance was not settled with the Respondent, the Appellant filed a petition with the CGRF of Gobi Electricity Distribution Circle on 25.07.2023.

2.4 The CGRF of Gobi Electricity Distribution Circle issued an order on 28.12.2023. Aggrieved by the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Gobi Electricity Distribution Circle issued its order on 28.12.2023. The relevant portion of the order is extracted below: -

“Order:

- 5.7 இருதரப்பு வாதங்களையும் ஆராய்ந்ததில், மேற்கண்ட மின் இணைப்பு தொடக்கத்திலிருந்து மனுதாரரினால் தவறாக அடையாளம் காட்டப்பட்ட சர்வே எண்.129/4ஏ கிணற்றுக்கு வழங்கப்பட்டிருக்க வேண்டும் என இம்மன்றம் கருகிறது.
- 5.8 மேலும் மேற்கண்ட மின் இணைப்பு உள்ள நிலத்தை தற்போது வேறொருவருக்கு கிரையம் செய்து கொடுக்கப்பட்டுள்ளது மன்றத்திற்கு தெரிய வருகிறது.
- 5.9 மனுதாரர் மின் இணைப்பு தேவையிருப்பின், தனது நிலத்தை கிரையம் செய்து கொடுக்கும் முன்னமே இடமாற்றம் கோரி விண்ணப்பம் செய்திருக்க வேண்டும் என இம்மன்றம் கருதுகிறது.
- 5.10 தற்போது எதிர்மனுதாரரின் கடிதம் அளித்ததன் பேரில், மின் இணைப்பை தவறுதலாக கொடுக்கப்பட்டிருப்பது மனுதாரருக்கு தெரிய வந்ததால், மனுதாரர் மின் இணைப்பிற்கு உரிமை கோருகிறார் என இம்மன்றம் கருதுகிறது.
- 5.11 மேலும், மனுதாரர் கோரும் பரிகாரம் வழங்க மின்உரிமத்தாரர்கள் விதிமுறைகளில் வழிவகை இல்லை என்பதை இம்மன்றம் ஏற்றுக் கொள்கிறது.
- 5.12 எனவே மனுதாரர் மன்றத்தில் கோரிய பரிகாரம் வழங்க இயலாது என இம்மன்றம் உத்தரவிடுகிறது.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments, a hearing was conducted on 16.04.2024 through video conferencing.

4.2 The Appellant Thiru S.Palaniswamy attended the hearing and put forth his arguments.

4.3 The Respondents Thiru D.Shanmugasundararaj, EE/O&M/Sathy, Thiru M.Kumanan, AEE/O&M/Bhavanisagar & Thiru M.Premkumar, AE/O&M/Rajan Nagar of Gobi Electricity Distribution Circle attended the hearing and put forth his arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing orders. Further,

the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone is discussed hereunder.

5.0 Arguments of the Appellant:

5.1 The Appellant has stated that the Impugned Order dated 28.12.2023 has been passed without a proper appreciation of the facts and circumstances of the instant case. The learned Forum failed to consider the fact that the appellant was having an agriculture (electricity) service bearing No. 04-362-009-500 for the entire land belonging to him. The said service was sanctioned in the year 2002 to SF, No: 130/2 by the respondent, further due to lack convenience to plant the poles and issue service in S.F.no:130/2, the respondent voluntarily installed the pole and issued the said service in S.F. No: 129/4 which is another part of land that belongs to appellant's Father, the same was wrongly issued to SF. No:129/4 for the reason that the transformer was nearby. The appellant's father being illiterate was not aware of the fact that the connection allotted to S.F. No: 130/2 was installed in S.F. No: 129/4 by the respondent. The father of the appellant have also applied for fresh connection in S.F.No: 129/4 which was sanctioned in the year 2010 and the same was lapsed.

5.2 The Appellant has stated that the learned Forum did not consider the fact that the respondent themselves admitted that the Electricity connection was installed in S.F. No. 129/4, in the show cause notice issued by the respondent dated 03.01.2022, in the name of the appellant's father who had died in the year 2008, calling upon the notice therein to come to the Electricity Board office within seven days on receiving the said notice.

5.3 The Appellant has stated that the learned Forum failed to consider the fact that on 18.04.2022 to appellant's utter shock, without an order passed in any form, the said connection was disconnected by the EB employee, without prior intimation to the appellant when he was out of station. Further on 21.04.2022, a representation was made by the appellant's son S.P. Vishnu Prasath to the Executive Engineer and Assistant Executive Engineer stating that there are lands in Appellant's name adjacent to the service connection's location. Further, the service connection has

been transferred to Appellant's daughter vide Doc. No: 18/2017, in the file of Sub registrar, Thalavadi. It is also pointed out that agriculture (electricity) service bearing No. 04-362-009-500 is the only service that his agriculture work is entirely depending upon.

5.4 The Appellant has stated that the learned Forum failed to consider the fact that the representation made by the Appellant son was not considered by the respondent. Further on 20.06.2022, the appellant made an RTI application dated 26.05.2022 to the respondent and the information for the same was received by the Appellant on 20.06.2022, which clearly states that the service No: 04-362- 009-500 is issued to S.F. No:130/2 wherein, the RTI information issued by the Respondent states that the service in service No:04-362-009-500 is still active in S.F.No: 130/2. Though, there is no such service exists. It is also stated that as per the RTI Information dated 20.06.2022, from the date of sanction, there is no conflict with respect to the connection issued to S.F.No. 130/2.

5.5 The Appellant has stated that the learned Forum did not consider the fact that on 14.07.2022 the Appellant made a representation to the Respondent stating that the service was wrongly given in S.F. No: 129/4, so requested to transfer the same to S.F.No: 130/2 as per the records. For which there was no action taken and followed by the same the appellant made a representation to the Chief Minister of Tamilnadu and the Minister of Electricity Department and Chairman of EB department.

5.6 The Appellant has stated that the learned Forum failed to consider the fact that the respondent submitted that the electricity service connection was disconnected on 07.04.2023, which is contradictory to the RTI information given to the Appellant by the Respondent dated 02.06.2023. The RTI Information given by the respondent based on the records available with the Respondent clearly states that, the Electricity connection was disconnected on 13.12.2022 from S.F. No. 130/2 and not from S.F. No. 129/4.

5.7 The Appellant has stated that the learned Forum did not consider the fact that the respondent also submitted that the Appellant is required to challenge the

disconnection of electricity service connection is unsustainable, the fact is that the Appellant was not served with the order of disconnection of agriculture (electricity) service bearing No. 04-362-009-500 issued to the appellant. It is also pointed out that Appellant made an RTI application to the Respondent seeking the order of disconnection of service, but in the information issued by the respondent dated 20.06.2023, it is clearly stated by the respondent that the connection was issued to S.F. No. 130/2 and the connection was disconnected on 13.12.2022 from S.F. No. 130/2 but no order copy was provided, instead the appellant was answered that the answer in R.T.I was sufficient, which completely contradictory to the facts submitted by Standing Counsel appeared for the Respondent.

5.8 The Appellant has stated that the learned Forum passed the order in CGRF/27/2023 stating that the applicant have identified the borewell wrongly hence the service was erected wrongly. The learned forum has not considered the facts that are mentioned in the RTI report given by the respondent. The forum has failed to note that there was VAO certificate for identification of borewell along with map.

5.9 For the reasons stated above, the Appellant has prayed that this Hon'ble Court may be pleased to set aside the order passed in Petition no: CGRF/23/2023 passed by Electricity Consumer Grievance Redressal Forum dated 28.12.2023 and to direct the respondent to consider the representation made by the appellant dated 14.07.2022 and issue the Appellant's agriculture (electricity) service bearing No. 04-362-009-500 in S.F. No. 130/2, Hassanur Village, Sathyamangalam as per the record or any other order as this Hon'ble Court deems fit and thus render justice.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that a DCW application was registered by Tmt. A. Latha D/o. Arthanari for shifting of existing Low Tension Lines inside the land owned by her in SF No. 129/4A Site No:15 of Hassanur village. The application registration number is 3621221757 dated 28.12.2021.

6.2 The Respondent has stated that based on the DCW application received, Assistant Engineer / Operation and Maintenance / Rajan Nagar has inspected the

site on 31.12.2021. During the field inspection it is found that SF No: 129/4A has separated into residential plots and an agricultural service 04-362-009-500 was operating in the residential site number 9, SF No. 129/4A of Hassanur Village.

6.3 The Respondent has stated that above mentioned land at SF No. 129/4A was converted into residential plots or sites and the land was not used for any agricultural activities. The Chief Engineer / Planning / Chennai has issued clarifications in the letter dated 20.09.2008 for non-agricultural lands having agricultural service connections as below:-

"கடிதஎண்.மேபொ/உள்மிமமே(ப)/செபொ/உள்மி/உ.செபொ1/கோப்பு/எண். 1476

நாள்: 20-09-2008

பொருள் : மின்சாரம் - விவசாய மின் இணைப்பு இடமாற்றம், பெயர் மாற்றம் மற்றும் நிரந்தர மின் துண்டிப்பு செய்வது - தொடர்பாக.

தற்போது ஏற்பட்டு வரும் நகர்ப்புற விரிவாக்கத்தினால், விவசாய நிலங்கள் வீட்டு மனைகளாக பிரிக்கப்பட்டு வருகிறது. மேற்கண்ட நிலங்களுக்கு வழங்கப்பட்டுள்ள விவசாய மின் இணைப்புகள் உபயோகமற்ற நிலையில் இருந்து வருவதால், ஒரு சிலர் விவசாய மின் இணைப்பு அமைந்துள்ள சிறிய இடத்தை விலைக்கு வாங்கி, பெயர் மாற்றம் செய்து வேறு இடத்திற்கு இடம் மாற்றம் கோரி விண்ணப்பிக்கின்றனர்.

எனவே, இது தொடர்பாக கீழ்க்கண்ட உத்தரவு வழங்கப்படுகிறது.

1. பிரிவு அலுவலர்கள் தங்கள் பகுதிக்கு உட்பட்ட விவசாய இணைப்புகளை ஆய்வு செய்து, வீட்டு மனைகளாக மாற்றப்பட்டு உள்ள நிலங்களில் உள்ள விவசாய மின் இணைப்புகளை வாரிய விதிகளின் படி (As per Clause 33(4) of Tamil Nadu Electricity Distribution Code) நிரந்தர மின் துண்டிப்பு செய்யும் படி கேட்டுக்கொள்ளப்படுகிறது.

Also, the Tamil Nadu Electricity Supply Code, in regulation 5, in sub-regulation (6), for clause (3), it states:-

"5. Miscellaneous charges

XXX

(6) xxx

(3) (1) xxx

(2) (1)...(iv) xxx
(v) Shifting shall be considered even if the land alone is sold for non-agricultural purpose...

Hence a show-cause notice dated 03.01.2022 was issued in the agricultural service holders name (Thiru.K.Shanmugam) and received by Thiru. S.P. Vishnu Prasath, S/o. S.Palaniswamy, Grandson of Thiru.K.Shanmugam on 11.01.2022 to permanently dismantle agricultural service connection 04-362-009-500 or to shift the same to other place for agricultural activities.

6.4 The Respondent has stated that meanwhile a new temporary service connection application for construction of new building was received in the name of Tmt. M.Manimozhi with application reference number 200043620322170 dated 01.03.2022 through online portal in the same residential plot (Site No:9) where the agricultural service connection 04-362-009-500 was erected. But the application was put on Hold on 03.03.2022 during inspection stage as required wiring for erecting new temporary connection was not available in the residential site.

6.5 The Respondent has stated that Tmt.M.Manimozhi was also informed that the agricultural service connection 04-362- 009-500 present in the residential plot (Site No: 9) owned by her shall be disconnected as there are no agricultural activities present in the residential plot. She was also informed to permanently dismantle the agricultural service connection 04-362-009-500 or shift the same to other places if required.

6.6 The Appellant has stated that even after that information, Tmt.M.Manimozhi did not come forward to permanently dismantle the agricultural service connection. Hence based on the order issued by The Chief Engineer / Planning / Chennai dated 20.09.2008, the service connection was temporarily disconnected on 07.04.2022 and informed to the owner vide letter dated 07.04.2022 and a request letter dated 07.04.2022 was submitted to Assistant Executive Engineer/ O&M / Bhavanisagar for account closure of the agricultural service connection 04-362-009-500 / TF IV.

6.7 The Respondent has stated that Thiru.S.Palaniswamy S/o. K.Shanmugam has requested to provide details of disconnection and procedure for getting the agricultural service. The required details are given to Thiru.S.Palaniswamy S/o. K.Shanmugam by the Assistant Engineer / Operation and Maintenance / Rajan Nagar through Registered Post with Acknowledgement in the letter dated 07.12.2022.

6.8 The Respondent has stated that agricultural service connection 04-362-009-500 application was initially registered as 384 / Sathy / 97-98 dated 10.11.1997 in the name of Thiru.K.Shanmugam, S/o.Komara Gounder for the Bore- Well in the SF No. 130/2 of Hassanur Village. Later, application was released under SFS (R) Rs.10,000/- scheme for effecting agricultural service connection on priority. Based on that, estimate was prepared and sanction was obtained as 706/E5/200/Ext/2001-2002 date 13.09.2001. As the estimate cost was less than Rs.50,000/-, a lump sum of Rs.9,500/- was collected as per PR.No:978862 dated 29.09.2001.

6.9 The Respondent has stated that as per the sanctioned estimate of the agricultural application, two new LT poles are erected from already existing agricultural service connection 04-362-009-465 in the Distribution Transformer Hassanur SS IV, and service connection 04-362-009-500 was received by Thiru.K.Shanmugam S/o. Komara Gounder on 28.03.2002.

6.9 The Respondent has stated that the agricultural service number 04-362-009-500 in the name of Thiru.K.Shanmugam S/o. Komara Gounder till to date. He also state that as per current field condition the service erected land was converted into residential plots and sold to Tmt.M.Manimozhi for non- agricultural activities. Hence the service connection was temporarily disconnected as per Clause 33(4) of Tamil Nadu Electricity Distribution Code. I also state that for retaining the agricultural service connection, the land must have agricultural activities and shall not be converted into residential plots.

6.10 The Respondent has stated that the petition of the appellant exhibits that due to lack of convenience to plant the poles and issue service in SF No.130/2 of Hassanur Village, TANGEDCO voluntarily installed the pole and issued the said service in SF No.129/4 which was adjacent part of land that belonged to appellant's father Thiru.K.Shanmugam in the year 2002.

6.11 The Respondent has stated that as per the sanctioned estimate of the agricultural application, the service 04-362-009-500 was received by Thiru.K.Shanmugam after erecting two LT poles from the existing agricultural service connection 04-362-009-465 in DT Hassanur SS IV. During erection of poles or even after completing the extension works for the service connection or even up till 2022, neither owner of the service nor enjoyers of the service have come forward to inform that the service connection was received in wrong SF number or to shift the agricultural service to another SF number.

6.12 The Respondent has stated that the distance between the bore well located in SF No.129/4A and SF No.130/2 is around 600 meters. In between, over the years 2016 to 2021, SF No.129/4A land has been sold to other private party and the land was converted into residential plots and those plots are being bought by common public with appropriate approvals from plot authorities and Local Body. Even after selling the agricultural property to residential purposes, neither owner of the agricultural service nor the appellant has come forward to inform that the service connection was received in wrong SF number or to shift the agricultural service to another SF number.

6.13 The Respondent has stated that the estimate cost of the agricultural application in the year 2001 was Rs.19,600/- (with two poles proposed estimate). The intermittent distance between the bore well located in SF No.129/4A and SF No.130/2 is around 600 meters (Around 10 more poles required). The approximate cost of the estimate is around Rs.1,00,000/- (as per 2001 cost-data). Hence, while getting the service connection in the year 2001-02, the owner has wrongly identified the bore-well in the SF No. 129/4A. Because of that Thiru.K.Shanmugam has

received the agricultural service connection 04-362-009-500 in the SF No. 129/4A on 28.03.2002. From that day onwards the service connection exists to operate from the same SF No.129/4A itself. Over the years of 2016 to 2021 the appellant has sold the land with SF No.129/4A for non- agricultural activities where service was operating over the years, and now claiming to unaware about SF No. or the service connection for the last 20 years.

6.14 The Respondent has stated that the appellant may have applied for shifting of agricultural service and should have paid the estimate charges before selling the land / property to others and before converting the land into non-agricultural activities. To obtain agricultural service connection, the land must be used for agricultural activities and a minimum of 50 cents of continuous agricultural land is required as per the Tamil Nadu Electricity Distribution Code, Regulation 29, Sub-Regulation 2 Clause (b). The Respondent has prayed to dismiss the appeal.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard the arguments of both the Appellant and the Respondent. Based on the arguments and the documents submitted by them, the following conclusion is arrived.

7.2 The appellant's contentions is that he was having an agricultural service bearing No. 04-362-009-500 for their entire land, sanctioned in 2002 to SF No: 130/2. However, the respondent installed the service in S.F. No: 129/4, which also belongs to the appellant's father. The appellant's father, being illiterate, was unaware of this wrong location. Additionally, an application for a fresh electricity connection in S.F. No: 129/4, sanctioned in 2010, was lapsed.

7.3 The Appellant has stated that the reply to their RTI application clearly states that the service No: 04-362- 009-500 is issued to S.F. No:130/2, though there is no such service exists. The Appellant has stated that the service was wrongly given in S.F. No: 129/4, so requested to transfer the same to S.F.No: 130/2 as per the records. For which there was no action taken by the respondent. On 18.04.2022, the

above said service connection was disconnected by an EB employee without prior intimation to the appellant.

7.4 The Appellant has stated that the learned Forum passed the order in CGRF/27/2023 stating that the applicant have identified the borewell wrongly hence the service was erected wrongly. The forum has failed to note that there was VAO certificate for identification of borewell along with map. Ultimately, the appellant seeks relief from the court, requesting the overturning of the forum's order and urging the respondent to reconsider their representation made on 14.07.2022 and issue the electricity service connection 04-362-009-500 in the S.F. No. 130/2, Hassanur Village, Sathyamangalam as per the records.

7.5 The respondent presents a detailed rebuttal to the appellant's arguments. They begin by outlining a series of events related to a DCW application for the shifting of existing low tension lines within the land owned by Tmt. A. Latha in SF No: 129/4A of Hassanur village vide application dated 28.12.2021. Upon inspection of the site by the respondent on 31.12.2021, it was discovered that the land in question had been converted into residential plots, and an agricultural service connection (04-362-009-500) was found to be operating in one of these residential plots. Based on that, a show-cause notice dated 03.01.2022 was issued in the name of agricultural service holder (Thiru.K.Shanmugam) to permanently dismantle the agricultural service connection 04-362-009-500 or to shift the same to other place for agricultural activities.

7.6 Although the notice was acknowledged by the service holder's grandson on 11-01-2022, no further response was received from the service holder's side. It later came to light that the agricultural service connection 04-362-009-500 was still active in the bore well of a residential plot owned by Tmt. M. Manimozhi in SF No. 129/4, site number 9. Despite Tmt. M. Manimozhi's request for temporary supply, she did not follow through with the permanent disconnection process. Consequently, the service connection was disconnected on 07-04-2022, and steps were taken to close the account. The Appellant was duly informed on 07-12-2022 that the relocation of

the service connection could only proceed if he possessed ownership of the existing service connection and well.

7.7 Additionally, the respondent argued that the responsibility lies with the appellant to inform the authorities if there are any inaccuracies or changes in land use. The respondent asserts that despite years passing since the installation of the service connection, there had been no indication from the appellant or the landowner of any discrepancy or need for relocation.

7.8 Based on the arguments presented, it appears that there is a dispute regarding the ownership of the EB service connection 04-362-009-500, which was provided to the borewell. The service connection was initially effected to Thiru K. Shanmugam, who owns land in survey numbers 129/3A, 129/3C, 129/4A, 129/4D, 129/5, 130/1, and 130/2, all of which are adjacent to each other. The licensee provided the service connection to the borewell identified by Thiru K. Shanmugam on 28-03-2002. However, it is argued that there may have been an error in identifying the correct survey number of the borewell at the time the service connection was effected.

7.9 Thiru K. Shanmugam purportedly enjoyed the service without raising any dispute regarding the incorrect survey number at the time it was established. It is suggested that the licensee officials relied solely on the version provided by Thiru K. Shanmugam during the installation process, without verifying the accuracy of the survey number. In light of these arguments, it is crucial to conduct a thorough investigation to ascertain the ownership of the borewell and the associated service connection.

7.10 It is also understood, during the hearing from the appellant, that the appellant has two brothers, namely Thiru Munusamy and Thiru Ravichandran. The service owner, Thiru Shanmugam, passed away in 2008. Till date, the service connection has not been transferred to the eligible legal heirs. However, the appellant claims that he is the owner of the service connection and the bore well.

7.11 The respondent came to know that the existing well and service connection were converted to residential plots only upon receipt of the application from Tmt. Latha, who applied for an LT line deviation in her residential plot 129/4A, site no. 15, via a letter dated 28.12.2021. During the inspection alone, the respondent noticed that the LT line passing over the premises of Tmt. Latha for the well at survey number 129/4A, site no. 9, which has EB connection 362-009-500. Hence, the licensee has informed Tmt. Latha vide letter dated 03.01.2022, that her request will be considered subject to the owner of the service connection 362-009-500 in the well either shifting or permanently dismantling the service connection.

7.12 Accordingly, the licensee addressed the owner of the service connection vide letter க. எண். உமிபொ/இ.பே/ராஜன்நகர்/வஆ/கோ-வி.மி.இ-நி.மி.து/எண். 230/2022/நாள் 03.01.2022, stating that the service connection provided to the well was completely converted to residential plots and there were no agricultural activities.

7.13 Further, the respondent discovered that the service connection in question was actually associated with a residential site owned by Tmt. Manimozhi, who acquired the property from Thiru Thirumurugan on 18-08-2021. Prior to Tmt. Manimozhi's ownership, the site belonged to Thiru Thirumurugan. This crucial fact indicates that the borewell to which the service connection exists was not owned by the appellant. This revelation came to light during the processing of an application submitted by Tmt. Manimozhi on 01-03-2022, wherein she sought temporary supply for the construction of a house on the site.

7.14 Furthermore, in accordance with the show-cause notice issued to the service holder, Thiru Shanmugam, on 03-01-2022, records indicate that the service was temporarily disconnected on 07-04-2022. This information underscores that the service connection was not linked to the appellant's property and strengthens the argument that the appellant is not the rightful owner of the EB service connection 04-362-009-500.

7.15 Given the circumstances outlined, it appears that there is uncertainty regarding the eligibility for ownership and usage rights of the EB service connection

04-362-009-500 and the associated borewell. This uncertainty arises particularly in the context of Thiru Shanmugam's demise in 2008, and the subsequent question of whether his son, the appellant, alone is entitled to the service connection and borewell, or if other legal heirs, namely Thiru Munusamy and Thiru Ravichandran, also have rights to use the service connection. Additionally, the fact that no name transfer has been executed to reflect the change in ownership following Thiru Shanmugam's demise further complicates the matter.

7.16 Besides this above observation, on scrutiny of the documents submitted by the respondent, it was found that the well and the service connection were sold to Tmt. Manimozhi as a residential plot in survey number 129/4A from Thiru Thirumurugan on 18.08.2021.

7.17 From the above discussion, it is concluded that the service connection 362-009-500 with the well was not transferred to the appellant subsequent to the demise of the original service holder, Thiru. Shanmugam, who was the father of the appellant. Furthermore, it is noticed from the above paragraph that the well and service connection were sold to Tmt. Manimozhi during 18.08.2021. Before selling the land with the well and service connection 362-009-500, there was no proper name transfer and shifting application to another well. Hence, it is concluded that the claim of the appellant now made to shift the service connection no. 362-009-500 to one of the wells at survey no. 130/2 was an afterthought action subsequent to the issue of notice by the Respondent on 03-01-2022, to the service holder address which he received, and now making a tall claim that the service was wrongly effected to survey number 129/4A instead of 130/2. But since 2002 to 2008, no efforts were made for the wrong correction of survey number.

7.18 After the demise of his father during 2008, who originally owns the service connection, no name transfer was made to his name to claim the service connection and well he was entitled to, and even converting the agriculture land to residential site and sold to various buyers and not got shifted before selling to Tmty.Latha, Thirumurugan, Manimozhi, and many others.

7.19 In this regard, it is relevant to refer regulation 6 of TNERC supply code which provides the conditions for shifting of agricultural service connection. The said regulation is discussed below.

“(6) Service/Line, Structures and equipments shifting charge.

xxx

xxx

3(2)(ii) Shifting of the existing agricultural service connection will be considered only under the following conditions:

(a) Shifting is permissible after one year from the date of effecting the service connection in this existing location or from the date of previous shifting if any.

(b) The applicant should have ownership in the well and the service connection at the existing location and the ownership of the well in the proposed location.

(c) The well at the existing location owned by co-owner(s), should be having separate service connection(s). If the well at the existing location is owned by co-owner(s), but not having separate service connection(s), the consent of co-owner(s) shall be obtained and enclosed with the application.

(d) The well and service in the original location should be owned by the applicant(s) on the date of application and they should continue to be owned by the applicant(s) till the date of shifting the service to the new location.”

7.20 From the above findings, it is evident that the shifting of the existing agricultural service connection will be considered only if the applicant should have ownership in the well and the service connection at the existing location and the ownership of the well in the proposed location. Further the well and service in the original location should be owned by the applicant on the date of application and they should continue to be owned by the applicant till the date of shifting the service to the new location. In the present case, the Appellant did not satisfy the said conditions and moreover, the ownership of the appellant at the existing well was not at all established based on the findings. Therefore, the claim of the appellant is rejected.

8.0 Conclusion:

8.1 Based on the findings above, the appellant's claim of shifting the service connection 04-362-009-500 from survey number 129/4A into another well in SF No. 130/2 has no merit and hence rejected.

8.2 With the above findings A.P.No.10 of 2024 is disposed of by the Electricity Ombudsman.

(N. Kannan)
Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”
“No Consumer, No Utility”

To

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