



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. 84 of 2024

Thiru Stanley Francis,
No.4/1, Main North Street, Arokianathapuram,
Tirunelveli-11.

. Appellant
(Thiru Stanley Francis
& his rep. Thiru Murugan)

Vs.

The Executive Engineer/Distribution/Town/Tirunelveli,
Tirunelveli Electricity Distribution Circle,
TNPDC,
O/o. Executive Engineer,
110/33/11KV SS, Palayamkottai-627 002.

. Respondent
(Tmt. P. Chidambaravadivu, EE/D/Town/Tirunelveli, (i/c))

Petition Received on: 24-11-2024

Date of hearing: 23-01-2025

Date of order: 30-01-2025

The Appeal Petition received on 24.11.2024, filed by Thiru Stanley Francis, No. 4/1, Main North Street, Arokianathapuram, Tirunelveli-11 was registered as Appeal Petition No. 84 of 2024. The above appeal petition came up for hearing before the Electricity Ombudsman on 23.01.2025. 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 for compensation for not receiving reply from the AE & EE in 10 days and prayed to the concerned official to upload the details and issue the proper service connection details to the consumer.

2.0 Brief History of the case:

2.1 The Appellant has prayed for compensation for not receiving reply from the AE & EE in 10 days and prayed to the concerned official to upload the details and issue the proper service connection details to the consumer.

2.2 The Respondent has stated that the requested service connection details are not available in digital format. However, a hard copy of the requested service connection details has been provided to the petitioner, and the service connection details have been digitally updated in the LT Billing system.

2.3 Not satisfied with the Respondent's reply, the Appellant filed a petition with the Consumer Grievance Redressal Forum (CGRF) of Tirunelveli EDC on 10.08.2024.

2.4 The CGRF of Tirunelveli EDC has issued an order dated 28.10.2024. Aggrieved over the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Tirunelveli EDC issued its order on 28.10.2024. The relevant portion of the order is extracted below: -

“Order:

5.1 மனுதாரர் கோரியவாறு, RVA-122ல் உள்ள விவசாய மின் இணைப்பு தொடர்பாக வருவாய் பிரிவில் உள்ள ஆவணங்களின் நகல்களை மனுதாரருக்கு இரண்டு தினங்களுக்குள் அளிக்கும்படி மன்றம் தீர்வு செய்கிறது.”

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 23.01.2025 through video conferencing.

4.2 The Appellant Thiru Stanley Francis and his representative Thiru Murugan attended the hearing and put forth their arguments.

4.3 The Respondent Tmt. P. Chidambaravadivu, EE/D/Town/Tirunelveli, (i/c) of Tirunelveli EDC attended the hearing and put forth her 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 he had requested the Assistant Engineer Distribution section V.M.Chatram Distribution section to issue the service details in respect of the Agricultural Service Connection No. R.V.A.122 on 24.7.2024, but no response. Again he had applied for the same to the Executive Engineer/Urban/ Tirunelveli on 29.7.2024. But both officials not issued the acknowledgement and reply within the stipulated time.

5.2 The Appellant has stated that therefore he filed a complaint at the C.G.R.F in Tirunelveli on 10.8.2024. But the hearing has been conducted on 19.10.24 after 70 days. At the time of hearing the chairman promised to him that the services details would be given within 2 days. But not issued. Again his representative who attended the hearing for him wrote a letter to the Chairman on 28.10.24 regarding the failure of promise. The C.G.R.F. order dated 28.10.24 was actually served to him on 16.11.24 by post in which the chairman directed again that the document may be supplied within two days.

5.3 The Appellant has stated that he had applied for the service details on 24.7.24 and the C.G.R.F. Complaint filed on 10.8.24. But the order served to him on

16.11.24 after 98 days. It is meticulously seems that the chairman is not only followed the rules and regulations but also giving scant respect to the consumer, it is condemnable one.

5.4 The Appellant has stated that the section officer keeping the requisition 114 days, the chairman keeping the complaint 98 days it is evident that they are all keeping the consumer complaint under the cold storage and they are not awake from their deep slumber. It is a clear case of deliberate denial to give the reply to the complainant by the authorities of the TNPDC Ltd for the contravention of rules committed by them.

5.5 The Appellant has stated that inspite of compensation asked by the consumer for the failure of reply in time, by the authorities concerned for the initial letters to the AE and EE, the chairman simply ignored that. From this the chairman is abetting by joining hands with her subordinates and to protect them from their deliberate failure to give the compensation and service connection details too.

5.6 The Appellant has stated that it is painful to note that the chairman C.G.R.F has mentioned the order date as 28.10.24, but the order was signed only on 30.10.24. The same order has been posted on 14.11.2024 and it has been received by the consumer on 16.11.24. The C.G.R.F complaint dated 10.8.24 and the order received by the complainant on 16.11.24 totally the duration is 98 days. Pure violation of the C.G.R.F regulations. Further the order was not signed by the 2 members who were present at the time of hearing. Hence it is construed that the order was issued without the knowledge of the 2 members.

5.7 The Appellant has stated that the requested service connection detail is denied till date. The service connection detail had not been uploaded in the computer till date. It is the lethargic altitude of the officials. The C.G.R.F hearing had been conducted after 70 days of filing the complaint, it is contravention to the C.G.R.F regulation. The Chairman C.G.R.F. orally ordered to the subordinates at the time of hearing to supply the service connection details within 2 days but they

ignored and denied to do so. It shows the dereliction of their duties, besides, their disobedience to the C.G.R.F

5.8 The Appellant has stated that the C.G.R.F hearing was conducted after 70 days of complaint. It is called poor customer relation and violation of the rules and regulations. Even though the C.G.R.F. hearing conducted on 19.10.24 after a long delay and the order has been served on 16.11.24 a delay of 28 days, that too without the signature of the two members.

5.9 The Appellant has requested that the Compensation may be ordered to the complainant for the lapse of more than 10 days for the reply from the AE & EE vide my letter dated 24.7.24 and 29.7.24 respectively and necessary orders may be issued to the officer concerned to up load the details and issue the proper service connection details to the consumer forthwith.

5.10 The Appellant has stated that the above adamant attitude of the officials amounts to dishonesty, cheating, breach of trust, dereliction of duty, abuse of power and indiscipline etc. Therefore action may be taken against the officials concerned who are all involved in this matter. Hence it is a fit case, to file appeal against the irresponsible officials.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that the service connection details requested by the petitioner is never been denied at any circumstances. Because of non availability of digital data, hard copy for the requested service connection has been issued through special messenger on 04.11.2024 and acknowledgement has also been obtained. Subsequently with due process, service connection details are updated digitally at LT Billing system.

6.2 The Respondent has stated that based on records available at Revenue Branch of Urban division and on field verification, the proposal to get Digital updation was submitted to the circle level committee with due approval of SE/TEDC & it was forwarded to the regional data centre for necessary data entry at LT Billing

Data Base. By close follow up action, the Agri SC.No. RVA 122 (011-002-122) has been up dated/Digitalized.

6.3 The Respondent has stated that the Chairman (Superintending Engineer/ Tirunelveli EDC of CGRF) has been relieved of his duties due to promotion and therefore, CGRF could not able to conduct. But in due course, on Joining of Superintending Engineer / Tirunelveli EDC, CGRF meeting was conducted on 19.10.2024. So, without the Chairmanship of the CGRF Committee, the meeting could not be conducted with the specific time. Hence it could not be considered as poor consumer relationship and it is not acceptable.

6.4 The Respondent has stated that the main prayer of the petitioner is to provide computerized ledger copy of the requested Agri service connection RVA-122. So necessary steps are taken and due proposal along with additional particulars are also submitted to the committee and close follow up action taken. However a special certificate has been issued on 14.11.2024 in person by the Executive Engineer /Urban/ Tirunelveli regarding the requested consumer details of the Agri SC.No. RVA-122. Copy of the same is enclosed.

6.5 The Respondent has stated that delay in conducting CGRF meeting has already been detailed in the above paragraph. As per the CGRF regulation only, an order has been communicated.

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 are the issues to be decided.

7.2 The appellant contends that there has been an unreasonable delay in providing the requested service connection details despite submitting applications to the Assistant Engineer and Executive Engineer on 24.07.2024 and 29.07.2024, respectively. With no response or acknowledgment received, the appellant escalated the matter to the Consumer Grievance Redressal Forum (CGRF) on

10.08.2024. However, the hearing was conducted only after 70 days, and the final order was served after an additional delay of 28 days, violating CGRF regulations. Despite the Chairman's assurance during the hearing that the details would be provided within two days, no action was taken, leading to further frustration for the appellant.

7.3 The appellant highlights several procedural lapses, including the CGRF order lacking the signatures of two present members, which raises concerns about the transparency and authenticity of the process. The order, dated 28.10.2024, was signed only on 30.10.2024 and dispatched much later, further delaying its receipt. The appellant believes that these delays and inefficiencies reflect a lack of accountability and a deliberate attempt by the officials to withhold the requested information, constituting a violation of regulatory norms and consumer rights.

7.4 The appellant asserts that the officials' inaction amounts to negligence, breach of trust, and abuse of power. Despite requesting compensation for the delays, the CGRF Chairman ignored his demand, suggesting favoritism towards subordinates. The appellant urges strict action against the responsible officials and requests immediate issuance of the service connection details, along with appropriate compensation for the undue hardships caused.

7.5 The respondent asserts that the service connection details requested by the appellant were never denied at any point. Due to the non-availability of digital data, a hard copy of the requested service connection details was issued through a special messenger on 04.11.2024, with an acknowledgment obtained. Additionally, the service connection details were subsequently updated digitally in the LT Billing system following the necessary procedures and approvals. The respondent emphasizes that all necessary actions were taken in accordance with the due process.

7.6 The respondent explains that the delay in conducting the CGRF hearing was due to the promotion and subsequent relieving of the previous Chairman (Superintending Engineer/Tirunelveli EDC). Without the presence of the Chairman,

the CGRF meeting could not be conducted within the stipulated time. However, once a new Chairman was appointed, the meeting was held on 19.10.2024. Therefore, the delay was due to unavoidable administrative reasons and should not be considered as a lapse in consumer service.

7.7 Furthermore, the respondent argues that the appellant's primary request was to obtain a computerized ledger copy of the agricultural service connection details. In response, necessary steps were taken, and a proposal with additional particulars was submitted to the concerned committee for approval. A special certificate containing the requested details was also issued in person by the Executive Engineer on 14.11.2024. Given these efforts, the respondent contends that the allegations of negligence and poor consumer service are unfounded and that the matter was handled as per CGRF regulations.

7.8 During the hearing, the appellant argued that he had specifically requested the presence of the CGRF Chairman as the respondent; however, only the Executive Engineer/Distribution/Town/Tirunelveli, (i/c) attended the hearing, which he claims is inadequate. The appellant further contended that the CGRF and the Ombudsman are not quasi-judicial forums. Before discussing whether the appellant's appeal should be heard by the Ombudsman, it is important to first determine if the appeal falls within the Ombudsman's jurisdiction.

7.9 In this regard, it is highlighted that the relevant provisions of the Electricity Act, specifically Section 42(5) and (6), mandate the establishment of the Consumer Grievance Redressal Forum (CGRF) and the Electricity Ombudsman to address consumer complaints related to electricity services. These provisions empower the forum to function as an independent mechanism for grievance redressal within the regulatory framework.

7.10 Based on these provisions of the Electricity Act, the Tamil Nadu Electricity Regulatory Commission (TNERC) has framed the TNERC Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman, 2004, which define the procedural framework and authority of these forums in resolving

consumer complaints. In the above regulation, it is clearly mentioned what is meant by "defect," "deficiency," who qualifies as a "consumer," and what constitutes a "complaint." These definitions are reproduced below for clarity.

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 licensee in providing electricity services;

(iii) Charging of a price in excess of the price fixed by the Commission for consumption of electricity and allied services;

(iv) Electricity services which will be unsafe or hazardous to public life in contravention of the provisions of any law for the time being in force.

2(g) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person as the case may be.

2(h) "defect" means any fault, imperfection or shortcoming in the quality, quantity, purity or standard of service, equipment or material which is required to be maintained by or under any law for the time being in force or under any contract, express or implied, or as is claimed by the distribution licensee in any manner

2(i) "deficiency" means any fault, imperfection or shortcoming or inadequacy in the quality, nature and manner of supply which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by distribution licensee in pursuance of a contract agreement or otherwise in relation to electricity service or performance standard, violations of Electricity Supply Code, contraventions of Act, Rules or Regulations made thereunder with regard to consumer interest."

7.11 Upon scrutiny of the documents submitted by the appellant, it is observed that the prayer of the appellant is not related to his supply issues as specified in the regulations concerning defects and deficiencies. Instead, it pertains solely to requesting information regarding the service connection of one Thiru Susaimariyan. Furthermore, the appellant is not a consumer of the service connection for which he has sought information. The CGRF, while considering this prayer, failed to recognize this distinction and took up the issue accordingly.

7.12 In this case, the matter was initially taken up with the CGRF regarding the furnishing of information related to the service connection of Thiru Susaimariyan.

Although the issue did not fall within the purview of the CGRF, the forum directed the respondent to provide the requested information, which was duly complied with, even though the appellant is not the registered consumer for the said service connection. Even after the respondent fulfilled the CGRF directives and providing the requested information, the appellant has now appealed the matter before the Ombudsman.

7.13 As per the regulations, the Ombudsman is not the appropriate authority to address this matter of furnishing information of service connection, as it does not fall under the category of defects or deficiencies, but rather pertains to obtaining information regarding a service connection. For non-furnishing the said information, there is a separate authority designated to address the same. Therefore, the prayer of the appellant cannot be accepted and is rejected under the relevant regulations.

7.14 For the appellant's prayer to summon the CGRF Chairman, it is recorded that Chairman CGRF acted as a Quasi Judiciary forum for adjudication of the prayer. So for adjudication of the matter by any Quasi Judiciary forum cannot be made as a respondent. The relevant order of the Supreme Court of India is discussed below.

Supreme Court of India, Civil Appeal Nos. 3098-3099 of 2023, where the Hon'ble Court in **para 33** held that:

"An authority (either a judicial or quasi-judicial authority) must not be impleaded in an appeal against its order, if the order was issued solely in exercise of its 'adjudicatory function.'"

7.15 The above principle directly applies to the present case. The CGRF Chairman, in this context, is functioning in a Quasi-judicial capacity when addressing the grievance of the appellant. Summoning the Chairman to appear before the Ombudsman would be inappropriate, as it could interfere with the independence of the CGRF's adjudicatory process. The CGRF Chairman, having issued the order in the exercise of their adjudicatory function, should not be personally impleaded or summoned in an appeal against the decision. The Ombudsman's role is to review the decision made by the CGRF in accordance with the regulations.

8.0 Conclusion:

8.1 Based on the findings above, it is concluded that the appellant's prayer is not pertains to supply-related issues viz. defect or deficiency as outlined in the relevant regulations and hence the appeal is rejected.

8.2 With the above findings A.P.No.84 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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6. The Assistant Director (Computer) – **For Hosting in the TNERC Website**
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