

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. 92 of 2023

Dr. G. Hemath Kumar, Advocate,
No.2, Vinayapuram Main Road,
Vinayapuram, Ambattur,
Chennai – 600 053.

. Appellant
(Dr. G. Hemath Kumar, Advocate)

Vs.

The Executive Engineer/O&M/Ambattur,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
110-33-11KV Ambattur 3rd Main Road SS Premises,
No: 73-11-A, Ambit Park Road, Sai Nagar,
Ambattur 3rd Main Road, Chennai – 76.

. . . . Respondents
(Rep. by Thiru S. Thangadurai,
AEE/O&M/Oragadam)

Petition Received on: 18-12-2023

Date of hearing: 15-02-2024

Date of order: 22-02-2024

The Appeal Petition received on 18.12.2023 filed by Dr.G.Hemath Kumar, Advocate, No.2, Vinayapuram Main Road, Vinayapuram, Ambattur, Chennai – 600 053 was registered as Appeal Petition No. 92 of 2023. The above appeal petition came up for hearing before the Electricity Ombudsman on 15.02.2024. 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 effect new service connection for his premises located at No.2/A, Vinayapuram Main Road, Oragadam, Ambattur, Chennai.

2.0 Brief History of the case:

2.1 The Appellant has applied for new service connection through online for his covered car parking area in his premises located at No.2/A, Vinayapuram main Road, Oragadam, Ambattur.

2.2 The Respondent has stated that the new service connection was denied as there is common supply available for car parking area.

2.3 Since the grievance was not settled with the Respondent, the Appellant filed a petition with the CGRF of Chennai Electricity Distribution Circle/West on 11.08.2023.

2.4 The CGRF of Chennai Electricity Distribution Circle/West issued an order on 10.10.2023. 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 Chennai Electricity Distribution Circle/West issued its order on 10.10.2023. The relevant portion of the order is extracted below: -

“Order:

As per the above findings, the forum concludes that the request of the petitioner to effect service connection in his undivided share which has no earmark boundaries, is not feasible of compliance.

With this, the petition is disposed of.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments in person, a hearing was conducted on 15.02.2024.

4.2 The Appellant Dr.G. Hemanth Kumar, Advocate attended the hearing and put forth his arguments.

4.3 On behalf of the Respondent, Thiru S. Thangadurai, AEE/O&M/Oragadam of Chennai Electricity Distribution Circle/West 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 he has applied new connection Reference no. 20000943308231504 dtd.08.08.2023 with sale deed and Madras High Court order. But TANGEDCO refused to do his request without reason. They told that already one connection given to that place. How it is possible to give the connection without sale deed and other requirement. Hence, he requested to give the new connection Reference no. 20000943308231504 dated 08.08.2023 with his sale deed and Madras High court order.

5.2 The Appellant has stated that the Assistant Executive Engineer did not given any reason within stabled time, again he applied new connection ref No. 2000943308231601 on 25th August 2023 and paid Rs.9487/- on 30/08/2023 through online process. He paid this amount as per instruction from JE/Oragadam/Ambattur. He got a mail from Ambattur office his application has been cancelled due to reason was document are not uploaded. He uploaded correct document of Sale deed and Madras High court order and Form 5.

5.3 The Appellant has stated that as he is the petitioner argued, his application was rejected without reason in written form. The Assistant Executive Engineer replied that there are 10 flat owners but the apartment has 8 owners. The respondent took an unauthorized signature of the 3 flat owners on some irrelevant paper. No inappropriate report related to Service connection No. 433-012-2086 he

request to remove the electricity connection while demolishing unauthorized construction as per State consumer Disputes Redressal commission, Chennai and Madras High Court order. He requested to remove the connection by CM cell, why are they bringing CGRF to this case? Why does the assistant engineer come to his office and ask to pay instead of paying online?

5.4 The Appellant has stated that they didn't understand his grievance and didn't even read the two court orders. This demolition order is a car parking area with unauthorized construction, he need to remove the connection through my CM cell complaint or through Madras High Court, but they have to reply and only then he has to approach the court and solve the problem. Eight flat owner and two shop owners have UDS only and get the electricity service connection. So, how are they asking that no earmark boundaries.

5.5 The Appellant has stated that as the owner of the flat did not provide proper parking, he went to the State Consumer Disputes Redressal commission, Chennai and High Court of Madras and got an order to seize the parking space built without permission and the space was demolished and he take over the area. He also registered the 87 sq.ft as per the court order in sub registrar office at Ambattur. As the demolished area is in darkness, he is asking for new connection for electricity facility. The Appellant has asked for single phase connection but they says that three phase connection, which is not an inappropriate statement of his complaint.

5.6 The Appellant has stated that how is it possible that if he knows what document is required for giving new single phase service connection, he can give it without giving any reason and saying that he has not given the correct document in general? So, he requests to look into the application carefully and take appropriate action and give new single phase service connection.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that the petitioner has filed the above petition praying for Effecting LT service connections for the premises at No.2/A, Vinayagapuram main Road, Oragadam, Ambathur, Chennai-53.

6.2 The Respondent has stated that the petitioner purchased the property admeasuring 468 Sq.ft, undivided share of land with flat in Plot No. 1A together measuring an extent of 980 Sq.ft bearing Flat No.D-2 and EB connection (433-012-2071) etc, on the second floor.

6.3 The Respondent has stated that the petitioner has filed CC No. 149 of 2015 against the Land lord before the Hon'ble State Consumer Dispute Redressal Commission seeking for removal of Unauthorised construction in the covered car park area and to handover the covered car park and to pay a sum of Rs.24,00,000/- towards compensation and obtained an ex parte order dt. 19.09.2017.

6.4 The Respondent has stated that further the petitioner and the Land Lord of the property arrived at an amicable settlement by entering into a Memorandum of Understanding dated 02.08.2022 before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras to remove the unauthorized construction made in the covered car park at stilt floor and take the covered car park and sell the 87 Sq.ft of an undivided share to the petitioner, which was found out during the scrutiny of the calculation of the extent of square feet already sold by the property in Plot No.1.

6.5 In this juncture the petitioner, has applied an online application for new service connection vide app No. 2000943308231504 dt.08.08.2023, and the application cancelled due to non-payment of registration charges, the Respondent stated.

6.6 The Respondent has contended that in the meantime the petitioner again applied another online application for a new service connection vide App No. 2000943308231601 dt.25.08.2023 along with sale deed of 87 sq.ft UDS, legal heir certificate, consent letter from co-owner, LT application form & self declaration form and paid the necessary charges on 30.08.2023. On site inspection and verification it was found that the petitioner partially demolished the unauthorized construction in the stilt floor and converted as a covered car park and retained the balance portion of the unauthorized construction for which the petitioner applied the new service connection in his name by uploading the undivided share 87 Sq.ft UDS document.

The above application was cancelled due to non submission of valid ownership proof documents.

6.7 The Respondent has stated that the petitioner has approached the CGRF on 11.08.2023 and complaint that, he has applied new connection refno.200043308231504 dt.08.08.2023 with his sale deed and Honorable Madras High Court order, but TANGEDCO refused to do his request without reason. In this regard a hearing was conducted by CGRF on 22.09.2023 and an order passed on 10.10.2023 concluding that *"since the petitioner has uploaded the undivided share document which has no earmark boundaries as a proof of ownership, the request of the petitioner to effect new service connection for the partially demolished portion in the stilt area is not feasible of compliance"*.

6.8 The respondent further mentioned that there was another service in the covered Car park area vide S/C no 433-012-2086. The Respondent has prayed to dismiss the Appeal petition No.92 of 2023 as may deem it fit and thus render justice.

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 Dr. G. Hemath Kumar has stated that he had applied new service connection for his premises located at No.2/A, Vinayagapuram main Road, Oragadam, Ambattur, Chennai. He argued that his application was rejected without reason in written form. The Assistant Executive Engineer replied that there are 10 flat owners but the apartment has 8 owners. The respondent took an unauthorized signature of the 3 flat owners on some irrelevant paper. No inappropriate report related to Service connection No. 433-012-2086 he requested to remove the electricity connection while demolishing unauthorized construction as per State consumer Disputes Redressal commission, Chennai and Madras High Court order.

7.3 The Appellant has stated that eight flat owner and two shop owners have UDS only and get the electricity service connection. So, how are they asking that no earmark boundaries. As the owner of the flat did not provide proper parking, he went to the State Consumer Disputes Redressal commission, Chennai and High Court of Madras and got an order to seize the parking space built without permission and the space was demolished and he take over the area. He also registered the 87 sq.ft as per the court order in sub registrar office at Ambattur. As the demolished area is in darkness, he is asking for new connection for electricity facility. The Appellant has asked for single phase connection but they say that three phase connection, which is not an inappropriate statement of his complaint.

7.4 The Appellant has stated that how is it possible that if he knows what document is required for giving new single phase service connection, he can give it without giving any reason and saying that he has not given the correct document in general? So, he requests to look into the application carefully and take appropriate action and give new single phase service connection.

7.5 The Appellant has stated that eight flat owner and two shop owners have UDS only and get the electricity service connection. So, how are they asking him that no earmark boundaries. He asks for single phase connection but they say that three phase connection, which is not an inappropriate statement of his complaint.

7.6 The Respondent has stated that the Appellant purchased the property admeasuring 468 sq. ft, Undivided share of land with flat in Plot No. 1A together measuring an extent of 980 Sq.ft bearing Flat No.D-2 and EB connection (433-012-2071) etc, on the second floor also having Service connection

7.7 The Respondent has stated that further the Appellant and the Land Lord of the property arrived at an amicable settlement by entering into a Memorandum of Understanding dated 02.08.2022 before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras to remove the unauthorized construction made in the covered car park at slit floor and take the covered car park and sell the 87 Sq.ft of an undivided share to the petitioner, which was found out during the scrutiny of the calculation of the extent of square feet already sold by the property in Plot No.1.

7.8 The Respondent has contended that in the meantime the petitioner again applied another online application for a new service connection vide App No. 2000943308231601 dt.25.08.2023 along with sale deed of 87 sq.ft UDS, legal heir certificate, consent letter from co-owner, LT application form & self declaration form and paid the necessary charges on 30.08.2023. On site inspection and verification it was found that the petitioner partially demolished the unauthorized construction in the stilt floor and converted as a covered car park and retained the balance portion of the unauthorized construction for which the petitioner applied the new service connection in his name by uploading the undivided share 87 Sq.ft UDS document also there was a common service exists in the covered car park Area. The above application was cancelled due to non submission of valid ownership proof documents.

7.9 In this context, it is seen from the document submitted by the Appellant through court order that the Appellant is eligible for covered car parking area of 87 sq.ft. at stilt floor along with other occupant. Now, the Appellant seeks service connection in the domestic category under Tariff IA for his covered car parking area. The covered car parking area means, it is very well known that roof alone covered not all the side and also specific area marked for each owners to park/move their cars and also it is noticed that the covered car park area has common service for lighting purpose vide S/C no 433-012-2086.

7.10 As the Appellant seeks new service connection under domestic category under Tariff IA, I would like to refer Low Tension Tariff IA in TNERC Suo-motu Order No. 6 of 2023 dated 30-06-2023 as follows;

“3.2.2 Low Tension Tariff I-A : (Domestic, Multi-tenements, Old age homes, Handlooms)

3.2.2.1 This tariff is applicable to the following:

(a) Dwelling purposes of lights, fans, Air conditioners, TV, and all other home appliances. “Dwelling Unit “means an independent housing unit of residential purpose with separate facilities for living, cooking and may be a part of a building.

Only one service connection is permissible in an independent floor/dwelling unit with permanent physical and electrical segregation. If more than one service co exists already, only one service is eligible to be retained under classification of this tariff.

The balance number of services shall be converted to tariff ID and charged accordingly.”

Further, the Appellant already have a domestic service connection(Tariff IA) for his occupied flat, but seeks another service under Tariff IA which is meant for “Dwelling unit” for his covered car park area. This request of the Appellant also confront with the existing Regulation of TNERC Distribution code 27(15)(A) which states that *“Notwithstanding anything contained in sub regulations (14) and (15), a person, or an establishment or an entity shall be given only one service connection in a premises or in contiguous premises to run a business or service or occupation or another form of activity including its associated activities and for activities of the associates even if there is a permanent physical segregation.”*

Further there was one service exists for all the covered car park area which too was not denied by the Appellant

7.11 In the present case, the Appellant is seeking the domestic Tariff IA for covered car parking area which is not considered to be a dwelling unit and it is further reiterate that car parking area does not fall under the category of building which has physical identity as well as defined boundary. Therefore, I am of the view that the prayer of the appellant is without diligence and hence rejected.

8.0 Conclusion:

8.1 From the above findings, it is concluded that the Appellant’s claim for a separate service connection for his car parking area alone is not feasible as per Tariff order and also as per regulation 14, 15 and 15(A) of TNE Distribution Code Regulations, 2004 and hence rejected.

8.2 With the above findings A.P.No.92 of 2023 is finally disposed of by the Electricity Ombudsman. No Costs.

(N.Kannan)
Electricity Ombudsman

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

To

1. Dr. G. Hemath Kumar, Advocate,
No.2, Vinayagapuram Main Road,
Vinayagapuram, Ambattur,
Chennai – 600 053.

2. The Executive Engineer/O&M/Ambattur,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
110-33-11KV Ambattur 3rd Main Road SS Premises,
No: 73-11-A, Ambit Park Road, Sai Nagar,
Ambattur 3rd Main Road, Chennai – 76.

3. The Superintending Engineer, - By email
Chennai Electricity Distribution Circle/West,
TANGEDCO,
Thirumangalam 110/33/11 KV SS Complex,
Anna nagar, Chennai - 600 040.

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

5. The Secretary, - By Email
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate, Guindy,
Chennai – 600 032.

6. The Assistant Director (Computer) - **For Hosting in the TNERC Website**
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
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