

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. S. Devarajan, Electricity Ombudsman

A.P.No. 13 of 2021

Thiru M. Mani,
S/o. S. Munusamy,
HIG – 494 C, 2nd Phase,
T.N.H.B., Krishnagiri – 635 001.

. Appellant
(Thiru M. Mani)

Vs.

The Executive Engineer/O&M/Dharmapuri,
Dharmapuri Electricity Distribution Circle,
TANGEDCO,
Salem Main Road,
Opposite to Collectorate,
Dharmapuri – 636 705.

. . . . Respondent
(Tmt. M. Indira, EE/O&M/Dharmapuri)

Petition Received on : 29-01-2021

Date of hearing: 10-03-2021

Date of order: 26-07-2021

The Appeal Petition received on 29.01.2021 from Thiru M.Mani, S/o. S. Munusamy, HIG – 494 C, 2nd Phase, T.N.H.B., Krishnagiri – 635 001 was registered as Appeal Petition No. 13 of 2021. The above appeal petition came up for hearing before the Electricity Ombudsman on 10.03.2021. 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 name transferring of an agricultural service number 08-007-012-003 which is in his father's name.

2.0 Brief History of the case:

2.1 The appellant has stated that he had applied name transfer for the agricultural service connection from his father's name.

2.2 The Appellant has applied for the name transfer of LT agricultural SC No. 08-007-012-003 but the licensee refused to effect name transfer.

2.3 The appellant has filed a petition with the CGRF of Dharmapuri EDC. The CGRF of Dharmapuri EDC has issued an order dated 29.12.2020. 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 Dharmapuri Electricity Distribution Circle have issued its order on 29.12.2020. The relevant portion of the order is extracted below :-

“விவசாய மின் இணைப்பு எண் 007-012-3, TF-IV என்ற மின் இணைப்பு திரு. முனுசாமி அவர்களின் பெயரிலிருந்து திரு. மணி, த/பெ. முனுசாமி, என்பவர் பெயருக்கு பெயர் மாற்றம் செய்ய கூடாது என திருமதி உமா, க/பெ. ஜோதி என்பவர் ஆட்சேபனை மனு அளித்துள்ளார்.

மேலும், வாரிய உத்தரவில் Lr. No. TNERC/DE/DDE2/F.Grievance/D.No.1129/2020 dt. 11.11.20. விவசாய மின் இணைப்பு பெயர் மாற்றம் செய்ய (இறப்புக்கு) கீழ்க்கண்ட ஆவணங்கள்:-

1. For transfer of name consequent to the death of the consumer.
 - a. Legal heirship certificate or proof of ownership
 - b. No objection certificate from legal heirs or an indemnity bond.
 - c. Fresh application with fee and agreement form.

இந்நிலையில் மின் இணைப்பு எண் 007-012-3, TF IV தொடர்பாக ஆய்வு செய்ததில் பாகப்பிரிவினை பத்திரத்தில் மேற்கண்ட விவசாய மின் இணைப்பு எண் குறிப்பிடப்படாதது தெரிய வருகிறது. மேலும் மனுதாரர் மற்றும் எதிர்மனுதாரர் பாகப்பிரிவினை பத்திரத்தில் மின் இணைப்பு தொடர்பாக குறிப்பிடப்படாதது அவையில் ஒத்துக் கொள்வதால் மேற்படி மனு மீது நடவடிக்கை எதுவும் எடுக்கப்படாத நிலையில் உள்ளது. எனவே, மனுதாரரை மின் இணைப்பு தொடர்பாக பாகப்பிரிவினை பத்திரத்தில் விவசாய மின் இணைப்பு எண் 007-012-3, TF -IV உரிமை தொடர்பாக தெளிவாக குறிப்பிடப்படாத காரணத்தினால் சட்ட ரீதியாக அணுகி மின் இணைப்பு எண் உரிமை தொடர்பாக ஆவணங்களை அளிக்கும்பட்சத்தில் மேல் நடவடிக்கை மேற்கொள்ளப்படும்.

ஆட்சேபனை மனு அளித்த திருமதி உமா, க/பெ.ஜோதி, அதற்குரிய வருவாய் ஆவணங்களை செயற்பொறியாளர்/இ.ப/தருமபுரி அவர்கள் பெற்று தொடர் நடவடிக்கை எடுக்குமாறு அறிவுறுத்தப்படுகிறது.”

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 10.03.2021 through video conferencing.

4.2 The Appellant Thiru M. Mani has attended the hearing and put forth his arguments.

4.3 The respondent Tmt. M. Indira, EE/O&M/Dharmapuri of Dharmapuri Electricity Distribution Circle has 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 order. Further the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone are discussed hereunder.

5.0 Arguments of the Appellant :

5.1 The Appellant has stated that he had applied name transfer for the SC No. 007-012-3 Tariff IV at Bandahalli village, Indur section, Dharmapuri from his father's name to his name but the same was rejected by CGRF stating that Tmt. Uma, w/o. Jothi has given objection letter for the name transfer.

5.2 The appellant has further stated that in the partition deed the EB service connection number was not furnished. The appellant stated that the above order was not acceptable since Tmt. Uma is not the legal heir and she is only a co-owner in the well and not in the service connection. Moreover the name transfer is between legal heirs. So she has no *locus standi* in the affairs of the legal heirs. In addition, the indemnity bond is also submitted as specified in the regulation.

5.3 The appellant has stated that regarding non mentioning of the EB connection number in the partition deed, there is only one service connection in the well. It is in petitioner's father name S. Munusamy, as per parent documents and EB service card. Hence mentioning the SC number in the partition deed is not required at that time of the registration.

6.0 Arguments of the Respondent:

6.1 The respondent has stated that the petitioner herein have requested name transfer under legal heir category as per TNE Supply code 5(7)(i). The co-owner of the well namely Tmy. Uma is objecting the name transfer who is w/o. petitioner's brother (late) M. Jothi as per legal heir certificate.

6.2 The respondent has stated that the petitioner had submitted the following documents along with application, stating that the said LT agriculture SC No. 08-007-012-3 is in his father's name Thiru S.Munusamy, s/o. Selle Gounder, Pandahally.

- (i) Legal heirship Certificate from Tahsildar
- (ii) No Objection Certificate from one of the other legal heir Thiru M. Nagendhiran.
- (iii) Fresh application and agreement.

6.3 The respondent has stated that the LT agriculture SC No. 08-007-012-3 was originally effected on 26.04.1971 vide OTR No. 157903 in the name of Thiru K.Munusamy, Bandahally (1st owner) and not in the name of Thiru S. Munusamy (2nd owner) as stated by the petitioner. Further no name transfer effected from Thiru K. Munusamy to Thiru S. Munusamy previously. Focusing the name similarity the petitioner requested name transfer by mentioning that the service is in

his father's name.

6.4 The respondent has stated that in the family partition deed service connection number was not mentioned. Also, as per the documents produced by Thiru M.Mani, only 2/3 of well is owned by their father Thiru S. Munusamy. 1/3 of well is owned by Tmt. Uma, who had purchased it from (late) Tmt. Sellammal. Tmt. Sellammal purchased the said land from (late) K. Munusamy, the owner of the service.

6.5 The respondent has stated that the issue was unable to be decided to whom the name transfer will be effected since Tmt. Uma objected to effect name transfer. Further, the GGRF vide order dated 29.12.2020 has ordered to produce clear document with regard to ownership of the service for taking further action and the same is not produced till date.

7.0 Findings of the Electricity Ombudsman:

7.1 On a careful consideration of the arguments put forth by the Appellant and the Respondent, the following are the issues to be decided;

- i) the procedure to effect name transfer.
- ii) whether the prayer of the appellant to effect name transfer is acceptable?

8.0 Findings on the first issue:

8.1 The Respondent has argued that as the Appellant's request for name transfer could not be considered as per Regulation 5(7) of the TNE supply code. In this regard I would like refer the regulation 5(7) of the Tamil Nadu Electricity Supply Code which is reproduced below:

5. Miscellaneous charges

xxxx xxx

(7) Name Transfer charge

(i) Every application for transfer of name consequent to the death of the consumer shall be in Form (1) [in Appendix to this code] accompanied by:

(a) *Legal heirship certificate from the Tahsildar concerned or proof of ownership such as local body tax receipts (latest).*

(b) *No objection certificate from other legal heirs, if any, (or) an indemnity bond in Form (3) in Appendix to this Code on non-judicial stamp paper for a value of Rs.80/- and a sworn-in affidavit and authenticated by a Notary Public or by a gazetted officer to show the status of other legal heirs.*

(c) *Fresh application with fee to be specified by the Commission and agreement form.*

(ii) *****

Explanation: The name transfer is effected only for such services which are not under disconnection.”

8.2 On a careful reading of the above regulation, it is to be noted that the application for transfer of name consequent to the death of the consumer shall be in Form (1) as specified in the supply code accompanied by the documents mentioned in the regulation 5(7)(i).

9.0 Findings on the second issue:

9.1 The Appellant in his arguments has stated that he had applied name transfer for the SC No. 007-012-3 Tariff IV at Bandahalli village, Indur section, Dharmapuri from his father's name to his name but the same was rejected by CGRF stating that Tmt. Uma, w/o. Jothi has given objection letter for the name transfer. Further the appellant has stated that the objectioner has no *locus standi* in the affairs of the legal heirs since the name transfer is between the legal heirs.

9.2 Further the appellant has stated that as there is only one service connection in the well, the EB connection number was not mentioned in the partition deed. Further as per parent documents and EB service card, it is in his father's name S. Munusamy and hence mentioning the SC number in the partition deed is not required at that time of the registration.

9.3 The respondent on the other hand has stated that the appellant has

requested name transfer under legal heir category as per TNE Supply code 5(7)(i) and the co-owner of the well namely Tmy. Uma is objecting the name transfer who is w/o appellant's brother (late) M. Jothi as per legal heir certificate.

9.4 The respondent has further stated that the appellant had submitted the Legal heirship certificate, NOC from other legal heir along with fresh application stating that the said LT agriculture SC No. 08-007-012-3 is in his father's name Thiru S.Munusamy, s/o. Selle Gounder, Pandahally. But the LT agriculture SC No. 08-007-012-3 was originally effected on 26.04.1971 vide OTR No. 157903 in the name of Thiru K.Munusamy, Bandahally (1st owner) and not in the name of Thiru S. Munusamy 2nd owner as stated by the petitioner. Further no name transfer was effected from Thiru K. Munusamy to Thiru S. Munusamy previously.

9.5 Further, as per the documents produced by Thiru M.Mani, only 2/3 of well is owned by their father Thiru S. Munusamy. 1/3 of well is owned by Tmt. Uma, who had purchased it from (late) Tmt. Sellammal. Tmt. Sellammal purchased the said land from (late) K. Munusamy, the owner of the service.

9.6 From the above findings there are two issues to be decided; (1) whether name transfer can be refused based on the objection filed by Tmt. Uma, w/o of appellant's brother, and (ii) whether the service connection is in the name of Thiru.S.Munusamy or K.Munusamy.

9.7 Prior to the issue of amendment in regulation 27 of TNE Distribution Code there is a procedure to obtain signature of the co-owners of the well to get new service connection / name transfer of the existing service connection. Now, the Hon'ble TNERC have issued amendment in regulation 27 of TNE Distribution code vide Notification No. TNERC/DC/8-17 dated 16.07.2020 and the same came into force from 05.08.2020 i.e. the date of publication in the TN Government Gazette. As per the amended regulation if the consent from other owners of well is not enclosed, the applicant shall submit Indemnity Bond in Form (3) in Appendix to the Supply Code on non-judicial stamp paper for a value of Rs.80/- and a sworn-in affidavit and authenticated by a Notary Public or by a gazetted officer to show the

status of other legal heirs. Therefore it is held that licensee can accept indemnity bond if the applicant unable to produce the consent letter.

9.8 However, the other issue is whether the service connection is in the name of Thiru.S.Munusamy or K.Munusamy. The respondent in her arguments has stated that the LT agriculture SC No. 08-007-012-3 was originally effected on 26.04.1971 vide OTR No. 157903 in the name of Thiru K.Munusamy, Bandahally and not in the name of Thiru S. Munusamy as stated by the petitioner. In this regard, I have perused the following documents:

- 1) Application and documents submitted by the appellant.
- 2) Revenue documents such as Patta no.1258, Adangal, FMB and VAO Certificate etc.
- 3) Partition deed No.265/2018 and 361 of 1982.
- 4) Sale deed No.1049 of 1964 and 563 of 2004

9.9 On perusal of the above documents it is noted that in the Patta No.1258, the name of owners are mentioned as (1) Thiru. Munusamy s/o Selle gounder, (2) The Commissioner, Panchayat Union Nallampally, (3) Tmt. Uma w/o Jothi and (4) Natarajan, s/o Anaiappan. Further in SF No.243/4, 2/3 belongs to S.Munusamy and 1/3 belongs to Tmt.Uma, w/o Jothi. However on perusal of OTR No. 157903, it is noted that Thiru.K.Munusamy has signed OTR in respect of SC No.08-007-012-3. Thiru K.Munusamy and Thiru.S.Munusamy are different persons. Therefore, I am of the view that the owner of the service connection is K.Munusamy and not Thiru.S.Munusamy.

9.10 During the hearing the appellant has stated that there are two service connections in the name of Munusamy viz. SC No.3 in the name of Thiru. K.Munusamy and SC No.11 in the name of his father Thiru.S.Munusamy. Further, he has argued that due to mistake of the licensee the service connection numbers are wrongly updated in the computer and hence requested for name transfer of SC No.11 in his favour. The original petition filed in the CGRF for name transfer of service connection is SC No.08-007-012-3. The appeal has also been filed for SC No.08-007-012-3. Now, the appellant cannot take a different stand to

name transfer of SC No.08-007-012-11 in his favour since it is considered as a new prayer which is not placed before the CGRF. The Electricity Ombudsman is the appellate authority and only the prayers placed before the CGRF alone will be taken for appeal. Therefore, the prayer of the appellant for name transfer of the agricultural service number 08-007-012-3 is not feasible of compliance. However, the appellant is advised to file a fresh application for name transfer of SC No.08-007-012-11 along with necessary documents as per regulation 5(7)(i) of TNE Supply Code Regulations, 2004.

10.0 Conclusion :

10.1 In view of my findings in para 8 and 9 above,

i) The Hon'ble TNERC have issued amendment in regulation 27 of TNE Distribution code vide Notification No.TNERC/DC/8-17 dated 16.07.2020 and the same came into force from 05.08.2020 i.e. the date of publication in the TN Government Gazette. As per the amended regulation if the consent from other owners of well is not enclosed, the applicant can submit Indemnity Bond in Form (3) in Appendix to the Supply Code on non-judicial stamp paper for a value of Rs.80/- and a sworn-in affidavit and authenticated by a Notary Public or by a gazetted officer to show the status of other legal heirs. Therefore it is held that licensee can accept indemnity bond if the applicant unable to produce the consent letter.

ii) The original petition filed in the CGRF for name transfer of service connection is SC No.08-007-012-3. The appeal has also been filed for SC No. 08-007-012-3. Now, the appellant cannot take a different stand to name transfer of SC No.08-007-012-11 in his favour since it is considered as a new prayer which is not placed before the CGRF. The Electricity Ombudsman is the appellate authority and only the prayers placed before the CGRF alone will be taken for appeal. Therefore, the prayer of the appellant for name transfer of the agricultural service number 08-007-012-3 is not feasible of compliance.

10.2 With the above findings the AP. No.13 of 2021 is finally disposed of by the Electricity Ombudsman. No Costs.

(S. Devarajan)
Electricity Ombudsman

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

To

1. Thiru M. Mani,
S/o. S. Munusamy,
HIG – 494 C, 2nd Phase,
T.N.H.B., Krishnagiri – 635 001.

-By RPAD

2. The Executive Engineer/O&M/Dharmapuri,
Dharmapuri Electricity Distribution Circle,
TANGEDCO,
Salem Main Road,
Opposite to Collectorate,
Dharmapuri – 636 705.

3. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
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Dharmapuri – 636 705.

– By Email

4. The Chairman & Managing Director,
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5. The Secretary,
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6. The Assistant Director (Computer) – **For Hosting in the TNERC Website**
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