

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. 73 of 2021

Thiru V. Manimozhi,
15, Fifth street, First Sector,
K.K. Nagar, Chennai – 600 078.

. Appellant
(Thiru V. Manimozhi)

Vs.

The Executive Engineer/O&M/K.K. Nagar,
Chennai Electricity Distribution Circle/South-I,
TANGEDCO,
110KV Complex, K.K.Nagar,
Chennai - 600 078.

. . . . Respondent
(Rep. by Thiru M. Senthilnathan, AEE/K.K. Nagar)

Petition Received on: 20-09-2021

Date of hearing: 16-11-2021

Date of order: 21-01-2022

The Appeal Petition received on 20.09.2021 filed by Thiru V. Manimozhi, 15, Fifth street, First Sector, K.K. Nagar, Chennai – 600 078 was registered as Appeal Petition No. 73 of 2021. The above appeal petition came up for hearing before the Electricity Ombudsman on 16.11.2021. 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 refund of the deposit amount collected while name transferring the service connection No.09229006173 for his house.

2.0 Brief History of the case:

2.1 The Appellant has applied for name transfer through online for his house. The name transfer was effected but the Respondent has collected the security deposit along with the first current consumption bill.

2.2 Since the service connection has already sufficient deposit he approached the CGRF of Chennai EDC/South-I for the refund of deposit collected. The CGRF of Chennai EDC/South-I has issued an order dated 25.08.2021. 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 Chennai Electricity Distribution Circle/South-I have issued its order on 25.08.2021. The relevant portion of the order is extracted below :-

“Order: (Operative portion)

Rs.3000/- collected from the petitioner towards deposit is as per TNERC supply code 5(7) is found to be in order.

The petition is treated as closed.”

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 16.11.2021 through video conferencing.

4.2 The Appellant Thiru V.Manimozhi has attended the hearing and put forth his arguments.

4.3 On behalf of the respondent Thiru M.Senthilnathan, AEE/K.K.Nagar of

Chennai Electricity Distribution Circle/South-I has 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 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 through online for the domestic service connection No.09229006173 for his house. He has stated that he got the name transfer and immediately received notice of CC deposit charges for Rs.3,000/-.

5.2 The Appellant has stated that the deposit amount of Rs.4,078/- is already there in the same service. He has stated that the name transfer order has clearly stated that the name transfer has been effected to the name of Thiru V.Manimozhi with the existing current consumption deposit with effect from 30.04.2021. Hence the appellant has prayed to refund the deposit amount collected from him.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that the LT SC No.229-006-173 was effected in the name of Thiru M.Ganesan on 01.01.1998 for domestic purpose.

6.2 The Respondent has stated that on 26.04.2021 the petitioner Thiru V.Manimozhi has applied for the name transfer of the service connection through online but the petitioner has not submitted the Form-II and Indemnity Bond.

6.3 The Respondent has stated that as per TNERC Supply Code regulation 5(7)(b) Form-II (Consent letter from transferor) has to be submitted by the transferee(petitioner). Where no such consent letter can be produced, the applicant shall pay fresh security deposit. The same was informed to the petitioner by the AE/O&M/KK Nagar/East. Even after that the petitioner has not submitted

the Form-II.

6.4 The Respondent has stated that the current consumption charges deposit of Rs.3,000/- included in the service connection and name of the service connection was changed to Thiru V.Manimozhi on 30.04.2021 by the AE/O&M/KK Nagar/East, name transfer order copy print downloaded by the petitioner.

6.5 The Respondent has stated that the format for the name transfer order copy has been prepared by the board officials in that it is invariably printed as “with the existing current consumption deposit”.

6.6 The Respondent has submitted that since the petitioner has not submitted the Form-II (consent letter from the previous owner) the petitioner is liable to pay the current consumption deposit Rs.3,000/- as per TNERC supply code regulations 5(7)(b).

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 Thiru V.Manimozhi has stated that the name transfer of his domestic service connection No. 09229006173 was effected in his name on 30.04.2021 along with the existing current consumption deposit however he was asked to pay a CC deposit of Rs.3,000/- along with the initial CC bill. Hence he has requested to refund any one of the amount as there is two deposit amounts available against the service connection.

7.3 The respondent has stated that the appellant has selected option-II while filing name transfer application form through online which has no owner consent. Hence the appellant is required to pay the CC deposit of Rs.3,000/- which was collected along with the CC bill.

7.4 During the hearing conducted on 16.11.2021, the appellant has stated that though the said house property was purchased by him from the legal heirs of the original owner Thiru M.Ganesan, the service connection was in the name of Thiru M.Ganesan. The online name transfer portal didn't specify submission of form-2 with owner consent while selecting option-II. Since there is no owner consent, CC deposit has to be paid by the appellant, the Respondent contended. It is a clear case of deficiency in the online name transfer process wherein clarity is not available to appellant. Further, with regard to the argument of the appellant that the name transfer of the service connection has been done along with the current consumption deposit, the Respondent has stated that the sentence "with the existing current consumption deposit" is being printed by them as a matter of routine. It shows that the name transfer order is being issued without any application of mind by the Respondent.

7.5 It was highlighted by the appellant during the hearing that the Respondent didn't accept the consent letter from the legal heirs of the house property from whom he has purchased. Further the appellant has stated that the respondent insisted consent letter from the original owner Thiru M.Ganesan in whose name the service connection is available who is already expired. The contention of the Respondent is absolutely wrong since demanding consent letter from a person already dead is ridiculous. While the Respondent has accepted the house property purchase documents for effecting the name transfer of service connection based on the document of the property sold by the legal heirs, it is not known why the respondent should refuse to accept the consent letter from the legal heirs for transfer of the existing CC deposit. Clearly, the Respondent lacks application of mind in solving the dispute.

7.6 It is also not known on which account head the existing CC deposit will be maintained by the respondent while refusing to transfer the same to the purchaser. Refusing to transfer the CC deposit to the purchaser demanding consent letter from the dead person is ridiculous, unwarranted and condemnable. The appellant is directed to obtain the consent from the seller (the legal heir of Mr.Ganesan) and submit the same to the respondent.

7.7 The Respondent is directed to transfer the existing CC deposit to the service connection account of Thiru Manimozhi and refund the CC deposit of Rs.3,000/- collected from the appellant after obtaining consent letter from the seller i.e. the legal heirs of Thiru M.Ganesan.

8.0 Conclusion:

8.1 As per my findings in para 7.0 above, the Respondent is directed to transfer the existing CC deposit to the present property owner Thiru V.Manimozhi, within fifteen days from the date of receipt of consent letter in Form-2 to be submitted by the appellant and refund the CC deposit amount Rs.3,000/- paid by the appellant.

8.2 A compliance report shall be submitted by the Respondent to the Electricity Ombudsman within 30 days from the date of receipt of this order.

8.3 With the above findings the AP No. 73 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 V. Manimozhi,
15, Fifth street, First Sector,
K.K. Nagar, Chennai – 600 078.

2. The Executive Engineer/O&M/K.K. Nagar,
Chennai Electricity Distribution Circle/South-I,
TANGEDCO,
110KV Complex, K.K.Nagar,
Chennai - 600 078.

3. The Superintending Engineer,
Chennai Electricity Distribution Circle/South-I,
TANGEDCO,
110KV SS Complex,
K.K.Nagar, Chennai-600 078.

- By email

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

– By Email

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

– By Email

6. The Assistant Director (Computer) –**For Hosting in the TNERC Website**
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.