



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 11 of 2012

Thiru V.K.Ranganathan
S/O.(late) V.G.Kathirvellu,
Melapuram Mottur,
Melapuram Pudur (P.O),
Panapakkam (Via)-631052
Vellore District.

... Appellant
(Rep.by appellant himself)

Vs.

The Superintending Engineer,
Vellore Electricity Distribution Circle,
TANGEDCO
Gandhinagar,
Vellore-6

... Respondent
(Rep.by Thiru A.Udhayan
EE/Sholinghur)

Date of hearing: 7-6-2012

Date of Order : 25.6.2012

The above appeal petition No.11 of 2012 came up for final hearing before the Electricity Ombudsman on 7-6-2012. Upon perusing the above appeal petition, counter filed by the respondent and after hearing both sides, the Electricity Ombudsman passes the following order:

ORDER

1. Prayer of the Appellant:

The Appellant prayed to transfer the agricultural service application submitted in the name of his father (Late) Thiru V.G.kathirvelu into his name.

2. Facts of the case:

Thiru (Late) V.G.kathirvel Mudaliar , Melapuram Mottur has applied for an agricultural service connection for his well at SF No.93/14, Dharmanidhi Village on 5-9-1989. The application was registered at Sholinghur division on 9-9-1989 and the registration number is EE/SHR/67/89. Later on 4-8-2008, 90 days notice was issued to the Applicant for entering his readiness to avail the supply. Accordingly, the Appellant has approached the licensee's office for name transfer of the application in his favour with necessary documents as his father has expired. But, the name transfer request of the Appellant was not complied with as the original application was registered after the death of his father, the applicant. The Appellant has stated that his father's application was submitted to Ranipet division office when he was alive and it was transferred to Sholinghur division and was registered belatedly by the licensee. The Appellant has filed a petition before CGRF of Vellore EDC to effect name transfer of the agricultural service application in his name. But the CGRF of Vellore EDC has dismissed the petition. Hence, the Appellant filed this petition before the Electricity Ombudsman.

3. Orders of CGRF:

The CGRF in its order dated 29-2-2012 has issued the following as findings of the forum.

"The Petitioner's application for name transfer of application in respect of new application for Agriculture service connection by his father is untenable in view of the following facts and reasons :

- *The application for new connection by his father has been submitted posthumously.*

- *The said application submitted to the then TNEB is posthumous which is evidenced by the corrections by the petitioner on his own on the demise of his father.*
- *The original application from the demised father is not signed but left thumb impression (LTI) marked. Another enclosed application to the Revenue authorities has been signed.*
- *The original application said to be submitted by his father on 5-9-1989 after the demise of his father is void abinitio. When the original application itself is void abinitio, the request of name transfer by his son in respect of the said application of his father submitted posthumously, is dismissed.”*

4. Contention of the Appellant:

- i) The applicant Thiru V.G. Kathirvelu Mudaliar has submitted an application seeking agricultural service connection for the well at SF No.93/14 Dharmanithi village during July 1989 to the Executive Engineer of Ranipet Division. The Appellant has also accompanied his father while submitting the application.
- ii) It was informed that the registration details will be sent separately.
- iii) The Appellant's father expired on 25-8-1989.
- iv) On 4-8-2008, a 90 days notice addressed to his father was received from EE/O&M/Sholinghur to enter the readiness for the above agricultural service connection application. Accordingly, after getting concurrence from the other members of the family, the Appellant applied for transferring the name of the agricultural application from his father's name to his name to EE/O&M/Sholinghur.
- v) His petition filed before the CGRF was dismissed without proper enquiry.
- vi) The EE/Sholinghur has informed that the application furnished when his father was alive was belatedly received on 5-9-1989 which is not

truth. The application was submitted (by his father and himself) at the office of Ranipet when his village was in Ranipet division. The application was forwarded to the newly formed Sholinghur division office without registration at Ranipet is the cause for such ambiguity.

- vii) The corrections in the application were made by him and the initials in the corrections are his initials. But the corrections were made at Ranipet office. As his father is illiterate, his initials were obtained.
- viii) As per the rules in vogue, an application registered could be changed to the name of the purchaser without the consent of the original applicant without change in priority. But, changing the name to a legal heir was rejected stating that the application was registered after the death of his father.
- ix) He already obtained an agricultural service connection No.A1609 for another bore well in the same SF. No. based on his application dated 13-2-1990. But the application made in his father's name is for a separate borewell. But it was cancelled wrongly.

5. Contentions of the Respondent :

i) Thiru V.G.Kathirvelu has submitted his agricultural service connection application on 5-9-1989 at the office of EE/Ranipet and registered on 9-9-1989 in the office of the EE/Sholinghur. The officer having received the application has put his initials on the application on 5-9-1989.

ii) The corrections made in the service connection application were attested by the Appellant as informed by him and his initials are available in the application furnished by his father. Any corrections can be made in the application

only by the applicant. The corrections if any has to be attested by the applicant either by putting initials or by putting his thumb impression then only the application is valid.

iii) As per Boards regulations action can be taken on an agricultural service connection application furnished by an applicant when he was alive.

iv) An application was received in the name of Thiru V.K.Ranganathan on 3.5.1990 and service was affected for the above applications on 13-2-2009 vide SC.No.A1609. No comment was given on the above. But, the application of Thiru Kathirvelu was rejected as the application was filed in the EE/Raniept office on 5-9-1989 and registered at EE/Sholinghur's office on 9-9-1989 after the death of the applicant on 25-8-1989.

v) As the application was furnished and registered after the death of the applicant, the application is invalid. Hence, the orders of CGRF of Vellore EDC is correct.

6. Hearing held by the Electricity Ombudsman:

A hearing was held before the Electricity Ombudsman on 7-6-2012, to enable the Appellant and the respondent to putforth their views in person.

7. Argument of the Appellant:

The Appellant himself presented his case on 7-6-2012. He argued that his father has submitted the application when he was alive and hence it has to be treated as a valid application. He also informed that he does not have any other document to show that his application was submitted before his father's death. But he only repeated that the application was filed by his father when he was alive. He also pleaded that his case may be considered sympathetically. He argued that the initials put on the application to authenticate the correction is doubtful when the

Electricity Ombudsman asked him why he is raising the above doubt now when he himself has stated in the petition that he only initialled the correction he was unable to give any concrete reply but only informed that he used to sign as V.K.R only.

8. Argument of the Respondent:

The respondent was represented by Thiru Udhayan, EE/Sholinghur. He also reiterated the contents of the counter. He showed the original copy of the application form and informed that the application was received at Ranipet office as reported by the Appellant. But it was received only on 5-9-1989 and not before the death of the applicant (25-8-1989). He said that the application was sent to Sholinghur and was registered on 9-8-1989 only. He also argued that the appellant has informed in the CGRF that he only initialled the corrections. But now he is saying that the initials are doubtful. He also informed that the appellant has submitted an application for an agricultural service connection in the same SF in his name but for a different well during 1990 and got a service connection in his name.

9. Findings of the Electricity Ombudsman

9.1 On a careful consideration of the arguments put forth by both parties and on perusal of records furnished, I find the following are the issues to be decided:

- i) Whether the agricultural application given by the applicant's father is a valid application.
- ii) Whether any relief could be given to the appellant.

9.2 Findings on the first issue:

(a) The Appellant informed that the application seeking agricultural service connection was submitted by his father when he was alive. As the application was given at Ranipet office instead of Sholinghur, the delay in transmitting the application by the Ranipet Office to Sholinghur is the reason for the delay in registering the application. Hence he argued that there was delay in transmitting the application and hence it has to be treated as a valid application.

(b) But the respondent argued that the application was given at Ranipet office on 5-9-1989 only as it could be seen from the current number and date seal of the Ranipet division office. He also informed that the EE/Ranipet has also initialled the application only on 5-9-1989. Hence, the application was submitted after the death of the applicant who expired on 25-8-1989.

(c) On perusal of the copy of the application submitted by the respondent, it is noted that the application was received at the office of the Executive Engineer/O&M, Ranipet on 5-9-1989 as per the date seal affixed on the application. The initials of the then EE/O&M, Ranipet was also affixed on the application, it was also dated as 5-9-1989 only. Further it is also noted that certain corrections were made on the date of submission of the application and were attested by the Appellant and not by his father who can only put his thumb impression. The corrected date is 5th September of 1989. Hence, it is confirmed that the application was submitted on 5-9-1989 and not before the above date. But now the appellant has disputed that the initials put on the application for attesting the corrections do not appear to be his initials. But in the appeal petition he has stated that he only initialled the corrections.

(d) Further on examination of the application it is seen that the VAO has given his certificate on 9-5-1989 and he has also obtained a clearance certificate to the effect

that the well is away from Palar basin on 21-8-1989. Hence, it is noted that the application is ready in full shape before 25-8-1989. However, the date of receipt of application at the office is the main criteria to ascertain the validity of the application submitted.

(e) As the date seal affixed on the application and the initial of the officer received are exhibiting 5.9.1989 it has been clearly established that the application was received at the office of the EE/O&M/Ranipet on 5-9-1989 (ie) after the death of the applicant who has expired on 25-8-1989. Hence, I am also concurring with the views of CGRF that the application submitted after the death of the applicant is void abinitio.

9.3 Findings on the second issue:

As the original application itself is void abinitio, the request for changing the name of the application to his son is not feasible.

10. Conclusion:

In view of my finding in para 9 above, I am unable to interfere with the orders of Vellore EDC. With the above findings, the AP No.11 of 2012 is finally disposed of by the Electricity Ombudsman. No costs.

(A. Dharmaraj)
Electricity Ombudsman

To

- 1) Thiru V.K.Ranganathan
S/O.(late) V.G.Kathirvellu,
Melapuram Mottur,
Melapuram Pudur (P.O),
Panapakkam (Via)-631052
Vellore District.

- 2) The Superintending Engineer,
Vellore Electricity Distribution Circle,
TANGEDCO
Gandhinagar,
Vellore-6
- 3) The Chairman & Managing Director
TANGEDCO,
NPKR Malaigai,
144, Anna Salai,
Chennai – 600 002.
- 4) The Secretary
Tamil Nadu Electricity Regulatory Commission
No.19A, Rukmini Lakshmipathy Salai
Egmore,
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