



## **TAMIL NADU ELECTRICITY OMBUDSMAN**

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### **BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI**

**Present : Thiru. A. Dharmaraj, Electricity Ombudsman**

#### **Appeal Petition No. 13 of 2013**

Thiru. S. Arputharaj,  
13/37, Gurusamipuram,  
Pavoorchatram – 627808

. . . . Appellant  
(Party in Person)

Vs

The Assistant Engineer,  
Distribution/Pavoorchatram,  
Tirunelveli Electricity Distribution circle  
TANGEDCO  
Pavoorchatram 627 808

. . . . . Respondent  
(Party in Person)

**Date of hearing : 12.6.2013**

**Date of Order : 28-6-2013**

The above appeal petition No.13 of 2013 came up for hearing before the Electricity Ombudsman on 12.6.2013. Upon perusing the above appeal petition, the counter affidavit, documents furnished in support of the arguments and after hearing both sides, the Electricity Ombudsman passes the following order :

#### **ORDER**

**1. Prayer of the Appellant :**

The appellant prayed for effecting electricity service connection for the house at first floor bearing Door No.37, of Gurusamipuram.

## **2. Brief History of the Case :**

Thiru. S. Arputharaj has applied for a separate domestic connection for the house at first floor bearing Door No.37 in Gurusamipuram of pavorchatram village. The respondent in his letter dt.2.7.2012 informed that effecting service connection to the house at first floor is not feasible as the stair case for the first floor is going through the main hall of the house at ground floor. Further, the premises was inspected by the AEE/Surandai and based on his inspection report, the EE/Tenkasi in letter dt.26.12.2012 has informed the Appellant that effecting service connection to his house at first floor is not feasible of compliance. The Appellant has filed a petition before the CGRF of Tirunelveli EDC on 19.1.2013. The CGRF in its order dt.10.4.2013 has ordered that the AE/Distribution/Pavorchatram may inspect the house to ascertain whether any family is living in the above house at first floor. Further, as the petitioner has informed that he will make permanent segregation action may be taken to effect the service as soon as the petitioner makes the segregation. As separate entrance has been shown for the first floor and ground floor houses in the sketch enclosed with the petition, the site may be inspected and the service may be effected following the Distribution Code Regulation 27(14) and 27(15).The Appellant informed that eventhough he complied with the orders of the CGRF, the service was not effected. Hence, he filed this appeal petition to Electricity Ombudsman.

### **3. Findings of the CGRF of Tirunelveli EDC :**

The CGRF of Tirunelveli EDC has issued its order on 10.4.2013. The relevant para of the order is reproduced below: -

“உதவி பொறியாளர்/விநியோகம்/பாஹூர்சத்திரம் அவர்கள் மனுதாரரது வீட்டின் மாடியில் குடும்பம் உள்ளதா என ஆய்வு செய்யலாம் தனிப்பிரிவு மனுதாரர் ஏற்படுத்தி தருகிறேன் என்றும் சொல்வதால் தனிப்பிரிவு என்று ஏற்படுத்தியவுடன் மின்னிணைப்பு வழங்க நடவடிக்கை எடுக்கலாம். மேலும், புகார் மனுவோடு இணைக்கப்பட்டுள்ள வரைபடத்தில் தரைதளத்திற்கும் முதல் தளத்திற்கும் வெவ்வேறு நுழைவு வாயில் உள்ளது போல் காண்பிக்கப்பட்டுள்ளதால் இடத்தினை ஆய்வு செய்யும்போது TNERC Distribution Code page No.63இல் உள்ள 27(14) மற்றும் 15யை பின்பற்றியும் மின்னிணைப்பு வழங்குமாறும் உதவி பொறியாளர்/விநியோகம்/பாஹூர்சத்திரம் கேட்டுக் கொள்ளப்படுகிறார்.”

### **4. Contentions of the appellant :**

4.1 The Appellant has contended the following in the appeal petition.

(i) The stair case to the first floor, not starts from the main hall of the house but it starts from the varandha of the ground floor and reaches the varandha of the first floor.

(ii) The house at ground floor (Door No.38) and the house at first floor (Door No.37) are permanently segregated. Even if houses are constructed at 2<sup>nd</sup> and 3<sup>rd</sup> floors, this common stair case alone has to be used. It is a general rule. There is no rules in Boards Regulations explaining the way in which the staircase is to be constructed.

(iii) For the house situated in the first floor bearing Door No.37, the house tax is paid. A separate family is living and the above family is having a Ration card and Gas connection passbook. The copies of the above documents are enclosed.

(iv) However, as directed by the CGRF on 10.4.2013, the entrance for the house at ground floor was modified as shown in the drawing and the same was intimated to the AE/Distribution/Pavoorchatram. But, service was not effected. As the AE/Distn/Pavoorchatram has not obeyed the orders, he pleaded for effecting service connection to his house at Door No.37.

(v) Regulation 27(13),(14) & (15) of TNERC Distribution Code, deals with effecting of more than one service connection.

## **5. Contentions of the respondent :**

5.1 The respondent has contended the following in his counter :

(i) Thiru. Arputharaj, Gurusamipuram, Pavoorchatram has sent an application by RPAD on 3.5.2012 seeking supply to a house in first floor bearing Door No.37. The application was received at the section office on 4.5.2012. As the house tax receipt or ownership of property was not enclosed with the application, the application was registered in the defective application register and recorded.

(ii) Thiru. S. Arputharaj has again sent an application through post and sent the registration charges of Rs.50/- by money order on 30.6.2012. Accordingly a receipt was made in favour of Thiru. S. Arputharaj.

- (iii) In the above application, the applicant has not enclosed either the house tax receipt or ownership documents. On field inspection, it was noticed that in ground floor, where the applicant is living, there is a service connection bearing No.099-077-803 in the name of his father Thiru. M. Soloman Pandey. The stair case to the first floor is available in the main hall of the ground floor and the main entrance is one only. Hence, as per TNERC Distribution Code clause (27) and as per the board rules in vogue there is no possibility to effect supply to the above house. Accordingly, the application was cancelled and recorded in the defective application register and applicant was informed about the cancellation of the application on 2.7.2012 by RPAD
- (iv) Thiru. S. Arputharaj again sent a representation which was received at the office on 1.9.2012 and he was also informed in letter dt.14.9.2012 that the reply already sent is final.
- (v) Thiru. S. Arputharaj has again filed a petition dt.29.10.2012 to SE/Tirunelveli EDC which was received on 3.11.2012. The AEE/Surandai has inspected the site on 14.11.2012 and informed to the EE/Tenkasi that there is no feasibility to effect supply to the petitioner house. Accordingly, the EE/Tenkasi in his letter dt 26.12.2012 has intimated the reasons for not effecting the service connection to the petitioner.

- (vi) Thiru. S. Arputharaj has filed a petition on 19.1.2013 before the CGRF of Tirunelveli EDC to effect supply to his house at first floor bearing Door No.37. The above petition was registered as 1/2013 in the CGRF of Tirunelveli EDC. The hearing was conducted on 23.3.2013.
- (vii) On the hearing date, the Appellant has reiterated the request of effecting service connection to the house at first floor bearing Door No.37. He informed that a family is living in the first floor. He also assured that as shown in the drawing furnished, separate entry for the house at ground and first floor will be arranged by him.
- (viii) The forum in its order dt.10.4.2013 has directed the AE/Distribution/Pavoorchatram to inspect the petitioner's house at first to confirm the version of the petitioner that a family is living in the first floor. Further, as the petitioner has stated that he will make arrangements to have permanent segregation, the service may be effected on making permanent segregation. As separate entrance was shown in the drawing enclosed with the petition, the site may be inspected and service may be effected following regulation 27(14) &(15) of the TNERC Distribution Code.
- (ix) Thiru. S. Arputharaj in his letter dt.18.4.2013 has informed that as per the drawing submitted on the hearing date, separate entrance has been arranged for Door No.38 Ground Floor house and Door

No.37, first floor house and a family is living in the house at first floor and hence requested to effect supply after inspecting the house.

- (x) On 26.4.2013, a field inspection was conducted. It was noticed that the petitioner has not made separate entrances for the first floor and ground floor houses. Hence, in letter dt.7.5.2013 the petitioner was informed to arrange entrance for the Ground floor & first floor houses separately so as to have a permanent physical segregation and inform the fact to the board. He was also informed that after inspecting the site if permanent physical segregation is available, arrangements will be made to effect supply. Otherwise supply will not be effected.
- (xi) The additional information furnished by the Appellant in para page 13 & 59 are not true. The stair case to the first floor is available in the main hall of the ground floor. The first floor house (No.37) and ground floor house (Door No.38) are not permanently segregated.
- (xii) The house of the Appellant was inspected again on 23.5.2013. On inspection, it is noted that in the arrow mark marked as entrance for first floor, a strong wooden door with lacking facility is available. The place noted as varandha in the drawing is actually the main room of the ground floor. Only from the main room of the Ground floor, the stair case to the first floor is constructed. The entrance for Ground floor marked by arrow is the backyard door of the kitchen. The above door is not the main entrance of the Ground floor house. The

entrance marked by the petitioner has no relevance with the actual condition. The Appellant has not attended the defects pointed out, but submitting petitions with false information every time.

- (xiii) As per TNERC Distribution Code 27(13) within a door number or sub door number an establishment or person will not be given more than one service. Further, the staircase to the first floor is not constructed separately but it is a inner stair case available in the main room of the house. Hence, it is not as per regulation 27(14) (i.e) where more than one person or more than one establishment is in occupation of a door number of sub door number, more than one service connection will be given only if there is a permanent physical segregation of areas for which different service connections are applied for. Further, the first floor is connected with the existing SC No.099-007-803 by permanent wiring made in a premises. Hence, there is no loss to the consumer.

## **6. Hearing held by the Electricity Ombudsman**

In order to facilitate the Appellant and the respondent to put forth there arguments in person, a hearing was conducted on 12.6.2013.

## **7. Argument of the appellant :**

7.1 The Appellant Thiru. S.Arputharaj, himself has presented the case. He reiterated the contents of the appeal petition.

7.2 The Appellant argued that he has sent an application seeking electricity service connection for his house at first floor on 3.5.2012. But, no acknowledgement or information was given till 2.7.2012. Only on 2.7.12 he was informed that as the staircase to first floor starts from the main hall of the house, it is not feasible to effect separate service to the above house.

7.3 He argued that the ground floor & first floor are separated and two families are living one at ground floor and another at first floor. He also informed that the family at ground floor and the family at second floor are having separate ration card and gas connection. He informed that his daughter's family is living in the upstairs. But they are living separately. The Appellant also informed that the door no. of the first floor is 37 and the door number of the ground floor is 38 and tax is being paid separately and has furnished the copy of the tax receipts in support of his argument.

7.4 He argued that the stair case room is only a common area or passage for both the ground and first floor houses and argued that he is willing to close the door leading to the ground floor, and use the door available in backyard as entrance for the ground floor. He also refuted the argument of the respondent, that the path way is narrow.

7.5 He also informed that he is ready to change the wooden door available in the entrance of the staircase room as a grill door if the licensee accept to effect a separate service to the house at first floor.

7.6. The appellant informed that kitchen is available separately in the ground floor house and in the first floor house and hence argued that the house at first floor is a separate house only. He also argued that just because there is a common entrance for both the houses it cannot be construed that it is a single house or there is no physical separation between the houses. He also informed that there are premises where more than one service connection has been given, though the entrance may be a common one.

## **8. Argument of the Respondent:-**

8.1. Thiru M.Thavasi, Junior Engineer (Distribution), Pavorchatram has attended the hearing. He also reiterated the points furnished in the counter.

8.2. He informed that the entrance for ground floor house shown in the sketch furnished by the appellant is really entering into the kitchen and the path way leading to entrance from the main gate is very narrow and hence argued that only for the sake of showing some other entrance for the ground floor, it is shown. But, it is difficult to use it as a permanent entrance for the house at ground floor.

8.3. He argued that as the staircase is from a room attached to the ground floor house, there is no permanent physical segregation between the house at ground floor and the house at first floor. He argued that if there is no entrance (door) to the ground floor house from the staircase room, then only it can be considered as having permanent physical segregation with the first floor. But, in the appellant house there is entrance from staircase room to the ground floor hall and hence he argued that there is no permanent physical segregation between the houses.

8.4. When the Electricity Ombudsman asked the Assistant Engineer why a service could not be effected as per regulation 27 (13) of the Distribution Code as the house at first floor is having a separate door number (i.e. 37). The Assistant Engineer replied that as there is no physical segregation between the first floor and second floor, effecting a separate service is not feasible. He also informed that though separate door numbers have been assigned for the first floor and ground floor houses, there is no permanent physical segregation between the two houses and it is a single premises only and hence argued not eligible for availing another service separately for the first floor. He also furnished copies of photographs showing the house in support of his argument that it is a single premise.

## **9. Finding of the Electricity Ombudsman:-**

9.1. I have heard the arguments of the appellant and the respondent and perused the documents adduced before me. On a careful consideration of the

above, the only issue to be decided is whether a separate service could be effected to the first floor house bearing door number 37 of Gurusamipuram.

9.2. The appellant's main argument is, separate families are living in ground floor and first floor and hence a separate service could be given for the first floor.

9.3. Regarding the permanent physical segregation between the two floors, he argued that the staircase room is not a main hall of the ground floor and is only a varanda and used as a common passage for both the ground floor house and first floor house. He also informed the main entrance of the ground floor house is available in the staircase room only. He further informed that even he is willing to use the door at the backyard as entrance for the ground floor and permanently lock the door in the staircase room so that the staircase room will be utilized as a passage for the first floor house only.

9.4. He also argued against the contention of the respondent that there shall not be any entrance to ground floor from the staircase room to consider that there is permanent physical segregation between the ground floor and first floor houses. He informed that there are premises which are having common entrance for more than one establishment / shops and are given separate services.

9.5. The respondent argument is that he is unable to give a separate service to the first floor house as there is no permanent physical segregation between the

first and ground floor. His main argument is the staircase room is the main room of the ground floor and as the staircase emanates from that room, first floor is also a part of the house and not a separate portion. He further argued as long as the ground floor and the first floor are having access from the staircase room, it cannot be considered that there is a permanent segregation between the houses. He also informed that even if the door at the entrance of the staircase room is changed as a grill door instead of the existing wooden door, service could not be given as the permanent physical segregation is missing. He pointed out that regulations 27 (13) and 27 (14) of the Tamil Nadu Electricity Distribution Code in support of his argument.

9.6. He also argued that the door at the backyard shown as entrance to the house at the ground floor could not be used as the main entrance as the path way leading to the backyard is very narrow and if that door is used as entrance, then the entry point will be the kitchen of the ground floor house.

9.7. On 19-06-2012, a sketch showing the dimensions of the vacant space that could be used as path way in case backyard door is used as the main entrance of the ground floor has been sent by both the parties. As both the parties have signed, the measurements shown are acceptable to both parties. On scrutiny, it is seen that 7 feet path is available. Hence, I am of the view that there is sufficient space to utilize as pathway.

9.8. As the respondent has cited regulations 27 (13) and 27 (14) of the Tamil Nadu Electricity Distribution Code (hereafter referred as Distribution Code) in support of his argument, the said regulations 27 (13) and 27 (14) of the Distribution Code is reproduced below:-

*“27 (13) Within a door number or sub door number, an establishment or person will not be given more than one service connection.*

*27 (14) Where more than one person or more than one establishment is in occupation of a door number or sub door number, more than one service connection will be given only if there is a permanent physical segregation of areas for which different service connections are applied for”.*

9.9. On a careful reading of the regulation 27 (13) of the Distribution Code, it is noted that within a door number or sub-door number, a person or establishment cannot be given more than one service connection.

9.10. On a careful reading of the regulation 27 (14) of the Distribution Code, it is noted that when more than one person or establishment is in occupation of a door number or sub-door number more than one service connection will be given if there is a permanent physical segregation of areas for which different service connections are applied for.

9.11. On a conjoint reading of both the above regulation, it is could be stated that in a premises with one door number more than one service shall not be effected if only one establishment or person is in occupation. However, if more than one person or establishment is in occupation of the premises with one door or sub-

door number more than one service could be given if permanent physical segregation of area is available.

9.12. In other words, the main criteria for effecting more than one service in a door number or sub-door number is

- (1) more than one person or establishment shall be in occupation. and
- (2) there shall be a permanent physical segregation of areas for which different service connection is applied for.

9.13. Now let me analyse whether the present case satisfies the above two conditions.

9.14. Findings on Condition No.1:-

9.14.1. The appellant informed that one family is living at ground floor and another family is living in first floor. He also produced the ration card and gas connection card in support of the above argument. The persons living in (ground floor door no. 38) is the appellant himself and his wife. The details available in the ration card are as below:-

Ration Card No. 29 /G / 0496074

Members as per ration card:-

Arputharaj - 52 years

Jamilabakiyavathi - 47 years

Pricilla Rajam - 23 years

Mercy Esthar - 20 years(Name deleted subsequently)

Address: Old No.23A, New No.38, Gurusamipuram, Kallurani, Tenkasi Taluk-627 808, Tirunelveli.

9.14.2. In this Gas connection card, the following details are available:

Card Serial No : IOC/9103668  
SV No & Date : 034296 date 16-03-1988.  
Customer No. : 2901.  
Address : S.Arputharaj, 86C, Malayan Street, Tenkasi.  
Distributor name : Sri Chakra Enterprise, Tenkasi.  
Issuing Company : I.O.C.

The present address has been mentioned as 13/38, Gurusamipuram, Pavoorchatram-627 808, but there is no authentication for the present address. However, in the ration card, the gas connection number has been noted as 2901. Hence it is presumed that the present address matches with the entry in the gas connection card.

9.14.3. The other family residing at Door No.37 is Thiru S.Balamurugan's family. The details furnished in the ration card are as below:-

Ration Card No. 29 /G / 0856034  
Members as per ration card : Balamurugan S - 42 years  
Prichilla Rajam A - 28 years  
Shelton - 3 years

Address : No.13-37, Gurusamipuram, Kallurani, Tenkasi Taluk, Tirunelveli.

In the gas connection card, the following details are available:-

Card Serial No. : C No. 5381693  
Customer No. : 23183  
SV No. & date : 610495181 / 06-02-2010  
Customer Name : Balamurugan S  
S/o. Subramania Nadar  
Address : 13/37, Kurusampuram, Pavoorchatram  
Distributor : Sree Mahalingam Gas Agency  
Bharat Gas Distributor  
Issuing Company : B.P.C.L.

9.14.4 As the appellant has furnished the xerox copies of the ration cards of two families in support his argument of his family is residing at the ground floor bearing door number 38 and the family of Thiru S.Balamurugan residing at door number 37 of Gurusamipuram, I am of the view that the appellant has established that two families (i.e.) more than one family is residing in the above premise. Here, it is to be noted that the family residing (in door number 37) in first floor is the appellant's own daughter's family. The appellant informed that his daughter's family is living in the first floor as a separate family and not living with him as a joint family. As the two families are having separate ration card, gas connection, I am of the view that two families are residing separately.

9.14.5 It is also observed that the name of Pricilla rajam is found in both the ration cards even though the Appellant informed that her name is deleted from his ration card.

9.15 Findings on Condition No.2.

9.15.1. The next point to be considered is whether any permanent physical segregation of areas for which different service connections are applied for ?.

9.15.2. The respondent argued that as the staircase to the first floor starts from the main room of the ground floor, there is no permanent physical segregation. He also argued that the staircase is not separately built outside the ground floor house, but it emanates from a room of the ground floor house and hence there is no physical segregation between the ground floor and first floor. In view of the

above, he contended that the whole building is to be considered as one premises only.

9.15.3. The appellant argued that there is no rule or regulation in the code to build the exterior staircase only to avail a separate service connection for ground and first floor houses. In his house, the staircase is emanated from veranda only and the ground floor house starts from the main door available after the staircase area. He also informed that he is willing to use the door available at the backyard as main entrance of the ground floor house.

9.15.4. It is noted from the argument of both the parties that the appellant said that the staircase is in the veranda and the respondent said it is in the main room of the ground floor.

9.15.5. As per the drawing furnished by the appellant, the staircase room is of size 11' x 8'.6". During the hearing, the appellant informed that the length of the staircase is 2 3/4'. In the ground floor, the room next to the staircase and having an entrance from the staircase room is of size 11' x 16'. Considering the size of the staircase room, the size of the stairs and the size of the next room, I am unable to accept the argument of the respondent that the room where the staircase is available is the main hall, the room with a size of 11' x 16' could be the main hall of the ground floor. Similarly, it cannot be a veranda also as it is a closed room with a door for entrance. Hence, it is only a staircase room and the staircase is an interior staircase connecting the ground and first floor. Just because the staircase room is also having access to the ground floor house, it

cannot be said that the first floor house is not having any physical segregation with the ground floor house. In the instant case, the staircase is not constructed in the main hall of the ground floor which is having connection with main entrance and other rooms of the ground floor house. It is available in a room which is having access to the main hall of the ground floor and not to any other rooms of the ground floor house. Hence, I am of the view that the staircase room is not a room of the ground floor house but a place utilized as a common passage for both the ground floor house and the first floor house. As the staircase room is considered as the common passage, the area of the ground floor house excludes the staircase room. Hence, I am of the view that there is a permanent physical segregation of areas between the first floor house and the ground floor house.

9.16. As per my findings in para 9.14.4 more than one family is in occupation of the premises (i.e.) one family is in occupation of the ground floor house and another family is in occupation of house at the first floor.

9.17. As per my findings in para 9.15.5. there is a permanent physical segregation of areas, between the first floor house and the ground floor house.

9.18 It is noted that a separate door number has been given by the local body, for the houses at ground and first floor and tax is also levied separately. The Appellant has produced copies of the tax receipts issued by the Panchayat for the year 2013-14. On scrutiny, it is noted that the tax for the house with door No.13/38 (Ground Floor) is Rs.450/- and the house with door No.13/37(First Floor) is Rs.80/- As separate door numbers have been given for the houses at

Ground Floor & First Floor, it is construed that the local body has considered the houses at Ground Floor and First Floor as separate units.

9.19. In view of the reasons furnished in the previous paras 9.16,9.17 & 9.18, I am of the view that the appellant request for effecting a separate service connection to the house at first floor satisfy the regulation 27 (14) of the Distribution Code eventhough the door numbers of the houses are different.

**10. Conclusion:-**

10.1 In view of my findings furnished in para 9 the respondent is directed to effect a separate service to the house at first floor bearing door number 37 of Gurusamipuram after collecting the necessary charges. A compliance report shall be furnished within 45 days from the date of receipt of this order.

10.2 With the above findings, A.P.No.13 of 2013 is disposed of by the Electricity Ombudsman. No cost.

**(A. Dharmaraj)**  
Electricity Ombudsman

To

1. Thiru. S. Arputharaj,  
13/37, Gurusamipuram,  
Pavoorchatram – 627808

2. The Assistant Engineer,  
Distribution/Pavoorchatram,  
Tirunelveli Electricity Distribution circle  
TANGEDCO  
Pavoorchatram 627 808.

3. The Chairman,  
(Superintending Engineer),  
Consumer Grievance Redressal Forum,  
Tirunelveli Electricity Distribution Circle,  
TANGEDCO(formerly TNEB),  
Maharaja Nagar, Tirunelveli 627 011.

4. The Chairman & Managing Director,  
TANGEDCO,  
NPKR Malaigai,  
144, Anna Salai, Chennai – 600 002.

5. The Secretary  
Tamil Nadu Electricity Regulatory Commission  
No.19A, Rukmini Lakshmi pathy Salai  
Egmore,  
Chennai – 600 008.

6. The Assistant Director (Computer) - **FOR HOSTING IN THE WEBSITE**  
Tamil Nadu Electricity Regulatory Commission,  
No.19A, Rukmini Lakshmi pathy Salai,  
Egmore,  
Chennai – 600 008.