



TAMIL NADU ELECTRICITY OMBUDSMAN

19- A, Rukmini Lakshmipathy Salai, (Marshal Road), Egmore, Chennai – 600 008.

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 3 of 2013

Thiru P.M. Kathirvel
S/o Munian,
Puthirampattu (Post) – 606 402
Sankarapuram Taluk

. . . . Appellant
(Rep by Nil)

Vs

The Superintending Engineer,
Kallakurichi Electricity Distribution circle
TANGEDCO
Salem Road, Kallakurichi

. Respondent
(Rep by Tmy. S. Prema,
Asst. Executive Engineer/East
Sankarapuram)

Date of hearing : 26-3-2013

Date of Order : 10- 4-2013

1. Thiru P.M. Kathirvel, S/o Munian, Puthirampattu has filed a petition dated 1-2-2013 praying to reconnect the service connection No. 471 which was disconnected on 28-7-2011.
2. Before filing the above petition, Thiru. P.M. Kathirvel has filed a petition dt.13.9.2-2012 before the Electricity Ombudsman in this regard. As the petitioner has not given any details about filing the petition before CGRF,

the petitioner was requested to give the details and a copy of the above petition was also forwarded to the SE/Villupuram EDC with a request to intimate the action taken on the petition. The Superintending Engineer, Villupuram Electricity Distribution Circle has transmitted the above petition to SE/ Kallakuruchi Electricity Distribution Circle as the petition relates to Kallakuruchi Electricity Distribution Circle.

3. As the Members of CGRF was not nominated in the newly formed Kallakuruchi EDC, the petition was kept pending in the CGRF of Kallakuruchi Electricity Distribution Circle. In SE/Kallakuruchi EDC's letter dt. 29.7.2012, the petitioner was also informed that on formation of CGRF action will be taken on his petition. Meanwhile the petitioner has filed a petition again before the Electricity Ombudsman on 1-2-2013. As his petition pending in the CGRF of Kallakuruchi EDC was not disposed within 2 months from the date of receipt of the petition for want of nomination of members, the above petition was treated as an appeal petition by the Electricity Ombudsman and registered as AP No. 3 of 2013.
4. A copy of the above petition was forwarded to the Superintending Engineer, Kallakuruchi Electricity Distribution Circle on 18-2-2013 for furnishing his counter.
5. The Superintending Engineer, Kallakuruchi Electricity Distribution Circle furnished his counter. In the counter he has informed that all the 7 Nos disconnected service connections including the petitioner Thiru Kathirvel's service connection No.471 have been reconnected on 14-3-2013 based on

the Chief Engineer, Commercial's memo No. CE/Comm/EES/AEE2/F Poramboke land /D64/13 dt 5-2-2013.

6. A hearing was conducted on 26-3-2012 before the Electricity Ombudsman. Tmy. S. Prema, Assistant Executive Engineer/East has attended the above hearing on behalf of the Superintending Engineer, Kallakurichi Electricity Distribution Circle. She reiterated the contents of the counter and informed that the service connection of the appellant was reconnected on 14.3.2013 and thus the grievance of the Appellant has been redressed. She also informed that the appellant has filed a petition before the Hon'ble TNERC in this regard and her reply was also submitted to Hon'ble TNERC in response to the show cause notice issued by the Hon'ble Commission.
7. Thiru Kathirvel, the Appellant has not attended the hearing and has also not sent any intimation seeking any adjournment.
8. However, the appellant has furnished a written argument dt.27.3.2013 through post. In the written argument he has contended the following :
 - (a) The service was reconnected on 14.3.2013. When there is a rule to reconnect the service now, the respondent ought to have known the rule at the time of disconnection also.
 - (b) Due to the misuse of authority of the respondent the service was disconnected and he lost his income from 28.7.2011 to 14.3.2013. Hence, he pleaded to arrange for compensation from the respondent.

(c) He also furnished a copy of the undertaking now furnished by him while getting reconnection for his service.

9. It is noted that the appellant has filed a similar petition before the Hon'ble TNERC in this regard and the Hon'ble Commission has issued the show cause notice vide TNERC/Dir.Legal/DD(L)/F.Show cause/D.No.258/2013, dt.26.2.2013 and the AEE/Sankarapuram has furnished her reply in her letter dt.16.3.2013 and the matter is pending before the Hon'ble Commission.

10. In this regard, the regulation 17(4) is extracted below :

“17(4) No complaint to the Electricity Ombudsman shall lie unless:

(a) The complainant had before making a complaint to the Electricity Ombudsman made a written representation to the forum of the licensee named in the complaint and either the forum had rejected the complaint or the complainant had not received any reply within a period of two months from date of filing of the grievance or the complainant is not satisfied with the reply given to him by the forum. This shall however not be applicable to the complaints of common nature described under clause 17 (1).

(b) The complaint is made within three months after cause of action has arisen.

(c) The complaint, which is not settled, is not in respect of the same subject, which was settled through the office of the Electricity Ombudsman in any previous proceedings whether received from the same complainant or along with one or more complainants or anyone or more of the parties concerned with the subject matter;

(d) The complaint does not pertain to the same subject matter for which any proceedings before any court is pending or a decree or award or a final order has already been passed by any competent court; and

(e) The complaint is not frivolous or vexatious in nature.”

11. On a careful reading of regulation 17(4)(d) of the Forum Regulations, it is noted that the Electricity Ombudsman cannot entertain any complaint, if any proceedings before any court is pending or a decree or award or final order has already been passed by any competent court on the same subject matter.
12. As per section 95 of the Electricity Act 2003, all proceedings before the Appropriate Commission shall be deemed to be a judicial proceedings within the meanings of section 193 and 228 of the Indian Penal Code (45 of 1860) and the Appropriate Commission shall be deemed to be Civil Court for the purpose of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).
13. As the petition of the appellant on the same subject matter is pending in the Hon'ble TNERC, the matter is sub-judice. Hence, as per regulation 17(4)(d) of the Regulation for CGRF and Electricity Ombudsman, the Electricity Ombudsman cannot entertain the above petition for passing any order. Accordingly, the above appeal petition No.3 of 2013 of the appellant is treated as closed.

(A. Dharmaraj)
Electricity Ombudsman

To

1. Thiru P.M. Kathirvel
S/o Munian,
Puthirampattu (Post) – 606 402
Sankarapuram Taluk

2. The Superintending Engineer,
Kallakurichi Electricity Distribution circle
TANGEDCO(formerly TNEB),
Salem Road, Kallakurichi.

3. The Chairman (Superintending Engineer),
Consumer Grievance Redressal Forum,
Kallakurichi Electricity Distribution circle
TANGEDCO(formerly TNEB),
Salem Road, Kallakurichi

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 Lakshmipathy Salai
Egmore,
Chennai – 600 008.

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