



TAMIL NADU ELECTRICITY OMBUDSMAN

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

Phone : ++91-044-2841 1376 / 2841 1378/ 2841 1379 Fax : ++91-044-2841 1377

Email : tnerc@nic.in Web site : www. tneo.gov.in

BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 5 of 2013

General Manager,
M/s Pandian Chemicals Ltd.,
17A, Vallabhai Road,
Chokkikulam,
Madurai – 625 002.

. . . . Appellant
(Rep by Thiru. M.G. Gunasekaran,
Office Assistant of M/s Pandian
Chemicals Ltd.,)

Vs

The Assistant Engineer/O&M,
Thirumangalam Town,
Madurai Electricity Distribution circle
TANGEDCO
Usilampatty Road,
Thirumangalam – 627 709.

. Respondent
(Rep by Party in person)

Date of hearing : 9-4-2013

Date of Order : 6 - 5-2013

The above Appeal Petition No.5 of 2013 came up for final hearing before the Electricity Ombudsman on 9-4-2013. Upon perusing the above Appeal Petition, the counter affidavit, documents furnished in support of the arguments and after hearing both sides, the following order is passed by the Electricity Ombudsman.

ORDER

1. Prayer of the Appellant :

The Appellant prayed to direct the Assistant Engineer, Thirumangalam Town, to correct the name of the service connection No.131-013-609 as Pandian Chemicals Ltd.,

2. Brief history of the case :

The Appellant obtained a service connection for the Building constructed at Door No.316/5, Virudhunagar Road. The service connection No. is 131-013-609 and is coming under the jurisdiction of the respondent . The service connection was effected in the name of Mr. K. Sathiavan. The Appellant filed a petition before the CGRF for Changing the name of the service connection as Pandian Chemicals Ltd., stating that the service was effected in the personal name of their General Manager K. Sathiavan instead of their company name "Pandian Chemicals Ltd.," The CGRF of Madurai EDC in its order dt.1.3.2013 ordered to apply for name transfer of the service duly paying the required charges. Aggrieved over the above order, the Appellant has filed this appeal petition before the Electricity Ombudsman.

3. Contentions of the Appellant :

3.1 They had applied with the Asst. Engineer, TNEB Thirumangalam Town vide their application in the year 2005 for a new service connection in their company's name Pandian Chemicals Ltd., for their newly constructed building at Door No.316/5, Virudhunagar Road, Thirumangalam.

3.2 They had been granted EB connection No.131-013-609 in the name of their General Manager Mr. K. Sathiavan, instead of their company's name Pandian Chemicals Ltd.,

3.3 Their General Manager has signed EB application on behalf of the company only which is evident from the rubber stamp affixed in his signature.

3.4 Since there was no response for repeated oral requests, they had requested the Assistant Engineer, TNEB, Thirumangalam Town vide their registered letter No.947, dt.11.9.2012 for correction of name as per their application.

3.5 With reference to above referred letter AE/Thirumangalam Town vide letter No.உ.மி.பொ/நகர்/திரும/கோ.கட்டு/அ.எண்.189/2012, நாள் 29.10.2012 asked them to give a separate name transfer application to transfer the EB service connection from General Manager's personal name Mr. K. Sathiavan to the company name.

3.6 For their representation to the consumer grievance redressal forum reply of Chairman vide letter No. மே.பொ/மமிபவ/மது/செ.பொ/பொது/ உசெபொ/ மேம்பாடு/ கோ.CGRF/அ.143, நாள் 13.2.2013 received accepting AE of Thirumangalam Town views and refusing to convert wrong name in Electric Service.

3.7 Hence, the Appellant filed this petition requesting the Electricity Ombudsman to direct the Assistant Engineer/Thirumangalam Town to correct EB connection name as per their application in the year 2005 as Pandian Chemicals Ltd., instead of maintaining service in their company General Manager Mr. K. Sathiavan's personal name .

4. Contentions of the respondent :

4.1 The petitioner had applied for a single phase electric service connection for construction of a house building on 22.8.2005.

4.2 In their application, the name of the owner column is filled in as K. Sathiavan, S/o R. Krishnamoorthy. The copy of the original application is enclosed. So the application was registered in the individual name and the service connection was effected accordingly.

4.3 The petitioner had also paid an amount of Rs.1600/- for the service connection . The permanent receipt for the above amount was issued to the intending consumer in the name of Sathiavan only.

4.4 The petitioner did not object and the service connection 131-013-609 was effected in the name of Sathiavan.

4.5 The petitioner is paying the current consumption charges in the name of Sathiavan for the past 7 ½ years. It is surprise that the petitioner is raising the name issue now.

4.6 The only way to change the name in the database is name transfer . The name transfer charges for single phase services is Rs.200/- only. The petitioner was clearly explained the procedures.

4.7 The original application submitted by the petitioner in the year 2005 is now received from their revenue branch records. The copy of the original application is enclosed. The original application is entirely different from that of the copy, the petitioner has enclosed.

4.8 It seems that the petitioner is misleading the Hon'ble Electricity Ombudsman.

5. Hearing held by the Electricity Ombudsman

In order to enable the Appellant and the respondent to purforth their views in person, a hearing was held before the Electricity Ombudsman on 9.4.2013.

6. Argument of the Appellant :

6.1 The Appellant was represented by Thiru. M.G. Gunasekaran, Office Assistant of M/s Pandian Chemicals Ltd., He reiterated the contents of the appeal petition.

6.2 The Appellant's representative argued that the application was signed by Thiru. K. Sathiavan in his capacity as General Manager of M/s Pandian Chemicals Ltd., Hence, the service applied for is only for M/s Pandian Chemicals Ltd., and not for Mr. Sathiavan.

6.3 He also informed that a copy of application furnished to the Ombudsman is the application submitted by them after completing the construction works. He argued in the above application against item 3, it has been clearly mentioned that the service is for the use of M/s Pandian Chemicals Ltd.,

6.4 Regarding, the delay in raising the issue after 7½ years of effecting the service connection, the Appellant's representative informed that the above discrepancy has come to their knowledge only now as pointed out by their audit.

6.5 The Appellants representative has furnished a written argument also at the time of hearing. The points which are not covered in the appeal petition alone are furnished below :

“(i)The Assistant Engineer, Thirumangalam Town in his letter No.AE/T/TMG/F.Docket/D.No.323/2012-2013 dt.25.3.2013 sent to the Hon’ble Electricity Ombudsman, Chennai has stated that in PCL Application the name of the owner column is filled in as “K. Sathiyavan, S/o R. Krishnamoorthy” and PCL is misleading the Hon’ble Electricity Ombudsman. PCL denies the contention of the Asst. Engineer, Thirumangalam Town stating the following facts :

- a. The application cited by the Asst. Engineer, Thirumangalam Town is for getting EB connection only for construction of building by PCL.*
- b. In the application cited before the Hon’ble Electricity Ombudsman by the Asst. Engineer, applicant Mr. K. Sathiavan had signed with the Company seal “for PANDIAN CHEMICALS LTD.,” only.*
- c. The G.M. has to sign the application since the company being an artificial person cannot sign and act on its own.*

(ii) Transfer application is not necessary since at no point of time the service was applied in personal name.

7. Argument of the respondent :

7.1 The respondent Pasamalar, AE/Town/Thirumangalam has attended the hearing, she reiterated the contents of the counter.

7.2 She argued that in the application submitted for availing the service connection, for construction purpose against column No.6-4, the name of the owner has been specified as K. Sathiavan, S/o R. Krishnamoorthy and not as M/s Pandian chemicals Ltd., Hence, the service was effected in the name of Thiru. K. Sathiavan.

7.3 She also informed that in the office record there is no other application as submitted by the Appellant along with his appeal petition is available . She also informed that as the service connection was obtained under Tariff V, which is also the tariff applicable for the office premises, the consumer has to give an intimation to the licensee that the construction works are completed and the service is now utilized for office purpose only and intimate the load. In case of change in tariff, only a revised test report (RTR) will also be taken after collecting the testing charges. Hence, she argued that the Appellants argument of submitting the application after completion of the construction works does not arise.

7.4 She informed that the Appellant could have raised the issue at the time of giving receipt for payment of registration charges etc., itself but the Appellant has not raised the issue for the past 7 ½ years even though the receipts are issued in the name of Thiru. K. Sathiavan.

8. Findings :

8.1 I have heard the arguments of the Appellant and the respondent and perused the documents adduced before me . On a careful consideration of the arguments of both the parties. I find the following is the issue to be addressed

i. Whether the name of the service could be changed as M/s Pandian Chemicals Ltd., as prayed by the Appellant ?

8.2 In order to arrive at a conclusion , first, the application submitted by the Appellant has to be examined. In the above issue, there are two versions. The Appellant has furnished a copy of an application and informed that as per the

above application and the detailed furnished by him against SI.No.3 of the application, the service is for M/s Pandian Chemicals Ltd., Further, the application has also been signed by Thiru. Sathiavan, by affixing the rubber stamp of the company seal (for Pandian Chemicals Ltd., General Manager). The details filled against 3, 6.4, 6.5, 6.6 & 10 are furnished below :

3. என்னுடைய இந்த மின்னிணைப்பு V (பாண்டியன் கெமிக்கல்ஸ் லிமிடெட்) உபயோகத்திற்காக வழங்க வேண்டும்.
- 6.4 சொந்தக்காரர் பெயர் : K. சத்தியவான்
பொது மேலாளர்,
- 6.5 குடியிருப்பவர் பெயர் : பாண்டியன் கெமிக்கல்ஸ் லிமிடெட்
திருமங்கலம்
- 6.6 மின்சார உபயோகம் : V (அலுவலக உபயோகத்திற்காக)
10. விண்ணப்பதாரர் கையெப்பம் : For Pandian Chemicals Ltd.,
Sd/ x x x
(K. Sathiavan)
General Manager

8.3 The respondent furnished a copy of the application submitted by the Appellant while availing the service connection. In the above application the following has been recorded against SI.No.3, 6.4, 6.5, 6.6 & 10.

3. என்னுடைய இந்த மின்னிணைப்பு V (புதியதாக வீடு கட்டிட கட்டுமான பணிக்காக)
- 6.4 சொந்தக்காரர் பெயர் : K. சத்தியவான்
S/o ஆர். கிருஷ்ணமூர்த்தி,
- 6.5 குடியிருப்பவர் பெயர் : ---
- 6.6 மின்சார உபயோகம் : V (வீடு கட்டிட கட்டுமான பணிக்கு மட்டும்)
10. விண்ணப்பதாரர் கையெப்பம் : For Pandian Chemicals Ltd.,
Sd/ x x x
(K. Sathiavan)
General Manager

8.4 On scrutiny of both the applications, it is also observed that the applicant has put his signature by affixing the rubber stamp of For Pandian Chemicals Ltd., only in both the applications. In otherwards he has signed for Pandian Chemicals Ltd., only wherever he put his signature.

8.5 During the hearing conducted on 9.4.2013 the representative of the Appellant argued that the application shown by the respondent is the application given for availing the service for construction purpose and the copy of the application submitted by the Appellant along with his appeal is submitted after completion of the construction works. The Appellant's is not able to furnish the date of submission of the 2nd application and he is unable to give any documentary evidence in support of such submission. He only informed that the respondent would have removed the above applications from the file as it is against them.

8.6 The respondent argued that no such application is available in the file and there is no need to file such application also as there is no change in tariff.

8.7 As only one application is available with the licensee and the Appellant is unable to establish the submission of the second application. I am unable to take the contents of the second application for arriving my findings. Hence, the contents of the copy of the application submitted by the respondent is taken for arriving the findings. The submission of the above application was also accepted by the Appellant.

8.8 On an examination of the application submitted by the Appellant for availing the service, it is noted that the application was submitted for construction purpose and the following are the relevant entries in the application and the documents submitted by the respondents.

“3. என்னுடைய இந்த மின்னிணைப்பு V (புதிதாக வீடு கட்டிட கட்டுமான பணிக்காக) உபயோகத்திற்காக வழங்க வேண்டும்.

6.4	சொந்தக்காரர் பெயர்	-	கே. சத்தியவான் R. கிருஷ்ணமூர்த்தி
6.5	குடியிருப்போர் பெயர்	-	---
6.6	மின்சார உபயோகம்	-	V (வீடுகட்டிட கட்டுமான பணிக்கு மட்டும்)
10	விண்ணப்பதாரர் கையெப்பம்	-	For Pandian Chemicals Ltd., Sd/ x x x (K. Sathiavan) General Manager

உறுதிமொழிபடிவத்தில் விண்ணப்பதாரரின் கையெப்பம் } For Pandian Chemicals Ltd.,
Sd/ x x x
(K. Sathiavan)
General Manager

8.9 It is noted from the above, the application is raised in the name of Thiru. K. Sathiavan S/o R. Krishnamoorthy and the Pandian Chemicals Ltd., name was not mentioned against the column for owner or occupier. But, Thiru. Sathiavan has affixed his signature in the application for Pandian Chemicals Ltd., only.

8.10 In the service connection register also, the name of the applicant is recorded as Thiru. K. Sathiavan, S/o R. Krishnamoorthy as seen from the copy of

the respective page of the register furnished by the respondent.

8.11 Further, in the service connection works sanction also the name of the applicant is specified as K. Sathiavan, S/o R. Krishnamoorthy only and the Pandian Chemicals Ltd., not find a place in the service connection sanction order.

8.12 In the test report no name was filled up by the consumer. But the Appellant has signed for Pandian Chemicals Ltd.,

8.13 The stamped paper for furnishing the under taking was purchased in the name of Thiru. K. Sathiavan where as he signed the undertaking for Pandian Chemicals Ltd.,

8.14 The copy of sale deed furnished in support of the ownership of the land while availing the service is in favour of Pandian Chemicals Ltd., but in the documents Thiru. K. Sathiavan has signed on behalf of M/s Pandian Chemicals Ltd., as General Manager of the company.

8.15 The AE/Town/Thirumangalam has also stated that the permanent receipt for availing the service connection was issued in the name of Thiru. Sathiavan only. (But copy is not furnished).

8.16 It is construed from the above records, that the Appellant has signed on all the documents in his capacity as general manager of M/s Pandian Chemicals Ltd., But, the application was preferred in the name of Thiru. K. Sathiavan S/o R. Krishnamoorthy only and the Appellant has not mentioned the name of M/s Pandian Chemicals Ltd., as the name of the owner. It is also seen that he has not at all disputed the name while receipts for payments are made in the name of Thiru. K. Sathiavan. The Appellant also agreed that the above application was

submitted by him while availing the service for construction purpose.

8.17 These are the ambiguity / mistakes observed in the above service connection documents.

(i) The appellant would have mentioned the name of the Pandian Chemicals Ltd., against the owner's column instead of specifying K. Sathiavan's name.

(ii) The licensee would have got clarification from the consumer regarding signing the application on behalf of M/s Pandian Chemicals Ltd., when the application is raised in his personal name.

(iii) The ownership document is in the name of M/s Pandian Chemicals Ltd., whereas the service was effected in the name of Thiru. Sathiavan without obtaining consent letter from the owner.

(iv) There is no authorization letter authorizing Thiru. Sathiavan to sign on behalf of Pandian Chemicals Ltd.,

(v) Tariff V is applicable only for construction of residential building/complex and for other purpose constructions temporary supply has to be effected. The Appellant informed that he has applied for construction of a house and later using it for office purpose on completion of the construction. It is informed by the respondent that the office building is a single room only. Hence, if it is not for residential purpose, the supply should have been given under temporary supply for constructing the office.

(vi). The Appellant should not have given the application for construction of a house if the construction is for office use.

(vii) There is no information as to when the construction works are completed and the service was changed to applicable tariff.

8.18 It is noted from the previous para that there are mistakes on both the sides. However, the mistake of the licensee to clear the ambiguity in the application may not give any favourable decision to the Appellant, as he was having an opportunity to raise the issue when the receipt for the payment of charges to avail the service connection was raised in his personal name instead of the company's name.

8.19 Further, the respondent also argued that the service was given 22.8.2005 and the receipts for CC charges were made in the name of Thiru. K. Sathiavan only from the date of effecting of service (ie) for the past 7 ½ years and the Appellant has not raised any objection in this regard.

8.20 The representative of the Appellant informed that they are aware of the above only when their audit team pointed out that the service of M/s Pandian Chemicals Ltd., is in the personal name of the General manager. Hence, they raised the issue now. He is unable to give any other reason for the delay in raising the issue.

8.21 As the Appellant has not specified the name of Pandian Chemicals Ltd., against the owners name in the application submitted for availing the service connection and not raised his objection for issuing the receipt in the name of Sathiavan for the payment made at the time of availing the service, I am of the view that the Appellant has not established that the application was made in the name of M/s Pandian Chemicals Ltd., Further, as the Appellant has also not

raised the issue on the name of the service when the receipt for every bimonthly consumption charges is made in the personal name of Thiru. K. Sathiavan for the past 7 ½ years, I am of the view that there is an undue delay on the part of Appellant in raising the issue now. In view of the above, I am unable to accept the prayer of the Appellant to change the name of the service as M/s Pandian Chemicals Ltd.,

8.22 The Appellant may seek name transfer of the service by filing necessary transfer application along with the required charges.

9. Conclusion :

9.1 In view of my findings in para 8 above, I am unable to interfere with the orders of the CGRF of Madurai EDC.

9.2 With the above findings, the Appeal Petition No. 5 of 2013 is finally disposed of by the Electricity Ombudsman . No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1. General Manager,
M/s Pandian Chemicals Ltd.,
17A, Vallabhai Road,
Chokkikulam,
Madurai – 625 002.

2. The Assistant Engineer/O&M,
Thirumangalam Town,
Madurai Electricity Distribution circle
TANGEDCO
Usilampatty Road,
Thirumangalam – 627 709.

3. The Chairman (Superintending Engineer),
Consumer Grievance Redressal Forum,
Madurai Electricity Distribution circle
TANGEDCO(formerly TNEB),
K. Pudur, Madurai – 625 007.

4. The Superintending Engineer,
Madurai Electricity Distribution circle
TANGEDCO(formerly TNEB),
K. Pudur, Madurai 625 007

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

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

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