



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. N.Kannan, Electricity Ombudsman

A.P.No. 17 of 2025

Thiru R. Manoharan Nambiar,
Flat No.303, T-Tower, Metrozone,
JN Road, Anna Nagar, Chennai – 600 040.

. Appellant
(Thiru R. Manoharan Nambiar)

Vs.

1. The Executive Engineer/O&M/Avadi,
Chennai Electricity Distribution Circle/West,
TNPDC, L,
230 KV Avadi SS Complex,
Sathya Moorthy Nagar,
Near Murugappa Polytechnic, Avadi, Chennai-62.

2. The Assistant Executive Engineer / Pattabiram,
Chennai Electricity Distribution Circle/West,
TNPDC, L,
110-11 KV SS (Opp. Hindu College)
Pattabiram, Chennai -600072.

3. The Assistant Engineer / Sekkadu,
Chennai Electricity Distribution Circle/West,
TNPDC, L,
110-11 KV S.S. (Opp,Hindu College),
Pattabiram, Chennai -600072.

. . . . Respondents
(Thiru P. Soundararajan, EE/O&M/Avadi
Thiru N. Karthiganesh, AEE/Pattabiram
Thiru E. Pattabi, AE/Sekkadu)

Petition Received on: 24-02-2025

Date of hearing: 16-04-2025

Date of order: 23-04-2025

The Appeal Petition received on 24.02.2025, filed by Thiru R. Manoharan Nambiar, Flat No.303, T-Tower, Metrozone, JN Road, Anna Nagar, Chennai – 600 040 was registered as Appeal Petition No. 17 of 2025. The above appeal petition came up for hearing before the Electricity Ombudsman on 16.04.2025. 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 requested to shift the pole to its original place.

2.0 Brief History of the case:

2.1 The Appellant has requested to shift the pole to its original place.

2.2 The Respondent has stated that the site was inspected by AE/O&M/Sekkadu and reported that the poles can be relocated on DCW basis.

2.3 Not satisfied with the Respondent's reply, the Appellant filed a petition with the CGRF of Chennai EDC/West on 07.10.2024.

2.4 The CGRF of Chennai EDC/West has issued an order dated 16.12.2024. 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 EDC/West issued its order on 16.12.2024. The relevant portion of the order is extracted below: -

"Order:

As per the above findings, the forum concludes that the request of the petitioner to shift the existing pole is feasible only under Deposit Contribution Work (DCW) as per Regulation 5(6)

of TNE Supply Code. In this regard, the Respondent is directed to shift the pole on receipt of online application from the petitioner under DCW.

With this, the petition is disposed of.”

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 in person on 16.04.2025.

4.2 The Appellant Thiru R. Manoharan Nambiar attended the hearing and put forth his arguments.

4.3 The Respondents Thiru P. Soundararajan, EE/O&M/Avadi, Thiru N. Karthiganesh, AEE/Pattabiram and Thiru E. Pattabi, AE/Sekkadu of Chennai EDC/West attended the hearing and put forth their arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing orders. Further, the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone is discussed hereunder.

5.0 Arguments of the Appellant:

5.1 The Appellant has stated that he is residing in the above address and own a piece of land bearing plot No.10, in 3d Cross Street, 1" Main Road, Gopalapuram, in old Survey No. 145/3A1A, New survey number 143/3 and Town Survey number 2/48 in Sekkadu village, Avadi Taluk, Pattabiram, Chennai-600 072. Since he reside away from his property, neighbors more particularly one Ms. Jayaseeli, a neighboring resident residing at No.7, 3rd Cross Street, 1" Main Road, Gopalapuram, encroached on the road to the extent of 4 feet and thereby pushed the road to his land.

5.2 The Appellant has stated that Avadi Corporation Authorities without knowing this, through their contractor encroached his land to the extent of 7 feet as if, it is the road and laid pukka Road. But, he is trying his best through legal means to correct

the mistake and to remove the encroachment on his land. In the main time, Ms. Jayaseeli, who has originally encroached the land, making all kinds of manipulation and disruptions to save her encroachment.

5.3 The Appellant has stated that Ms. Jayaseeli and her son Mr. Shanmugam to justify their encroachment illegally used officials and removed a EB concrete post from a public road to a private land next to his land to project as if they have not encroached.

5.4 The Appellant has stated that from the very beginning he is writing to department about this illegal re-location of electric post. I hereby enclose copies of my letters dated 13.04.2024 and 31.07.2024 along with the other photographs submitted to the Superintending Engineer, TANGEDCO, Chennai West with acknowledgement. The behavior of officials clearly indicates they are doing this intentionally to favour Ms. Jayaseeli.

5.5 The Appellant has stated that the Asst. Engineer, on his petition dated 13.04.2024, orally promised him that the post will not be shifted and he believed his words. But on 24.07.2024 at 4.20 PM, received intimation from local residents that Asst. Engineer, Thandurai had reached the spot with a team of people and JCB to shift the electric concrete post without any prior intimation to him. He stated that on hearing the information immediately, he contacted A.E., at 4.36 PM and requested him not to relocate the pole without hearing his grievance. As he was away from the site at that time, he pleaded to wait until he reaches the site. The A.E., too agreed to stop the work till he reach the spot.

5.6 The Appellant has stated that unfortunately, when he reached the site at 6.15 PM, he found that the pole was shifted to a private plot adjacent to his land and no one was at the site. This is even more dangerous, because If the two poles are connected across, the live 3 Phase wires would cross his land and it will dissuade him from constructing his dream house on that land.

5.7 The Appellant has stated that the officials of department without any necessity shifted the post from the public road to a private land only to favour the encroachers. He requested to shift the concrete pole and restore it to its original place.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that a newspaper complaint from Dhinamalar & Dinakaran dated 12.03.2024 received representation received from member of councillor dated: 13.03.2024 and also a representation received from local public of east Goplapuram requesting to shift a pole was located on middle of the cement road, it causes disturbance to the Public and Transport.

6.2 The Respondent has submitted that based on the representation from Member of councilor, East Gopalapuram Public and Newspaper from Dhinamalar and Dhinakaran the pole was shifted from middle of the road to side of the road and not in the petitioner's Plot. Assistant Engineer/OSM/Sekkadu inspected the site and noticed that the pole was erected in the public road and two poles are not connected and also informed to petitioner, if the petitioner confirmed from Revenue authorities erected pole on his land from will be shifted as per the TNERC rules.

6.3 The Respondent has submitted that the CGRF hearing was conducted on 22.11.2024 and CGRF order issued on vide Petition No:CGRF/CEDC/W/No.329/24 stated that the forum concludes that the request of petitioner shifting of existing pole is feasible only under DCW(Deposit Contribution Works) as per the Regulation of 5(6) of TNE Supply code.

6.4 The Respondent has submitted that based on the Public Grievances and newspaper complaint only the pole was shifted which causes disturbance to the public and in order to avoid accidents, if petitioner objects it he may applied under DCW scheme for shifting of pole. The Respondent prayed to dismiss the Appeal Petition No. 17 of 2025 as may deem it fit and proper and thus render Justice.

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 asserts his rightful ownership and residence at a specified address, detailing the encroachment issues concerning his property in Gopalapuram, Chennai. He claims that a neighboring resident, has encroached upon the road by 4 feet, infringing onto his plot, which he owns as per documented survey numbers. Additionally, the Appellant alleges that Avadi Corporation, through their contractor, erroneously encroached upon his land by 7 feet under the guise of constructing a pukka road, despite his ongoing legal efforts to rectify this mistake and remove the encroachment.

7.3 Furthermore, the Appellant contends that his neighbour and her son, facilitated the illegal relocation of an EB concrete post from a public road to private land adjacent to his property. He claims to have repeatedly notified authorities about this illegal relocation, submitting copies of his complaints to the Superintending Engineer, TANGEDCO. The Appellant alleges that promises made by the Assistant Engineer were allegedly broken when the electric pole was shifted without his consent.

7.4 This relocation, he argues, poses a threat to his plans of constructing a house on his land due to potential hazards from live wires crossing his property. Ultimately, the Appellant urges the authorities to correct these actions by restoring the concrete pole to its original location.

7.5 The Respondent argues that the electric pole was shifted not to favor any individual but in response to public grievances. According to the Respondent, multiple complaints were received from local residents, a councilor, and newspapers (Dinamalar and Dinakaran) highlighting that the pole was in the middle of the cement road, causing inconvenience and potential danger to the public and traffic.

Therefore, the pole was relocated to the side of the road, not onto the Appellant's plot.

7.6 The Respondent states that the Assistant Engineer inspected the site and found the pole positioned on public land, not on the Appellant's property. It was also confirmed that the two electric poles are not connected. The Assistant Engineer informed the Appellant that if he could prove through revenue authorities that the pole stands on his private land, it would be shifted as per TNERC rules. In conclusion, the Respondent contends that the pole was moved in the interest of public safety, not to benefit any encroacher, and requests that the appeal be dismissed.

7.7 As per the documents submitted by the Respondent, including newspaper clippings from *Dinamalar* and *Dinakaran*, as well as representations from the general public, the Respondent undertook the task of shifting an electric pole that was obstructing the public, relocating it to the edge of the newly laid road by the Corporation authority. However, the Appellant argued that the Corporation authority had laid the road on a portion of his property and stated that he is currently involved in a legal dispute with the Corporation regarding this encroachment. During the hearing, upon reviewing the documents, the Appellant was asked whether the relocated pole was within his property. The Appellant admitted that the pole is not located on his land, but rather in a neighboring plot. He also confirmed that, as of now, no electric line crosses his property. The Respondent similarly confirmed that no electric line currently crosses the Appellant's plot.

7.8 When questioned why he was requesting to relocate the pole from its present position to original position despite there being no way interference with his plot, the Appellant stated that he was apprehensive that, if he win the legal dispute with the Corporation regarding the alleged encroachment by forming a road, a future electric line might be erected across his plot. However, the Appellant's concern is hypothetical and not supported by any valid documentation to prove that the road was laid over his property.

7.9 Given the circumstances, the fact remains that the Respondent relocated the pole to the edge of the road based on public grievances and newspaper reports indicating that its previous location was a hindrance to road users. Therefore, the Appellant's request to relocate the pole to its original position is deemed irrelevant, as public safety is of paramount importance. Consequently, his request is rejected.

8.0 **Conclusion:**

8.1 From the above findings, the prayer of the Appellant to relocate the pole to its original position is rejected.

8.2 With the above findings the A.P. No. 17 of 2025 is finally disposed of by the Electricity Ombudsman. No costs.

(N.Kannan)
Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”
“No Consumer, No Utility”

To,

1. Thiru R. Manoharan Nambiar,
Flat No.303, T-Tower, Metrozone,
JN Road, Anna Nagar, Chennai – 600 040.

- By RPAD

2. The Executive Engineer/O&M/Avadi,
Chennai Electricity Distribution Circle/West,
TNPDC, L,
230 KV Avadi SS Complex,
Sathya Moorthy Nagar,
Near Murugappa Polytechnic, Avadi, Chennai-62.

3. The Assistant Executive Engineer / Pattabiram,
Chennai Electricity Distribution Circle/West,
TNPDC, L,
110-11 KV SS (Opp. Hindu College)
Pattabiram, Chennai -600072.

4. The Assistant Engineer / Sekkadu,
Chennai Electricity Distribution Circle/West,
TNPDC, L,
110-11 KV S.S. (Opp,Hindu College),
Pattabiram,Chennai -600072.

5. The Superintending Engineer, - By email
Chennai Electricity Distribution Circle/West,
TNPDC, L,
Thirumangalam 110/33/11 KV SS Complex,
Anna nagar, Chennai - 600 040.

6. The Chairman & Managing Director, – By email
TNPDC, L,
NPKRR Maaligai, 144, Anna Salai, Chennai -600 002.

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

8. 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.