



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. 1 of 2023**

Thiru N.Ravisankar,  
No.17/18, Salaiyar Street,  
Mandaveli,  
Chennai – 600 028.

..... Appellant  
(ThiruN.Ravisankar)

Vs.

1. AE/Rural/Thirunindravur  
Chengalpet Electricity Distribution Circle,  
TANGEDCO,  
No.2 OmmSakthi Nagar,  
Peramalpattu-602024,  
Thiruvallur District.

2. The Executive Engineer/O&M/ Thirumazhisai,  
Chengalpet Electricity Distribution Circle,  
TANGEDCO,  
Kavalcheri Road, Thirumazhisai,  
Chennai – 600 124.

..... Respondent  
(ThiruN.Ethiraj, AE/O&M/R/Thirunindravur  
Thiru K. Ganapathy, EE/O&M/Thirumazhisai)

**Petition Received on: 03-01-2023**

**Date of hearing: 15-03-2023**

**Date of order: 23-03-2023**

The Appeal Petition received on 03.01.2023, filed by Thiru N.Ravisankar, No.17/18, Salaiyar Street, Mandaveli, Chennai – 600 028 was registered as Appeal Petition No. 01 of 2023. The above appeal petition came up for hearing before the

Electricity Ombudsman on 15.03.2023. 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 prayed to set aside the order dt. 28.10.2022 passed by the CGRF of Chengalpet EDC and to restore the service connection No. 551-001-452.

### **2.0 Brief History of the case:**

2.1 The Appellant has not paid the consumption charges for the month of 03/2016. It is ascertained from the MRT report that assessment reading was not taken properly for the month 09/2015, 11/2015 and 01/2016 and hence the amount arrived Rs.12,781/- for the month 03/2016 was found to be correct.

2.2 Since the above amount has not been paid by the Appellant, the Respondent disconnected the service. Hence, the Appellant has filed a petition with the CGRF of Chengalpet Electricity Distribution Circle on 06.03.2022.

2.3 The CGRF of Chengalpet Electricity Distribution Circle has issued an order dated 28.10.2022. 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 Chengalpet Electricity Distribution Circle issued its order on 28.10.2022. The relevant portion of the order is extracted below: -

#### **“Order: (Operative portion)**

*As per the para in findings the petitioner has to pay the pending CC charges with BPSC for his LT SC No.551-001-452 for the assessment period during 03/2016 and 05/2016 assessment upto the date of DC. After the payment of arrears amount, a new connection may be provided by the licensee as per the TNERC regulations now in force, and hence the petition is closed.”*

#### **4.0 Hearing held by the Electricity Ombudsman:**

4.1 To enable the Appellant and the Respondent to put forth their arguments in person, a hearing was conducted on 15.03.2023.

4.2 The Appellant, Thiru N.Ravisankar attended the hearing and put forth his arguments.

4.3 The Respondents, Thiru N.Ethiraj, AE/O&M/R/Thirunindravur and Thiru K. Ganapathy, EE/O&M/Thirumazhisai of Chengalpet EDC 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 his domestic service No.551-001-452 three phase meter was installed by TNEB, Veppampattu, in his house No.22, Annai Velankanni Nagar. Veppampattu, Thiruvallur (Taluk and Dist) during the year 1990.

5.2 The Appellant has stated that from the year 1990 onwards and upto 23.01.2016 he had sincerely remitted the EB Billing amount without any late period in the stipulated time prescribed by TNEB, Veppampattu. But now, the TNEB Billing amount dispute comes only from March 2016 in r/o Sc.551-001-452. For that dispute only he came before the CGRF, Chengalpet, for restoring the above service No.452. power connection. The Executive Engineer, TNEB, Sriperumpudur, stating in his letter dt.04.04.2016 (Copy enclosed) that there was wrong in calculation of meter reading and bill charges based on his complaint to EE/Sriperumpudur.

5.3 The Appellant has stated that the main three deficiencies of TNEB, Veppampattu are as per E.B. computerised document issued by TNEB

Veppampattu on 29.03.2016, the bi-monthly billing charges for consumable units 480 was Rs.1270/-only. Whereas on the same date 29.03.2016, the TNEB, VEPPAMPATTU, officials created and issued another computerized E.B. documents showing the bi-monthly charges for the consumable units 2300.He stated that he had ought to pay Rs.13,960/- which is too high, unimaginable, totally wrong and arbitrary.

5.4 The Appellant has stated that there was no power points (High voltage) such as Air Conditioner, Washing Machine, Refrigerator, and Geyser, etc. in his house at Veppampattu. The billing amount asking him to pay Rs.13960/- for Units 2300 for his domestic house as bi-monthly charges, is very much shocking to him. The average bi-monthly units for his house is approximately below 500 units in the past as well as future. The next bi-monthly charges as on 24.05.2016, for units 500 is Rs.1330/- only. He requested the President CGRF to kindly note this important deficiency point towards TNEB, Veppampattu officials, who created this unimaginable document for his domestic house at Veppampattu.

5.5 The Appellant has stated that as per his consumer card on 24-05-2016, for the consumable units 500, he need to pay Rs.1330/- only. He was in his house when the assessor made entry in my card at his presence. Whereas TNEB Veppampattu computerised document dt.24.05.2016, shows for 510 Units he need to pay Rs.2186/-. In this connection it is submitted to President CGRF, that there is too many entry variations between the consumer card and the computerised E.B. documents issued by TNEB, Veppampattu. This is the second major deficiency by TNEB Veppampattu.

5.6 The Appellant has stated that as per the consumer card the new meter was installed on 25.07.2015, showing two units entries such as 710/886 for Rs.4678/-. Usually the new meter reading has to start with ZERO units entry. But there is no ZERO entry in his consumer card for the new meter installed in his house, on 25-07-2015. In this connection he promised, telling to the President, CGRF that there is no such new meter was installed in his house on 25.07.2015. If it is new meter installed

by the TNEB Veppampattu, they may submit before the President, CGRF, the new meter No. and installed meter, installed on 25-07-2015. But actually the new meter three phase was installed in my house only on 23-09-2015 and the fresh entry started with 10 units. This is the third major service deficiency, of TNEB, Officials, Veppampattu. For furnishing new meter installed dt. in his Card as dt.25.07.2015, deliberately and willfully.

5.7 The Appellant has stated that based on the three major deficiencies of TNEB officials, Veppampattu enunciated above by him before the President, CGRF, he requested the CGRF, please render justice, by restoring the E.B. power supply in his house and cancellation of amount to pay Rs.26,030/ (with penalty) by TNEB, Assistant Engineer, Veppampattu, letter dt.18.07.2016. He further prayed to take departmental action against the erring TNEB officials, concerned at Veppampattu may be taken regarding the above three major deficiencies revealed above by him.

## **6.0 Arguments of the Respondent:**

6.1 திருமழிசை கோட்டம், திருமழிசை உபகோட்டம், ஊரகம்/திருநின்றவூர் பிரிவுக்கு உட்பட்ட மின் இணைப்பு எண்: 551-001-452 ஆனது மனுதாரர் திரு N. ரவிசங்கர் அவர்களுக்கு சொந்தமானது எனவும், மேற்படி மின் இணைப்புக்கு 01/2016 வரை மனுதாரர் மின் கட்டண தொகையை செலுத்தியுள்ளதாகவும், 03/2016 மாத மின் கணக்கீடு தொகையான ரூபாய் 12,781/- மனுதாரர் செலுத்தவில்லை எனவும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.2 03/2016 மாத மின் கட்டணம் மிக அதிகமாக வந்துள்ளதாகவும் எனவே 03/2016 மாத மின் கட்டணத்தை ரத்து செய்யுமாறு மனுதாரர் திரு. N. ரவிசங்கர் அவர்கள் 03/2016 மாத மின்கட்டணத்தை செலுத்தாமல் வாரிய அதிகாரிகளுக்கு பல புகார்களை அனுப்பியதன்பேரில் மேற்படி மின் இணைப்பில் இருந்த மின் அளவியில் பதிவான விவரங்களை பதிவிறக்கம் செய்யப்பட்டு MRT பிரிவிற்கு அனுப்பப்பட்டு பரிசீலனை செய்ததில் மேற்படி மின் இணைப்பில் 09/2015,

11/2015 மற்றும் 01/2016 ஆகிய மாதங்களில் கணக்கீட்டாளரால் கணக்கீடு சரியாக செய்யப்படாததால் 03/2016 மாத கணக்கீட்டின் பொழுது 09/2015 முதல் 03/2016 வரை மின் இணைப்பில் பயன்படுத்தப்பட்டிருந்த மொத்த மின் பயனீட்டளவு பதிவு செய்யப்பட்டதில் ஏற்கனவே மனுதாரரால் செலுத்தப்பட்ட தொகை போக மீதி தொகையாக ரூபாய் 127,81/- செலுத்துமாறு கணினியில் பதிவு செய்யப்பட்டதாக எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.3 மேற்படி இதன் விவரங்களை மனுதாரர் அவர்களுக்கு க.எண்.உ.பொ/இ&ப/உஊரகம்/திரு/கோ/அ.எண்.93/2016 நாள் : 26.04.2016 மூலம் தெரியப்படுத்தப்பட்டதாகவும், மேலும் மேற்பார்வை பொறியாளர் / செங்கல்பட்டு மின் பகிர்மான வட்டம் / செங்கல்பட்டு அவர்களது க.எண்.மே.பொ/செ.மி.ப.வ/உ.செ.பொ.ம.தொ.அ/ இ.நி.பொ/ ம.தொ.அ/ கோ. முத பி/15 நாள்: 03.06.2015 வாயிலாகவும் தெரிவிக்கப்பட்டதாகவும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.3 மேற்படி விளக்கங்களை பெற்ற போதிலும் மனுதாரர் திரு.N. ரவிசங்கர் அவர்கள் 03/2016 மற்றும் 05/2016 மாத மின் கட்டணத்தை செலுத்தாததால் மேற்படி மின் இணைப்பு 14.06.2016 அன்று மின் துண்டிப்பு செய்யப்பட்டதாகவும், மின் இணைப்பினை மறு மின் இணைப்பு வழங்க உத்தரவிட வேண்டியும் மின் இணைப்பிற்கு விதிக்கப்பட்ட மின் கட்டணத் தொகை, BPSC மற்றும் மறு இணைப்பு தொகை ஆக மொத்தம் ரூபாய்.14,967/- ரத்து செய்யுமாறு மனுதாரர் திரு.N. ரவிசங்கர் அவர்கள் திருவள்ளூர் மாவட்ட நுகர்வோர் குறைதீர்க்கும் மன்றத்தில் CCM 15/2017 வழக்கு தொடர்ந்ததின் பேரில் 26.10.2018 அன்று திருவள்ளூர் மாவட்ட நுகர்வோர் குறைதீர்ப்பு மன்றம் மேற்படி மின் கட்டணத்தை ரத்து செய்து உத்தரவிட்டதை அடுத்து வாரியத்தின் தரப்பில் மாநில நுகர்வோர் குறைதீர் ஆணையத்தில் FAM 259/2018 மேல்முறையீடு செய்யப்பட்டதின்

பேரில் 26.04.2022 அன்று மாநில நுகர்வோர் குறைதீர் ஆணையம் திருவள்ளூர் மாவட்ட நுகர்வோர் குறைதீர் மன்ற 26.10.2018 நாளிட்ட உத்தரவினை ரத்து செய்து உத்தரவு பிறப்பித்துள்ளதாகவும், மாநில நுகர்வோர் குறைதீர் ஆணைய உத்தரவினை அடுத்து கூட மனுதாரர் திரு.N. ரவிசங்கர் அவர்கள் மின் கட்டண நிலுவை தொகையை செலுத்தவில்லை எனவும், எனவே, MRT சோதனை அறிக்கை மற்றும் மாநில நுகர்வோர் குறைதீர் ஆணைய உத்தரவு ஆகியவற்றின் அடிப்படையில் மனுதாரர் திரு.N. ரவிசங்கர் அவர்கள் மின் இணைப்பு எண்: 551-001-452 ல் பயன்படுத்தப்பட்ட மின் அளவிற்கான மின் கட்டணம் 03/2016 மாதத்திற்கு ரூபாய்.12,781/- மற்றும் 05/2016 மாதத்திற்கு ரூபாய்.2,186/- மற்றும் BPSC ஆகியவைகளை செலுத்த கடமைப்பட்டவர் எனவும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

6.4 மேற்படி நிலுவை தொகையை மனுதாரர் திரு.N. ரவிசங்கர் அவர்கள் மின் வாரியத்துக்கு செலுத்தாததால் மின் இணைப்பு தொடர்ந்து மின் துண்டிப்பில் உள்ளதாகவும், மேலும் மின் இணைப்பு எண்:551-001-452 ல் மின் கட்டண நிலுவையில் உள்ளதால் மேற்படி மின் இணைப்பின் உரிமையாளரான திரு.N. ரவிசங்கர் அவர்களுக்கு சொந்தமான இதே கட்டிட வளாகத்தில் உள்ள மற்ற மின் இணைப்புகளான 551-001-1347, 551-001-1348 ஆகியவைகளை 30.12.2020 அன்று மின் துண்டிப்பு செய்யப்பட்டுள்ளதாகவும், இதே கட்டிட வளாகத்தில் உள்ள மின் இணைப்பு எண்:551-001-2880 ஆனது LIVE ல் உள்ளதாகவும் எதிர்மனுதாரர் தெரிவித்துள்ளார்.

## **7.0 Written arguments submitted by the Appellant during the Hearing:**

7.1 The Appellant is a Low Tension Consumer in SC No. 09-551-001-452 for his house in No. 22, Annai Velankanni Nagar, Veppampattu, Thiruvallur District from the year 1990. The Appellant also submits that he is a law abiding citizen and has been regular in payment of current consumption charges till 23.01.2016.

7.2 The Appellant has stated that on 30.03.2016, the Appellant sent a letter to the Executive Engineer/Sriperumbudur for erroneous noting of meter reading and subsequently billing for an alleged higher amounts for Rs. 12,781/- along with BPC charges, the same letter was acknowledged and a detailed reply was given by the EE/Sriperumbudur vide dated 04.04.2016 where the EE/Sriperumbudur has absolutely accepted that by a physical inspection made by the 1<sup>st</sup> Respondent, there was an error in noting down the meter reading by the Assessor and subsequently ordered an enquiry to be made by the 1<sup>st</sup> Respondent with regard to the discrepancy followed by the authorities.

7.3 The Appellant has stated that subsequent to the order of the EE/Sriperumbudur, an enquiry was commissioned by the 1<sup>st</sup> Respondent and an enquiry report dated 17.11.2016 was made where the 1<sup>st</sup> Respondent has extracted out in detail that the reading inspector and the assessor has given oral evidence to show that due to heavy rains, they did not physically assess the meter reading.

7.4 The Appellant has stated that it is not an admitted fact that the Appellant preferred a consumer complaint before the Hon'ble District Consumer Disputes Redressal Forum - Thiruvallur-1 and the complaint was ordered in part directing the EE/Sriperumbudur, AE/Veppampattu and Assessor Veppampattu to cancel the demand bills made by them, subsequently an Appeal before the State Consumer Disputes Redressal Forum was preferred by the authorities and the order passed by the Hon'ble DCDRF was set aside. Considering his age and health issues, the Appellant couldn't prefer an appeal.

7.5 The Appellant further preferred a complaint before the Hon'ble CGRF Chengalpet and the forum has passed an erroneous order without even looking into the real facts and evidences of the Appellant.

7.6 The Appellant further stated that subsequent to the filing of this Appeal the 1<sup>st</sup> Respondent sent a letter dated 14.02.2023 to this Hon'ble Electricity



Ombudsman where the 1<sup>st</sup> Respondent alleges that the service provided in 09-551-001-1347 and 09-551-001-1348 has been disconnected way before on 30/12/2020 which is absolutely false since the service in the same connection is still live and the Appellant has a valid proof which is the Current consumption charges card which shows that even on 30/01/2023 the same was live with nil balance.

7.7 The Appellant has stated that he has relies his consumption charges card which has an evidentiary value in proving that the new meter has been alleged to be installed on 25/07/2015 but the same was affixed only on 23/09/2015

7.8 The Appellant further stated that there should be an explanation given by the Respondents and his authorities with respect to the erroneous reading of 510 when the same was rectified by the assessor as 500 on the Appellant's clarification. If that is the case, then there should be a further clarification on why the billing amount on 24/05/2016 still has reading as 510.

7.9 The Appellant further submitted that the Current Consumption charges proves his case that he has paid all consumption charges until 23.01.2016.

7.10 The Appellant has stated that the following grounds on appeal;

- (a) The Learned CGRF has passed an order which is erroneous and is unsustainable either in law or on facts.
- (b)The Learned CGRF has not made a redressal approach in deciding the complaint.
- (c) The Learned CGRF has not even looked into the evidences produced by the Appellant during the hearing along with written arguments and has passed an order which is totally biased in nature.
- (d)The Learned CGRF has not given detailed findings which were available on the hearing which is absurd and unjustifiable.

- (e) The Learned CGRF has totally overlooked the consumer charges card of the Appellant when there is a clear record of the new meter attached in his premises only on 23/09/2015 as per the service meter no: 1804921.
- (f) The Learned CGRF should have gone into the Consumer Consumption card which raises fictitious and erroneous readings made by the Employees of the Respondents.
- (g) The Learned CGRF should have extracted the particulars and details on how the Respondents and its authorities arrived Rs. 4,678/- assessed on 28/07/2015 as consumption charges to be paid by the Appellant and the same has been paid by the Appellant on 17/08/2015
- (h) The Learned CGRF should have called for the records of the consumer charges for the disputed period and should have explained in detail about the calculations of charges for the disputed period in its order.
- (i) The Learned CGRF should have appreciated the evidences produced by the Appellant which have been available with him from the disputed period.
- (j) The Learned CGRF has not arrived in lieu with the account statements of the Appellant from the portal of the TANGEDCO.
- (k) The Learned CGRF should have gone in to the couple of account summary for the 29/03/2016 for when the Appellant has put forth the complaint which raises severe doubts
- (l) The Learned CGRF should have considered the enquiry report made by the Respondent against the authorities and should have gone into the findings made in it.
- (m) The Learned CGRF should have taken in account of the oral submissions of the parties and made an approach in accordance with law.
- (n) The other findings given by the learned CGRF in its order are unsustainable by facts and as per clauses framed by the Tamil Nadu Electricity Regulatory Commission.

7.11 The Appellant has prayed to set aside the Order dated 28.10.2022 passed by the CGRF of Chengalpet in CGRF/CGL/No.43/22 and also to restore his service connection in 09-551-001-452 and thus render justice.

## **8.0 Findings of the Electricity Ombudsman:**

8.1 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.

8.2 The Appellant is a LT consumer with service connection no. 551-001-452 which stands in the name of the Thiru N.Ravisankar at door no.22, Annai Velankanni Nagar, Veppampattu, Thiruvallur (Taluk and Dist) from the year 1990. The issue raised by the Appellant before this Electricity Ombudsman is to direct the Respondent to restore the disconnected supply. However the Respondent claimed that the action of the disconnection was carried out due to nonpayment of current consumption charges. Hence I have to decide on the following.

- 1) Disconnection in the event of non-payment of current consumption charges.
- 2) Whether the prayer of the Appellant to cancel the CC charges for the period of March 2016 and May 2016 and to restore supply for the service connection 551-001-452 is tenable?

## **9.0 Finding on the first issue :**

9.1 The Appellant has been regular in payment of current consumption charges till 01/2016. He has not paid the 03/2016 CC charges and disputed the amount stating that it was an erroneous noting of meter reading subsequently billing for an alleged higher amount for Rs.12,781/- along with BPSC charges.

9.2 The Respondent has stated that the Appellant has sent several complaints to the TANGEDCO officials to cancel the 03/2016 assessment without making the payment for the 03/2016 CC charges. Based on the Appellant's contention the meter was downloaded and sent to MRT for analysing the data. While comparing the consumer ledger with the MRT report it was noticed that the reading for the month of 09/2015, 11/2015 and 01/2016 was wrongly entered in the consumer ledger. The total energy consumed during the period between 09/2015 to 01/2016 was accumulated and added in the 03/2016 assessment. The same was informed to the Appellant.

9.3 Despite receiving the above explanations, the Appellant has not paid the CC charges for the months of 03/2016 and 05/2016. Hence the service was disconnected on 14.06.2016 due to non-payment of CC charges. In this regard, I would like to refer regulation 4 of TNERC supply code which is discussed below.

**“4. Charges recovered by the Licensee – The charges recovered by the Licensee from the consumer are:-**  
**(1) Tariff-related charges, namely-**

**(i) The price of electricity supplied by him to the consumers which shall be in accordance with the tariff rates as the commission may fix from time to time, for HT supply, LT supply, temporary supply for different category of consumers.”**

9.4 The plain reading of the above explicitly deduces that if any electrical energy is consumed, the same has to be paid to the Licensee by the consumer. Further while availing Electricity connection, the intending consumer has to execute an agreement which will be in force until the termination of the agreement. Hence, I would like to refer to the content of the LT agreement Form-I, SI.no.12, where the intending consumer has to execute an agreement by adhering to the following condition which is reproduced below.

*“I/We certify that we are aware of the above precaution and agree to abide by it.*

*I/We agree to pay to the Licensee at the applicable tariff/minimum rates/fixed charges/surcharge etc., that may be decided by the Commission from time to time.*

*I/We agree to abide under all specifications, conditions and provisions laid down in Tamil Nadu Electricity Supply Code, Distribution Code and the applicable Act, Codes, Rules and Regulations and of any modification or re-enactment thereof for the time being in force and subject to the conditions of revisions, amendments approved from time to time.”*

The Explanatory execution of the agreement implies that the consumer should pay tariff/minimum rates/fixed charges/surcharge to the Licensee i.e., the Respondent without fail.

*Further co-joint reading of the above provisos categorically declares that any consumer who enjoys the electricity should pay the charges to the Licensee.*

*The next issue discussed hereis, what is further course of action in the event of a default in payment of the current consumption charges by any consumers. In*

this regard, I would like to refer to regulation 21 of the TNE supply code regulations, and the relevant para is reproduced below

*“21. Disconnection of supply*

*Section 56 of the Act about the disconnection of supply in default of payment reads as follows :*

*“ (1). Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a Licensee or the generating company in respect of the supply, transmission or distribution, or wheeling of electricity to him, the Licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person, and without prejudice to his rights to recover such charge or another sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such Licensee or the generating company through which electricity may have been supplied, transmitted, distributed, or wheeled and may discontinue the supply until such charge or other sums, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer.  
xxx”*

9.5 Also, I would like to refer to regulation 14 of TNE supply code regulations, on Due dates and notice periods.

*“14. Due dates and notice periods*

*(1) The Licensee shall provide the following minimum days concerning due dates, and the notice period for payment of tariff-related electricity charges:*

*(a) For LT Services, the due date shall be not less than 5 days from the date of entry in the consumer meter card. 15 day clear notice period shall be allowed before disconnection for non-payment. A belated payment surcharge shall not be levied for LT services during the notice period.*

*(b) For HT Services, the due date shall be not less than 7 days from the date of billing. If the last day of the due date happens to be a holiday, the due date shall be extended to the next working day. 15 day clear notice period shall be allowed before disconnection for non-payment. Belated payment surcharge shall be levied for HT services during the notice period as specified in this Code.”*

*(2) In the case of Low Tension consumers who do not pay their current consumption charges as per the periods specified by the Licensee in the consumer meter card, the printed notice period in the consumer meter card shall be construed as the notice to the consumer. Payments may also be accepted during the notice period. If the last day included in the notice period happens to be a holiday, the period of notice will get extended and the last day for payment to avoid disconnection will be the next working day.*

*(3) Supply to such Low Tension consumers as specified above is liable to be disconnected after the expiry of the notice period.”*

9.6 The co-joint reading of the above provisions declares that any consumer who is in default of payment of current consumption charges is liable to be disconnected after the notice period specified in the consumer meter card. Hence, I have to discuss the present case and what was the reason behind the disconnection of service connection no 551-001-452. The Appellant has disputed the 03/2016 assessment. However the meter was downloaded and data analysed by MRT which declares that the meter was healthy and the reading was wrongly entered for the month of 09/2015, 11/2015 and 01/2016. The comparison of consumer ledger and CMRI downloaded data is furnished below.

551-001-452								
Sl. No.	As per Downloaded date				As per consumer ledger			
	Date	Reading	Unit	Amount	Date	Reading	Unit	Amount
1	23.09.2015	0.47	0	0	23.09.2015	0	0	0
2	01.11.2015	514	514	2580	29.09.2015	10	10	20
3	01.01.2016	1408	894	4680	30.11.2015	20	10	20
4	01.03.2016	2306	898	4707	28.01.2016	320	300	700
5	29.03.2016	2620	314	1504	29.03.2016	2620	2300	13960
				<b>13471</b>				<b>14700</b>

9.7 In this context, I would refer to the Evidence act 1872 section 35 which is discussed below.

*“35. Relevancy of entry in public record or an electronic record made in performance of duty. An entry in any public or other official book, register or record or an electronic record stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty or by any other person in performance of a duty specially enjoined by law of the country in which such book, register or record or an electronic record is kept is a relevant fact.”*

9.5 According to the above, any register or record is evidence under the law of the country. The MRT wing of the Licensee is the unit that will decide the status of the meter after conducting a test. Hence as per the Evidence Act, the MRT report reveals that the consumer utilized electricity during the month of 09/2015, 11/2015 and 01/2016. Further the Appellant has not questioned the Licensee for not having billed during the above period in spite of utilizing the electricity. Rather he has filed a

dispute over the amount claimed by the Respondent for the electricity usage on the units accumulated during that period.

9.6 Hence from the above findings, I conclude that the disconnection carried out by the Respondent against the defaulted payment of the Appellant is in order.

**10.0 Finding on the second issue:**

10.1 The Appellant has approached the Thiruvallur District Consumer Dispute Redressal Forum vide CCM 15/2017 to cancel the above pending CC charges with BPSC for an amount of Rs.14,967/- and the DCDRF has ordered to cancel the above pending CC charges on 26.10.2018. Based on the DCDRF order, the Licensee has approached the TN State Consumer Disputes Redressal Commission, Chennai vide FAM 259 of 2018 and ordered to set aside the impugned order dated 26.10.2018 passed by DCDRF, Thiruvallur in CC No.15 of 2017. The order dated 26.04.2022 is reproduced below :

*“IN THE TAMIL NADU STATE CONSUMER DISPUTE REDRESSAL COMMISSION,  
CHENNAI*

*Present: Hon'ble Thiru Justice R.SUBBIAH... PRESIDENT  
Thiru. R.VENKATESAPERUMAL..... MEMBER*

*F.A. No:259 of 2018*

*(Against the Order, dated 26.10.2018, passed in CC No.15/17 on the file of the DCDRF,  
Thiruvallur)*

*Orders pronounced on : 26.04.2022*

*1.Executive Engineer,  
(OAM Chengalpattu Distribution System,  
Sriperumbudur 602 105  
2 Assistant Engineer (O&M).  
Chengalpattu Distribution System  
Veppampattu, Thiruvallur Dinnet*

*3 Omkumar, Assessor  
Veppampattu  
Thiruvallur Taluk*

*.....Appellants/Ors*

Vs.

N. Ravisankar  
S/o R. Nandagopal  
No.18/17, Salaiyar Street,  
Mandaiveli, Chennai 600 028  
Complainant

.....Respondent /

For Appellants : M/s J.Hemalatha Gajapathy

For Respondent : M/s T. Senthilkumar

The First Appeal came up for final tearing on 18.03.2022 and after hearing the arguments of both sides and perusing the materials on record and having stood over for consideration till this date, this Commission passes the following :-

**ORDER**

**R.Subbiah J. – President.**

This First Appeal is filed against the impugned order, dated 26.10.2018, passed by the DCDRF, Thiruvallur, in C.C. No. 15 of 2017, whereby, the District Forum partly allowed the complaint filed by the respondent herein with costs of Rs 5,000/- and ordered cancellation of the demand made by the Opposite Parties/appellants herein, insisting upon the complainant to pay a sum of Rs 14,967/- towards RC/BPSC charges.

2. For the sake of convenience, the parties are referred to in the course of this Order, as per their respective rankings before the District Forum.

In brief, the case of the complainant, as averred in the complaint filed before the District Forum, is as follows:

The complainant is the owner of the terraced house bearing Plot No.22. Annai Velankanni Nagar, Veppampattu,

Thiruvallur Taluk and two electric service connections in respect of the said plot under S.C. Nos.551-001-452 and S51-110-1347 were over-assessed for the month of May, 2015. As per the OPs' consumer card, 1120 units were consumed, for which, the complainant had paid Rs.5,562/-. On a complaint made by him, a new Meter was installed and, on 25.07.2015, a sum of Rs.4,678/- was collected from the complainant. Thereafter, in respect of S.C. No.551-001-452 (in short '452'), for the next bimonthly reading on 23.09.2015, a sum of Rs. 30/- was charged for 10 Units and also, for the next reading on 23.11.2015, similar sum of Rs.30/ was charged, which were remitted upto 23.01.2016. While so, the OPS/TNEB demanded the complainant to pay Rs 14,967/- towards RC/BPSC Charges in respect of S.C. No.452. Since the new Meter fixed by the OPs for S.C. No.452 is a faulty one that gave rise to the wrong demand of Rs 14,967/-, the complainant made representations to the EB, whereupon, an enquiry was conducted. Although the 1<sup>st</sup> OP came to the conclusion that there was a fault on the part of OP Nos.2 and 3, in the subsequent enquiry, he insisted upon the complainant to pay the charges as per the demand. The act of the OPs in raising wrong demands based on the erroneous calculations/readings from the faulty meter amounts to deficiency in service. Hence, he sought the District Commission to cancel the said demand and to order compensation for Rs.50,000/- towards mental agony and physical strain caused to him by the act of the Ops.

3. Per contra, in the written versions of the 2<sup>nd</sup> OP adopted by the other OPs, among other things, it is stated as follows:-



*It is true that both the said Service Connections stand in the name of the complainant, however, the claim of the complaint that there was an over-assessment during the month of May, 2015 is denied. Regarding S.C. No.452 for 1120 units consumed, the complainant wrongly mentioned the amount as Rs.5,562 instead of Rs.6,222. The new meter was not faulty one and it was changed only on 09.06.2015, but it was wrongly stated in the complaint as if the new meter was installed on 25.07.2015. As per the order issued by the TN Electricity Board, all the old meters in the State were changed with new static devices under M.D. Specifications. Regarding the other service connection, No. 1347, the complainant committed default in payment of consumption charges between 23.09.2015 and 17.03.2016, because of which, the connection was disconnected on 19.01.2016 and it was restored soon after payment of the amount on 23.01.2016. The present demand of Rs.14,967/- for S.C. No.452 is regarding consumption of 2810 units during January-May, 2016; as such, there being no disparity or wrong demand as alleged, no deficiency in service is attracted and hence, the complaint may have to be dismissed.*

*4. To substantiate the claim and counter-claim, both sides filed their respective proof affidavits. While the complainant marked 8 documents as Exs A1 to A8, no document was marked on the side of the OPs. The District Forum, by pointing out from the enquiry report under Ex.A8. that, during the enquiry conducted by the 1<sup>st</sup> OP, the Reading Inspector admitted that, due to rains, meter-based reading could not be done and hence, previous-month reading was adopted for billing the electricity charges, ultimately found that there was deficiency in service on the part of the OPs and consequently, cancelled the demand made by the OPS by allowing the complaint in part with costs of Rs 5,000/-, aggrieved by which, the OPs have come up with the present First Appeal.*

*5. Heard the submissions of both sides and perused the materials available on record.*

*6. At the outset, it is pertinent to mention that the complainant has not made out a clear case by cogently narrating the sequence of events in the complaint. Except the vague attempt to project as if there was some fault on the part of the OPs in taking the readings, there is no proper explanation forthcoming in the complaint with convincing details that reflect any negligence or deficiency in service on the part of the Ops. In such circumstances, when there is a dispute over the meter readings so also on the payments made, adjudications cannot be done on such disputed facts in these summary proceedings as the process requires examination of witnesses and minding of evidence. Further, while it is the general practice of the TNEB during flood/rainy seasons to adopt the previous month reading, the District Forum failed to note that, in the version, the OP's specifically stated that the complainant had consumed 2810 units during January-May, 2016, for which, the amount payable is Rs.14,967/- and that the complainant failed to pay the said charges. When the OPs are disputing the case of the complainant by giving certain figures, the District Forum ought to have relegated the matter to appropriate forum/civil court where the parties could have canvassed their claims in a border manner by adducing elaborate oral and documentary evidence on various points including meter readings/genuineness of the device, payments made, service connection disconnected or not, etc. Without doing so, the District Forum, by recording contrary findings at Para Nos.20 and 24 to the effect that the disconnection was not even pleaded/proved by the complainant and that the complainant*

was not affected by any disconnection, without any legal basis, proceeded to allow the complaint in part. As such, the impugned order is liable to be set aside.

7. In the result, the appeal stands allowed, by setting aside the impugned order, dated 26.10.2018, passed by the DCDRF, Thiruvallur, in C.C. No.15 of 2017. No costs. To decide the disputes in a comprehensive manner, since the parties may have to adduce elaborate oral and documentary evidence, they can approach the civil court concerned, if they are so advised.

Sd/-  
R VENKATESAPERUMAL  
MEMBER

Sd/-  
R.SUBBIAH  
PRESIDENT”

10.3 As the TN State Consumer Disputes Redressal Commission vide FA No.259/2018 in CCNo.15/2017 have issued its order for the same subject matter, I would like to refer regulation 17(4) of the Regulations for CGRF and Electricity Ombudsman which is extracted below :

“17 (1) xxx xxxxxx

(2) xxxxxxxxxx

(3) xxxxxxxxxx

(4) no complaint to Electricity Ombudsman shall lie unless ;

(a) the complainant 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 has rejected the complaint or the complainant had not received any reply within a period of fifty days from date of filing of the grievance or the complainant is not satisfied with the reply given by the forum.

(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.”

10.4 On a careful reading of the said regulation 17(4)(d), it is noted that the Electricity Ombudsman cannot entertain a petition if any proceeding before any Court is pending or decree or award or final order has already been passed by the competent Court on the same subject matter.

10.5 In the case on hand, the TN State Consumer Disputes Redressal Commission vide FA No.259/2018 in CCNo.15/2017 have issued its order and held that *“In the result, the appeal stands allowed, by setting aside the impugned order, dated 26.10.2018, passed by the DCDRF, Thiruvallur, in C.C. No.15 of 2017. No costs. To decide the disputes in a comprehensive manner, since the parties may have to adduce elaborate oral and documentary evidence, they can approach the civil court concerned, if they are so advised.”* Since the TN State Consumer Disputes Redressal Commission have issued order on the subject matter, I am unable to pass any further order on the same subject matter.

10.6 The Appellant had failed to pay the pending CC amount for the month of 03/2016 and 05/2016 even after repeated follow up. Due to non-payment of CC charges the service was disconnected on 14.06.2016. However the Appellant has prayed for restoration of power supply. In this context, I would like to discuss the TNERC supply code 22 which discuss about the restoration of supply of electricity.

**“22.Restoration of Supply of Electricity:**

*(6) (i) When a service connection remains disconnected for more than six months for non-payment of electricity charges beyond the notice period of three months, if the consumer comes forward within the period mentioned below to pay the actual dues and agrees to remit the charges in clause (ii) below, the official authorized by the Licensee may grant extension of time beyond the notice period and revoke the termination of agreement provided that the lines feeding the service connection have not been dismantled, so as to facilitate reconnection of the disconnected service.*

Category	Period for reconnection of disconnected Service
HT Consumers	Within five years from the date of Disconnection
LT Agricultural Consumers	-do-
Others LT Consumers	Within two years from the date of disconnection

(ii) xxx

*(7)If the consumers of the disconnected service come forward for reconnection after the period mentioned in the sub-regulation (6)(i), the licensee shall treat them as new applicants and supply effected after recovering all charges applicable to a new service connection and all other arrears with BPSC.”*

10.7 On a careful reading of the above regulation (6)(i), it is evident that, any LT consumer other than agriculture, who remains disconnected for more than six months for non-payment of electricity charges beyond the notice period of three months, if comes forward for reconnection within a period of two years from the date of disconnection, they can be considered for reconnection.

10.8 In the case on hand, the Appellant's service connection was disconnected on 14.06.2016 for non-payment of CC. Hence the claim of the Appellant to restore the disconnected service is not feasible of compliance.

10.9 Further it is clearly mentioned in the above regulation (7), if the Appellant comes forward for reconnection, the same may be considered as a case of new applicant and supply effected after recovering all charges applicable to a new service connection.

#### **11.0 Conclusion :**

11.1 As per my findings in para 8, 9 &10 above, the prayer of the Appellant to restore the disconnected service connection is rejected.

11.2 The pending CC charges for the Appellant's service connection may be collected as per Tamil Nadu Electricity Supply Code 17(2) and (8) along with other charges if any.

11.3 With the above findings the A.P. No. 1 of 2023 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 N.Ravisankar,  
No.17/18, Salaiyar Street,  
Mandaveli,  
Chennai – 600 028.

- By RPAD

2. AE/Rural/Thirunindravur  
Chengalpet Electricity Distribution Circle,  
TANGEDCO,  
No.2 OmmSakthi Nagar,  
Peramalpattu-602024,  
Thiruvallur District.

3. The Executive Engineer/O&M/ Thirumazhisai,  
Chengalpet Electricity Distribution Circle,  
TANGEDCO,  
Kavalcheri Road, Thirumazhisai,  
Chennai – 600 124.

4. The Superintending Engineer,  
Chengalpet Electricity Distribution Circle,  
TANGEDCO,  
No. 130, GST Road,  
Chengalpet – 603 001.

- By Email

5. The Chairman & Managing Director,  
TANGEDCO,  
NPKRR Maaligai, 144, Anna Salai,  
Chennai -600 002.

– By Email

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

– By Email

7. The Assistant Director (Computer)  
Tamil Nadu Electricity Regulatory Commission,  
4th Floor, SIDCO Corporate Office Building,  
Thiru-vi-ka Industrial Estate, Guindy,  
Chennai – 600 032.

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