



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. 33 of 2024

Thiru.V.Gopalakrishnan,
No.13/7, Pammal Nalla Thambi Street,
M.G.R.Nagar, Chennai – 600 078.

. Appellant
(Rep. by Thiru C. Selvaraj)

Vs.

The Executive Engineer/O&M/K.K.Nagar,
Chennai Electricity Distribution Circle/South-I,
TANGEDCO,
110KV Complex, K.K.Nagar, Chennai-600 078.

. . . . Respondent
(Thiru T. Velmurugan, EE/O&M/K.K. Nagar)

Petition Received on: 06-05-2024

Date of hearing: 20-06-2024

Date of order: 08-07-2024

The Appeal Petition received on 06.05.2024, filed by Thiru.V.Gopalakrishnan, No.13/7, Pammal Nalla Thambi Street, M.G.R.Nagar, Chennai – 600 078 was registered as Appeal Petition No. 33 of 2024. The above appeal petition came up for hearing before the Electricity Ombudsman on 20.06.2024. 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 replace the service wire with adequate size to cater to the loads of all the 4 service connections and seeks compensation as per the relevant rules.

2.0 Brief History of the case:

2.1 The Appellant has prayed to replace the service wire with adequate size to cater to the loads of all the 4 service connections No. 286-015-13, 286-015-711, 286-015-712 and 286-015-1197.

2.2 The Respondent has submitted that as per The Tamil Nadu Electricity Distribution code 29 (17) the cost of the service wire has to be borne by the consumer and since the supply was available at the petitioner's premises till the replacement of service wire, the claim of compensation does not arise.

2.3 Hence the Appellant has filed a petition with the CGRF of Chennai EDC/South-I on 26.01.2024 requesting to replace the wire.

2.4 The CGRF of Chennai EDC/South-I has issued an order dated 05.03.2024. 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 Electricity Distribution Circle/South-I issued its order on 05.03.2024. The relevant portion of the order is extracted below: -

“ORDER : (Operative Portion)

The petitioner has represented before CGRF regarding supply interruption in Service Nos. 09-286-015-13, 711, 712 and 1197 on 17.01.2024.

The petitioner has informed that the staff attended the fault by providing a small length of service cable from the adjacent premises temporarily. The petitioner has informed that the staff has assured to replace the service wire as it was burst in 3 places.

The Respondent (Executive Engineer/O&M/KK Nagar) has reported that the service wire was replaced on 16.02.2024.

The Tamil Nadu Electricity Distribution code 29 (17) (regulation as amended) states as follows:

"The service line will be the property of the Licensee and the Licensee shall maintain it at his cost. The equipment, poles, pillar boxes, meter and accessories erected inside the consumer premises shall be safeguarded by the consumer and maintained by the Licensee. The service connection materials including wire / cable etc., connected with the meter from the nearest poles / pillar box from which it is tapped, shall be safeguarded and maintained by consumer and its replacement either due to damage or wear and tear owing to aging shall be at the cost of consumer".

As per the above clause, the consumer has to bear the cost of the service wire / cable and hence there is no need to order for compensation which was not his grievance in CGRF petition.

However the Respondent (Executive Engineer/O&M/KK Nagar) has informed that the service wire was replaced.

The forum directs the Respondent (Executive Engineer/O&M/KK Nagar) to maintain the voltage in the petitioner's premises as per the Tamil Nadu Electricity Regulatory Commission, Distribution standards of performance regulations 2004 clause 14.

With this direction, the petition is treated as closed."

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 on 29.05.2024 through video conferencing.

4.2 On behalf of the Appellant, his representative Thiru C. Selvaraj attended the hearing and put forth his arguments.

4.3 The Respondent Thiru T. Velmurugan, EE/O&M/K.K. Nagar of Chennai Electricity Distribution Circle/South-I attended the hearing and put forth his 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 this appeal filed against the order of the CGRF, Chennai South 1 Circle dated 05.03.2024 (Received on 06.04.2024) in

CGRF/CEDC/SL/No.20/2024. In the above complaint the CGRF has ventured to interpret regulations 29 (17) of the distribution code. The amended regulation first sentence is extracted below: "The service line will be the property of the licensee and the licensee shall maintain it at his cost"

5.2 The Appellant has stated that it is very clear from the above mentioned sentence that it is the duty of the licensee to maintain the service line at his cost. There is no definition given by the TNERC for the term "maintain/maintenance". The amended regulation continues to carry further that "shall be safeguarded and maintained by the consumer and its replacement either due to damage or wear and tear owing to aging shall be at the cost of consumer". This extended portion is a clear contrary portion. More over the TNERC has explained the damage in its note file dealing with the amendment to regulation 29(17) has "...Either due to damage cost by consumer..."

5.3 The Appellant has stated that in this particular case, the said damage to the service line was not caused by the consumer. The damage to the service line was originally cost by the Corporation of Chennai during cutting of the branch of the tree. The licensee has replaced the above damaged service line, nearly 12 months ago with a lower size service line, which resulted in burning of the service line.

5.4 The Appellant has contended that for another point of the claim for compensation, it is stated in the order that there is no need to order for compensation which was not his grievance in CGRF petition. In this connection it is to be stated that as per the relevant DSOP regulation, there is no need to make any claims separately. The compensation must be paid automatically for the delay in restoration of electricity to the consumers. However the claim for compensation was included in my written argument filed before the CGRF on 28.02.2024. This was also not considered in an adamant manner. In this case because of previous replacement of service line with lower size wire has resulted in non-availability of electricity.

5.5 The Appellant also stated that in the order that the EE K.K.Nagar has replaced the service line. This action of the EE is a clear case of action as per the

relevant regulations. Hence the interpretation resorted to by the CGRF is against the rules and hence it is not maintainable. Apart from the above the assurance given by the staff of the licensee to replace the wire shortly, was not kept up which took nearly 1 month to replace the wire to maintain uninterrupted supply.

5.6 The Appellant has stated that apart from the above the contents in his E-mail dated 03.04.2024 and 13.04.2024 needs due consideration by the ombudsman for the illegal behaviour approach of the CGRF in delink with his complaint. Furthermore, the present service wire is also of inadequate and lower size, which is not dependable for longer periods.

5.7 The Appellant has requested to replace the service line with adequate size to cater to the loads of all the 4 service connections and the compensation which would have been paid automatically as per the relevant rules.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that based on the complaint received from the petitioner Thiru. V. Gopalakrishnan to AE/O&M/MGR Nagar on 17.01.2024 regarding supply interruption to the service connection no. 286-015-13, 286-015-711, 286-015-712 and 286-015-1197 at Pammal Nalla Thambi Street, MGR Nagar, Chennai-78, the staffs were deputed to attend the complaint and service wire found burnt. The supply was restored by temporary arrangement from the adjacent house immediately on the same day. The staff who attended the complaint informed the consumer to arrange the service wire to replace the burnt wire. Later on 26.01.2024, the complaint filed by the petitioner at CGRF was received, in which it was mentioned that the service wire was not replaced as assured by the staffs. AE/O&M/MGR Nagar had replied to the petitioner via email on 31.01.2024 that the service wire had to be replaced by the consumer and the same was reported to the CGRF.

6.2 In the appeal petition filed by the petitioner at The TNEO, the petitioner had stated that because of previous replacement of service line with lower size wire has resulted in non-availability of electricity. In this regard, it is stated that, a few months

ago, the service wire which was damaged during tree clearance by Greater Chennai Corporation, was replaced at the cost of TANGEDCO with the same capacity wire.

6.3 The Respondent has submitted that in the petitioner's premises, 4nos service connection are existing and the total sanction load of the all services are 10 KW The size of the service wire is adequate to cater the sanctioned load. As per the order of the CGRF, the service connection was inspected by AE/O&M/MGR Nagar and the voltage measured at the consumer premises are furnished as below.

Service Connection No.	Voltage
286-015-13	Ph-N-229 V
286-015-711	Ph-N-229 V
286-015-712	Ph-N-230 V
286-015-1197	Ph-N-229 V

6.4 The Respondent has submitted that in the Tamil Nadu Electricity Ombudsman appeal petition, the petitioner Thiru V.Gopalakrishnan has represented as follows:

"Apart from the above the contents in my E-mail dated 03.04.24 and 13.04.24 needs due consideration by the ombudsman for the illegal behavior approach of the CGRF in delink with my complaint"

As per the direction of Chairman/CGRF/CEDC/South-I, the following is submitted as counter for Appellant representation against the CGRF. For the mail from the Petitioner dt 03.04.2024.

The Petitioner Thiru. V.Gopalakrishnan has filed CGRF Petition in online Portal on 26.01.2024 This Petition was heard on 28.02.2024 in CGRF Forum. The order dt.05.03.2024 has been uploaded in the online Portal on 06.03.2024 which can be viewed by the petitioner in the online Portal from the date of uploading in Portal. Hence there was no delay in issuing CGRF order.

After getting signed by the CGRF/Members in the fair copies, the CGRF order was mailed to the petitioner on 04.04.2024 and the same was sent to the

petitioner by courier on 05.04.2024. For the mail from the petitioner dt 13.04.2024, the petitioner has been replied vide letter dt. 23.04.2024 as follows:

Though the consumer was duly informed about the replacement of service wire and the case was taken up by the CGRF, the service wire of size 7/18 Aluminium 2core wire to a length of 25 mtr was replaced by TANGEDCO on 16.02.2024 since the consumer repeatedly insisted for replacement of service wire.”

6.5 The Respondent has submitted that during the hearing, as mentioned by the petitioner, no complaints were received from the petitioner regarding the low voltage and electrocution at his premises. As soon as the complaint was received from the petitioner regarding the supply interruption, the site was inspected and supply was restored to the petitioner's premises on the same day and the scope of replacement of service wire was also informed to the petitioner. Hence there is no delay in restoration of the power supply and the claim of compensation does not arise.

6.6 The Respondent has submitted that as per The Tamil Nadu Electricity Distribution code 29 (17) (regulation as amended), the cost of the service wire has to be borne by the consumer and since the supply was available at the petitioner's premises till the replacement of service wire, the claim of compensation does not arise.

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 has stated that while GCC employees were trimming the trees in Pammal Nalla Thambi Street, MGR Nagar, Chennai-78, on 17.01.2024, his residence TNEB overhead line was disconnected due to fall of branches and there was no supply for service 286-015-13, 286-015-711, 286-015-712 and 286-015-1197 at door no.13/7, Pammal Nalla Thambi Street, and requested AE/ MGR Nagar section to change the service wire. Based on the complaint, the TNEB staff attended

the fault by providing a small length of service cable from the adjacent premises temporarily. It was informed by the staff that the service wire was burnt out and burst in 3 places and assured to replace the wire shortly.

7.3 The Appellant also claims that the staff's assurance to replace the wire shortly was not honoured, taking nearly a month to complete the replacement. Moreover, the licensee replaced the damaged service line with a lower size service line, leading to the burning of the service line. This replacement occurred approximately 12 months prior to the appeal and has resulted in ongoing issues.

7.4 Additionally, the Appellant claims that the current service wire is still inadequate and of lower size, making it unreliable for longer periods. This inadequacy continues to pose a risk to uninterrupted electricity supply. In conclusion, the Appellant requests the replacement of the service line with one of adequate size to cater to the loads of all four service connections.

7.5 The Respondent stated that after receiving a complaint from the petitioner, Thiru V.Gopalakrishnan, on 17.01.2024 about a supply interruption at multiple service connections, staff were sent to address the issue and found the service wire burnt. They restored the supply temporarily from an adjacent house the same day and informed the petitioner to arrange for the wire's replacement. The petitioner subsequently filed a complaint with the CGRF, which prompted AE/O&M/MGR Nagar to clarify that the consumer was responsible for replacing the service wire.

7.6 In response to the Appellant's claim that a previous replacement with a lower size wire caused a power outage, the Respondent clarified that the damaged service wire had been replaced with a wire of the same capacity by TANGEDCO, following damage during tree clearance by the Greater Chennai Corporation. The Respondent emphasized that the existing service wire size is adequate for the total sanctioned load of 10 KW for the four service connections at the petitioner's premises. Voltage measurements confirmed appropriate levels, and no complaints of low voltage or electrocution were received from the petitioner.

7.7 The Respondent explained that the CGRF processed the petition without delay, and the order was promptly uploaded and mailed to the petitioner. The service wire which was an insulated wire was replaced by TANGEDCO on 16.02.2024 in response to the petitioner's repeated requests, even though the regulation states that the consumer is responsible for such replacements. The Respondent also informed that the service wire was replaced, and the CGRF directed the Respondent to maintain voltage levels as per regulatory standards.

7.8 In this context, I would like to refer the regulation 29(17) in TNERC Distribution Code which is reproduced below;

"29. Service lines:

xxxx

xxxx

17. The service line will be the property of the Licensee and the Licensee shall maintain it at his cost. The equipment, poles, pillar boxes meter and accessories erected inside the consumer premises shall be safeguarded by the consumer and maintained by the Licensee. The service connection materials including wire/cable etc., connected with the meter from the nearest pole/pillar box from which it is tapped, shall be safeguarded and maintained by consumer and its replacement either due to damage or wear and tear owing to aging shall be at the cost of consumer."

The above regulation clearly provides that the service wire which is connected with the meter from the nearest pole, whose replacement either due to damage or wear and tear owing to aging shall be at the cost of consumer.

7.9 But the Appellant argued that the Respondent's action of replacing the service line was in accordance with the relevant regulations, and the CGRF incorrectly interpreted regulation 29 (17) of the distribution code. Further the Appellant argued that, according to the regulation the licensee is responsible for maintaining the service line at their own cost. The extended part of the regulation, which states that the consumer is responsible for safeguarding and replacing the service wire, is contradictory and not applicable in this case. Furthermore, the Appellant contends that the damage to the service wire was caused by the Corporation of Chennai during tree branch cutting and not by the consumer.

7.10 According to the regulation it clearly states that the licensee is responsible for maintaining the service line at their own cost. But the Appellant miscoded the above regulation. The regulation 29(17) clearly says that the service connection materials including wire, cable, etc., connected with the meter from the nearest pole/pillar shall be replaced by the consumer for any damage due to wear and tear. In this case, the damaged service connection material was the service wire which connects the meter box from the nearest pole. Hence as per TNERC Distribution Code, Regulation 29(17), the replacement of the damaged service wire (nearest pole to the meter box) shall be borne by the consumer. Therefore, the Appellant's claim to have the service wire replaced at the Respondent's cost is rejected.

7.11 Further during the hearing the Appellant sought for clarification for the purpose of enacting the regulation 29(17) of TNE Distribution Code and sought amendment. In this context, the Appellant's attention is drawn to the TNERC Distribution Code Regulation 50 which is reproduced below.

“50.Code to be read along with Supply Code, Electricity Act 2003 and amendments etc.,

(1) This code shall be read along with the Supply Code, the Tamil Nadu Electricity Grid Code and other relevant provisions of the Act, along with amendments thereon, rules and regulations made there under.

(2) Where any of the provision of this Code is found to be inconsistent with those of the Act, rules or regulations made hereunder, notwithstanding such inconsistency, the remaining provisions of this Code shall remain operative.

(3) Where any dispute arises as to the application or interpretation of any provision of this Code, it shall be referred to the Commission whose decision shall be final and binding on the parties concerned.

(4) Wherever extracts of the Electricity Act 2003 are reproduced, any changes/amendments to the original Act shall automatically be deemed to be effective under this code also.”

However, the Appellant is informed to stick on the prayer as per the Appeal Petition.

7.12 In addition, the Appellant disputes the CGRF's decision regarding compensation. The relevant DSOP regulation mandates that compensation for delays in restoring electricity should be paid automatically without requiring a separate claim. The Appellant had included a claim for compensation in their written

argument, but this was not considered. They also requested compensation that should have been automatically paid according to the relevant rules.

7.13 The Respondent contended that no complaints of low voltage or electrocution were received from the petitioner. From the Respondent's documents, it is detailed that the power supply was promptly restored on the same day the complaint was received, and the petitioner was informed about the necessary scope of the service wire replacement. This prompt response and clear communication demonstrate that there was no undue delay in restoring the power supply. Consequently, the Appellant's claim for compensation is unjustified and invalid.

8.0 Conclusion:

8.1 As per the findings in the above paragraphs, the action of the CGRF is found in accordance with regulatory standards and the Respondent's handling of the situation was appropriate, and hence claims of the Appellant are rejected.

8.2 With the above findings A.P.No.33 of 2024 is finally disposed of by the Electricity Ombudsman. No Costs.

(N.Kannan)
Electricity Ombudsman

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

To

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- By RPAD

2. The Executive Engineer/O&M/K.K.Nagar,
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TANGEDCO,
110KV Complex, K.K.Nagar, Chennai-600 078.

3. The Superintending Engineer,
Chennai Electricity Distribution Circle/South-I,
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4. The Chairman & Managing Director,
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