



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. 36 of 2024

Thiru.Swamy Pillai,
No.2/3, Shree Apartment,
IInd Cross Street, Indira Nagar,
Adyar, Chennai - 600020.

. Appellant
(Rep. by Thiru K.Senthil Kumar)

Vs.

The Executive Engineer/O&M/Adyar,
Chennai Electricity Distribution Circle/South-II,
TANGEDCO,
110KV Tidel SS Complex,
Taramani, Chennai - 600 113.

. . . . Respondents
(Thiru A. Ramu, EE/O&M/Adyar)

Petition Received on: 15-05-2024

Date of hearing: 16-07-2024

Date of order: 19-07-2024

The Appeal Petition received on 15.05.2024, filed by Thiru.Swamy Pillai, No.2/3, Shree Apartment, IInd Cross Street, Indira Nagar, Adyar, Chennai – 600 020 was registered as Appeal Petition No. 36 of 2024. The above appeal petition came up for hearing before the Electricity Ombudsman on 16.07.2024. 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 revise the tariff from ID to IE and to refund the amount paid in excess.

2.0 Brief History of the case:

2.1 The Appellant has prayed to revise the tariff from ID to IE and to refund the amount paid in excess.

2.2 The Respondent has stated that based on the petitioner's request, the apartment was inspected and found with 12 Nos. of domestic & 2 Nos. of common services. As per the tariff order it is not feasible to convert the existing tariff ID to IE.

2.3 Hence the Appellant has filed a petition with the CGRF of Chennai EDC/South-II on 01.02.2024.

2.4 The CGRF of Chennai EDC/South-II has issued an order dated 28.03.2024. 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-II issued its order on 28.03.2024. The relevant portion of the order is extracted below: -

“Order:

The petitioner Ms. Radha Ashok, resides at Shree Apartment, which is a 35 year old apartment with a ground and three floors, also stated, the building do not have lift facility.

The petitioner had requested to "reduce the common meter service connection number 203-025-171 tariff, with the tariff of Rs 5.50/ units instead of 8.15, As per revised tariff announced by CM in October 2023.

The respondent had stated, the Service Connection No: 203-025-171 was inspected and found that the service connection is in Tariff ID, Single phase being utilized for motor and lighting of common areas at No.2, 2 cross Street, Indra nagar, the building comprises of 3 floors with 13 dwelling units having 13 EB service connections & 1 no. Common service.

The respondent had also stated, Tariff order no.09 of 2023, dt: 31.10.2023, Had been implemented for the common service at the said building, since it is clearly stated that the common service will be under tariff IE category only for the "Common facilities in multi tenements/residential flats of small apartments without lift facility (3 and less than 3 floors with 10 and less than 10 dwelling units)" the Apartment does not falls under this category as the number of dwelling units is 13. Hence it is not feasible to convert the existing tariff ID to IE in the Service Connection No: 203-025-171.

The Tariff order 09 of 2023 dt. 31.10.23, the relevant paragraph is extracted as "Energy charges to be collected at the reduced rate as per Governments directive effective form 01.11.2023, category 1E-Common facilities in multi tenements/residential flats of small apartments without lift facility (3 and less than 3 floors with 10 and less than 10 dwelling units), the energy charges in paise per kWh (unit) is 550".

The petitioner's apartment building has 13 dwelling units with one common service, hence the tariff IE is not applicable for the common service number 203-025- 171. The adoption of tariff ID in the common service connection number 203-025-171 is in order.

Hence it is not feasible to convert the existing tariff ID to IE in the Service Connection No.203-025-171."

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 16.07.2024.

4.2 On behalf of the Appellant Thiru K.Senthilkumar attended the hearing and put forth his arguments.

4.3 The Respondent Thiru A.Ramu/EE/O&M/Adyar of Chennai Electricity Distribution Circle/ South-II 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 his apartment-Shree Apartment, old no.2, new no. 3 is more than 35 year old apartment with a ground and three floors and do not have lift facility.

5.2 The Appellant has stated that as per revised tariff announced by CM in October 2023, for common bill of such apartments, the unit rate applicable is Rs. 5.50 and not Rs. 8.15. For common meter-Consumer number 09203025171 for billing of 24-Jan-24 the older higher tariff per unit seems to have been applied. The appellant has requested to amend the new reduced tariff and arrange for refund of excess paid.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that with reference to the CGRF 25 petition mail dt.01.02 2024. The petitioner had requested to revise the tariff from ID to IE claiming his contention is right as per the CM announcement on October 2023 for common services in their Shree Apartment.

6.2 The Respondent has stated that based on the petitioner's request, the Service Connection No 203-025-171 was reviewed and found that the service connection stands in the name of Thiru. Swamy Pillai addressed at No 2/3, 11 cross Street, Indra Nagar, Tariff under ID, Single phase connection.

6.3 The Respondent further stated that the Shree apartment was inspected and found that there are Ground + 3 floors (each floor has 4 houses - 4floor 4units =16) with 16 Nos. of dwelling units (4 units were converted into duplex house) with 12 nos. domestic Services & 2 Nos. common service which is used for motor and lighting purpose. Also, no lift facility, club house, swimming pool, garden are available in the apartment. The below services (live) are categorized under Domestic Tariff IA: 12 Nos.

1. 203-025-174
 2. 203-025-175
 3. 203-025-173
 4. 203-025-179
 5. 203-025-178
 6. 203-025-180
 7. 203-025-181
 8. 203-025-182
 9. 203-025-172
 10. 203-025-170
 11. 203-025-183
 12. 203-025-176
 13. 203-025-184
 14. 203-025-171
- } Common service tariff under ID (lighting & Motor)

6.4 The Respondent further contended that based on the implementation of Tariff order No 09 of 2023, dt.31.10.2023, it is clearly stated that the common service will be under tariff IE category only for the "Common facilities in multi tenements/residential flats of small apartments without lift facility (3 and less than 3 floors with 10 and less than 10 dwelling units)".

6.5 The Respondent has stated that CGRF order was also issued on 28.03.2024 wherein it is stated that the adoption of Tariff ID in the common service connection number 203-025-171 is in order

6.6 Based on the TNERC Order No 09 of 2023, dt.31.10.2023, the Respondent has finally reported that the Apartment does not falls under Tariff IE category as said in the above order. Hence it is not feasible to convert the existing tariff ID to IE in the SC NO 203-025-171.

6.7 The Respondent has prayed to pass an order rejecting the request pursued by the complainant with reasonable diligence & to pass just and further orders in TNEO petition No. 36 of 2024 to meet the ends of 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's contention revolves around the application of the appropriate tariff rate for the common meter of their apartment building, Shree Apartments. They emphasize that Shree Apartments is more than 35 years old and comprises a ground floor and three additional floors, notably without a lift facility. The building's common meter services are limited to basic necessities such as lights and a water supply motor.

7.3 According to the revised tariff announced by the Chief Minister in October 2023, the rate applicable for common meters in such apartments should be Rs. 5.50 per unit, instead of the previously higher rate of Rs. 8.15 per unit. However, for the billing period of January 24, 2024, the appellant points out that the older, higher tariff rate of Rs. 8.15 per unit was incorrectly applied to their common meter (Consumer number 09203025171). Consequently, the appellant requests an amendment to reflect the new lower tariff rate and a refund for the excess amount paid.

7.4 The appellant argues that the reduced tariff rate is being unjustly denied solely because the apartment has 12 dwelling units instead of 10. They assert that their building, which lacks lift facilities and only provides basic common services, should qualify for the reduced tariff. The appellant highlights that EE/O&M/Adyar and Velachery reconfirmed through an email dated June 6, 2024, that Shree Apartments has no lift facility, garden, club house, or swimming pool, and that the common meter is used for basic services.

7.5 Furthermore, the appellant stresses that the government's directive aimed to alleviate the burden of the steep hike in common meter tariffs on middle-class apartments should be implemented not only in letter but also in spirit and intent. They seek intervention and approval for the reduction of the tariff for their common meter to ensure adherence to the government's intent of providing relief to middle-class apartment dwellers.

7.6 Upon inspecting Shree Apartment, the respondent confirmed the building comprises a ground floor and three additional floors, totaling 16 dwelling units. This includes four duplex houses converted from standard units. The building has 12 domestic service connections and two common service connections, which are used for motor and lighting purposes. The respondent also notes that the building lacks lift facilities, a clubhouse, swimming pool, and garden. The live services categorized under Domestic Tariff IA were listed accordingly for 12 dwelling units .

7.7 The respondent argues that TNERC Order No 09 of 2023, dated October 31, 2023, which states that common facilities in multi tenements under Tariff IE only will be applied only in multi-tenements/residential flats of small apartments without lift facility (3 and less than 3 floors with 10 and less than 10 dwelling units)." Based on this order, the respondent argues that Shree Apartment does not qualify for the reduced tariff rate at IE instead of ID because it exceeds the specified limit of 10 dwelling units by 12 dwelling units .

7.8 In conclusion, the respondent requests that the appellant's petition be rejected, maintaining that the current tariff classification is correct and compliant with the relevant tariff order. They seek just and further orders in TNEO petition No. 36 of 2024 to ensure that the matter is resolved in accordance with the established guidelines.

7.9 From the above, it needs to be determined whether the Appellant is eligible for tariff reclassification according to the Tariff Order No.9 of 2023, dated 31.10.2023 towards tariff for common facilities to multi-tenements of small apartments, in order to transition from the existing Tariff ID to Tariff IE. Therefore, I would like to refer para 6.2.5 of Tariff Order T.O.No. 7 of 2022 dated 09-09-2022 and Tariff Order No.9 of 2023, dated 31.10.2023 for further clarification.

“6.2.5 Low Tension Tariff ID : (Common facilities in Multi –tenements)

6.2.5.1 This tariff is applicable to common lighting, water supply, lift provided to the residents, sewerage treatment plant, water treatment plant, Fire Hydrant facility, Gym, Swimming pool, CCTV camera, Community hall, amphi theater, etc for the

purpose of resident only, with separate service connections. This tariff is also applicable to the co-existing additional services as referred in para 6.2.2 .1(a).

Para 6.2.5.2 In respect of multi tenements/multi-storey flats/residential complex having both domestic and non-domestic utilities, common facilities such as common lighting, common water supply, lift will be charged under this tariff only if the non residential built up area does not exceed 25% of the total built up area. If it exceeds 25%, the consumption for such facilities shall be charged under LT tariff V.

Tariff category	FY 2022-23 (Commission Determined Tariff)	
	Fixed Charge (Rupees per kW per month)	Energy charge in Paise per kWh (Unit)
Low Tension Tariff I D	100	800

7.10 From the above provision, it is understood that the Appellant's service connection, which is used for common purpose falls under the category of ID. Later based on the Government announcement certain relaxation was given to multi tenements with certain limitations as follows.

“1. The Government of Tamil Nadu (GoTN) in Letter No.8303/C2/2023 dated 30.10.2023 have issued policy directive to Tamil Nadu Electricity Regulatory Commission under Section 108 of the Electricity Act 2003 for reduction of tariff to common facilities to multi-tenements of small apartments under extant LT Tariff ID by bringing them under a new tariff category IE with effect from 01.11.23 as tabulated below:

Energy charges as per the Commission's Suo-motu Order No. 6 of 2023 dated 30.06.23 effective from 01.07.23		Energy charges to be collected at reduced rate as per Government's directive effective from 01.11.23	
Category	Energy charges in Paise per kWh(unit)	Category	Energy charges in Paise per kWh(unit)
Common facilities in multi tenements	815	Common facilities in multi tenements/residential flats of small apartments without lift facility (3 and less than 3 floors with 10 and less than 10 dwelling units)	550
Fixed charges for Rs.102/kW/month of Order No.6 of 2023 remains unaltered			

7.11 Accordingly, the Commission orders the following vide Tariff Order No.9 of 2023, dated 31.10.2023:

(i) *The TANGEDCO shall collect energy charges at the following rates from the applicable consumers as specified below under new tariff category LT Tariff IE:*

<i>Energy charges to be billed / collected at reduced rate as per Government's directive with effect from 01.11.23</i>		
<i>Tariff IE</i>	<i>Fixed charges in Rupees per KW per month</i>	<i>Energy charges in Paise per kWh(unit)</i>
<i>Common facilities in multi tenements/residential flats of small apartments without lift facility (3 and less than 3 floors with 0 and less than 10 dwelling units)</i>	102	550

7.12 Based on the reclassification of Tariff IE the appellant claims their common facility service connection is to be reclassified from tariff ID to IE . But on the respondent's inspection, it was confirmed that the apartment building exceeds the threshold specified in Tariff Order No 09 of 2023 for qualifying for the reduced Tariff IE, as it has more than 10 dwelling units. During the hearing it was confirmed with the appellant that their apartments having 12 dwelling units. In view of the fact of acceptance that the apartment having more than 10 dwelling units, the claim of the appellant to re-classify their common purpose service SC No. 203-025-171 from tariff ID to IE is not found correct. Hence the request of the appellant to change the Tariff from ID to IE in common utilisation service connection NO 203-025-171 is not feasible. Hence, the current classification under Tariff ID is deemed appropriate. Therefore, the appellant's petition is rejected, upholding the current tariff classification for the common meter at Shree Apartments.

8.0 Conclusion:

8.1 Based on the above findings, it is concluded that Shree Apartments does not qualify for the reduced Tariff IE from ID as it exceeds the limit of 10 dwelling units specified in Tariff Order No 09 of 2023. The appellant's petition for tariff revision from ID to IE is rejected.

8.2 With the above findings the A.P. No. 36 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

1. Thiru.Swamy Pillai, - By RPAD
No.2/3, Shree Apartment,
IInd Cross Street, Indira Nagar,
Adyar, Chennai - 600020.
2. The Executive Engineer/O&M/Adyar,
Chennai Electricity Distribution Circle/South-II,
TANGEDCO,
110KV Tidel SS Complex,
Taramani, Chennai - 600 113.
3. The Superintending Engineer, - By email
Chennai Electricity Distribution Circle/South-II,
TANGEDCO,
110KV SS Complex,
K.K.Nagar, Chennai-600 078.
4. The Chairman & Managing Director, - By Email
TANGEDCO,
NPKRR Maaligai, 144, Anna Salai,
Chennai -600 002.
5. The Secretary,
Tamil Nadu Electricity Regulatory Commission, - By Email
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.
6. 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.