



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. 82 of 2023

By RPAD

Tmt. Linci Nirupama,
No.59, 5th Street (West), Alagu Nagar,
Saravanampatti, Coimbatore – 641 035.

..... Appellant
(Rep. by Thiru K.Manickaraj)

Vs.

1. The Executive Engineer/O&M/K. Vadamadurai,
Coimbatore Electricity Distribution Circle/North,
TANGEDCO,
K.Vadamadurai Post, Coimbatore-641017.

2. The Assistant Executive Engineer/O&M/Saravanampatti,
Coimbatore Electricity Distribution Circle/ North,
TANGEDCO,
Chinnavedampatty, Coimbatore-641006.

3. The Assistant Engineer/O&M/ Saravanampatti,
Coimbatore Electricity Distribution Circle/ North,
TANGEDCO,
Saravanampatty, Coimbatore-641006.

..... Respondents
(Thiru S.Tamizh Selvan, EE/O&M/K.Vadamadurai
Thiru M.Kathirvelu, AEE/O&M/Saravanampatti
Thiru S.Thirumalai Ramesh, AE/O&M/Saravanampatti)

Petition Received on: 07-11-2023

Date of hearing: 10-01-2024

Date of order: 19-01-2024

The Appeal Petition received on 07.11.2023, filed by Tmt. Linci Nirupama,
No.59, 5th Street (West), Alagu Nagar, Saravanampatti, Coimbatore – 641 035 was

registered as Appeal Petition No. 82 of 2023. The above appeal petition came up for hearing before the Electricity Ombudsman on 10.01.2024. 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 dismiss the order passed by CGRF which is in violation of Electric Act 2003 towards disconnection of SC No. 120-003-3400 and sought compensation.

2.0 Brief History of the case:

2.1 The Appellant has stated that her residential service connection number is 031200033400 is disconnected due to non-payment of dues on 08-08-23 without issuing her a notice in writing giving her a clear 15 days time from the date of issue of notice.

2.2 The Respondent claimed that there was no violation and disconnection procedure was necessitated due to non-payment of Current consumption charges.

2.3 The Appellant filed a petition with the CGRF of Coimbatore Electricity Distribution Circle/North on 04.08.2023.

2.4 The CGRF of Coimbatore Electricity Distribution Circle/North issued an order on 30.09.2023. Aggrieved by the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Coimbatore Electricity Distribution Circle/North issued its order on 30.09.2023. The relevant portion of the order is extracted below: -

“Order:

தமிழ்நாடு ஒழுங்குமுறை ஆணைய மின் வழங்கல் விதி 14(a), 14(2), 14(3)-ன் படியே மின் துண்டிப்பு செய்யப்பட்டு தமிழ்நாடு ஒழுங்குமுறை ஆணைய மின் வழங்கல் விதி 22(1) க்கு உட்பட்டு மின் இணைப்பு மீண்டும் வழங்கப்பட்டுள்ளது. இதில் எவ்வித விதி மீறலும் இல்லை என இம்மன்றத்தில் உத்திரவிடப்படுகிறது.”

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 10.01.2024 through video conferencing.

4.2 On behalf of the Appellant, her representative Thiru K.Manickaraj attended the hearing and put forth his arguments.

4.3 The Respondents Thiru S.Tamizh Selvan, EE/O&M/K.Vadamadurai, Thiru M.Kathirvelu, AEE/O&M/Saravanmpatti and Thiru S.Thirumalai Ramesh, AE/O&M/Saravanmpatti of Coimbatore Electricity Distribution Circle/North 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 and the prayer related to employee disciplinary action etc are not under the purview of this Electricity Ombudsman.

5.0 Arguments of the Appellant:

5.1 The Appellant has stated that her residential service connection number 031200033400 was disconnected due to non-payment of dues on 08-08-23 without issuing her a notice in writing giving her a clear 15 days time from the date of issue of notice, when disconnection is contemplated or raised before the consumer by EB, as mandated in the Section 56 of the Indian Electricity Act, 2003 passed and in force by the central parliament, was arbitrarily not followed by the Respondents.

5.2 The Appellant has stated that she has raised her grievance before the CGRF, North, Coimbatore-12 after representing Respondent 3 and SE/North. Her averment is electricity being listed under concurrent list in the constitution, state cannot legislate act / rules in the exactly same subject / same words, here disconnection of power supply when dues not paid. The letter written to her by the Respondent 2 was given a fitting reply by her emphasizing in the above manner.

5.3 The Appellant has stated that during CGRF hearing also, Petitioner / Appellant side explained whatever the year of legislation passed by parliament in same subject, here in disconnection, the central act will prevail over the state codes etc even if state passed its codes after the year of passing of the central act, here Electricity Act 2003. But the CGRF, Coimbatore North passed an order by overlooking all her constitutional valid points raised by her and further her narration before CGRF by handing over the copy of Article, 254 which without doubts enforces the supremacy of central act in the concurrent subject of same worded codes / Acts of state govt.

5.4 The Appellant has stated that again she strongly objected the disconnection of power supply from the EB street pole over head links instead of removing fuse carriers. She put forth her arguments over head pole supply line disconnection can be done only when the consumer is habitually not paying the dues and or when theft of electricity is found out by EB or when the consumer file an application for permanent disconnection of power. These aspects were not at all taken into records while CGRF passed order.

5.5 The Appellant has stated that furthermore, she raised her averment that when Respondent 3 could send SMS on 08-08-23 informing her to the registered mobile no. that electricity supply disconnected, he failed to send her SMS informing her when power was restored after her payment of due. Here when Respondent 3 was opening a file in his web file of disconnection, he is duty bound to send her SMS informing power restored. Thus this deficiency has created a time gap of restoring power only after 4 days where as Respondent(s) is telling that power was

restored the next day after payment of dues, which is a lie and further gave hardships to her which had been explained well in her original petition. This aspect was not properly scrutinized by the Respondents.

5.6 The Appellant has stated that she raised one supreme court judgment (Civil Appeal No.1672 of 2020) as authority which clearly without ambiguity observed when EB authority raises their claim of dues in the form of demand notice before their consumers whatever the number of claims by EB for payment of dues/ or even raised finally without granting 15 days clear notice period is invalid. So disconnection can be done after giving due notice in writing granting the consumer 15 days time. Supreme court also stated in this order that the question of default of payment of due has to be identified only when consumer even after this notice in writing granting 15 days time given has failed to remit his dues, then only disconnection arises. Further the court said that demand notice is to inform the amount due along with the last date of payment of dues that is the 15th date, say for example 29 of April, 23. This consumer friendly act 2003 is passed as electricity is a very basic necessity more than drinking water which can be purchased in small to huge quantity when there is any non supply of water.

Thus central act and our constitution is disrespected by Respondents willfully with a sole intention to move away from Indian constitution rather took the support of state codes to benefit from illegality. Also, disrespecting the Supreme Court judgment attracts contempt petition.

5.7 The Appellant has stated that thus when the order was passed by over looking every acts of Electricity act 2003, she filed her review petition but when review petition are taken into the files of CGRF in Kerala, CGRF Coimbatore North refused to entertain her Review Petition is just to illegally stick to its arbitrary order. The Electricity Act 2003 was passed by the Parliament to keep the uniformity throughout India. The CGRF and OMBUDSMAN are established under this act. When Kerala entertained Review Petition and passing orders the reason for rejecting review petition by CGRF North is not informed to her. This is violation of

law. The CGRF order is not signed by the other 2 members in her case which creates a doubt whether these 2 members gave their approval in this order.

5.8 The Appellant has stated that therefore, considering her above submission her appeal may kindly be ordered paying her the sought compensation of 5 lakhs, return of collected fine amount and to take disciplinary action against R3 and any other Respondents deemed fit under this circumstance.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that the domestic service in the name of Tmy.Linci Nirupama, (03-120-003-3400) was disconnected on 08-08-2023 for non-payment of CC Charges and again the service was reconnected on 09-08-2023 @06.45hrs after payment of CC Charges. But the consumer has filed a petition in CGRF on 14-08-2023 challenging the disconnection of the Domestic service. In the CGRF forum has issued final order on 30-09-2023 after conducting detailed enquiry on 16-09-2023. Now the consumer Tmy.Linci Nirupama has filed petition against the final order of CGRF in Tamil Nadu Electricity Ombudsman on 15-11-2023.

6.2 The Respondent has stated that the domestic service connection Number (TF IA) of the consumer TmtY.Linci Nirupama is 03-120-003-3400. During defaulters list generation on 06-08-2023 (which is an everyday process for those who have not paid the CC charges on due date), the service no 03-120-003-3400 came for disconnection. In spite of having the rights to disconnect the supply on 06-08-2023 without further notice, on humanitarian grounds, the field staff has reached out to the consumer thrice before disconnecting the power supply. Initially a call made from section office to the registered mobile number on 06-08-2023 at 12:13 PM, as the call was not picked up by the customer, EB lineman visited the house twice on 07-08-2023 and 08-08-2023 and tried to reach by the calling bell, but there was no response and the house was locked. As the house was locked, as per TANGEDCO regulation, the section lineman disconnected from the main pole (Ariel DC) to said service number & verified if the bills were paid during the DC time, the status again was unpaid cc charges and made the entry in software about the disconnection

status and the consumer would have received an automated message in the afternoon.

6.3 The Respondent has stated that as per Tamil Nadu Supply Code 14 (1)(A)-TANGEDCO staff are entitled to disconnect services without further intimation if a consumer defaults payment beyond the due date. This is mentioned in the consumers EB white meter card as well.

6.4 The Respondent has stated that the consumer Tmty Linci Nirupama made the payment only on 08-08-2023, at 08:09 PM. As per the safety norms, EB staffs can't perform individual reconnection in the night, by opening the Distribution transformer & climbing the pole. Since the consumer made the payment in the night & prioritized the reconnection on the very next day. The lineman made reconnection of the Service No 03-120-003-3400 at 06:45 AM in the morning on 09-08-2023. The details also informed to the customer over the registered mobile phone about the reconnection, and the same was acknowledged by the consumer.

6.5 The Respondent has stated that in the disconnection process there is no violation of rules as per TNERC Code and the reconnection was made immediately early in the morning itself no delay in restoration of supply happened as the petitioner quotes and the process of SMS delivery is automated from the server of TANGEDCO. Further it was clearly stated that, as per TNERC Electricity Act 2003 rule 14(a), 14(2), 14(3) for disconnection and 22(1) for reconnection were followed.

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 contends that her residential service connection was abruptly disconnected without proper adherence to the stipulated notice requirements outlined in Section 56 of the Indian Electricity Act, 2003. According to her, the mandated 15-days written notice period before disconnection was arbitrarily

neglected by the Respondents. Additionally, she argues that the Central Electricity Act of 2003 should take precedence over state codes in the case of electricity-related matters, citing the concurrent nature of the subject in the Constitution. The Appellant asserts that the Central Electricity Act's supremacy was overlooked by the Consumer Grievance Redressal Forum (CGRF), Coimbatore North, in their order.

7.3 Furthermore, the Appellant raises objections to the method of disconnection, contending that overhead pole supply line disconnection should only occur under specific circumstances, such as habitual non-payment, theft of electricity, or consumer application for permanent disconnection. She claims that these crucial considerations were disregarded by the CGRF when passing their order. The Appellant also highlights a communication gap, stating that although she received an SMS notifying her of the disconnection, there was no communication when the power was restored after her payment, creating a contradiction with the Respondent's claim of immediate restoration.

7.4 In light of these contentions, the Appellant seeks compensation of 5 lakhs, the return of collected fine amounts, and disciplinary action against Respondent 3 (R3) and any other action Respondents deemed responsible under the given circumstances.

7.5 The Respondent asserts that the service connection (03-120-003-3400) was disconnected on 08-08-2023 due to non-payment of CC Charges and was subsequently reconnected on 09-08-2023 after payment. The Respondent justifies the disconnection, stating that the service was scheduled for disconnection on 06-08-2023 for non-payment of CC charges. Although the field staff had the right to disconnect without notice, attempts were made to contact the consumer three times before disconnection. These attempts included a call to the registered mobile number on 06-08-2023, and two house visits on 07-08-2023 and 08-08-2023. As there was no response and the house was locked, the disconnection proceeded in accordance with TANGEDCO regulations.

7.6 The Respondent emphasizes compliance with Tamil Nadu Electricity Supply Code 14 (1)(A), asserting that staff are entitled to disconnect services without further intimation if a consumer defaults on payment beyond the due date. This information is reiterated as being present in the consumer's EB white meter card. Acknowledging the consumer's payment on 08-08-2023 at 08:09 PM, the Respondent explained that due to safety norms, individual reconnection at night was not possible. Reconnection was prioritized and reconnected at 06:45 AM on 09-08-2023. The consumer was promptly informed via the registered mobile phone, and acknowledgment was received.

7.7 The Respondent maintains that the disconnection process adhered to TNERC Code rules without any violation. Reconnection occurred promptly the following morning, and an automated SMS delivery system was employed to confirm compliance with TNERC Electricity ACT 2003 rules (14(1)(a), 14(2), 14(3) for disconnection and 22(1) for reconnection).

7.8 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.”

7.9 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, Sl.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.

7.10 The next issue to be discussed here, what are further course of action in the event of default in payment of the current consumption charge 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”*

7.11 Also, I would like to refer to regulation 2(h) and 14 of TNE supply code regulations, on Due dates and notice periods.

“2. Definitions

In this code, unless the context otherwise requires:

(h) “Consumer Meter Card” means a card provided at the low tension consumer’s premises for the purpose of recording the measurements relating to consumption of electricity and the charges the electricity consumed and other related charges. It

shall also serve the purpose of a notice to the consumer of the due dates for payment and notice period for disconnection.

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.”

7.12 The co-joint reading of the above provisions declares that, the service connection of the 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 03-120-003-3400.

7.13 The Appellant's service connection was assessed on July 16, 2023, and notification sent via an automated message to the registered mobile number on the same date. In accordance with Regulation 14 of the TNE supply code regulations, the assessment was taken on 16.07.2023 and hence considering five-days as due date and 15 days as notice period, the last date for making payment was 05.08.2023. However, the Appellant did not settle the CC charges by the specified date. The mere argument of the Appellant that he did not received a notice before

disconnection was a false claim against the derived procedure adopted by the licensee. In this case, the Appellant did not pay her current consumption charges as per the periods specified by the Licensee in the consumer meter card, and hence the printed notice period in the consumer meter card shall be construed as the notice to the Appellant and it is reiterated in the Supply Code Regulation 2(h), 14 & 21 of the TNERC which was enacted as per the proviso of Electricity Act, 2003.

7.14 Due to the non-payment of CC charges even after the expiry of notice period on 05-08-2023, the Appellant's service connection was slated for disconnection on August 6, 2023. However, the Respondent did not proceed with the disconnection on that date. Instead, they made efforts to contact the Appellant through the registered mobile number and even sent staff in person to provide information. Unfortunately, no one was available at the Appellant's residence during these attempts as argued by the Respondent.

7.15 The Appellant acknowledged that the Respondent's staff visited their house, which was confirmed through security camera footage. Despite these diligent efforts, the Appellant failed to make the payment even two days after the specified due date. Consequently, the Respondent disconnected the service connection on August 8, 2023, in accordance with Regulation 21 of the TNE supply code regulations. The Appellant Registered phone number too received disconnection message which too accepted by the Phone number provider. In spite of disconnection made on 08-08-2023 after expiry of notice period 05-08-2023, the Appellant did not accept the fact of the Respondent on making repeated approach to contact her through phone and in person. Further, the other claim of the Appellant is that her service connection was disconnected through over head instead of fuse removal at her premises. But, it is to be pointed out that, when the Appellant premise was not reachable after the expiry of notice period on 05-08-2023, the Respondent left with no option, made over head disconnection.

7.16 Further, the Appellant made payment only on 08-08-2023 at 08:09 PM and the Respondent had restored the supply on 09-08-2023 at 6.45 hrs which was well within Regulation 22(1) of TNE Supply Code and hence this action of the

Respondent also found correct. Therefore, I acknowledge the service of the Respondents in addressing the Appellant's claim, which was raised without reasonable cause.

7.17 From the above findings, the disconnection carried out by the Respondent is in accordance with the TNE supply code regulations since the Appellant has not paid the CC charges within due date and hence the action of the Respondent is justified. In my view, there is no service deficiency as per Distribution Standards of Performance Regulations 2004, in the Appellant's case. Therefore, the prayer of the Appellant for compensation is rejected

8.0 Conclusion :

8.1 From the findings of the above paras, the claim of the Appellant is not found any merit as there is no service deficiency on the part of the Respondent. I concur the orders of the CGRF, hence the Appellant's petition is rejected.

8.2 With the above findings A.P.No.82 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. Tmt. Linci Nirupama,
No.59, 5th Street (West), Alagu Nagar,
Saravanampatti, Coimbatore – 641 035.

- By RPAD

2. The Executive Engineer/O&M/K. Vadamadurai,
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TANGEDCO,
Chinnavedampatty, Coimbatore-641006.

4. The Assistant Engineer/O&M/ Saravanampatti,
Coimbatore Electricity Distribution Circle/ North,
TANGEDCO,
Saravanampatty, Coimbatore-641006.

5. The Superintending Engineer,
Coimbatore Electricity Distribution Circle/North,
TANGEDCO, Tatabad,
Coimbatore – 641 012.

- By email

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

– By Email

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

8. The Assistant Director (Computer)
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