



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. S. Devarajan, Electricity Ombudsman

A.P.No. 83 of 2021

M/s. NSK Automotive,
(Precision Machined Auto Components),
DP 246, Women SIDCO Industrial Park,
Vellanur P.O., Thirumullaivoyal,
Chennai – 600 062.

. Appellant
(Thiru N. Gopalakrishnan)

Vs.

1. The Executive Engineer/O&M/Avadi,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
229, N.M. Road, Avadi,
Chennai – 600 054.

2. The Assistant Executive Engineer/O&M/Thirumullaivoyal,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
No.29, North Mada street,
Thirumullaivoyal, Chennai-600062.

. Respondent
(Thiru T.Arunachalam, EE/O&M/Avadi
Thiru M. Saravanan, Deputy Chief Auditor)

Petition Received on: 01-11-2021

Date of hearing: 15-12-2021

Date of order: 01-03-2022

The Appeal Petition received on 01.11.2021 filed by M/s. NSK Automotive,
(Precision Machined Auto Components), DP 246, Women SIDCO Industrial Park,

Vellanur P.O., Thirumullaivoyal, Chennai – 600 062 was registered as Appeal Petition No. 83 of 2021. The above appeal petition came up for hearing before the Electricity Ombudsman on 15.12.2021. 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 adjust the amount in future bills collected in SC No. 453-005-3555.

2.0 Brief History of the case:

2.1 The Appellant has stated that he informed TANGEDCO to change the defective meter and it was changed after so many reminders. He stated that during this period he had paid high average amount. After eight months he had received shortfall amount notice.

2.2 The Appellant has replied to the notice and without considering his reply TANGEDCO added shortfall amount to his service account.

2.3 To adjust the amount in future bills, the Appellant has approached the CGRF of Chennai EDC/West 09.08.2021.

2.4 The appellant has filed a petition before the CGRF of Chennai EDC/West on 09.08.2021. The CGRF of Chennai EDC/West has issued an order dated 16.10.2021. 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/West have issued its

order on 16.10.2021. The relevant portion of the order is extracted below :-

“Order:

The forum directs the Respondent Executive Engineer/O&M/Avadi to send a detailed action taken report within 15 days on receipt of this order to the forum.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondents to put forth their arguments, a hearing was conducted on 15.12.2021 through video conferencing.

4.2 The Appellant Thiru N. Gopalakrishnan has attended the hearing and put forth his arguments.

4.3 The Respondents Thiru T.Arunachalam, EE/O&M/Avadi and Thiru M. Saravanan, Deputy Chief Auditor of Chennai EDC/West have 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 order. Further the prayers which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone are discussed hereunder.

5.0 Arguments of the Appellant :

5.1 The Appellant has stated that he had informed the Respondent well in advance early on 4.11.2019 to change the defective meter and the reason low consumption of power due to economic slowdown. But it was changed after so many reminders and follow-ups only.

5.2 The Appellant has stated that even though during this period he paid high average amount, after eight months he had received short fall amount notice. The Appellant has stated that he had sent reply notice to TANGEDCO, AE/AEE for wrongly calculated short fall amount on 09.08.2021. Without considering the reply, the Respondent has added the short fall amount to our service account.

5.3 The Appellant has stated that due to corona lockdown they were unable to

meet anyone. Moreover they need to run their unit for essential product category. In the TANGEDCO service account unable to pay the regular bill without CC arrear payment clearance and not able to meet high officials easily. So we paid online to adjust the same in future. Already letter given for proper justice. Short fall amount calculated wrongly and it is against the TNERC Supply Code Regulations.

5.4 The Appellant has stated that the Respondent has not considered their petition and not abided TNERC regulation to adjust the paid amount.

5.5 The Appellant has stated that they are depressed and lost huge time to followup this problem and lost huge business hours. The Appellant has prayed to adjust the amount in future bills.

6.0 Counter submitted by the Respondent:

6.1 The Respondent has submitted that the defective meter in the N.S.K. Automotive, (Precision Machined Auto Components), DP. 246, Women SIDCO Industrial Park, Vellanur (P.O), Thirumullaivoyal, was inspected by AEE/Thirumullaivoyal and after sanctioning of the estimate the defective meter was replaced. The consumer had paid the average for the above defective period.

6.2 The Respondent has submitted that the audit team had raised an amount of Rs.1,78,658/- for LTSC.No.453-005-3555 during the above said defective period vide audit slip No.186 dt.24.02.2020. After due intimation to consumer the amount was included in the service on 05.03.2021. The consumer had requested to furnish the details for substantiating the wrong claim. But due to Pandemic lock down, the consumer had paid the audit claim under protest on 18.03.2021.

6.3 On representation from the consumer, a dropping proposal was submitted to Audit branch on 31.05.2021, mentioning clearly that the claim of audit in arriving average shortfall amount has been made without following the provisions in TNERC Supply Code Regulations. But, the audit had rejected dropping proposal in their letter dt. 26.7.2021 on the ground that the party had already paid the amount and hence the dropping proposal couldn't be accepted.

6.4 In response to the CGRF petition dt. 01.09.2021 filed by M/s. NSK Automotive, CGRF had directed to sent a detailed action taken report within 15 days on receipt of the order to the forum on 16.10.2021 and the same was also sent.

6.5 The Respondent has submitted that based on the CGRF order, the case was again studied and considering the validity of the consumer's request the dropping proposal was again resubmitted to Audit branch on 03.12.2021 stating that the reason for rejection of the dropping proposal was not given but was rejected again without any valid reason.

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 he had informed the Respondent in his letter dated 04.11.2019 regarding meter display failure but the Respondent replaced the defective meter only on 23.01.2019. Later, based on the audit slip dt. 24.02.2020, the Respondent in his letter dated 21.09.2020 raised a demand for an amount of Rs.1,78,658/- towards shortfall for the meter defective period. The Appellant has argued that the shortfall has been calculated wrongly against the Supply Code Regulations and requested to adjust the excess amount paid by him.

7.3 The Respondent has stated that the Appellant has paid the shortfall amount with protest and requested to drop the shortfall claim. The representation of the Appellant was considered and a dropping proposal was submitted by the Respondent which was rejected by the audit wing of the Licensee without valid reason for the rejection.

7.4 In the absence of CMRI data, the period of meter failure can be decided based on the consumer ledger data only. The meter reading has been recorded as 6668.29 Kwh on 26.09.2019 while recording current consumption for the billing

month 09/2019 since the meter display was healthy. Only on 31.10.2019 while recording current consumption for the billing month 10/2019 the display failure has been noted and the reading was also 6668.29 Kwh. Later the meter has been replaced on 23.01.2020. Hence the meter defective period is considered to be from 27.09.2019 to 23.01.2020. As the meter was healthy while recording current consumption reading on 26.09.2019, the Appellant is not eligible to claim shortfall for the billing month 09/2019. Accordingly, the shortfall claim made for the billing month 09/2019 is rejected.

7.5 The Respondent has computed shortfall considering the current consumption recorded in the billing months of 02/2019, 03/2019, 04/2019 & 05/2019, the average of which is 18,133 units. The Respondent has failed to justify with reasons for adopting the above current consumption units for arriving at the shortfall for the meter defective period though it has been mentioned in the audit slip that Regulation 11(2) of the Tamil Nadu Electricity Supply code has been adopted which is not in order. Adopting Regulation 11(2) of the Supply Code and considering the current consumed in the four billing months 09/2019, 08/2019, 07/2019 & 06/2019 preceding 10/2019 during which the meter failed, the average current consumption would be 12,387.2 units which is considered to be reasonable.

In view of the above, I am of the opinion that the average shortfall shall be computed for the meter defective period from 27.09.2019 to 23.01.2020 adopting Regulation 11(2) of the Tamil Nadu Electricity Supply Code and the excess amount if any paid by the Appellant shall be adjusted in the future bills as per the Regulation 12(2) of the Tamil Nadu Electricity Supply Code.

8.0 Observation:

8.1 In spite of elaborate and clear guideline issued by the Tamil Nadu Electricity Regulation Commission periodically, time and again it is observed that the order issued by the CGRF, CEDC/West is not decisive but has directed the Respondent to submit a detailed report on the action taken. Further, the date of CGRF order has not been recorded. It is also pointed out that the counter submitted by the Respondent is superficial and very poor wherein the important details such as date

of display failure observed, period of meter defect, Regulation adopted for computing average shortfall, etc. have not been discussed.

9.0 Conclusion:

9.1 As per my findings in the para 7.0 above,

(i) the shortfall claim made by the Respondent for the billing month 09/2019 is rejected.

(ii) the Respondent is directed to compute the average shortfall for the meter defective period from 27.09.2019 to 23.01.2020 adopting Regulation 11(2) of Tamil Nadu Electricity Supply Code and to adjust the excess amount if any paid by the Appellant in the future bills as per the Regulation 12(2) of the Tamil Nadu Electricity Supply Code.

9.2 A compliance report to the Electricity Ombudsman shall be submitted by the Respondent within 30 days from the date of receipt of this order.

9.3 With the above findings the AP. No. 83 of 2021 is finally disposed of by the Electricity Ombudsman. No Costs.

(S. Devarajan)
Electricity Ombudsman

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

To

1. M/s. NSK Automotive,
(Precision Machined Auto Components),
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Chennai Electricity Distribution Circle/West,
TANGEDCO,
No.29, North Mada street,
Thirumullaivoyal, Chennai-600062.

4. The Superintending Engineer, - By Email
Chennai Electricity Distribution Circle/West,
TANGEDCO,
Thirumangalam 110/33/11 KV SS Complex,
Anna nagar, Chennai - 600 040.

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

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

7. 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.