

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. 88 of 2021

Thiru C.Natarajan,
A-3, Sharon Prime, Dolly Homes,
2nd Street, Unnamalai Nagar,
Madambakkam, Chennai-126.

..... Appellant
(Thiru C.Natarajan)

Vs.

The Executive Engineer/O&M/Anna Nagar,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
1100 A,H Block, 5th street,
Ranganathan Garden,
Anna Nagar, Chennai-600 040.

.... Respondent
(Rep. by Thiru S. Ravishankar, AEE/constn./Anna Nagar)

Petition Received on: 06-12-2021

Date of hearing: 09-02-2022

Date of order: 24-02-2022

The Appeal Petition received on 06.12.2021 filed by Thiru C.Natarajan, A-3, Sharon Prime, Dolly Homes, 2nd Street, Unnamalai Nagar, Madambakkam, Chennai-126 was registered as Appeal Petition No. 88 of 2021. The above appeal petition came up for hearing before the Electricity Ombudsman on 09.02.2022. 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 that the average billing assessment shall have to be made only for October 2019 as per TNERC Regulations 11(2) and to refund the excess amount paid by him.

2.0 Brief History of the case:

2.1 The Appellant made a complaint to AE/O&M/Tiruvallesar as he has received a bill for an amount of Rs.2,449/- as arrears.

2.2 The AE/O&M/Tiruvallesar has replied that this is an average shortfall amount raised for the month of August & October 2019. The appellant has approached CGRF to assess the billing as per TNERC regulations.

2.3 The CGRF of Chennai EDC/West has issued an order dated 29.10.2021. 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 29.10.2021. The relevant portion of the order is extracted below :-

“Order: (Operative portion)

As the average shortfall amount calculated by the Respondent in service connection No.162-024-118 considering TNERC Supply code 11(5) seems to be correct, it is not feasible of compliance to refund or adjust the amount paid by the petitioner.”

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 09.02.2022 through video conferencing.

4.2 The Appellant Thiru C. Natarajan attended the hearing and put forth his

arguments.

4.3 On behalf of the respondent Thiru S. Ravishankar, AEE/constn./Anna Nagar of Chennai Electricity Distribution Circle/West 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 order. Further the prayer 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 received a bill for an amount of Rs.2,449/- described as 23100 a-CC arrears under slip no.1622021438 dt. 25.3.2021.

5.2 The Appellant has made a complaint No.71928121042021 dt. 24.1.2021 through TANGEDCO website to provide calculation sheet for arriving this amount.

5.3 The Appellant has stated that the AE/O&M /TWS has replied that this is an average shortfall amount raised for the month of August & October 2019 due to meter defective and the same was calculated based on TNERC regulations 11(2) taking into account of consumed units for the months of August & October 2018.

5.4 The Appellant has stated that he raised a complaint on 02.06.2021 stating that as per the TNERC norms 11(2), the average of the electricity supplied during the preceding four months to be assessed for the period of defective meter existence and how the consumed units for the month of August & October 2018 were assessed. The AE has replied that the assessment was made as per Tamilnadu Electricity Supply code 11(5) and also by taking reasonable bimonthly as base unit for average billing.

5.5 The Appellant has raised a complaint on 17.08.2021 stating, by referring the terms of Tamilnadu Electricity Supply code 11(5), what were the conditions regard to use of electricity were differ during the period of preceding four months from the month of meter defective, which led to taking the base unit for average billing as August and October, 2018. And also asked to clarify the term "The seasonable bimonthly is taken as base unit for average billing" by the support of Tamilnadu Electricity Supply code. The AE has replied that the only genuine assessment has been done and the billing for August and October 2019 was correct.

5.6 The Appellant has submitted that there is no clarification about the "conditions of use of electricity were different". Different consumption cannot be taken as "different conditions of use of electricity" for rejecting his request. The consumption may differ and depends upon the number of persons occupied the house and the number of days the door is locked. Hence, same consumption cannot be expected for the preceding four months.

5.7 While the forum is taking the consumption for the month of 08/2019 as 410 units for lower consumption, it is not considered the consumption for the month of 06/2019 as it is 570 units, which is higher than the consumption for the month of 08/2019.

5.8 The Appellant has submitted that the consumption for the month of 10/2019 (295 units) is calculated by TANGEDCO, since the meter reading was taken as zero on 26-10-2019 due to blank display of the meter.

5.9 The Appellant has submitted that taking into consideration of the above facts, it cannot be justified that the meter is defective by showing lower readings during the year of 2019. The readings for the months of 06/2019 and 08/2019 are to be treated as genuine.

5.10 Finally, the finding of the Forum that the meter would have been defective at any date during the month of October 2019 is accepted. Consequently, the Appellant requested to apply TNERC supply code 11 (2) and take the

consumption for the months of 06/2019 and 08/2019, which are 570 and 410 units respectively, for calculating the average units.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that while scrutinizing the defective meter service by the Assessment Officer/ Division Office / Anna Nagar for the SC. No. 162-024-118 in the month of 10/2019 this average shortfall was made due to meter defective and new meter was changed on 04.11.2019 and average shortfall of amount Rs 2449/- was raised for the month of 08/2019 and 10/2019 and requested to pay the amount and the consumer Thiru. Natarajan has paid the amount on 19.04.2021 vide RT No.PGNINB29401470.

6.2 The Respondent has submitted that the consumer has filed a complaint No. 71928121042021 dt. 21.04.2021 and has given representation through CCMS dt 21.04.2021 stated that request to provide calculation sheet for which Respondent replied on 26.04.2021 due to less characters allowed on CCMS intimation was given in the short form As "Sir, taking 8/2018 and 10/2018 assessment as base and calculate average shortfall".

6.3 The AE/O&M/Thiruvallieswarar Nagar replied for Petition ID 405211930435 dt. 04.05.2021 stating that the average shortfall was calculated based on the TNERC regulation 11(2) taking in to account of consumption for the month of August and October 2018 alongwith detailed calculation sheet, as follows-

Base average taken as

August 2018 - 570 Units
 October 2018 - 470 Units

 1040/2 - Average 520 units

Details of short levy is furnished below

Month	To be billed		Already billed		Shortfall Amount in Rs.
	units	Amounts in Rs.	units	Amounts in Rs.	
08/2019	520	1912	410	860	1052
10/2019	520	1912	295	515	1397
Total to pay					2449

A slip was raised on 25.03.2021 and the consumer paid the amount.

6.4 The Respondent has submitted that the average has been adopted with TNREC Supply Code Regulation 11(5), but in Assistant Engineer/O&M/ Thiruvallieswarar Nagar letter D. no. 58 dt. 13.05.2021 it was mentioned as 11(2) by oversight during typing. Since the usage depends on the seasonal variation such as Summer & Winter, the consumption pattern differs. Hence 11(5) was adopted and stated that "If the conditions in regard to use of electricity during the periods as mentioned above were different, assessment shall be made on the basis of any consecutive four months period during proceeding twelve months when the conditions of working were similar to those in the period covered by the billing".

6.5 Petition ID 2062111954466 on 02.06.2021 - stated that average shortfall should be adopted only based on 11(2) not as per 11(5). The Assistant Engineer/O&M/ Thiruvallieswarar Nagar replied that the above average shortfall was arrived as per 11 (5) due to variation of the consumption during that period and the same was appraised to consumer.

6.6 In petition ID 1708211613486 on 02.06.2017.08.2021 – the petitioner asked to clarify the term Seasonable bimonthly is taken as base unit for average billing. The Assistant Engineer/O&M/ Thiruvallieswarar Nagar replied that during the October 2019 the meter might got defective at any date; and reflecting the same in 10/2019 bill had a difference when comparing to the previous years. Hence the shortfall has been arrived. As per TNERC code 11 (5) any consecutive 4 months period may be taken to calculate the average; for genuine assessment, the same months were taken (i.e. 08/2018 and 10/2018) within the preceding 12 months for the 08/2019 and 10/2019 billing, is correct.

6.7 The Respondent has submitted that the variation in consumption pattern was verified with the consumer ledger and it reveals that adoption of regulation 11(5) is correct.

6.8 The Respondent has submitted that the consumption differs depends upon occupation of number of persons and door locked asserted by consumer is acceptable. The TNERC code 11(5) says that if the usage of electricity

consumption differs, the average can be adopted by taking any of the consecutive readings in one year.

6.9 The Respondent also stated that, hence for the variation in the usage consumption, average consumption arrived as per code 11(5). As stated by the consumer 6/2019 was treated as genuine, the average consumption not adopted for that month. As the meter defect was noted by the assessor during 10/2019, it was construed that the meter might be defective from 08/2019. Hence average was calculated only for 08/2019 and 10/2019.

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 the shortfall amount Rs.2,449/- claimed adopting regulation 11(5) of Tamil Nadu Electricity Supply Code is wrong and prayed to compute the shortfall for the meter defective period adopting regulation 11(2) of Tamil Nadu Electricity Supply Code. Further, argued that there is no clarification about the conditions of use of electricity were different for adopting Regulation 11(5). Hence prayed to adopt regulation 11(2) of the Supply Code and to refund the excess amount paid by him.

7.3 The Respondent has stated that the meter in the SC No. 162-024-118 found defective and there was no display while taking reading on 26.10.2019. Later, on scrutinizing the defective meter service by the Assessment officer of the Licensee the shortfall amount Rs.2,449/- was raised for the billing months 08/2019 and 10/2019 taking average of the current consumption recorded in the billing months 08/2018 and 10/2018 adopting Regulation 11(5) of Tamil Nadu Electricity Supply Code. The Respondent argued that the adoption of Regulation 11(5) is correct as the usage of electricity consumption differs and also based on the consumption pattern which was verified with the consumer ledger.

7.4 In the absence of CMRI data, the meter defective period can be decided based on the data available in the consumer ledger only. It is seen from the consumer ledger that the CC reading has been recorded as 10830 Kwh and consumed energy is 410 units for the billing month 08/2019. The reading has been taken by the staff of the Licensee only on site inspection of the service connection on 29.08.2019 and the current consumption 410 units recorded for the billing month 08/2019 is considered to be correct and hence the licensee is not entitled to claim shortfall for the billing month 08/2019. Just because current consumption is low in the billing month 08/2019, the respondent can't assume that the meter is defective since the reading has been taken on site inspection when the meter display was healthy.

7.5 While taking current consumption reading on 26.10.2019 for the billing month 10/2019 the meter display failure has been noticed and recorded as meter defective. Hence the meter display could have failed only after 29.08.2019. Further, the meter has been replaced on 04.11.2019 and hence the meter defective period is considered to be from 30.08.2019 to 04.11.2019. Hence the Respondent is eligible to claim the shortfall for the meter defective period from 30.08.2019 to 04.11.2019 only. The Respondent has adopted Regulation 11(5) for arriving shortfall for the meter defective period but failed to state the specific reason justifying the adoption with valid documents. Hence I am of the view that the shortfall shall be calculated taking the current consumption recorded preceding four months of the meter defective billing month 10/2019 (two bimonthly 08/2019 & 06/2019) as per the Regulation 11(2) of the Tamil Nadu Supply Code.

7.6 In view of the above, the Respondent is directed to compute the shortfall for the meter defective period from 30.08.2019 to 04.11.2019 adopting Regulation 11(2) of the Tamil Nadu Electricity Supply Code and to refund the excess amount if any to the Appellant.

8.0 Conclusion:

8.1 As per my findings in para 7.0 above, the Respondent is directed to compute the shortfall for the meter defective period from 30.08.2019 to 04.11.2019 adopting Regulation 11(2) of the Tamil Nadu Electricity Supply Code and to refund the excess amount if any to the Appellant within 30 days from the date of receipt of this order.

8.2 A compliance report shall be submitted to the Electricity Ombudsman within 45 days from the date of receipt of this order.

8.3 With the above findings the AP No. 88 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. Thiru C.Natarajan,
A-3, Sharon Prime, Dolly Homes,
2nd Street, Unnamalai Nagar,
Madambakkam, Chennai-126.

2. The Executive Engineer/O&M/Anna Nagar,
Chennai Electricity Distribution Circle/West,
TANGEDCO,
1100 A,H Block, 5th street,
Ranganathan Garden,
Anna Nagar, Chennai-600 040.

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

- By Email

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

– By Email

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

– By Email

6. The Assistant Director (Computer) –**For Hosting in the TNERC Website**
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