

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. 88 of 2022

Thiru H. Vetrisevum,
M/s. White Pearls Agro Farm,
No. 64/9, Thattan Malai Street,
Big Natham, Chengalpet-603002.

. Appellant
(Thiru H. Vetrisevum)

Vs.

The Executive Engineer/O&M/ Chengalpet,
Chengalpet Electricity Distribution Circle,
TANGEDCO,
No.130 GST Road ,
Chengalpattu-603 001.

. . . . Respondent
(Thiru B.Ravichandran, EE/O&M/Chengalpet)

Petition Received on: 31-10-2022

Date of hearing: 11-01-2023 & 08-02-2023

Date of order: 20-02-2023

The Appeal Petition received on 03.10.2022 filed by Thiru H. Vetrisevum, M/s. White Pearls Agro Farm, No. 64/9, Thattan Malai Street, Big Natham, Chengalpet-603 002 was registered as Appeal Petition No. 88 of 2022. The above appeal petition came up for hearing before the Electricity Ombudsman on 11.01.2023. During the hearing held through video conference, the Appellant has requested for additional hearing in person. Accordingly a revised hearing was held on 08.02.2023. 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

1.0 Prayer of the Appellant:

The Appellant has prayed to restore the old connection LT SC No. 505-004-709 without fine which was disconnected due to the fault of the Respondent and also to refund the amount in temporary supply account in SC No. 505-000-002.

2.0 Brief History of the case:

2.1 The Appellant has prayed to reconnect the disconnected LT service connection No.505-004-709 and requested to refund the amount in temporary supply account SC No.505-000-002.

2.2 The Respondent has stated that during the assessment the meter was in defective condition and the average bill was calculated in the LT billing. Due to non-payment of CC charges the service was disconnected during 2017 and subsequently the account was closed on 11.03.2021 since non-payment of CC charges beyond two years of disconnection of service.

2.4 The Appellant filed a petition before CGRF of Chengalpet Electricity Distribution Circle on 17.11.2021. The CGRF of Chengalpet Electricity Distribution Circle issued an order dated 20.01.2022. Aggrieved over the CGRF order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Chengalpet Electricity Distribution Circle issued its order on 20.01.2022. The relevant portion of the order is extracted below:-

"Order (Operative Portion)

The new service connection will be given after paid the payment of all the pending arrears amount by the petitioner in the disconnected service no 505-004-709 as per TNERC's rules now in force. In the case of refund of temporary supply account no 505-000-002 in the name of White Pearls Agro Farm in Annathur village, the petitioner has to submit the documents as per the licensee letter No SE/CEDC/CGL/AAO/E.3/WAS/A1/F.Ty Sy/11. Dt. 2.4.2011, based on the documents submitted by the petitioner, the Licensee should refund the balance

account closed temporary supply amount in LT SC No.505-000-002 if available, and hence the petition 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 held on 11.01.2023 through video conferencing. During the hearing held on 11.01.2023, the Appellant has requested for an additional hearing in person. As per the request of the Appellant, personal hearing was conducted on 08.02.2023.

4.2 The Appellant, Thiru H. Vetrisevum attended the hearing and put forth his arguments.

4.3 The Respondent, Thiru B.Ravichandran, EE/O&M/Chengalpet of Chengalpet Electricity Distribution 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 the order. 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 Thiru.H.Vetrisevum disputed that how the TANGEDCO generated auto billing for not running unit from the month of March 2017 onwards. The Appellant informed that he had provided letters to the bank and the EB department Assistant Director Sudharshan of Bukkathurai O&M and also the CC bill noted by Sekar / Accounts on 05-05-2017 is only 47220 KWH.

5.2 The Appellant has stated that he had already addressed to Mrs Valli Accounts Department to change the bill amount as per the reading entered in the white meter card. Meanwhile he came to know that the shortfall amount claimed by the Respondent was not permitted by the CE and order to cancel the same was

issued with a copy to him. Having received the order to cancel Audit slip the Accounts wing of the Respondent failed to cancel the same from the entry in computer. The total mishandling of the issue by the Respondent Account's wing Tamilselvi and Subramanian Accounts destroyed the original documents. Even on repeated reminder on 17-05-2017, 22-05-2017, 25-05-2017, 04-10-2017, 21-06-2018, 03-02-2021, 04-03-2021, 20-09-2021, till date no reply to resolve his grievances but replied that the service account was closed after two years disconnection.

5.3 The Appellant further strongly argued that no proper scrutiny of documents was made even after he substantiated the proof of white meter card entry, CE office cancellation letter on shortfall, EE recommendation to Account's wing to restore service connection. No production activity in the factory since march 2017 as per Bank notice on default of payment. Hence no payment due to Tangedco in any form of Arrears. Hence the Appellant prayed to restore the service from the disconnected date.

5.4 The situation now occurred to him due to the wrong doing of then JE Krishnamoorthy who did malpractice and went on VRS and he had been protected by the Mr.Subramanian and Mrs.Valli whatever the loss he met should be recovered from him. The Appellant prayed to deliver Judgements based on verification of documents.

5.5 During the hearing the Appellant had claimed that his white meter card reading entry was not found in consumer ledger card which was wrongly entered in system by the Assessor Sekar in system on 05-05-2017. However his service was under DC from 23-04-2017 due to non-payment of the shortfall levy for which he made objections which was later cancelled. Hence he was not at all on default for making payment. The Appellant has stated that as he was not a defaulter, all mistake lied with the EB. Hence the Appellant beg for justice by refunding the due amount without any fine and deductions and also to restore old connection by reconnection in DC SC No. 505-004-709.

5.6 The Appellant has stated that temporary supply refund not made till date after submitting all the records in 2012 through AD and connection was closed on 22.09.2009 saying records are destroyed in fire accident by not maintaining records.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that the Appellant Thiru H.Vetriselvam No.64/9, Thatanmalai Street, Big natham Chengalpattu had filed the petition before the CGRF/Chengalpattu on 17.11.2021 requesting reconnection of his disconnected LT service connection no LT SC.No.505-004-709, revise the pending arrears amount and refund of his temporary supply account amount in the LT SC No.505-000-002.

6.2 The Respondent has submitted that during 05/2017 assessment, the LT SC.No.505-004-709 service connection meter was in defective condition, so that Auto average billing of Rs.51,838/- calculated in LT billing. The meter was released and tested by MRT wing/Chengalpattu, and furnished the final reading of the above meter as 47220 KWH and 49958 KVAH. The consumer requested to reduce the auto average billing and not paid the CC charges. Due to nonpayment of CC charges for the billing cycle 05/2017, the service connection was disconnected on 18.05.2017. Moreover, due to nonpayment of CC charges which went beyond two years of disconnection, the account was closed on 11.03.2021 and pending CC charges including BPSC works out to Rs.1,08,085/- and CCD available amount of Rs. 32,863/- and MCD amount Rs. 2,500/- Total Rs. 35,363/- was adjusted in consumer side. Hence the balance pending charges to be paid by the consumer is Rs.72,722/-.

6.3 The Respondent has submitted that the petitioner / consumer accepted to pay the pending charges in service No. LT SC.No.505-004-709 and requested to reconnect the LT SC.No.505-004-709.

6.4 The Respondent has submitted that as per the TNERC supply code 22(6)(i) & (7) if the consumers of the disconnected service come forward for reconnection after

the period mentioned in Sub- regulation (6) (i), the licensee shall treat them as new applicants and supply effected after recovering all charges applicable to new service connection and all other arrears with BPSC. Hence, the new service connection will be given after payment of the pending arrears amount as per TNERC's rule. The applicant so far neither paid the arrear amount nor applied for new service connection.

6.5 The Respondent has submitted that in the case of refund of temporary supply account no 505-000-002 in the name of White Pearls Agro Farm in Annathur village, and the meter removed on 29.09.2009 SD amount is Rs.1/- as per LT billing. The petitioner has to submit the documents as per the licensee letter No SE/CEDC/CGL/AAO/E.3/WAS/A1/F.TySy/11. Dt. 2.4.2011. Based on the documents submitted by the petitioner, the balance in account closed temporary supply amount in LT SC No.505-000-002, if available will be refunded.

6.6 In the hearing held on 08.02.2023, the following written statement is being answered.

1. During audit, the recovery amount of Rs.107362/- for the audit period from 04/2014 to 09/2015 has been issued as slip in LT billing on 18.02.2017.
2. During 3/2017 assessment, the meter under normal working condition for the LT SC.No:505-004-709 and consumer paid CC bill.
3. During 05/2017 assessment, the LT SC.No:505-004-709. The service connection meter is under defective condition, the auto average billing of Rs.51838, calculated in LT billing. Before the assessment made during 05/2017, the above defective meter released for smoke observed in the terminal and handed over the meter to MRT Wing/Chengalpattu and the MRT tested and furnished the final reading of the above meter as 47220 KWH and 49958 KVAH respectively.
4. It came to know that the consumer requested to reduce the average billing amount, since the service was not utilized from 04/2017 month. In

- this condition the reading of 05/2017 assessment seems to be wrongly entered because the MRT furnished the final reading 47220 KWH and 49958 KVAH.
5. Due to non-payment of audit amount the service connection was disconnected on 15.05.2017 and entered in LT billing on 18.05.2017.
 6. It is learned that the consumer objected the audit amount, and the same was withdrawn by audit branch/TANGEDCO, vide Lr.No.0907/pt264/DCIAO/S/CNI/F.442/D.No.510/2017, dt.03.07.2017 based on the consumer reply.
 7. During the surprise inspection made by the ATO/CGL on 17.08.2017 the check reading of the meter also seems to be wrongly entered in LT billing (48275-KWH).
 8. Although the audit amount has been withdrawn, the consumer failed to pay the pending CC amount of the month 05/2017 even after repeated follow up.
 9. The consumer remained silent for long period from the year 2017 to 2021, he lodged a complaint in 04/2021 only at Executive Engineer/O&M/ Chengalpattu. Based on this, the enquiry has been conducted and concluded that the service was inactive for more than 2 years, the account is closed on 11.03.2021. Further, the consumer is requested to pay the pending CC arrears and to apply for new service connection if needed.
 10. It is examined that the actual reading entry may be made during 5/2017 assessment in LT billing as 47220 KWH 49958 KVAH instead of 47661KWH, 50414KVAH as per the MRT report and also it is found that in consumer white meter card the reading entered as 47220 KWH.
 11. In this condition, the average billing amount for defective during 5/2017 assessment may be revised and adjusted in existing CC Deposit for actual billing and the balance of CC Deposit amount may be refunded to the consumer if available.
- 6.7 The Respondent has stated that due to non-payment of CC charges and

beyond two years of disconnection, the service account was closed on 11.03.2021. In this connection, the LT billing may be modified to actual billing, the balance CC deposit amount will be adjusted for actual pending CC and it will be refunded if available. Since the service No. 505-004-709 under permanent dismantled condition, the consumer is requested to apply for new service connection if needed.

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 are the issues to be decided.

- 1) Whether the claim of the Appellant to restore the disconnected service in the event of non-payment of dues to licensee beyond the period of 2 years is tenable?

7.2 The Appellant has stated that the LT service 505-004-709, in the name of M/s.White Pearls Agro Farm was billed excessively during 05/2017 assessment, when the unit was not in a running condition. There was no activity and contract from March 2017 and also by bank due notice, production activities were stopped. Also theft had occurred on his premises and complaint was filed in CM cell.

7.3 The Appellant argued that his service was under DC from 23-04-2017 due to non-payment of the shortfall levy for which he made objections which was later cancelled by the CE. However for the 05/2017 billing cycle (4/2017 & 5/2017), his white meter card reading was entered as 47220 but the same reading was not found in consumer ledger card. The same was wrongly entered in system by the Assessor in the system on 05-05-2017 as 49958. But his service was under DC from 23-04-2017 with a reading of 47720. Due to claim of the shortfall levy he was brought to defaulter list for which he raised objections. Later the short fall levy amount was cancelled by CE. Hence he was not at default on payment.

7.4 The Appellant further asserted that all the mistakes were happened due to the fault of the Respondent. Hence he was unable to pay the CC bill for 05/2017. The Appellant prayed to reconnect the service, revise the pending arrears amount and to refund the temporary supply amount in service no 505-000-002

7.5 The Respondent has stated that during 03/2017 assessment, the meter in the above service connection was under normal working condition and the Appellant has paid the CC bill.

7.6 Further the Respondent has stated that based on Audit report, the recovery amount of Rs.107362/- for the period of 04/2014 to 09/2015 had been issued as slip in LT billing on 18.02.2017. As the Appellant has objected the audit amount and based on their reply the audit slip was later withdrawn by the Audit Branch/ TANGEDCO after subsequent period. During 05/2017 assessment the meter was under defective condition and auto generated average billing of Rs.51,838/- was calculated in the LT billing.

7.7 The Appellant had failed to pay the pending CC amount for the month of 05/2017 even after repeated follow up subsequent to withdrawal of Audit slip amount of Rs.107362/-. Due to non-payment of CC charges the service was disconnected on 18.05.2017. Moreover due to disconnection beyond two years for non-payment of CC charges, the SC account was closed on 11.03.2021.

7.8 In this context, I would like to discuss the TNERC supply code 22 which discuss about the restoration of supply of electricity.

“22.Restoration of Supply of Electricity:

(6) (i) When a service connection remains disconnected for more than six months for non payment of electricity charges beyond the notice period of three months, if the consumer comes forward within the period mentioned below to pay the actual dues and agrees to remit the charges in clause (ii) below, the official authorized by the Licensee may grant extension of time beyond the notice period and revoke the termination of agreement provided that the lines feeding the service connection have not been dismantled, so as to facilitate reconnection of the disconnected service.

Category	Period for reconnection of disconnected Service
HT Consumers	Within five years from the date of Disconnection

<i>LT Agricultural Consumers</i>	<i>-do-</i>
<i>Others LT Consumers</i>	<i>Within two years from the date of disconnection</i>

(ii) xxx

(7) If the consumers of the disconnected service come forward for reconnection after the period mentioned in the sub-regulation (6)(i), the licensee shall treat them as new applicants and supply effected after recovering all charges applicable to a new service connection and all other arrears with BPSC.”

7.9 On a careful reading of the above regulation (6)(i), it is evident that, any LT consumer other than agriculture, who remains disconnected for more than six months for non-payment of electricity charges beyond the notice period of three months, if comes forward for reconnection within a period of two years from the date of disconnection, they can be considered for reconnection.

7.10 In the case on hand, the Appellant’s service connection was disconnected on 18.05.2017 for non-payment of CC charges and service connection account was closed on 11.03.2021 after two years period. Hence the claim of the Appellant to restore the disconnected service is not feasible of compliance.

7.11 Further it is clearly mentioned in the above regulation (7), if the Appellant comes forward for reconnection, the same may be considered as a case of new applicant and supply effected after recovering all charges applicable to a new service connection.

7.12 Further, the Respondent has stated that the defective meter was released and handed over to MRT wing and the MRT tested and furnished the final reading as 47220 KWH and 49958 KVAH. The MRT wing of the Licensee is the unit that will decide the status of the meter after conducting a scientific test. Hence, as per MRT report the final reading of the meter to be considered is 47220 KWH and 49958 KVAH and the pending CC arrears for the Appellant may be revised accordingly.

7.13 Regarding refund of temporary supply service no 505-000-002, the Respondent is directed to refund the balance account closed amount to the Appellant on submission of relevant documents.

8.0 Conclusion:

8.1 As per my findings in para 7 above, the prayer of the Appellant to restore the disconnected service connection is rejected.

8.2 The pending CC arrears for the Appellant's service connection may be revised based on the MRT report.

8.3 Regarding refund of temporary supply service no 505-000-002, the Respondent is directed to refund the balance account closed amount to the Appellant on submission of relevant documents.

8.4 A compliance report in this regard shall be furnished within 45 days from the date of receipt of this order.

8.5 With the above findings the A.P. No. 88 of 2022 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 H. Vetrisevram,
M/s. White Pearls Agro Farm,
No. 64/9, Thattan Malai Street,
Big Natham, Chengalpet-603002.

2. The Executive Engineer/O&M/ Chengalpet,
Chengalpet Electricity Distribution Circle,
TANGEDCO,
No.130 GST Road ,
Chengalpattu-603 001.

3. The Superintending Engineer,
Chengalpet Electricity Distribution Circle,
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No. 130, GST Road,
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- By Email

4. The Chairman & Managing Director,
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5. The Secretary,
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