



TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai
Present : Thiru. N.Kannan, Electricity Ombudsman

A.P.No. 92 of 2022

Tmt. S.Sumathy,
4A, Jainagar, 17th Street,
Arumbakkam,
Chennai – 600 106.

. Appellant
(Rep. by Thiru S. Kothandaram)

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 C.R.Balakrishnan, AEE/O&M/Arumbakkam)

Petition Received on: 17-10-2022

Date of hearing: 19-01-2023

Date of order: 03-02-2023

The Appeal Petition received on 17.10.2022, filed by Tmt. S.Sumathy, 4A, Jainagar, 17th Street, Arumbakkam, Chennai – 600 106 was registered as Appeal Petition No. 92 of 2022. The above appeal petition came up for hearing before the Electricity Ombudsman on 19.01.2023. 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. Prayer of the Appellant:

The Appellant has prayed for an additional meter for the tenant in her house but the Respondent treated her application as new service connection and instead of carrying out any work, has claimed a huge amount towards Development charges and hence appealed to consider her case and provide relief to refund the amount.

2.0 Brief History of the case:

2.1 The Appellant reported that, why the Respondent demanding development charges in her case, when all they did was a simple case of straight installation of an additional meter on the existing board at her house without any sort of concurrent development whatsoever.

2.2 All that she wanted was a service meter for her tenant. This cannot be considered as a new connection or a request for an additional load. She had shifted entirely to the first floor portion. The application for a new meter did not attract any charges at all except the cost of meter of Rs.2700/- and the employee cost. By the very same terms of the tariff order, this was also not a new connection. All the other charges, therefore, including the security deposit were not applicable and need to be refunded.

2.3 The Respondent has submitted that the applicable charges of current consumption deposit and development charges were demanded for effecting this three phase service connection and the petitioner was not asked to pay the SD, which was applicable only for the existing service connection based on the consumption pattern.

2.4 Not satisfied with the reply of the Respondent, the Appellant has filed a petition with the CGRF of Chennai Electricity Distribution Circle/West on 21.06.2022. The CGRF of Chennai Electricity Distribution Circle/West has issued an order dated 26.08.2022. 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 issued its order on 26.08.2022. The relevant portion of the order is extracted below: -

“Order: (operative portion)

As per the above findings, the petitioner applied online for a new three phase service connection at 4A, Jai Nagar, 17th Street, Arumbakkam, Chennai 600 106 for which service connection was effected on 21.12.2021 vide service connection no.170-030-634 in the name of Tmty.S.Sumathy under tariff LAIA in accordance with the regulations of TNE distribution code by collecting the charges applicable for effecting service connection at the rates specified by the commission in miscellaneous charges (Order In M.P.No.7 of 2018 dt.03.10.2019) was found to be in order.

Further, the petitioner's contention that an arbitrary amount of Rs 199/- was collected from her was not admissible because the petitioner paid the additional demand raised towards development charges (cables) and CC deposit for the balance load of 3 KW after the due date, whereas the BPSC amount of Rs.199 collected from the petitioner is found to be correct.

The forum concludes that the petitioner has paid the charges for availing a new three phase connection with a load of 4 KW at the rates specified by the commission, which is found to be in order.

Miscellaneous charges list is enclosed herewith.

With this, the petition is disposed of.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments in person, a hearing was conducted on 19.01.2023.

4.2 On behalf of the Appellant, Thiru S. Kothandaram attended the hearing and put forth his argument.

4.3 On behalf of the Respondent, Thiru C.R.Balakrishnan, AEE/O&M/ Arumbakkam of Chennai EDC/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 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 she has an old service connection No 0917030323. The connection is at 4A, Jainagar 17th Street, Arumbakkam, Chennai 600106, it stands in the name of S. Sumathy, she applied for an additional meter to serve the power needs of her tenant in the ground floor portion of her house on 28.11.2021. The application was made through online. There was a demand to pay Rs.5168/- consisting of regn., security deposit, etc., and she paid it on 29.11.2021.

5.2 The Appellant has stated that inspection by the AE was done on 15.12.2021. He stated that the application was for single phase only. If she requires three phase, she had to amend the application to 4 Kw instead of 1kw, as applied for, she therefore amended the application because the existing connection was only three phase. The connection was given on 21.12.2021. The SC No is 09170030634. But there was a simultaneous additional demand of 10800/- raised on 16.12.2021 relating to security deposit and development charges, to be paid within 15 days. She paid Rs.10999/- with surcharge on 15.03.2022 with a view to avoid further escalation of surcharge for delay.

5.3 The Appellant has stated that under these circumstances, she sent an email to the AE/Koyambedu with copies marked to the Chief Engineer and all the other functionaries asking them to clarify what the TANGEDCO did was simple installation of an additional meter on the already existing board. No new cable or any development work was laid or carried out. The already existing cable that brought electricity to the house had been used. No new trench either inside or outside the house was dug up to lay a new cable or align the existing cable. When the power connection was given 20 years back to her house she had paid all the relevant charges as they existed at that point in time and as per the then rules. The position

remains the same even today. Of course, she saw upgrades to transformers mushrooming here and there to supply power. This activity is common to the entire area being served by such upgraded equipment. This in no way can affect a single applicant who was seeking an additional meter only. The only situation that she visualized necessitating infrastructure development was supply of bulk power to say 500 dwelling units in a high-rise. When this happens, TANGEDCO may have to erect a substation to cater to the needs of the high-rise. The builder will be required to pay the development charges. Whatever the builder pays as development charges will be passed on to the apartment buyers by the builder. Under the circumstances, why are they demanding development charges in her case, when all that they did was a simple case of straight installation of an additional meter on the existing board at the premises, without any sort of concurrent development whatsoever.

5.4 The Appellant has stated that the AE replied on 14.06.2022 without addressing her query with regard to the question of the need for the payment of development charges in the case of a request to install only an additional meter without the attendant development of the site and he simply reproduced the provisions of the Supply Code briefly as if she needed an entirely new connection. He should have relied on TNERC guidelines on tariff regulations. He is not telling her which is his duty to tell her how he could have treated the application for additional METER as an application for a new service connection. TANGEDCO, as an instrumentality was established by the state to produce and distribute electricity. It is governed by the distribution code to fix tariffs. Tariffs are regulated by TNERC which by itself is a creation of the Central Electricity Code. The provisions under all these statutes relate to new connections only. The AE does not explain how he decided the issue in her context or was there a tariff clarification by TNERC. Unless there was a legal explanation, the consumer cannot be satisfied.

5.5 The Appellant has stated that she was asked to pay security deposit in the like manner when there was sufficient SD for the existing line. The installation of the additional meter was going to bifurcate the power consumption and not enhance it.

The guidelines say that additional SD can be demanded only when the consumption increases and the demand can be made only on the basis of a formula. The AE does not explain why was there a need for the demand of SD.

5.6 The Appellant has stated that the demand of 10800/- was met after a delay of 2 months. The surcharge payable is 2.7 percent per month on SD raised NOT development charges. Thus the SD even if it is held to be payable, attracted a surcharge of 8 or 10 rupees rounded to two decimals for delay of 2 months. But she had paid 199/-. This is arbitrary without application of mind. The AE does not explain why.

5.7 The Appellant has stated that the AE has finally concluded that she must refer to the rules herself. It is his duty to explain in detail the rules and how they apply to her. Only if the foot soldiers are sensitized about their duty to teach the consumers the basics in general, unnecessary litigation and hardship to users can be avoided at the outset itself, leaving the higher administration to deal with more important issues on which the lower level executive may not be competent.

5.8 The Appellant has stated that the Chairman of the Grievance Redressal Forum has directed the petitioner's attention to the order of TNERC in MP No 7 of 2018 dated 03/10/2019 on the levy of tariff in respect of miscellaneous charges, TANGEDCO (lessee) is authorized to collect. These charges were independent of the levy of electricity consumption charges. A reading of the order shows that with a view to compensate the lessee by an increase in the charges proportionate to the employee cost, cost of erecting/ upgrading the necessary electrical equipment for efficient distribution of electricity to the general public, expenditure to procure cables, meters, etc to give service connections to consumers and a host of other incidentals, lying static, over a period of almost 13 years during which the lessee did not undertake an exercise to hike the consumption or miscellaneous charges by an application to the regulator and so in a well-considered and balanced approach, the regulator finally decided upon application by the lessee in this order referred to, to apportion only about 25% of cost escalation prospectively to all consumers seeking a new service connection and existing consumers seeking additional loads.

5.9 The Appellant has stated that she laid emphasis on the phrase, existing consumers seeking additional loads. There is no explanation on what is meant here by additional loads applied for by a consumer in any of the statutes governing the functioning of the regulator or the lessee. When the statutes do not throw light on the words used, the legal principle established to be followed in this regard is the inherent power accorded to the regulator and hence exercisable in public interest and such an exercise is legally acceptable. If the words defy an interpretation, a harmonious construction is what is needed taking into account all the facts and circumstances. The fact that at once emerges from the interactions recorded by the regulator in its tariff order and considered as the basis to arrive at conclusions is the lack of attention accorded to the concern expressed by at least two consumers during the interactive sessions on the need for the lessee to levy additional charges when the three phase load did not exceed 50 kw and the half hearted answer by lessee that the extra charges would be occasioned as a result of the services of an AE in this regard on the spot. There was also a further concern that only linemen not AE were employed to carry out any job especially an uncomplicated job like this, but the lessee does not answer this query. Hence it is safe to assume that any load beyond 50 kw in respect of a 3 phase connection is additional load, by a construction canvassed above.

5.10 The Appellant has requested to clarify what is additional load and what is optimum load, the consumer can use safely without attracting the charges applicable to new service connection whenever occasion to apply for additional load arises. There is no provision which clearly states when the consumer is expected to apply for additional load or if the lessee has the discretion to identify the concept of additional load all by themselves. Doubtless, this will lead to a conflict of interest between the lessee and the consumer which must be avoided at any cost by clear cut instructions from the regulator. Over and above this, the statutes do not define what is a new connection and what is additional connection. All of them talk about only new connection.

5.11 The Appellant has stated that taking her case in the backdrop of the legal position stated above, she had not applied for additional load by any stretch of imagination. Not knowing that 1kw means only single phase, she amended the application to 4kw to get 3 phase as advised, because the EXISTING service connection is only 3 phase. She does not know if it is technically feasible to have one circuit as single phase and another circuit 3 phase. This is not asking for additional load. But the AE and the Chairman confuse themselves as if this second request is additional load. She does not even know if this is a deliberate attempt on their part to meet the conditions of the tariff order cited. All that she wanted is a service meter for a tenant she had installed in the ground floor portion and for measurement of his consumption. This cannot be a new connection or a request for an additional load she had shifted entirely to the first floor portion. In effect, the consumption is same but the consumption is measured by two meters as she established below with data of consumption after installation of new meter and prior to this. It can be seen that the consumption is still the same, no change absolutely.

	Old meter	New meter	Total units
07/10/2022	40	982	1022
05/08/2022	70	858	928
13/06/2022	40	1200	1240
18/04/2022	70	920	990
16/08/2016	1330		1330
14/02/2013	860		860
15/06/2010	1710		1710
23/12/2008	950		950

5.12 The Appellant has stated that it can be seen therefore that the overall consumption has been around 1000 units after or before installation of new meter. The installation of new meter has not influenced the consumption in any way. The consumption was almost a constant. The result was that there was no requirement of an additional load. The load has simply got divided between the two portions of her premises, the tenant portion and her portion. Under the terms of the tariff order, it goes without saying that the application for a new meter did not attract any

charges at all except the cost of meter of Rs.2700 and the employee cost. By the very same terms of the tariff order, this was also not a new connection. All the other charges, therefore, including the security deposit were not applicable and need to be refunded.

5.13 The Appellant has stated that consequently, the levy of surcharge also needs to be quashed and refunded. In any case, the Chairman's justification for the levy of surcharge is flawed. He introduces an amount of Rs.100 as reconnection charges. She was at a loss to understand how this charge was justified when power at no point in time was disconnected in her entire premises. The surcharge is leviable only on the demand of security deposit, not on development charges included and this amounts to Rs.10 only for a delay of 2 months. The Appellant therefore requested to consider the case in the proper perspective and grant her full relief.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that the premises at door number 4A, Jai Nagar 17th street, Arumbakkam, Chennai-105, pertaining to the petitioner Tmt. Sumathy Subburayalu had been inspected by Assistant Engineer/ O&M/ Koyambedu along with Assistant Executive Engineer/O&M/Arumbakkam as and when the complaint was received.

6.2 The Respondent has submitted that the petitioner has applied for new three phase service connection for 1 KW connected load vide application number 1701121651 dated 29.11.2011. The above premises was inspected by the concerned Assistant Engineer on 15.12.2021 and found connected load was 4 KW in the above premises. In this connection the demand of Rs. 10,800/- was raised on 21.12.2021 for 3 KW over the applied load of 1 KW by Assistant Engineer since the total connected load of the Premises was being 4KW at the time of inspection.

6.3 The Respondent has submitted the terms of definitions for connected load and additional load for understanding to the petitioner. The connected load means aggregate of the manufacturer rating of all the equipments connected to the consumer's Installation and Additional load or Additional Demand means

Requirement of power source over and above the applied load in the existing service connection/ application applied for getting service connection. In this case the petitioner had applied for getting 3 phase service connection for the demand of 1 KW but the source of power required for 4 KW in the petitioner's premises hence, 3 KW load was added as additional load in the existing application which was applied for 1 KW.

6.4 The Respondent has submitted all the prospective applicants were able to pay the development charges whether they are seeking for new service connection or seeking for additional load in the existing service connection applied was extracted in chapter :7 RECOVERY CHARGES in TNEDC 2004, TNEDC REGULATION 47 which was clearly explained in CGRF order at page number 6 and also informed that the consumer can use electricity without attracting the penalty charges only if the consumption of power source within the contracted demand or sanctioned demand. The contracted demand of the Service connection number 170-030-634 was 4 KW. Hence the consumer can utilize the electricity consumption of power upto 4 KW without attracting penalty charges, which was independent of levy of electricity consumption charges. Whereas the development charges was collected especially only for this service connection number 170.030.634. This charges was applicable whether this service connection bifurcate the existing load or bifurcating the consumption in the petitioner premises.

6.5 The Respondent has submitted that in view of the consumption pattern furnished in the appeal petition shows clearly that the service connection number 170.030.634 installed in the premises is bifurcating the existing consumption of the whole premises and getting loaded, maximum demand recorded in the meter as 2.37 KW which was more than 1 KW previously applied by the petitioner. The equipments connected in this service connection 170.030.634 as informed by the petitioner during inspection on 01.12.2022 at the petitioner premises is furnished bellow;

Connected load details

<i>Equipments</i>	<i>Power Rating</i>
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AC-1 ton	1500 W
TV-1	120 W
Fridge-1	180 W
Fan-3	750 W
Mixie-1	1000 W
Geyser-1	180 W
Water Pump-1	500 W
Total	4230 W (4.23 KW)

Check Reading : 4607 KWH
Max Demand : 2.37 KW

6.6 The Respondent has submitted that the service was effected to the petitioner on 21.12.2021 vide service connection no.170-030-634 in the name of Tmt S. Sumathy under Tariff LAIA simultaneously the slip was raised for an amount of Rs.10800/-. Any slip raised has to be paid by the petitioner within the due date (14.03.2022) from the date of slip raised but in this case the petitioner has paid the slip amount only on 15.03.2022. After the due date (14.03.2022) the power must be physically disconnected for this service connection but the power was not disconnected. The introduction of Rs.100/- as reconnection charges was generated due to late payment by the petitioner.

6.7 The Respondent has submitted that the query of the petitioner regarding payment of development charges was clearly explained to the petitioner vide Letter No AE/O&M/Koy/F.CGRF Petition/D.No.93/22-23, dt: 22.07.2022. Also explained to the representative of the petitioner during CGRF hearing by the chairman/CGRF. All the applications have been applied for getting service connections were treated as new service connections as per the norms of TNERC, the statement of additional meter is arbitrary.

6.8 The Respondent has submitted that the applicable charges of current consumption deposit and development charges were demanded for effecting this three phase service connection and the petitioner was not asked to pay the SD, which was applicable only for the existing service connection based on the consumption pattern.

6.9 The Respondent has submitted that the details of payment collected as surcharge of Rs.199/- in addition to Rs.10,800/- was already furnished in CGRF ORDER at page number 8. The petitioner was informed to refer the rules in public domain as the rules are transparent to view for all consumers to know and TNERC rules were shown and explained clearly to the representative of the petitioner during CGRF hearing. The Respondent has prayed to dismiss the Appeal Petition.

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) What is the provision in TNE Distribution code to provide additional service connection in the existing premises and whether the claim of the appellant to provide additional meter is acceptable?
- 2) Whether the claim of the Appellant to refund the charges claimed under development charges and all other charges is tenable?

8.0 Findings on the first issue:

8.1 In the present case, the appellant had applied for an additional service connection in the existing premises and hence in order to know the provisions to provide additional service connection in the existing premises, I would like to refer Regulation 27 of TNE Distribution Code. The relevant paras are extracted below:

“27 Requisitions for Supply of Energy:

XXX

(14) Where more than one person or more than one establishment is or intended to be in occupation of a door number or sub door number, more than one service connection will be given only if there is a permanent physical/ electrical segregation of areas for which different service connections are applied for.

(15) In case of flat system and shopping complexes where more than one flat or shops are located with permanent physical segregation, more than one service shall be given.

(15A) Notwithstanding anything contained in sub-regulations (14) and (15), a person or an establishment or an entity shall be given only one service connection in a premises or in contiguous premises to run a business or service or occupation or another form of activity including its associated activities and for activities of the associates even if there is a permanent physical segregation.”

8.2 On a plain reading, it is clear that more than one service connection will be given only if there is a permanent physical / electrical segregation. Further, in case of flat system and shopping complexes where more than one flat or shops are located with permanent physical segregation, more than one service shall be given.

8.3 The Appellant Tmt.S. Sumathy has one service connection No 0917030323 for her house residing at 4A, Jainagar 17th Street, Arumbakkam, Chennai 600106. The Appellant stated that she had applied for an additional meter through online portal for her tenant in the ground floor portion, there by retaining the existing service connection for the first floor. In the online portal menu there is no separate option available for additional meter category. Hence, the application was registered initially through online for 1KW and paid an amount of Rs.5168/- towards registration, development charges, etc., on 29.11.2021. The Appellant's dispute was that for a simple installation of an additional meter on the already existing board without laying new cable or any development works carried out at the site, why the development charges was collected.

8.4 The Appellant further argued as to how the application for an additional meter was treated as an application for a new service connection. The Appellant has stated that the installation of an additional meter is going to bifurcate the power consumption and not enhance it. The installation of new meter has not influenced the consumption in any way. Under the terms of the tariff order, it goes without saying that the application for a new meter did not attract any charges at all except the cost of meter of Rs.2700 and the employee cost. By the very same terms of the tariff order, this was also not a new connection. All the other charges, therefore, including the security deposit was not applicable and need to be refunded. The

Appellant insisted that the levy of surcharge also needs to be quashed and refunded.

8.5 The Respondent submitted that the petitioner applied for a new three phase service connection for 1 KW connected load on 29.11.2011. The above house was inspected by the concerned Assistant Engineer on 15.12.2021 and found that the connected load was 4 KW. The Respondent stated that all the prospective applicants should pay the development charges whether seeking for new service connection or for additional load in the existing service connection. The Respondent replied that additional new service was provided on 21.12.2021 as per TNERC existing regulations based on permanent Physical / Electrical segregation. Subsequent to effecting service, the balance additional demand of Rs.10800/- was raised by the Respondent on 16.12.2021 relating to CC deposit and development charges, to be paid within 15 days.

8.6 The Respondent further stated that as the Appellant has paid the slip amount only on 15.03.2022 i.e. after lapse of the due date, an additional amount of Rs.199 towards BPSC was collected which includes Rs 100 for re-connection charges.

8.7 It is observed that the claim of the Appellant is superfluous, in the context of the repeated claim for provision of additional meter to her house, since as per site inspection report of the Respondent, the Appellant was eligible only to have an additional new service connection to her house. As per my findings in para 8 above, there is no such provisions in TNE Distribution Code for providing additional meter and the Appellant failed to understand the provisions of TNERC Regulations for new service connections. Hence the claim of the Appellant to provide additional meter alone to her ground floor is not in order and finds no merit. Hence the claim of the Appellant is rejected.

9.0 Findings on the Second issue:

9.1 With regard to the disagreement of the Appellant regarding collection of development charges without having involved any work at site to her another service in same door no, I had already found that the claim of the Appellant to provide an

additional meter alone to her existing service connection was not as per TNE Distribution Code. However, the Respondent avowed that the Appellant was eligible to have another service in same door number as the Appellant's ground floor portion was physically and electrically segregated from the first floor. It is also evident that the Appellant has applied for a separate service connection for the ground floor portion.

9.2 In view of submission of the application by the Appellant for new service Connection in form-I for LT service connection with an agreement to pay for said energy, service connection charges, the deposit of such security, meter rent, development charges and any other charges as may be demanded in accordance with the scale of rates prescribed under Tamil Nadu Electricity Distribution Code, Supply Code, notifications and orders issued in this regard by Tamil Nadu Regulatory Commission. The Appellant while submitting application had agreed to pay all charges for new service connections as per existing TNERC Regulations.

9.3 The Respondent confirmed that based on her application alone her request was complied. Hence it is evident that the Appellant has applied for a separate service connection for the ground floor portion which is physically and electrically segregated from the first floor. Hence the Appellant request for another service Connection in the same door no. obviously comes under the category of new service connection. In this connection I would like refer Tamil Nadu Electricity Distribution Code Regulation 44 to 49 which were discussed below.

“44. The Licensees are entitled to collect the charges from a person requiring supply of electricity any expenses reasonably incurred in providing any electrical line or electrical plant used for the purpose of giving that supply. These charges have also to be reviewed either periodically or at times of an urgent need for a revision. The consumers are liable to pay such charges as applicable and at the rates specified by the Commission from time to time through separate orders/ notifications. The various charges to be collected are furnished in the following clauses.

45. (1) Service Connection Charges: *Regarding the recovery relating to service connection charges:*

(i) For connecting up an installation, the Licensee shall be entitled to charge the consumer the actual cost of materials upto meter board, labor, transport plus overhead charges.

(ii) Extension, improvement or alteration to service lines to meet any additional demand will be charged on the same basis. In each case, the consumer will be furnished with an estimate of the cost of the work and this amount is payable in advance. On completion of the work, a bill for the actual amount payable will be forwarded to the consumer and any difference shall be paid by the consumer or will be refunded by the Licensee as the case may be.

(iii) The estimate for service connection charges may also include the service connection charges for metering referred to in regulation 45(2). The licensee shall give due credit for the materials if any supplied by the consumers.

(2) Service connection charges for metering. The licensee is authorized to collect service connection charges for metering.

46. Meter Security Deposit: The Licensee is authorized to collect security deposit for the price of meter from LT/HT consumers at the rates specified by the Commission from time to time and enter into an agreement for hiring of the meter. The Licensee may permit the consumer to install his/her own meter. However, it shall be calibrated by the Licensee.***

47. Development Charges: The Licensee is authorized to collect development charges from LT/HT consumers at the rates specified by the Commission from time to time.

Note:

(1) The above development charges (one time payment) shall be collected from all applicants both for new and additional loads.

(2) For additional loads applied in the existing service the same rates are applicable.

(3) In case of conversions from Single Phase to Three Phase the difference in the development charges shall be collected provided the initial development charges were paid while availing Single Phase Service.

(4) One fourth of the development charges shall be applied to temporary supplies.

48. Earnest Money Deposit (EMD) : The Licensee is authorized to collect Earnest Money Deposit from all applicants for HT and LT industrial applicants at the rates specified by the Commission from time to time. This will be adjusted against the quantum of initial Security Deposit payable by the applicants before availing supply.

49. Security Deposit : The Licensee is authorized to collect initial security deposit at the rates specified by the Commission from time to time. Wherever Earned Money Deposit has been adjusted against the initial security deposit the balance if any will be collected from the applicants before giving supply.”

9.4 On a plain reading of the above, it is evident that the Respondent is entitled to collect the development and other charges incurred for the purpose of giving the supply. The Respondent has collected charges towards Meter caution deposit, Registration cum processing, Development charges and Service connection charges at the rates specified by the Commission as per the prevailing Misc Tariff order M.P.No.7 of 2018, dt. 3-10-2019 with effect from 5-10-2019 at the time of effecting new service connection.

9.5 Further as per Tariff Order T.P .No 1 of 2017, dt 11-08-2017 effective from 11-08-2017 under clause 6.2.2 Low Tension Tariff I-A Para (j) which is discussed below for further clarity on the issue;

“(j) In multi tenements residential buildings/Group houses, the additional service connections requested by the Owners/tenants shall be given. If only a meter is required to effect the additional service connection. Service line charges shall not be collected.”

As per the above provisions, only service line charges alone shall not be collected. However, Development charges, Security Deposit and Meter Caution Deposit charges are allowed to be collected from the eligible Applicant.

9.6 In the present case, the appellant has been provided with separate additional service connection for her ground floor portion with service connection no.170-030-634. As per regulation 33(1) of TNE Distribution Code, all intending consumers shall execute an agreement governing the supply of electricity in the form prescribed at the time of paying the Security Deposit and the service connection charges. The work of extension of supply will be taken up for execution only after the agreement is executed and the Security Deposit and the service connection charges, etc. are paid. For LT consumers other than agricultural and industrial consumers the application is treated as **application-cum-agreement**. Further, every agreement is for a specific purpose and for a specified location. Therefore, it is understood that the appellant's service connection no.170-030-634 and 170-030-323 are covered under separate agreements.

9.7 Since the appellant has been provided with separate additional service connection for her ground floor portion with service connection no.170-030-634, the respondent had collected Registration Cum Processing charges, Development charges, Meter caution deposit, Service connection charges and CC deposit from the appellant. However, it is noticed that service line charges (service line extension cost) were not collected from the appellant while providing additional service connection No.170-030-634, since service line charges had already been collected while providing service connection No.170-030-323 to the appellant. Hence the claim of the Respondent is found correct.

9.8 Further, it is noticed that subsequent to effecting service, an additional demand of Rs.10800/- had been raised by the Respondent for making payment on 21.12.2021 for balance 3 KW connected load which was found during the inspection. But the Appellant has paid the said demand only on 15.03.2022 after the due date. Hence, the additional surcharges collected as below is also found correct.

Description	Amount (in Rs.)
BPSC for the amount of Rs.10800/- @ 0.75% (10800 x 0.75%)	81.00
Reconnection charges	100.00
GST @ 18% on reconnection charges	18.00
Total (in Rs.)	199.00

9.9 The other argument of the Appellant to compare the consumption of two services at the same door number with the previous consumption is obsolete because the consumption of the tenant and the Appellant would be entirely different based on the usage of their respective connected loads and also covered under different agreements. Hence, the claim of the Appellant is rejected.

10.0 Conclusion:

10.1 From the findings in para 9 above, I conclude that the development charges and other charges collected by the Respondent is in line with the Regulations / Tariff order. Hence the Appellant's claim for refund is rejected.

10.2 With the above findings A.P. No. 92 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. Tmt. S.Sumathy,
4A, Jainagar, 17th Street,
Arumbakkam,
Chennai – 600 106.

- By RPAD

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