



TAMIL NADU ELECTRICITY OMBUDSMAN

19- A, Rukmini Lakshmipathy Salai, (Marshal Road),
Egmore, Chennai – 600 008.

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Present : Thiru A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 40 of 2015

M/s Tharangini Sea Foods
(Old No.4/216) 4/210, MGR Road,
Palavakkam,
Chennai – 600 041.

. Appellant

(Rep by Thiru. V. Senthil Viswarooban/Advocate)

Vs

The Superintending Engineer,
Chennai Electricity Distribution Circle / South,
TANGEDCO,
110 KV, SS Complex,
K.K. Nagar,
Chennai – 600 078.

..... Respondent

(Rep by Thiru. A.R.Ilavazhagan,EE/O&M/Adyar &
Thiru. C. Chidambaram/DFC)

Date of hearing : 5.8.2015

Date of Order : 24 .08.2015

1. The appeal petition dated 4.05.2015 filed by M/s Tharangini Sea Foods, Palavakkam, Chennai-41 was registered as Appeal Petition No.40 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 5.08.2015. .

2. The Appellant prayed to pass necessary order directing the authorities concerned to refund the deposit amount with penal interest for delay caused

immediately without any further delay as per Tamil Nadu Electricity Distribution Code.

3. The Appellant has surrendered the two nos LT service connections bearing No.206-010-222 and 206-010-258 effected in his premises and obtained a new HT service connection No.909-400-0936.

4. The Appellant has paid the security deposit for the HT service separately. Hence, he has requested for refund of the balance deposits available in the permanently dismantled LT service connection No.206-010-222 & 206-010-258.

5. The Appellant filed a petition before the CGRF of Chennai EDC/South for refund of the balance deposit available in the said two LT services. But, CGRF has not disposed of his petition. As 50 days have been passed since receipt of the petition by CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman and the same is registered as Appeal Petition No. 40 of 2015.

6. To enable the Appellant and the Respondent to putforth their arguments in person, a hearing was conducted on 5.8.2015 before the Electricity Ombudsman.

7. Thiru. Senthil Viswaroopan, Advcate has attended the hearing on behalf of the Appelant and putforth his side arguments.

8. Thiru. A.R. Ilavazhagan, Executive Engineer/O&M/Adyar and Thiru C. Chidambaram, Deputy Financial Controller have attended the hearing on behalf of the Respnodent and putforth their side arguments.

9. Citing Regulation 33(5) of the Distribution Code, the learned advocate argued that the balance deposit amount has to be refunded to them within 3 months from the date of termination of agreement. But, the refund was not made even after expiry of the said three months. Hence, he argued that the balance deposit amount shall be refunded to them along with penal interest.

10. The Executive Engineer/O&M/Adyar informed that the refund of available deposits in SC No.206-010-222 & 206-010-258 has been finalized and a sum of Rs.5,98,119/- has to be paid to the Appellant and the cheque is ready for issuance. He also informed that the consumer was also intimated about the above fact. He further argued that as the prayer of the Appellant was fulfilled the petition may be dismissed.

11. The DFC informed that the balance deposit amount available as on the date of termination of agreement alone is arrived and interest was not included in the above refund amount of Rs.5,98,119/-

12. On hearing the argument of the Respondent that the refund of the balance amount is finalized and the cheque is ready the learned advocate argued that interest upto date of payment has also to be paid to them.

13. As the Appellant's representative has insisted for payment of penal interest, representatives of the Respondent informed that they need some more time to furnish their submission with regard to payment of penal interest.

14. The Superintending Engineer/Chennai EDC/South in his letter dt.17.8.2015 has informed that a settlement on the subject matter has been reached with the Appellant and the cheque bearing No.883485, dt.4.8.2015 for

Rs.5,98,119/- towards refund of balance deposit amount pertaining to LTCT SC No.206-010-222 & 206-010-258 has been handed over to M/s Tharangini Sea Foods on 7.8.2015. The Superintending Engineer also informed that M/s Tharangini Sea Foods have agreed to forgo their rights to claim interest accrued from both services and have also enclosed the copy of letters received from Thiru. P.G. Mohan, Proprietor, M/s Tharangini Sea Foods in this regard.

15. In the letter dt.6.8.2015 addressed to Superintending Engineer/Chennai EDC/South, M/s Tharangini Sea Foods have stated the following.

“On the request of the department, and on mutual understanding considering the relationship hitherto had with the department, I have decided to forego the rights to claim interest accrued from the date of disconnection to the date of settlement pertaining to the deposits in the closed LTSC A/c No.206-010-258.

Accordingly, I acknowledge the receipt of Cheque drawn for an amount of Rs.151216/- (Rupees one lakh fifty one thousand two hundred and sixteen only) vide cheque no.....dated.....8.2015 being the final settlement towards the closure of accounts in LTCT A/c No.206-010-258.

*Sd/xxx xxxx xxxx
(P.G. Mohan)”*

16. Similar letter has been given by the Appellant for SC No.206-010-222 also. However, the cheque was drawn for the total amount of refund in respect of both the services and the Appellant received the cheque on 7.8.2015.

17. As the Appellant himself has stated that they have decided to forgo the rights to claim the interest accrued and also received the cheque for an amount of Rs.5,98,119/- (Rupees five lakhs ninety eight thousand one hundred and nineteen only) towards the final settlement of closure of the accounts in respect of the said service connections permanently dismantled, I am of the view that

the pending issue of payment of interest has been settled amicably between the parties and there is no dispute pending between the Appellant and Respondent in respect of this appeal petition. Hence, the Appeal Petition No.40 of 2015 is treated as closed.

(A. Dharmaraj)
Electricity Ombudsman

To

1) M/s Tharangini Sea Foods
(Old No.4/216) 4/210, MGR Road,
Palavakkam,
Chennai – 600 041.

2) The Superintending Engineer,
Chennai Electricity Distribution Circle / South,
TANGEDCO,
110 KV, SS Complex,
K.K. Nagar, Chennai – 600 078.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Chennai Electricity Distribution Circle / South,
TANGEDCO,
110 KV, SS Complex,
K.K. Nagar, Chennai – 600 078.

4) The Chairman & Managing Director,
TANGEDCO,
NPKR Malaigai,
144, Anna Salai,
Chennai – 600 002.

5) The Secretary
Tamil Nadu Electricity Regulatory Commission
No.19A, Rukmini Lakshmipathy Salai
Egmore,
Chennai – 600 008.

6) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmipathy Salai,
Egmore, Chennai – 600 008.