



# TAMIL NADU ELECTRICITY OMBUDSMAN

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## BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

**Present: Thiru. A. Dharmaraj. Electricity Ombudsman**

**Appeal Petition No. 55 of 2016**

Thiru. N.B. Sathynarayanan,  
Plot No.20, R.R. Nagar 1<sup>st</sup> Street,  
Flat 'C', 1<sup>st</sup> Floor,  
Iyyappanthangal,  
Chennai 600 056.

. .... Appellant  
(Party in person)

Vs

The Executive Engineer/O&M/Porur,  
Chennai Electricity Distribution Circle/South-I,  
TANGEDCO,  
110 KV SRMC SS Complex,  
Porur, Chennai – 600 116.

. .... Respondent  
(Rep by Thiru. M.S. Pariraj, AEE/O&M/Mangadu on 5.10.16 &  
Thiru. V. Jayakumar, EE/O&M/Porur on 24.10.16)

**Date of hearing : 5.10.2016 & 24.10.2016**

**Date of Order : 14.11.2016**

The Petition dt. 27.6.2016 filed by Thiru. N.B. Sathyanarayanan, Iyyappanthangal, Chennai – 600 056 was registered as Appeal Petition No.55 of 2016. The above appeal petition came up before the Electricity Ombudsman for hearing on 5.10.2016 & 24.10.2016. Upon perusing the appeal petition, counter affidavit of the Respondent and after hearing both sides, the Electricity Ombudsman passes the following order.

## ORDER

### 1. Prayer of the Appellant:

The Appellant prayed to consider the original complaint and pass necessary orders giving fair chance to hear his plea. Also refund the fines paid to get credited along with compensation for deficiency in service and mental agony suffered.

### 2. Brief History of the case:

2.1 Service connection No.319-005-90 was effected in the name of Thiru. N.B. Sathyanarayanan and is charged under tariff I-A.

2.2 Appellant stated that he has paid the CC charges on 29.1.2016. But, his service was disconnected on 17.2.2016.

2.3 He filed a petition before the CGRF.

2.4 The CGRF dismissed his petition. Aggrieved by the order of the CGRF the appellant filed this appeal petition before the Electricity Ombudsman.

### 3.0 Orders of CGRF :

The CGRF of Chennai EDC/South-I has issued its Order on 14.6.2016. The relevant para of the order is extracted below: -

*"Findings and Order of the Forum.*

*The petitioner has not turned up. The complaint made by the petitioner is found to be false."*

#### **4.0 Arguments of the Appellant furnished in the Appeal Petition:**

4.1 Payment was made on 29.1.2016, but fuse taken off on 17.2.2016 despite complaint made on TANGEDCO payment portal on 1.2.2016.

4.2 Call to respective section through 1912 failed proper response..

4.3 Received the letter stating hearing on 8.6.2016, called to inform about his inability to attend the hearing as he works in night shifts. But, no body picked up. Informed AE/Paraniputhur who said he will convey the same to board and Appellant may get another hearing notice.

#### **5.0 Arguments of the Respondent furnished in the Counter affidavit :**

5.1 The SC No.319-005-90 in the name of Thiru. B. Sathyanarayanan. The CC charges has been paid through online upto the month of 9/2015 and not paid the CC charges for the month of 11/2015 and 1/2016. Hence, the service connection has been disconnected on 17.2.2016.

5.2 After that the petitioner paid the CC arrears along with RC charges of Rs.1985/- (Rupees one thousand nine hundred and eighty five only) on 18.2.2016 and the receipts were received by petitioner and reconnection made on 18.2.2016.

5.3 On verifying the concerned ledger it is ascertained that there is no payment made on 29.1.2016 as claimed by the petitioner and no evidence for payment of CC charges in time. Further, on 1.2.2016, No calls received by filed officers.

5.4 No calls had been received from the petitioner regarding his inability to attend the CGRF meeting proposed on 8.6.2016. The AE/Paraniputhur called the petitioner over phone and enquired about his absence and during the conversation only it was informed that he was unable to attend to the meeting on 8.6.2016.

5.5 On hearing the petition of the above petitioner, the Chairman, CGRF ordered that The petitioner has not turned up. The complaint made by the petitioner is found to be false. The petition is disposed off.

5.6 The bank statement given by the consumer was verified at the Axis Bank, Porur Branch wherein it was informed that the amount of Rs.1580/- (Rupees one thousand five hundred and eighty only) has credited back to the consumer account on 24.5.2016, the same was informed by the Bank Manager to AE/Paraniputhur.

#### **6.0 Hearing held by the Electricity Ombudsman:**

6.1 To enable the Appellant and the Respondents to putforth their arguments in person, hearing was conducted before the Electricity Ombudsman on 5.10.2016 & 24.10.2016.

6.2 Thiru B. Sathyanarayanan the appellant herein has attended the hearing on both the days and putforth his arguments.

6.3 Thiru. M.S. Pariraj, Assistant Exe. Engineer/O&M/Mangadu attended the hearing on behalf of the Respondent on both the days and putforth his side arguments  
Thiru. Jeyakumar, Executive Engineer/O&M/Porur the respondent herein has attended the hearing on 24.10.2016 and putforth his arguments.

#### **7.0 Arguments of the Appellant putforth on the hearing date :**

7.1 The Appellant informed that he has made payment of Rs.1580/- towards CC charges of SC No.319-005-90 on 29.1.2016 through online. But his service was disconnected on 17.2.2016 and was reconnected on 18.2.2016 after payment of Rs.1985/- on 18.2.2016.

7.2 He informed that he has made a complaint to payment portal on 1.2.2016, about non generation of receipt.

7.3 He argued that as per the report received from the Axis Bank, the online payment transaction ID is 397313490.

7.4 Citing the above he argued that his payment has been accounted and the CC charges has been debited from his account.

7.5 He also citing the mail dt.18.3.2016, received from the Axis Bank and argued that as per the Bank his online transaction is successful and payment has been made to TNEB. However, on 3.3.2016, the refund file has been received from TNEB and hence the reversal has been credited to his account. As the amount was credited in TNEB's account, the Appellant argued that the disconnection of his service is wrong and illegal.

7.6 He further argued that the amount was refunded to him as he has again paid the CC charges on 18.2.2016. As the disconnection was made despite making payment within due date, he argued that he has suffered mental agony and it has to be compensated besides refunding the BPSC and RC charges collected. He also sought interest for the belated refund of the CC charges paid on 29.1.2016. He also informed that if his online transaction is fault, he should have been informed about failure of transaction. But no such information was sent to him.

7.7 On 24.10.2016, after hearing that the respondent has received the CC charges on 29.1.2016 itself, but it was not updated in the consumer ledger due to technical snag, the Appellant argued that for the technical snag of the licensee's system, the consumer shall not suffer.

7.8 He also suggested that SMS may be issued to the consumer on payment of CC charges so as to confirm the receipt of payment to the consumer. He also argued that the technical snag in the licensee's system may be rectified to avoid such occurrence in future.

**8. Argument putforth by the Respondent on the hearing dates :**

8.1 Thiru. M.S. Pariraj, Asst. Exe. Engineer/O&M/Mangadu reiterated the contents of the counter. He argued that as the online payment was not credited into TNEB account, the disconnection was made and is as per rules only.

8.2 On 24.10.2016, the EE/O&M/Porur, informed that as per the consumer payment track based on the details from Bank/IP & CDs, the payment of Rs.1580/- made by the Appellant through online was accounted vide online receipt No.PGNAXIS 4692034. The above transaction was carried out on 29.1.2016 and the transaction ID is 397313490. But, the above transaction was not recorded in consumer ledger. Hence, as per the consumer ledger accounts the CC charges was not paid upto 17.2.2016 and therefore the said service was disconnected for default of payment of CC charges and reconnected on 18.2.2016 on receipt of payment of Rs.1985/- He has also furnished a copy of consumer payment track based on the details from bank / IP & CDS.

8.3 The EE informed that the refund of Rs.1580 was made on 24.5.2016. The EE argued that the failure in updating the payment in consumer ledger based on online payment is a technical snag and it is not a willful action of the licensee. Therefore, he argued that the claim of compensation is not justified.

9. In the written arguments submitted on 24.10.2016, the following are the arguments of the Respondent.

(i) In the case of the Appellant the payment was made on 29.1.2016 and the online transaction was not completed due to link failure between bank server and TNEB server. Due to the above said reason the CC charges payment was not updated in the consumer ledger and automatically defaulters list process was generated where in the service connection no. of the Appellant was appeared. Based on the above the disconnection was done by Paraniyuthur section staff on 17.2.2016 and the same was reconnected on 18.2.2016 after getting cash payment.

(ii) There is no willful action by TANGEDCO staff to give mental agony to the consumer/appellant. It is purely a technical snag attributed by link failure between Bank Server and TNEB Server. This kind of action happens in rarest rare occasion only.

**9. Findings of the Electricity Ombudsman :**

9.1 On a careful consideration of the rival submission, I find the following issues as to be decided.

(i) Whether the payment of Rs.1580/- made by the consumer on 29.1.2016 through online payment system was received by the TANGEDCO?

(ii) What is the relief to be given to the consumer ?

(iii) Whether the claim of the Appellant to order compensation for his mental agony is acceptable ?

**10. Findings on the First Issue :**

10.1 The Appellant argued that he has paid a sum of Rs.1580/- on 29.1.2016 towards CC charges and the transaction ID is 397313490.

10.2 The Appellant also argued that as per the information, furnished by the Axis Bank, the transaction is successful at their end and payments have been made to TNEB. Later on 3.3.2016, the refund file has been received from TNEB and the reversal has been credited in the his account.

10.3 The Respondent has also informed that as per the consumer payment track in respect of the said service connection, the payment of Rs.1580/- was received on 29.1.2016 for transaction No.397313490 and the corresponding receipt No. is PGNAX14692034. But the above transaction was not updated in the consumer ledger due to technical snag. Therefore, the SC No.319-005-90 was disconnected for default in payment of CC charges on 17.2.2016 and was reconnected again on 18.2.2016 on payment of Rs.1985/- on 18.2.2016.

10.4 As the Appellant has informed that as per the Axis Bank, the transaction is successful, email copy furnished by the Appellant is extracted below :-

*“Dear Sir,*

*With regard to below mail on the payment made to TNEB, we have received clarification from our team that the transactions have been successful at our end and payments have been made to TNEB.*

*Later on 3/3/2016 the refund file has been received from TNEB and hence the reversal have been credited to your account.*

*We have forwarded your mail from EB and have asked them to clarify on the payments.*

*We will revert to you as soon as we receive the revert from them.*

*Thanks and Regards,*

*S.Prem Lakshmi,*

*Operation Manager,*

*Annanagar- Chennai (SOL ID-016)*

*Ph:26289047/26289057/26283151*

*Mob:91-9176800162.”*

10.5 On a careful reading of the above mail, it is noted that the Bank has confirmed that the transaction is successful and payments have been made to TNEB. However, on 3.3.2016, the refund file has been received from TNEB and the reversal has been credited to consumer account.

10.6 Further, as per the copy of statement of consumer payment track for the month of 1/2016 in respect of SC No.09-319-005-90 submitted by the Respondent, a sum of Rs.1580/- paid through payment gateway in transaction No.397313490 dt.29.1.2016 was accounted vide receipt No.PGNAX14692034. The above sum of Rs.1580/- was found to be refunded on 21.5.2016 as per the above statement. As a receipt has been generated on 29.1.2016, for the above transaction, this issue is decided in favour of the Appellant.

#### **11. Findings on the second issue :**

11.1 The Appellant argued that he has paid Rs.1985/- again on 18.2.2016 towards CC charges for the assessment period 11/2015 & 1/2016 to reconnect the SC No.319-005-90. As he has already paid the said CC charges on 29.1.2016, he argued that the disconnection made on 17.2.2016 and collection of the said amount to reconnect the service is wrong and the excess amount paid has to be refunded along with interest.

11.2 The Respondent informed that the sum of Rs.1580/- paid by the Appellant was again credited back to the bank on 21.5.2016. He also informed that the sum of Rs.1985/- collected by the licensee consists of the following payment.

CC charges	-	Rs.1580
CC arrears	-	Rs. 328
BPSC for 1580/- (Rs.15)	}	Rs. 17
& BPSC for Rs.328/-(Rs.2)		
RC Charges	-	<u>Rs. 60</u>
		<u>Rs.1985</u>

11.3 It is noted that BPSC of Rs.15/- has been collected for belated payment of Rs.1580/- and Reconnection charges of Rs.60/- for reconnecting the service.

11.4 As per the computer entry, the payment is due on 1.2.2016 in respect of 11/2015 CC charges of Rs.425/- and is due on 12.2.2016 in respect of 1/2016 CC charges of Rs.1155/-

11.5 As per my findings in first issue, the payment of Rs.1580/- towards CC charges for 11/2015 & 1/2016 assessment period was paid through online payment on 29.1.2016 which is well before the due dates of 1.2.2016 & 12.2.2016 for 11/2015 & 1/2016 assessment periods respectively. Therefore, the BPSC of Rs.15/- and Reconnection charges of Rs.60/- collected on 18.2.2016 is not correct and has to be refunded to the Appellant only. Hence, the licensee is directed to refund the above sum of Rs.75/- to the Appellant.

11.6 Further, the sum of Rs.1580/- collected on 18.2.2016 was with the licensee upto 21.5.2016 the date on which the amount was refunded to the consumer. Hence, interest as applicable to security deposit has to be paid to the Appellant from 18.2.2016 to 20.5.2016 for Rs.1580/-

## **12. Findings on the Third issue :**

12.1 The Appellant argued that he suffered physical and mental agony because of the disconnection of the service connection even though he has paid the CC charges

on 29.1.2016 through online payment. He also prayed for compensation for deficiency in service and mental agony suffered.

12.2 In this regard, I would like to refer regulation 7(11) of the Regulation for CGRF and Electricity Ombudsman, which is extracted below :

7(1) xxx xxxx xxx

xxx xxxx xxxxx

xxxx xxx xxxxx

*(11) In respect of grievances on non implementation of standards of performance of licensee on consumer service specified by the Commission under section 57(1) of the Electricity Act 2003, if the forum finds that there was default of the licensee, it shall only hold that the consumer is entitled to the compensation and shall state that the consumer if agreed can accept the compensation prescribed by the Commission in the relevant Regulations.*

xxx xxx xxxx

xxxx xxx xxxx

12.3 On a careful reading of the said regulation 7(11), it is noted that in respect of grievances on non implementation of the standards of performance of the licensee on the services specified by the Commission, alone the CGRF and Electricity Ombudsman can hold that the consumer is entitled to the compensation.

12.4 The events and the compensation payable are specified in the table given under regulation 21 of the Distribution Standards of Performance Regulations. The compensation claimed for the mental agony in this case is not covered in the Regulation 21 of the DSOP. Hence, I am not issuing any order on the above prayer.

### **13. Conclusion :**

13.1 In view of my findings in first, second and third issues, the Respondent is directed to refund a sum of Rs.75/- (Rupees seventy five only) collected towards BPSC & Reconnection Charges to the Appellant within 30 days from the date of receipt of this order.

13.2 In view of my findings in para 11.6 above, the Respondent is directed to pay interest as applicable to Security Deposit for the sum of Rs.1580/- for the period from 18.2.2016 to 20.5.2016 within 30 days from the date of receipt of order.

13.3 It is observed that in this case, the payment of CC charges made by the consumer through online payment system has not been updated in the consumer ledger of the concerned service connection. The above has resulted in categorizing the said consumer as defaulter and the service was disconnected for non payment of CC charges within due date(though CC charges were paid before the due date). The licensee's officers have informed that it is due to technical snag. As the technical snag has resulted in wrong disconnection of a service, the Superintending Engineer/Chennai EDC/South-I is directed to study the issue carefully and take corrective measures to avoid such occurrence in future.

13.4 A compliance report shall be submitted within 45 days from the date of receipt of this order.

13.5 With the above findings, the A.P.No.55 of 2016 is disposed off by the Electricity Ombudsman. No Costs.

**(A. Dharmaraj)**  
Electricity Ombudsman

To

1) Thiru. N.B. Sathynarayanan,  
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2) The Executive Engineer/O&M/Porur,  
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TANGEDCO,  
110 KV SRMC SS Complex,  
Porur, Chennai – 600 116.

3) The Chairman,  
(Superintending Engineer),  
Consumer Grievance Redressal Forum,  
TANGEDCO,  
110 KV SS Complex,  
K.K. Nagar, Chennai – 78.

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

5) The Secretary,  
Tamil Nadu Electricity Regulatory Commission,  
19A Rukmini Lakshmi pathy Salai,  
Egmore,  
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6) The Assistant Director (Computer) - **Hosting in the TNEO Website pl**  
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