



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present: Thiru. A. Dharmaraj. Electricity Ombudsman

Appeal Petition No. 58 of 2016

Thiru.V. Murugan,
Anandam Colony,
7H, V.M. Chatram Road,
Tirunelveli – 627011.

. Appellant
(Party in person)

Vs

The Chief Engineer /Distribution,
Tirunelveli Region,
TANGEDCO,
Maharaja Nagar,
Tirunelveli – 627 011.

. Respondent

(Thiru. Venkateshmani, Asst.Exe.Engineer/Safety/
Regional Office &

Thiru. Antony A.S. Raj, Asst. Exe. Engineer/PRO)

Date of hearing : 20.10.2016

Date of Order : 15.12.2016

The Petition dt. 31.7.2016 filed by Thiru. V. Murugan, Anandam Colony, Tirunelveli was registered as Appeal Petition No.58 of 2016. The above appeal petition came up before the Electricity Ombudsman for hearing on 20.10.2016. 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:

- (i) The Complaint dt.9.3.2016 is not redressed within the stipulated time, compensation is required.
- (ii) Detailed reply is also requested for his letter dt.18.3.2015.

2. Brief History of the case:

- 2.1 The Appellant complained about the quality of the printing of the receipt of the CC bill to Chief Engineer/Distribution/Tirunelveli on 18.3.2015.
- 2.2 As he has not received any reply he filed a petition before the CGRF of Tirunelveli EDC on 15.4.2015. The CGRF has directed the Respondent to pay a compensation of Rs.250/- for the delay in furnishing the reply and directed to furnish final reply at the earliest.
- 2.3 As no reply was received the Appellant filed a petition dt.9.3.16 before the Chief Engineer/Distribution/Tirunelveli to furnish the reply.
- 2.4 As there was no response for his letter dt.9.3.16, the Appellant filed a petition before the CGRF of Tirunelveli EDC requesting compensation for not responding to his complaint and requested for a detailed reply.
- 2.5 The CGRF of Tirunelveli EDC has issued its order on 8.7.2016. Aggrieved by the order of the CGRF the Appellant filed this appeal before the Electricity Ombudsman.

3.0 Orders of CGRF :

The CGRF of Tirunelveli EDC has issued its Order on 8.7.2016. The relevant para of the order is extracted below: -

"மன்றத்தின் தீர்வு

கேள்வி 1க்கான தீர்வு

மனுதாரர் அளித்த 9.3.2016 ம் தேதியிட்ட மனுவிற்கு கடித எண்.Lr.No.CE/D/Tin/EE/Elc/RC/AE/PB/F. Petition/D.No.045 dt.22.3.2016ல் உரிய பதில் அளிக்கப்பட்டுள்ளது. மீண்டும் அப்பதிலானது கடித எண்.த.பொ/பகிர் /மி.ம.ஒ/ மி/ உ.பொ/ கோ.மனு/க.எண்.74/16, நாள் 31.5.2016ன் படி வழங்கப்பட்டுள்ளது. பதிலோடு மின் இணைப்பின் மின் கட்டண ரசீதின் மாதிரி நகல் (sample pre receipt) உடன் இணைத்தும் அனுப்பப்பட்டுள்ளது. மனுதாரரது மனுவிற்கு உரிய முடிவான பதில் உரிய காலத்தில் வழங்கப்பட்டுள்ள நிலையில் மன்றம் இக்கோரிக்கையை தள்ளுபடி செய்கின்றது.

கேள்வி 2க்கான தீர்வு

மன்றத்தில் வழங்கப்பட்ட 3.6.2015 ன் தீர்வு படி தலைமை பொறியாளர் மூலம் உரிய இழப்பீட்டு தொகையும் மனுவிற்கான பதிலும் தலைமை பொறியாளர் மூலம் 25.6.2015ல் வழங்கப்பட்டுள்ளது. இந்நிலையில் இப்பொருள் குறித்து மன்றத்தில் மீண்டும் முறையிட இயலாது என மன்றம் தீர்வு செய்கிறது”

4.0 Arguments of the Appellant furnished in the Appeal Petition:

4.1 The petitioner filed a complaint to the Chairman, C.G.R.F. vide his letter dt.17.5.2016. In the petition, the petitioner's prayers were :

(i) The complaint dated 09.03.2016 is not redressed within the stipulated time, compensation required.

(ii) Reply had not been given by the Chief Engineer till today for the complaint dated 18.3.15.

4.2 For which, the capricious Superintending Engineer/Distribution/ Tirunelveli cum Chairman, C.G.R.F. designate unnecessarily, nefariously, and arbitrarily involved in the matter and send some irrelevant papers to the complainant on behalf of the Chief Engineer without the knowledge of the Chief Engineer vide letter dt.4.6.2016.

4.3 It is a clear contravention and departure against the rules and regulations of the Indian Electricity Act 2003. Moreover the officials were entrusted with the duty to scrutinize scrupulously the complaint. They have also failed in discharging their duties, even though they were aware of the law.

4.4 On receipt of the above said letter dt.4.6.2016 the complainant informed the matter to the knowledge of the Chairman C.G.R.F, TIN, Chief Engineer and The Ombudsman, vide letter dt.22.6.2016. For which except the ombudsman, none of them replied till today.

4.5 Exceeding 50 days of the complaint" date the C.G.R.F. conducted the inquiry and delivered the judgment copy after 14 days vide the order dt.8.7.2016. Sufficient time was not given to the complainant to appear before the C.G.R.F. Besides, the judgment is not proper,

5.0 Arguments of the Respondent furnished in the Counter affidavit :

5.1 Initially a petition was received with date 18.03.2015 and the reply communicated vide this office கடித எண்.த.பொ/வி/திரு/செ.பொ/உ.செ.பொ/கோ.LT Billing /எண்.31/14, நாள் 17.04.2015.

5.2 Besides a detailed report was also appraised to the petitioner at the Consumer Grievance Redressal Forum meeting held on 03.06.2015. The forum also acknowledges the detailed reply of the respondent. However, the forum has penalized the delay in communicating the reply and fined Rs. 250/- for the same. Immediately the fine amount of Rs. 250/- was paid and there by duly adjusted in petitioners CC Bill. The above fact was updated to the petitioner along with the suitable reply vide கடிதஎண்.த.பொ/பகிர்/திவி/ செ.பொ/மி/உ.சொ.பொ / பொ.மே/கோ.நு.கு.தீ.ம/அ.எண்.653/15, நாள் 25.6.15.

5.3 Hence the petitioner's statement "irrelevant reply was received by the petitioner from the Chief Engineer /Distribution/ Tirunelveli Region vide letter

dt.25.6.2015 is not in order.

5.4 It is for information that the CGRF has declared the judgement and we have also obeyed the judgement with the payment of fine with corresponding reply to the petitioner. Thus the above petition was deemed to be closed. The petitioner has not appealed within 30 days to Tamilnadu Electricity Ombudsman.

5.5 Later after a lapse of 9 months, the petitioner attempted to address a fresh complaint with the old track record allegations with irregularity comments on 09.03.2016.

5.6 For the above complaint also, a detailed reply has been communicated along with the sample pre-receipt copy vide Lr. No.CE/D/Tin/EE/El/RCI AE/PBI F.Petition/D.No.045 Dt. 22.03.2016. Subsequently the petitioner appealed to the Ombudsman vide letter dt 28.03.16, and filed a new case in CGRF vide letter dt 17.05.16. In between, a reply has been communicated vide Lr no: SE/D/Tin/AEE/Dev/ AE1 /TA3/F Doc/D.No:459/16 dt:04.06.16, along with a copy of reply from CE/D/Tirunelveli letter vide Lr. No. CE/D/Tin/EE/El/RC/AE/PB/ F.Petition/ D.No.045 Dt. 22.03.2016.

5.7 In addition, a reply has been submitted to the Chairman, CGRF along with the copy of the sample pre-receipt vide கடித எண்.த.பொ/செ.பொ/ மி/ம.ஒ/ உ.பொ/ கோ.மனு/க.எண்.74/16 நாள் 31.05.2016.

5.8 Further, in response to the petitioners complaint dated 22.06.2016 addressed to the Chairman, CGRF, a detailed reply has also been submitted to the Chairman, CGRF vide Lr. No. CE/D/Tin/EE/El/ RCIAE/PB/ F.Petition/D.No.100/16 dt. 08.07.16.

5.9 Moreover, it is understood that the main complaint of the petitioner is for legible printing in appropriate space in Pre receipt which has already been complied. and the contention of Para(3) of the petition dated 18.03.2015 is not covered under the complaint clause of Part 1.2(f). Hence the petition may please be rejected based on 18 (d) of the rules and regulations of CGRF and Electricity Ombudsman.

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 20.10.2016.

6.2 Thiru V. Murugan, the appellant herein has attended the hearing and putforth his arguments.

6.3 Thiru. N. Venkatesh Mani, Assistant Executive Engineer/Safety Regional Office and Thiru. Antony A.S. Raj, Assistant Executive Engineer/PRO/Tirunelveli Electricity Distribution Circle have attended the hearing on behalf of the Respondent and putforth their arguments.

7. Arguments putforth by the Appellant on the hearing date :

7.1 Thiru. V. Murugan, The Appellant herein has reiterated the contents of the appeal petition.

7.2 The Appellant argued that the CE/Distn/Tirunelveli has not furnished the reply for his letter dt.9.3.2016. Hence, argued that compensation as per

Distribution Standards of Performance Regulation for not responding to consumer complaint has to be paid to him.

7.3 He informed that he has not received the letter dt.22.3.2016 sent by the CE/D/Tirunelveli. But, has received a copy of the said letter along with the letter dt.4.6.2016 sent by the SE/Tirunelveli EDC.

7.4 The Appellant also argued that the details sought by him in letter dt.18.3.2015 & 9.3.2016 has not been furnished till date.

7.5 He also further informed that even in the receipt furnished for his service for 9/2016 assessment period is having the same defects, though the licensee informed that they have set right the issue.

7.6 The Appellant also informed that the following details which are not furnished in the existing receipts may be arranged to be incorporated.

- (a) The name of the Section
- (b) The name of the Distribution
- (c) In some of the PRs issued there is no serial number
- (d) The assessment period for which the payment was made.

7.7 The Appellant also informed that the Respondent has not raised the argument that the details sought for in letter dt.18.3.2015 is not covered under the definition given for complaint in the CGRF.

8. Arguments putforth by the Respondent's representative on the hearing date :

8.1 Thiru. N. Venkateshmani, AEE/Saefty argued that the grievance about supply of receipt with ligible printing has already been complied with. He has

cited the sample receipt furnished in the name of Manickam in support of his argument.

8.2 The AEE/Safety also argued that compensation of Rs.250/- has already been paid for the same subject matter based on the orders of CGRF of Tirunelveli EDC. Hence, claiming compensation again on the same subject matter does not arise.

8.3 The AEE also argued that the prime contention of the Appellant is that the details called for in his letter dt.18.3.2015 has not been furnished to him. But the said details sought for will not come under the definition of complaint given in 2(e) of the Regulations for CGRF and Electricity Ombudsman.

8.4 He further argued that there is no loss or inconvenience caused to the Appellant due to the above and hence the petition may be dismissed as per regulation 17(d) of the Regulations for CGRF and Electricity Ombudsman.

8.5 The AEE/PRO informed that the error in printing is due to mismatch between the format printed for receipt and the software for printing the details of payment in the printed receipt. To avoid such occurrence in future, they have modified the design of the printed receipt to suit the existing software. He also informed that the sample, were already given to the Appellant.

8.6 He also argued that they have informed the above issue to the concerned IT branch of the licensee to take corrective action also.

8.7 The AEE / PRO informed that field officer have also been instructed to issue duplicate receipts with correct details whenever printing defects are noted and brought to their knowledge by the consumers concerned.

9. Findings of the Electricity Ombudsman:

9.1 The prayer of the Appellant furnished in the petition filed before the Forum is as detailed below:-

(i) No reply has been received from CE(D) Tirunelveli for his letter dt. 9.3.2016. Hence compensation has to be ordered.

(ii) Detailed reply has to be given to him for his letter dt.18.3.2015 as ordered by CGRF in its order dt.3.6.2015.

9.2 The Appellant argued that the CGRF has directed the Appellant to furnish the reply, but the Respondent has not furnished the details called for. Hence he filed a petition dt.9.3.2016 before the Respondent to furnish the details. But no reply was sent by him.

9.3 Hence, he argued that compensation for non responding to his complaint dt. 9.3.2016 has to be made by the CE(D) Tirunelveli besides the details called for in para 3 of his letter dt.18.3.2015 has also to be furnished.

9.4 He also argued that though the licensee argued that the receipt, are being issued with legible printing with the appropriate details, the receipt issued for his service for 9/2016 assessment period is with the same discrepancy.

9.5 The Respondent argued that the subject matter of the complaint covered in petition dt.9.3.2016 is same as that of the petition dt.18.3.2015 for which he has already furnished reply on 17.4.2015 and a compensation has also been paid for delay in sending the reply.

9.6 Further as directed by the CGRF of Tirunelveli Electricity Distribution Circle also a reply was sent to the Appellant vide letter கடித எண். த.பொ/ பகிர்/ தி.லி/ செ.பொ/மி/ உ.செ.பொ/பொ/மே/கோ.நு.கு.தீ.ம/அ.எண்653/15 நாள் 25.6.15.

9.7 The Respondent also argued that a detailed reply has also been communicated to the Appellant along with sample receipt on 22.3.2016. The same letter was also communicated to the Appellant by the Superintending Engineer/Tirunelveli Electricity Distribution Circle on 4.6.2016.

9.8 The Respondent also argued that the main complaint of the petitioner for legible printing in appropriate space in the pre receipt has already been complied with.

9.9 The Respondent also argued that the contention in para (3) of the petition dt.18.3.2015 is not coming under the definition given for the complaint clause of part 1.2 (f). Hence, the petition may be rejected based on Regulation 18(d) of the Regulation of CGRF & Electricity Ombudsman.

9.10 As the Respondent has cited regulation 2 (f) of the Regulations for CGRF & Electricity Ombudsman, the said regulation is extracted below:-

*“ (f) “complaint” means any grievance made by a complainant in writing on:-
(i) defect or deficiency in electricity service provided by the licensee;
(ii) unfair or restrictive trade practices of licensee in providing electricity services;
(iii) Charging of a price in excess of the price fixed by the Commission for consumption of electricity and allied services;
(iv) Electricity services which will be unsafe or hazardous to public life in contravention of the provisions of any law for the time being in force.”*

9.10 To confirm whether the details called for in para 3 of Appellants letter dt. 18.3.2015 is coming under the complaint defined as above, the extract of the said para is given below,

“ஆகையால் மேற்கண்ட குறைபாடுகளுக்கு சம்பந்தப்பட்டவர்கள் யார்? யார்? அவர்கள் மீது இது தொடர்பாக எடுத்த நடவடிக்கை என்ன? இக்குறைகளை நிவர்த்தி செய்ய இன்னும் எவ்வளவு காலம் ஆகும்? இப்பணிக்கு பொறுப்பான ஒப்பந்தகாரரிடம் மேற்படி குறைபாடுகளுக்கு அபராதத் தொகை எவ்வளவு வசூல் செய்யப்பட்டுள்ளது ?

9.11 As per the above para, the details in respect of the following has been requested by the Appellant.

(i) Who all are responsible for the issue of receipts with defects in printing the details? and the action taken on them?

(ii) How much time will be required further to correct the above defect?

(iii) What is the penalty amount recovered from the concerned contractor for printing the pre-receipt with the above defects?

9.12 I would also like to refer the definition of complainant and consumer specified in regulation 2(e) & 2(g) of the Regulation for CGRF & Electricity Ombudsman in this regard which are extracted below:-

CGRF & Electricity Ombudsman Regulation:

“2. In these Regulations, unless the context otherwise requires:

(a) xxx xxx xxxx

(b) xxx xxxx xxxx

(e) “complainant” means—

(i) a consumer of electricity supplied by the Licensee including applicants for new connections;

(ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force;

(iii) the Central Government or any State Government - who or which makes the complaint;

(iv) one or more consumers, where there are numerous consumers having the same interest;

(v) in case of death of a consumer, his legal heirs or representatives

(g) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person as the case may be."

9.13 On a conjoint reading of the definitions of complaint, complainant and consumer specified in the forum Regulations it is noted that the consumer's grievance in respect of his own service could alone be come under the definition of complaint.

9.14 The consumer is having every right for seeking a receipt with legible printing so as know to the particulars printed on it. If the receipt is having any defect, then the licensee has to issue a duplicate receipt with all the details that are to be printed in the receipt. But seeking the details such as

(i) who are all responsible for the issue of defective receipt,

(ii) action taken on the person responsible for issue of such receipts and

(iii) amount of penalty recovered from the printers may not come within the meaning of the complaints furnished in para 9.10 which is to be redressed by the CGRF & Electricity Ombudsman and for claiming compensation for not responding to the complaint.

9.15 In this case, the Respondent has given reply and also informed that corrective action has been taken to issue receipts with legible printing on the appropriate place. Hence, I am of the view that the Respondent has taken action to redress the issue.

9.16 Further, the Respondent has cited regulation 18(d) of the Regulation for CGRF & Electricity Ombudsman and argued that the petition may be dismissed.

Hence, the regulation 18(d) is extracted below:-

18 The Electricity Ombudsman may reject the complaint at any stage if it appears to him that the complaint made is;

(a) xxxx xx xxxxx

(b) xxx xx xxx

(c) xx xx xxx xxx

(d) prima facie, there is no loss or damage or inconvenience caused to the complainant.

9.17 On a careful reading of the Regulation 18(d) it is noted the prima facie if there is no loss or inconvenience caused to the complaint, the complaint can be rejected by the Electricity Ombudsman.

9.18 On a careful examination of the receipt issued by the Appellant it is seen that the details such as service connection number, receipt No., date of payment, amount in words were printed in the receipt but due to mismatching of software and the printed pre-receipt, the details have been printed not in the appropriate places. As argued by the Appellant, it is difficult to read the details printed on the receipt issued, however, there was no loss to the consumer as the payment has been properly accounted. Hence, I am of the view that there is no loss or

inconvenience caused to the Appellant. Hence, I am in agreement with the Respondent's argument that the petition has to be dismissed as per regulation 18(d) of the Regulation of CGRF & Electricity Ombudsman.

9.19 In view of the following, I am unable to accept the prayer for payment of compensation for not responding to the letter dt. 9.3.2016.

(i) For the same subject matter, the respondent has already paid a compensation of Rs.250/- for not responding to the consumer complaint.

(ii) The Respondent has informed that corrective action has already been taken to issue the receipt with proper details printed on the appropriate places and furnished sample receipts in support of the above.

(iii) The details called for by the Appellant does not come under the definition of complaint defined in the Regulation.

(iv) Prima facies there is no loss or inconvenience caused to the Appellant.

10. Observation:

10.1 It is observed that due to mismatching of the software for printing the receipt and the printed pre-receipts the receipts issued in Tirunelveli Region for the payments made for the CC receipts are found to be not legible. In this connection, it is suggested that instead of printing the details on the printed pre-receipt, the licensee may examine the feasibility of printing all the necessary details on a plain receipt with serial number.

10.2 Further, the licensee may examine the suggestion of the Appellant that the details such as name of the section, name of the Distribution, the assessment period for which payment is made etc, shall also be printed in the receipt.

11. Conclusion:

11.1 In view of my findings in para above, I am unable to interfere with the order of the CGRF of Tirunelveli Electricity Distribution Circle.

11.2 With the above findings the AP No. 58 of 2016 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru.V. Murugan,
Anandam Colony,
7H, V.M. Chatram Road,
Tirunelveli – 627011.

2) The Chief Engineer /Distribution,
Tirunelveli Region,
TANGEDCO,
Maharaja Nagar,
Tirunelveli – 627 011.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Tirunelveli Electricity Distribution Circle,
TANGEDCO (Formerly TNEB)
Maharaja Nagar,
Tirunelveli – 627 011.

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

5) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
Egmore, Chennai – 600 008.

6) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
Egmore, Chennai – 600 008.