



TAMIL NADU ELECTRICITY OMBUDSMAN

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

Phone : ++91-044-2841 1376 / 2841 1378/ 2841 1379 Fax : ++91-044-2841 1377
Email : tnerc@nic.in Web site : www.tnerc.gov.in

BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.2 of 2016

Thiru. J. Sridhar,
Plot No.25, Door No.6,
Vth Main Road,,
Velacherry,
Chennai – 42.

..... Appellant

Vs

The Superintending Engineer,
Chennai Electricity Distribution Circle/South,
TANGEDCO,
110 KV SS Complex,
K.K. Nagar, Chennai – 78.

.....Respondent
(Rep by K. Kumar, AEE/Velacherry)

Date of hearing : 29-3-2016

Date of order : 10-5-2016

The appeal petition dated 15-12-2015, filed by Thiru. J. Sridhar, Velachery, Chennai-42 was registered as Appeal Petition No. 2 of 2016. The above petition came up for hearing before the Electricity Ombudsman on 29-3-2016. Upon perusing the appeal petition, counter affidavit and after hearing the arguments of the Respondent on the hearing date, Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

Because of the mistake of the Assessor he has paid excess amount during August-15 assessment period and hence prayed suitable action as deemed fit may please be taken against the Assessor for not taking meter reading regularly and finding fault like door lock etc., when actually not the case.

2. Brief history of the Case:

2.1 The Appellant is the owner of service connection No.210-010-20 and 210-010-895.

2.2 In June 2015 assessment period, the previous assessment period consumption charges was collected for both the services with remark as Door Locked.

2.3 In the August 2015 assessment period, reading was taken and bill was raised for the total consumption duly subtracting the CC charges collected for June 2015 assessment period.

2.4 Because of the mistake in taking reading, the appellant felt that he has been charged more and filed a petition before the CGRF for necessary action.

2.5 The CGRF issued its order on 12.11.2015. Aggrieved by the order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

3. Arguments of the Appellant furnished in the petition.

3.1 In the petition filed before the CGRF, the Appellant has furnished the following arguments :

(i) The TANGEDCO office, Velachery is not taking meter readings regularly. Meter reading last taken on 20.4.2015. For the months of June 2015, he has paid EB charges based on the April month readings. But, in the A/c Summary of TNEB it is mentioned as Door Lock for not taking meter reading (In respect of SC No.210-010-20), it is not correct as meter cards are kept near meters before 20th of the reading month. For the month of August (in respect of SC No.210-010-20) the meter reading is 1798. After deducting the amount paid for 460 units (890+460) he has to pay for 448 units only. But, the consumption is shown as 990 units and amount payable is Rs.1420/- Actually the reading was not taken on 25.8.2015 as stated. The reading as on 3.9.2015 is only 1891. Because of the mistakes in the readings he has to pay more charges in the above 500/- slab.

(ii) In respect of SC No.210-010-895 reading was not taken after April 15, Dues for June 15 are paid based on April readings. Meter reading as on 20.8.2015 is 3483 and he has to pay for 343 units only. But, the reading is mentioned as 530 against 343 units. The reading shown as on 3.9.2015 is 3520 . Because of the mistakes he has to pay more charges in the above 500 slab.

(iii) Because of the mistake of TANGEDCO staff consumer should not suffer. This is brought to your notice for information and necessary action.

3.2 In the appeal petition, the Appellant has furnished the following :

(i) The case was decided without personal hearing.

(ii) The premise owned by him is partly commercial and residential. Commercial property is leased to Bank and Computer Organisation.

(iii) It is not possible for door lock.

- (iv) Meter reading not taken regularly, eventhough cards are kept near meter.
- (v) Meter reading taken after 1st, but noted as taken on 20th.
- (vi) For the fault of Assessor/billing staff consumers are penalised to pay more amount in the Highest slab. They are also making mistakes in calculation. Hence, it is requested that suitable action as deemed fit may please be taken against the assessor for not taking meter reading regularly and finding fault like door lock etc., when actually not the case.

4. Arguments furnished by the Respondent :

- 4.1 The premises owned by the petitioner is partly commercial and residential. Commercial property is leased to bank and computer organisation.
- 4.2 It is possible for main gate lock during bank holidays.
- 4.3 The meter readings were taken regularly and noted in the consumer ledger then and there.
- 4.4 While conducting enquiry to the concerned Assessor, it is came to know that on the particular day 20.6.2015, the above premises is in door lock only and the same was recorded in the consumer ledger by the Assessor and also the consumer has paid only the actual current consumption charges.

5. Hearing held by the Electricity Ombudsman

- 5.1 To enable the Appellant and the respondent to purforth their arguments in person, a hearing was held before the Electricity Ombudsman on 29.3.2016.
- 5.2 The Appellant has not attended the hearing.
- 5.3 Thiru. K. Kumar, Assistant Executive Engineer/O&M/Velachery attended the hearing on behalf of the respondent and putforth his side arguments.

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

6.1 Thiru. K. Kumar, Assistant Exe. Engineer/O&M/Velachery reiterated the contents of the counter.

6.2 The AEE explained that the charges levied for the 8/2015 assessment period is taking into accounts of the amount already collected for 6/2015. He also explained that the total consumption for 6/2015 & 8/2015 was arrived based on the reading taken during 4/2015 & 8/2015 and the total consumption was equally divided between 6/2015 & 8/2015 assessment period and the CC charges was calculated accordingly. Hence, argued that the CC charges for assessment period 8/2015 collected in both the services are correct and confirming to the procedure in vogue only. He emphasized that no higher slab rate was adopted while computing the CC Charges.

6.3 The AEE also argued that there are four services in the said premises out of which two services are for Domestic, one is utilised for a company and the other one is for a bank. The AEE also informed that he went for an inspection of the disputed services on a working day and found that the main gate was in closed condition but not in locked condition at the time of his inspection.

6.4 The AEE also informed that 20.6.2015 is a Saturday and it is not a Bank holiday. The AEE also informed that as per the present condition of the premises, the contention of the Appellant that there is no possibility of recording Door lock on working day is acceptable. But, argued that the position as on 20.6.2015 cannot be judged based on the condition prevailing at present.

7. Written Argument of the Appellant :

7.1 The Appellant has not attended the hearing and have also not authorised any person to attend the hearing on his behalf. However, he furnished the following in his written arguments dt.1.4.2016.

(i) He informed that 20.6.2015 is a third Saturday of the month and the Bank holidays for 2nd & 4th Saturdays came into effect only after Sept 2015.

(ii) As already stated in his petition there is no question of door lock of his premises. Door is kept open from 9.00 AM to 7.00 P.M on all days and locked only after 9.00 P.M.

(iii) He has paid more charges than the actual payable.

(iv) He has pointed out a News published in a Tamil daily about irregular meter reading taken after the prescribed period.

(v) The counter affidavit filed by the Respondent may be rejected as the same is suppressing the facts.

(vi) Case may be decided on merits.

8. Findings of the Electricity Ombudsman :

8.1 On a careful consideration of the argument putforth by the rival parties, I find the following as a issue to be decided.

(i) Whether the contention of the Appellant that he has been levied more charges than what is chargeable during the disputed period is correct ?

8.2 The Appellant informed that during 6/2015, assessment period in service No.210-010-20 & 210-010-895, the previous month charges were levied by indicating Door Lock.

8.3 He argued that it is not possible to have door lock condition in the said service as a Bank & computer organisation are also functioning in the said premises. He also informed that the doors were kept open from 9.00 AM to 7.00 PM on all days and is locked only after 9.00 PM.

8.4 He also argued that because of not taking reading during 6/2015 assessment he has paid more charge than what he has to pay for the 8/2015 assessment period and hence requested for action as deemed fit on the Assessor concerned.

8.5 The Respondent's representative (viz) the Assistant Executive Engineer/ Velachery informed that he visited the premises and noted that the Gate was in closed condition but not in locked condition. However, the Asst. Executive Engineer also informed that the position as on 20.6.2015 was not known to him. He also informed that while on enquiry, the Assessor of that area, has replied that he was unable to take reading on 20.6.2015 due to door lock condition.

8.6 Regarding levying of CC charges at a higher slab rate, the AEE argued that the levy is as per regulation and explained the calculation done to establish that there is no extra levy due to marking of door lock during 6/2015 assessment period. He informed that the total consumption recorded from 20.6.2015 to 25.8.2015 was equally divided between 6/2015 & 8/2015 and the charges are worked out accordingly. The amount already collected during 6/2015 assessment period was deducted and the balance amount alone was collected from the consumer.

8.7 As it is assessment for a door lock period and subsequent assessment period, I would like to refer regulation 10(1)&(2) of the TN Electricity Supply Code which are extracted below :

“10. Inaccessibility of meter for reading.

(1) When a Low Tension consumer leaves his installation connected to the Licensee’s mains but makes it inaccessible for reading by the employees of the Licensee, the consumer shall, for the first occasion of such inaccessibility, be charged provisionally on the basis of the amount charged on the previous assessment. The employee of the Licensee will leave an assessment slip in the premises, wherever possible.

(2) If, on the next occasion, the meter is accessible for reading, the consumer will be charged for the actual consumption less the amount already charged, subject to the minimum monthly charges for both the periods. If, on the other hand, the meter remains inaccessible on the second occasion also, the consumer will be served with a ¹[48 hours notice] to open his premises at a fixed time and date to enable an employee of the Licensee to read the meter. In the said 48 hours notice, the consumer shall also be informed that the supply to his premises will be disconnected as per Section 163(3) of the Electricity Act, 2003, if he does not provide access to the meter. If the meter is now made accessible for reading, the consumer will be charged the actual consumption less the provisional amount charged and paid for the first period of inaccessibility subject to the minimum monthly charges for both the periods. If the meter remains inaccessible even after the 48 hours notice, the supply to the premises will be disconnected and for that period also provisional amount as in the case of previous occasion will be charged.

8.8 On a careful reading of the said regulation 10(1), it is noted that whenever the licensee was not able to take reading due to inaccessibility, the first occasion of such inaccessibility be charged provisionally on the basis of the amount charged on the previous assessment. If on the next occasion, the meter is accessible for reading, the consumer will be charged for the actual consumption less the amount already charged, subject to minimum monthly charges for both periods.

8.9 In the case on hand, it is noted that in both the services, reading was not taken during 6/2015 period, but charged and collected as per previous assessment period. During 8/2015 assessment period, readings were taken and the consumer was charged for the consumption made during both the periods duly taking account of the provisional amount already paid for 6/2015. The working of the consumption charges for the respective period is given below :

(A) SC No.210-010-20 :

Consumption charges for 4/2015 :	Rs.1210/-
Provisional consumption charges levied for 6/2015 :	Rs.1210/-
Reading noted on 20.4.2015 :	890
Reading noted on 20.6.2015 :	Door Lock
Reading noted on 25.8.2015 :	1880
Total consumption recorded from 20.4.2015 to 25.8.2015 i.e for the 6/2015 & 8/2015 assessment period :	990 units
The consumption for 6/2015 :	$\frac{990}{2} = 495$ units
Consumption for 8/2015 :	495 units

Energy Charges calculation for 495 units :

0 - 200 units - Rs.2 x 200 units :	Rs.400.00
201- 495 units –Rs.3 x295 units :	Rs.885.00
fixed charges for 2 months :	<u>Rs. 30.00</u>
Total :	<u>Rs.1315.00</u>
Consumption charges as per applicable tariff for 6/2015 :	Rs.1315.00
Consumption charges as per applicable tariff for 8/2015 :	Rs.1315.00
Total charges :	Rs.2,630.00
Charges already paid during 6/2015	Rs. <u>1210.00</u>
Balance to be collected	Rs. <u>1420.00</u>

(i) The amount collected during 8/2015 was also Rs.1420/- only. Hence, the charge levied is as per regulation & Tariff order only.

(ii) It is also noted that the Appellant was charged Rs.1210/- during 6/2015 which is the same as that of the previous assessment 4/2015. Hence, the provisional charges levied during 6/2015 also confirm to regulation 10(1) of the Supply Code.

(B) SC No.210-010-895

Consumption charges levied for 4/2015 assessment period	:	Rs.245/-
Provisional consumption charges levied for 6/2015 assessment period due to door lock	}	Rs.245/-
Reading noted on 20.4.2015	:	2990
Reading noted on 20.6.2015	:	Door lock
Reading noted on 25.8.2015	:	3520

Total consumption recorded from 20.4.2015 to 25.8.2015 i.e. consumption for 6/2015 & 8/2015 assessment period	}	530 units
Therefore, consumption for 6/2015	:	$\frac{530}{2} = 265$ units

Consumption for 8/2015 : 265 units

Energy Charges calculation for 265 units:

0 – 200 units - Rs.2 x 200 units	:	Rs.400/-
201 – 265 units - Rs.3 x 65 units	:	Rs.195/-
fixed charges for 2 months	:	<u>Rs.30/-</u>
Total	:	<u>Rs.625/-</u>

Consumption charges for 6/2015	:	Rs.625/-
Consumption charges for 8/2015	:	Rs.625/-
Total charges for 6/15 & 8/15	:	Rs.1250/-
Charges already paid during 6/2015	:	Rs.245/-
Therefore, the balance charges to be paid for 8/2015	:	Rs.1005/-

(i) The licensee has collected Rs.1005/- only from the Appellant during 8/2015. Hence, the charges levied during 8/2015 is correct and confirming to regulations & tariff order only.

(ii) It is also noted that the Appellant was charged Rs.245/- only during 6/2015 assessment period which is same as of the previous assessment period 4/2015. Hence, the provisional charge levied during 6/2015 also confirms to regulation 10(1) of the Supply Code.

8.10 In view of the findings furnished in para 8.9(A)(i)&(ii) and 8.9(B)(i)&(ii) above, I am of the view that the Appellant was not overcharged due to marking of door lock in 6/2015 assessment period in both the services.

8.11 The Appellant also contended that in SC No.210-010-895, the meter reading was 3483 on 20.8.2015 and 3520 on 3.9.2015. But, he has been charged for 530 units considering reading as 3520 in 500 units slab. Similarly in SC No.210-010-20 also, the meter reading as on 3.9.15 is 1891 and no reading was taken on 25.8.2015 as stated.

8.12 The Respondent argued that readings have been taken on 25.8.2015 only and are recorded. The Respondent also argued that as the bimonthly consumption recorded in both the services are less than 500 units, the consumer was not charged under more than 500 slab rate.

8.13 In this connection, the reading noted by the assessor and the consumer are given below :

	<u>SC No.210-010-20</u>	<u>SC No.210-010-895</u>
Reading noted by assessor on 25.8.2015	1880	3520
Reading noted by the consumer 3.9.2015	1891	
Reading noted by the consumer on 20.8.2015	-	3483

8.14 As per my working given in para 8.9, it is noted that the rate at which the consumer was charged is the tariff rate applicable for less than 500 units only.

9.15 Hence, I am of the view that the Appellant was not charged at more than 500 units slab rate in both the services.

8.16 The Appellant has requested for action against the Assessor concerned for not taking meter reading regularly and noting down Door lock in both the services when there is no possibility of such occurrence in his services. He informed that the door is in open condition from 9.00 AM to 7.00 PM in all days.

8.17 In this connection, the Asst.Exe. Engineer/Velachery argued that during his inspection, he found the gate was in closed condition but not in locked condition. However, the condition as on 20.6.2015 is not known to him. He also informed that on enquiry, the Assessor informed that the Door was in locked condition on that date.

8.18 As per the statements of the Appellant and the Respondent it could be inferred that during all days between 9.00 AM to 7.00 PM, the door will be normally in open condition (not in locked condition) and meter reading could be taken in the said services (ie) the Door Lock condition may not arise.

8.19 In this regard, I would like to state that the duty of the Electricity Ombudsman is to receive the appeal petition against the order of CGRF and settle the issue through conciliation and mediation between the licensee and the aggrieved parties or by passing an award in accordance with Acts and Rules or Regulation, made thereunder.

8.20 Hence, I am of the view that the Electricity Ombudsman can only settle the issue between the licensee and an aggrieved consumer, and it is the duty of the licensee to take action if any needed on his employees based on the order of the

forum or Electricity Ombudsman. Hence, I am not issuing any orders on the prayer of the Appellant to take action as deemed fit against the concerned Assessor.

9. Conclusion :

9.1 In view of my findings in para 8 above, I am of the view that the current consumption charges levied for door lock period (6/2015) and the subsequent assessment period (8/2015) for both the services i.e. 210-010-20 & 210-010-895 are conforming to regulation and there is no excess collection.

9.2 With the above findings, the A.P.No.2 of 2016 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru. J. Sridhar,
Plot No.25, Door No.6,
Vth Main Road,,
Velacherry,
Chennai – 42.

2) The Superintending Engineer,
Chennai Electricity Distribution Circle/South,
TANGEDCO,
110 KV SS Complex,
K.K. Nagar, Chennai -78.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Chennai Electricity Distribution Circle/South,
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
No.19A, Rukmini Lakshmiipathy Salai,
Egmore,
Chennai – 600 008.

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