



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.73 of 2015

Thiru. S. Thirugnanam,
No.360, Indira Gandhi Street,
K.K Nagar,
Trichy – 620 021.

..... Appellant
(Party in person)

Vs

The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
TANGEDCO,
Mannarpuram,
Trichy – 600 020.

..... Respondent
(Thiru. Asokan, AEE/K.K. Nagar)

Date of hearing : 3-1-2017

Date of order : 20-2-2017

The petition filed by Thiru S. Thirugnanam, K.K. Nagar, Trichy was registered as Appeal Petition No. 73 of 2016. The above appeal petition came up before the Electricity Ombudsman for hearing on 7-12-2016. Upon perusing the Appeal Petition, Counter Affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

Order

1. Prayer of the Appellant:

The Appellant prayed for the following :

- (a) To consider the request of changing the, Tariff of SC No.224-012-174 from V to IA.
- (b) To attend to the low voltage problem
- (c) To change the faulty digital meter.

2. Brief History of the Case:

2.1 The Appellant obtained a service connection No.24-012-174 under Tariff V. The service was utilised for raising trees and watering the plants.

2.2 The Appellant request to change the tariff of the said service from V to IA. But it was not accepted by the licensee.

2.3 The Appellant filed a petition before the CGRF of Trichy EDC/Metro on 29.7.16. As there was no reply from the CGRF, he filed his appeal petition dt.19.9.2016 before the Electricity Ombudsman.

2.4 As 50 days have passed since submission of the petition to CGRF of Trichy EDC/Metro, by the complainant, the petition was taken on the file of the Electricity Ombudsman and registered as A.P.No.73 of 2016.

3. Contentions of the Appellant furnished in the Appeal Petition:

4.1 The contentions of the Appellant furnished in the petition filed before the CGRF was considered as the arguments of the Appellant and furnished below :

(i) For the past four years paying commercial service V for the above service connection. Activity in this plot is only raising trees and watering the plants. No other commercial activity carried out. Grow more trees and gain more rain is the government policy and his social responsibility to society. He has developed this green garden. He feel he has been penalised to pay commercial rate for the electrical service connection.

(ii) The Executive Engineer letter stating that he has applied for V category, so the power connection given in this commercial category only. The service connection application procedure in this office itself not transparent, not friendly, under lot of pressure and loosing patient the power supply given to the individual. This system itself a breeding ground for corruption, no acknowledgment given at the time of submitting the application, the individual has to visit the office may be for hundred times and humiliated.

(iii) The consumer has not been educated and briefed about the various schemes, he has not applied for category V and he has signed, as he has been directed by the commercial inspector and the foreman. The commercial inspector given the assurance that this commercial tariff will be only for six months and then it will be changed to normal tariff.

(iv) Have to visit three/four times to see the Executive Engineer personally, he will initial the application, then he has to see commercial inspector continuously for six months. If he did not meet out his demand, then the CI will say his application is not traceable and advise him to give fresh application, start again from zero.

(v) Application not available with EB office, the so called license holder/the agent sitting outside this office, pay Rs.150/- get the application filled up, submit and wait for few month.

(vi) He is liable to bear cost of the transportation of cement EB pole to the site, if more than one pole he has to hire the JCB to install the pole, he has to bear the cost of manual labour, then the LINEMAN will come and give the connection.

(vii) Then the Foreman, will give few coloured forms to fill (call it as test report – what type of test conducted he does not know) and direct him to so called agent sitting outside this office, then he will direct him to sign here sign here and he has to

look after him. Why should he bear this cost and high handed behaviour of these EB official. When this type corrupt practices will end and he will get power supply on demand without any extra cost. Every applicant will have the same ordeal.

(viii) Bill dated 31st March 2016 and 1st June 2016, under 61907 & 61962 tesing fees and Appl & Regn fees (61909a) total of Rs.250/- rupees collected from him, and the explanation is that he has applied for 1000 watts limit in his original application in the year 2012, now actual usage exceeds 10 w and 30 w extra, for that reason this amount was collected. He requested to show his original application to verify version and got the answer that is not possible and everything is uploaded in the computer, what is reflected in the computer, go accordingly and charge the customer. This is totally unfair and even if he has drawing extra load from the power line, ask for revised application and ratify the older one. That is the right way of solving the issue.

(ix) Power supply to VGP Roja Town area is at very low voltage & low amp 100 to 120 volt and due to absolute necessity he has to operate his water pump, getting minimum flow & less quantity of water, more hours he has to run the pump, that means more units and more money he has to pay to the TNEB. Operating the pump at low voltage, frequent breakdown and maintenance cost escalates. For the deficiency in service he has to pay abnormal amount under commercial rate, this is totally unfair.

(x) The digital meter installed recently shows abnormal power consumption, in 14 days 34 units is a abnormal reading, in his previous reading shows 40 units in a 50 days, time. Everyday closes his activity at 1830 hrs, everyday watch the meter reading, it did not start at 6.7, instead of 6.7 it is rounded off to 7kwh, 9.8 to 10kwh, 14.8 to 15kwh, so every day 0.2 or 0.3 units jumps off and in the month he may end

up in paying 12 to 15 units more without exactly using the power supply, So he feel this digital meter is faulty and need proper calibration. Normally two month power consumption will be around 50 units, but after installing the digital meter the power consumption gone to 132 units. The Executive Engineer's reply dt. 4th July did not address these issues.

(xi) He requested the Executive Engineer to take corrective action, no response, then he submitted the petition to the District Collector on 20.6.2016, then he got the reply from Executive Engineer only to the point of tariff transfer issue. What about the low voltage problem and faulty digital meter problem, he didn't get the reply from the Executive Engineer.

(xii) On 30.6.2016 Mullipaatti Village transformer under maintenance upto 16.45 hrs, Lineman visited his garden site, changed the wiring position on the EB pole, clean salt pitting on the wiring terminal then restored the power supply, then supply voltage was 202.3 volt.

(xiii) From next day onwards he has taken the reading of voltage supply, never exceeds 180 volts up till now. For excess usage of watts power EB collected penalty, at the same time lower supply of voltage no compensation from TNEB side, this is totally unfair.

5. Contentions of the Respondent:

5.1. உதவி செயற்பொறியாளர்/இகா/கே.கே.நகர் பிரிவிற்குட்பட்ட மின்இணைப்பு எண்.224-012-174 வீதப்பட்டி Vல் 27.10.2012ல் திரு. எஸ். திருஞானம், த/பெ சீனிவாசன், பிளாட் எண்.3, விஜிபி ரோஜா டவுன் முகவரியில் கொடுக்கப்பட்டுள்ளது. மின்இணைப்பு கொடுக்கப்பட்டுள்ள வளாகத்தில் தற்பொழுது பலவகைப்பட்ட மரங்கள் வளர்க்கப்பட்டு வருவது உண்மையாகும். மின் நுகர்வோரான புகார்மனுதாரர் கோரியபடி விகிதப்பட்டி Vல் மின்இணைப்பு

கொடுக்கப்பட்டு கடந்த 4 வருடங்களாக வசூல் செய்யப்பட்டு வருகிறது. மேற்படி மின்இணைப்பில் மின்கட்டணத்தை தவிர கூடுதல் தொகை ஏதும் வசூல் செய்யப்படவில்லை. மேற்படி மின்இணைப்பு உள்ள வளாகத்தில் மரங்கள் வளர்ப்பது புகார் மனுதாரரின் தனிப்பட்ட விருப்பமாகும். மரங்கள் வளர்ப்பதற்கு மட்டும் வீட்டு மின்இணைப்பு வழங்க இயலாது.

5.2 கே.கே. நகர் திருச்சி பிரிவு அலுவலகத்தில் மின்இணைப்பு கோரி வரும் விண்ணப்பதாரர்களுக்கு வாரிய விதிமுறைகள் எடுத்து கூறப்பட்டு உடனுக்குடன் மின்இணைப்பு வழங்கப்பட்டு வருகின்றது. பிரிவுப்பொறியாளர், ஆக்கமுகவர், வணிக ஆய்வாளர் ஆகிய அனைவரும் மின்நுகர்வோர்களிடம் கனிவுடன் நடந்து வருகின்றார்கள். விகிதப்பட்டி Vல் விண்ணப்பம் பெறப்பட்டதின் அடிப்படையிலேயே மின்இணைப்பு வழங்கப்பட்டுள்ளது. மனுதார ஆக்க முகவர் மற்றும் வணிக ஆய்வாளர் ஆகியோர் கூறியதின் அடிப்படையில் விகிதப்பட்டி Vல் மின்இணைப்பு பெற்றுக்கொண்டதாக கூறுவது உண்மையல்ல. மேலும், ஆறு மாதம் கழித்து விகிதப்பட்டி Vலிருந்து மாறும் என்று வணிக ஆய்வாளர் கூறினார் என்பது உண்மையல்ல.

5.3 வாரிய பணியாளர்களை கொண்டு மின்கம்பம் மின் கம்பி தொடர் ஆகியவை அமைக்கப்பட்டன.

5.4 மின்இணைப்பு பெற்றபொழுது மின் நுகர்வோர் பரிசோதனை அறிக்கையில் கையொப்பம் இட்டுள்ளார். பரிசோதனை அறிக்கையில் கையொப்பம் இடும் முன் அதில் உள்ள வாசகங்களை படித்து பார்த்து கையொப்பமிட்டுள்ளார்.

5.5 புகார்தாரரின் மின்இணைப்பு சுமார் நான்கு ஆண்டுகளுக்கு முன்பு வழங்கப்பட்டுள்ளது. மின்இணைப்பு கட்டணத்தொகை தவிர வேறு எந்த கூடுதல் தொகையும் பெறப்படவில்லை.

5.6 மின்இணைப்பு பெறும்பொழுது மின்பளுவாக 950 வாட்ஸ் மின்சாரம் விகிதப்பட்டி Vல் பெற்றுள்ளார். அந்த மின்பளு 8.4.2015 மற்றும் 24.3.2016 ஆகிய தேதிகளில் இருமுறை கூடுதலாக பயன்படுத்தியதால் MD exceeded நிலையான கட்டணம் fixed charges மின்பளு அடிப்படையில் செலுத்தியுள்ளார்.

5.7 விஜிபி ரோஜா டவுனில் தற்பொழுது புகார்தாரரின் மின்இணைப்பு மின்மாற்றியில் இருந்து சுமார் 33 கம்பங்கள் தொலைவில் உள்ளது. அந்த இடம் புதிதாக வீடுகள் கட்டப்பட்டு மின்பளு வளர்ந்து வருகின்ற இடமாகும். அதில் மின்அழுத்தம் 190 V அளவில் மின்அழுத்தம் உள்ளது. அதனை மேலும் மேம்படுத்த ஒரு புதிய 100 KVA மின்மாற்றி அமைக்க நடவடிக்கை எடுக்கப்பட்டு வருகின்றது. மின் நுகர்வோர் மின்சாரம் உபயோகத்தில் அடிப்படையில் மின் கணக்கீட்டுத்தொகை கணக்கிடப்படுகின்றது.

5.8 3.6.2016 ல் வழக்கமான மின்கணக்கீடு பணி செய்யும்பொழுது மின் அளவி பழுது எனக்கண்டறியப்பட்டு 18.6.2016 ல் புதிய டிஜிட்டல் மீட்டர் பொருத்தப்பட்டது. அந்த மின் அளவி 25.6.2016 அன்று பிரிவுப் பொறியாளரால் ஆய்வு செய்யப்பட்டு நன்றாக இயங்கி வருவது கண்டறியப்பட்டது. மின் நுகர்வோரிடமிருந்து விகிதப்பட்டி மாற்றம் தொடர்பான கடிதத்தின் அடிப்படையில் 4.7.2016ல் பதில் பிரிவு அலுவலகத்திலிருந்து அனுப்பப்பட்டுள்ளது.

5.9 மாவட்ட ஆட்சித்தலைவர் திருச்சி அவர்களிடமிருந்து புகார் மனுதாரர் அளித்த கடிதத்தில் விகிதப்பட்டி Vல் இருந்து விகிதப்பட்டி IA மாற்றி தர கோரியிருந்தார். அதற்கு உரிய பதில் 4.7.2016ல் பிரிவு அலுவலகத்திலிருந்து அனுப்பப்பட்டுள்ளது. அந்த புகார் மனுவில் மின்அழுத்த குறைபாடு பற்றியோ மின் அளவி பற்றியோ எதுவும் குறிப்பிடப்படவில்லை.

5.10 மின்மாற்றி கம்பித்தொடர் பராமரிப்பு பணிகள் செய்யும்பொழுது மின்நுகர்வோர் நேரிடையாக வாரிய பணியாளர்களிடம் கூறியதின் அடிப்படையில் சர்வீஸ் ஓயர் பிரித்து அடிக்கப்பட்டது.

5.11 மறுநாள் முதல் மின்அழுத்தம் குறைந்து விட்டதாக கூறுவது உண்மையல்ல.

5.12 தமிழ்நாடு மின்சார ஒழுங்குமுறை ஆணைய வழிகாட்டுதலின் படி 12.12.2014ல் வெளியிடப்பட்ட திருத்தப்பட்ட விகிதப்பட்டி கட்டணம் உத்தரவில் விகிதப்பட்டி IA (வீட்டு உபயோகம்) எந்தெந்த அடிப்படையில் வழங்கலாம் என கீழ்க்கண்டவாறு உள்ளது.

Tariff IA :

(i) This tariff is applicable to the following :

a) Domestic/Residential purpose of lights, fans, a/c, Radio /TV and all other home appliances.

b) Supply used in the houses/residence/premises for the following purpose with a total connected load not exceeding 2KW.

1) To Provide lighting, water and other facilities to domestic animals, pets including chaff cutting, milking etc.

2) Watering for gardening including growing of trees in and around residential houses/buildings.

வீட்டு உபயோக பயன்பாடு இல்லாமல் சுமார் 1 ஏக்கர் அளவில் மரங்கள் மட்டுமே புகார் மனுதாரர் தனதுஇடத்தில் வளர்த்து வருவதால் வீதப்பட்டி Vலிருந்து IAக்கு மாற்றும் கோரிக்கை பரிசீலிக்க இயலவில்லை.

6. Rejoinder furnished by the Appellant

(i) The Chairman(CGRF) in his letter conveniently ignored his complaint regarding the power supply request application process, corrupt practices, excess amount collected.

(ii) The digital meter replaced with new meter – the reason for the old meter replacement not briefed to the customer- since old meter L&T meter purchased by him checked by the TNEB authority, installed and running. The average of Rs.400 per month bill jumped to Rs.1000 per month after the installation of the new meter. How they calibrated the new meter and certified, there is no transparency in checking the meter calibration status.

(iii) The Chairman/CGRF did not called him personally and listen to his problem, passed the orders unilaterally. CGRF is for the consumer to submit their problem

and they have to be called and given the chance to speak about their grievances, not like this to pass authoritarian orders. It remain him only British Colonial rule.

(iv) Tree planting is the commercial activity – Under which act and rule it is mentioned as commercial activity. What is bench mark applied to the commercial activity – what is the extent of the area and commercial money making – could you please give me the definition.

(v) At present the problem worsened, voltage drop drastically, 1.5 HP pump not even delivering 250 litres of water per hour, he has to pay the bill as dictated by TNEB and he has to suffer with deficiency in service and shortfall in voltage supply for the past four years. This is totally unfair.

7. Hearing held by the Electricity Ombudsman :

7.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was held before the Electricity Ombudsman on 7-12-2016.

7.2 As the Appellant in his letter dt.7.12.2016 stated that he was unable to travel 6.12.2016 to attend the hearing on 7.12.2016 and hence requested to fix another date for hearing. Accordingly another hearing was conducted on 3.1.2017.

7.3 Thiru. Thirugnanam, the Appellant herein has attended the hearing on 3.1.2017 and putforth his side arguments.

7.3 Thiru Asokan, Asst. Exe. Engineer, attended the hearing on 7.12.2016 & 3.1.2017 and putforth his side arguments.

8.0 Arguments putforth by the Appellant on the hearing date:

8.1 The Appellant reiterated the contents of the appeal petition.

8.2 The Appellant argued that the licensee has not replied to his application submitted for change of tariff. But replied that it is not feasible in response to the petition submitted to the collector.

8.3 The CGRF has not enquired him before sending its communication to him.

8.4 The Appellant agreed that the licensee has commissioned a new transformer in his area and the low voltage problem of his service has been solved. However, he argued that the licensee has to compensate him for the low voltage issue which was persisting in his service before the commissioning of a new transformer.

8.5 The Appellant informed that the meter installed in the service was his meter, the licensee ought to have informed him about the defect in the meter. But, the meter was changed without any information to him.

8.6 He also argued that the Digital meter installed in the service is defective as it shows, more consumption than the previous meter.

8.7 He also argued that he came to know that his service could be categorised under IIIA(I). Hence, argued that the tariff of the service connection may be changed to IIIA(I) from the date of his application submitted to the licensee.

9. Arguments of the Respondent's representative

9.1 Thiru. S. Asokan, Asst. Exe. Engineer/K.K. Nagar, reiterated the contents of the counter.

9.2 The AEE argued that as the Appellant has only a shed constructed in the above site and not a house. Therefore, he argued that the tariff could not be changed to IA.

9.3 The AEE argued that the service is used for watering various trees planted in the said land. Hence, the purpose is not residential. Therefore, it cannot be

categorised as watering the surrounding area around the residence for adopting tariff IA.

9.4 The AEE informed that to improve the voltage of the area, a new 100 KVA transformer was erected in Iraivan Nagar on 3.12.2016 and the voltage measured in SC No.241 nearer to the service connection of the Appellant is 241V, 239V & 236V. Hence, he argued that the low voltage problem has been rectified.

9.5 The AEE also informed that due to defect in the meter, the meter was changed. The new static meter is calibrated and tested in the manufacturer work place. A representative from MRT wing witness the test conducted at the manufacturers site. Therefore, he argued that the meter installed in the service connection is tested meter only.

9.6 The AEE informed that for Horticulture, the tariff adopted is IIIA(I). As the Appellant is arguing that he is utilising the services for growing trees the Appellant may furnish a separate request for change of tariff to IIIA(I) which will be considered as per tariff order.

10. Findings of the Electricity Ombudsman :

10.1 The findings of the Electricity Ombudsman in prayer wise is discussed below :

11. Findings on prayer - One

11.1 The Appellant requested to change the tariff of his service connection no.224-012-174 from V to IA.

11.2 The Appellant argued that he is utilising the service connection for raising trees and watering the plants and no commercial activity is carried out. He also argued that maintaining green garden is not commercial. Hence, he argued that

the said service connection could not be charged under tariff V and to be charged under tariff IA.

11.3 The Respondent argued that the service connection was utilised for growing trees. For growing trees the tariff could not be categorised as IA.

11.4 The Respondent argued that as per tariff order dt.12.12.2014, the tariff IA is eligible for the following :

(a) Domestic/Residential purpose of lights, fans, a/c Radio/TV and all other home appliances.

(b) Supply used in the home/Residence/premises for the following purpose with a total connected load not exceeding 2 kw.

(i) To provide lighting water and other facilities to domestic animals pets including chaff cutting, milking etc.,

(ii) Watering for gardening including growing of trees in and around residential houses/buildings.

11.5 As the Appellant has grown trees in about 1 acre of land without any residential premises the Respondent argued that appellant's request for change of tariff is not acceptable.

11.6 As the Respondent is arguing that the Appellant's request for change of tariff from V to IA is not feasible citing tariff order dt.12.12.2014, the relevant para 6.10 of the tariff order SMT No.9 of 2014 dt.12.12.2014 is extracted below :

“ 6.10 Low Tension Tariff 1-A :

xxx xxxx xxxxx

xxxx xxxx xxxx

xxx xxxx xxxx

i. This tariff is applicable to the following:

a) Domestic/Residential purposes of lights, fans, Air conditioners, radio/TV and all other home appliances.

b) Supply used in the house/residence/premises for the following purpose with a total connected load not exceeding 2 kW.

1. To provide lighting, water and other facilities to domestic animals/pets including chaff cutting, milking etc.

2. Watering for gardening including growing of trees in and around residential houses/buildings.

c) Handlooms in residences of handloom weavers and handlooms in sheds regardless of use of outside labour and where energy is availed of only for lighting, fans and all other residential uses.

d) Public conveniences and Integrated woman sanitary Complexes.

e) Community Nutrition Centres, Anganwadi Centres and Nutritious Meal Centers.

f) Old Age Homes, Leprosy Centers and sub centres. Orphanages, Homes for destitute run by Government/Local bodies/Charitable Institutions rendering totally free services.

g) Consulting rooms of size limited to 200 square feet of any professionals attached to the residence of such professionals. This facility is extended exclusively to take advantage of using the residence by the professionals.

h) In respect of multi tenements/residential complexes supply used for common lighting, water supply, lift and such other facilities provided only to the residents alone may be given a separate connection and charged under this tariff. Only one service connection shall be given for the premises for all common facilities.

i) In respect of multi tenements/multi-story flats/residential complexes having both domestic and non-domestic utilities, common facilities such as common lighting, common water supply, lift and such other facilities will be charged under this tariff only if the non-residential built up area does not exceed 25% of the total built up area.

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.

k) Electric crematorium of local bodies.

l) Handicraft/Artisan works carried out by Potters, Goldsmiths etc. attached to the residence, done predominantly by self or family members using a connected load not exceeding 1 kW. This facility is extended exclusively to take advantage of utilizing the space in and around the residence and participation of family members in the small scale production.

m) Any additional lights, serial lights etc. used in the pandals/shamiana and in the premises of the existing domestic/residential service connection of the consumer for a period not exceeding one week at a time, with a connected load not exceeding 3 kW for the family functions/occasions.”

11.7 On a careful reading of the above para, it is noted that tariff IA could be adopted only for the categories a to m specified above. It is noted from the para(b)2 above, watering for gardening including growing of trees in and around residential house/buildings are coming under Tariff IA.

11.8 But in the case on hand, the service is used for watering the trees but there is no residential house in the above premises. There is only 8' x 8' shed available. Further, the service connection is mainly used for pumping water for watering the trees planted in about one acre of land.

11.9 Hence, I am in agreement with the Respondent that the above service could not be categorised under tariff IA.

11.10 On the hearing date, the Appellant argued that he came to know about the IIIA tariff facility and hence requested to change the tariff from V to IIIA(I) from the date of his application given to Asst. Exe. Engineer/ K.K. Nagar.

11.11 The Asst. Exe. Engineer argued that his request could be considered as per tariff order if the Appellant filed fresh petition for change of tariff to IIIA(I).

11.12 In this regard, I would like to refer regulation 9(2) of the Supply Code which is extracted below :

“9. Meter readings when there is changes in sanctioned demand etc.,

xxx xxx xxxxx

(2) Whenever a tariff change is to be effected in a service connection, such change shall be effected only after obtaining a Revised Test Report (RTR) and the reading taken shall be conclusive proof of the ²electricity consumed till the change of tariff.”

11.13 On a careful reading of the above regulation 9(2) of the Supply Code, it is noted that whenever a tariff change is to be effected in the service, such a change shall be effected only after obtaining a Revised Test Report (RTR) and the reading taken on that day is used for arriving the consumption recorded before the change of tariff.

11.14 As per the above, it is noted that any tariff change could be given only after obtaining RTR and the revised tariff will come into force only for the consumption recorded after noting the reading in the RTR.

11.15 In view of the above, the Appellant is directed to apply for a change of tariff to the Respondent and the Respondent is directed to consider the application and effect the tariff change within 7 days from the date of receipt of the application if it is in order.

12. Findings on prayer – two

11.1 The Respondent informed that a 100 KVA Transformer was erected on 3.12.2016 at Iraivan Nagar and the voltage measured at SC no.241 next to the service connection of the Appellant was found to be 241V, 239V and 236 Volts in R, Y & B phase respectively and hence argued that the low voltage complaint of the Appellant has been rectified.

11.2 The Appellant also agreed that the voltage profile of his service has been improved after commissioning of the new transformer at Iraivan Nagar and therefore informed his grievance of low voltage has been rectified by the licensee.

11.3 As the grievance of the Appellant about low voltage in his service has been rectified, I am of the view that the prayer of the Appellant to rectify the low voltage in his service has been redressed by the Respondent and the issue is closed as settled.

12. Findings on Prayer - three

12.1 The Appellant argued that after changing the meter in his service, the consumption has gone up to more than 132 units whereas the consumption recorded is around 50 units only when the old meter was in service.

12.2 The Appellant also argued that the meter installed in the service was purchased by him. In such a circumstance, the licensee's officers have changed the meter without informing him. He also argued whether the Digital meter installed is tested and calibrated in the lab has not been informed to him.

12.3 The Respondent argued that the meter supplied by the consumer and installed in the service become defective. The defective meter was removed and a new tested static meter was fixed in the said service. The AEE also informed that all the meters ordered by the Board are tested and calibrated in the manufacturers lab in the presence of Boards Engineer of MRT wing and sealed. Therefore, the meter installed in the said service is only a tested meter.

12.4 AEE also informed that the change of meter was duly informed to the consumer by the staff of the licensee. he also explained that for the connected load and for the hours of utilisation of the pump for watering the trees, the consumption recorded is correct only.

12.5 The Respondent also informed that the meter was checked by the section officer on 24.6.2016 and found to be in good working condition.

12.6 In this regard, I would like to refer regulation 7(9) of the Supply Code, which is extracted below :

“7. Installation of Meter

xxx xxxx xxxxx

(9) If the consumer considers that the meter is defective, he may apply to the Licensee to have a special test carried out on the meters at any time and the cost of such a test shall be borne by the Licensee or the consumer according as the meter is found defective or correct as a result of such a test. ¹[The aforementioned special test for the disputed energy meters including the suspected/defective meters shall be carried out in the Third Party testing laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) and till such time the Third Party Meter Testing Arrangement is established, the licensee shall have the special test conducted by the Chief Electrical Inspector to Government of Tamil Nadu]. The

meter shall be deemed to be correct if the limits of error do not exceed those laid down in the relevant rules made under the Act. The consumer may also be allowed to install a check meter after recalibration by the Licensee. Such check meter shall be of high quality, high precision and high accuracy and sealed by the Licensee. Whenever the Licensee's meter becomes defective the check meter reading may be taken for billing.

xxx xxxx xxx”

12.7 On a careful reading of the said regulation, if the consumer consider that the meter is defective, the consumer may apply to the licensee to have a special test carried out on the meter and cost of such a test shall be borne by the licensee or the consumer accordingly as the meter is found defective or correct as a result of such test. The above test has to be conducted in the Third party testing laboratories accredited by National Accreditation Board for testing and calibration laboratories (NABL) and till such time, the Third party meter testing arrangement is established, the licensee shall have the special test conducted by the Chief Electrical Inspector to Government of Tamil Nadu. The meter shall be deemed to be correct if the limits of the error do not exceed those laid down in the relevant rules made under the Act.

12.8 As the licensee is stating that the meter is in good working condition and the Appellant is insisting that the meter is defective, the licensee may arrange to conduct a special test on the meter to confirm the correctness of the meter if the Appellant requested for such test.

12.9 In the amendment to M.P.No.41 of 2003, dt.8.9.2009, the following has been stipulated with regard to challenge test.

" (i) xxx xxx xxx The challenge test shall be done either at Government Electrical Standards Laboratory (GESL) run by Chief Electrical Inspector to Government of Tamil Nadu or at National Accreditation Board for Testing and Calibration Laboratory (NABL) accredited laboratories and the place of such challenge test shall be left to the discretion of the consumer. The charges for challenge test shall be as per the rates in force at GESL and NABL accredited laboratories.

xxx xxx xxx xxxxx

(iv) Charges for the Challenge Test made at Government Electrical Standards Laboratory (GESL) or at National Accreditation Board for Testing and Calibration Laboratory (NABL) shall be as per the rates in force at GESL or NABL, as the case may be, which shall be collected by the licensee from the consumer for whom the said Challenge Test was made."

12.10 On a careful reading of the above, it is noted that the challenge test shall be conducted either at Govt. Electrical Standards Laboratory (GESL) or at anyone of the National Accredited Laboratories and the place of challenge test shall be left to the discretion of the consumer. The charges for challenge test shall be as per the rates in force at GEPL and NABL accredited laboratories. The licensee is directed to inform the testing charges applicable for testing the meter at GESL and NABL accredited laboratories to the Appellant and conduct the special test on the disputed meter at the laboratory opted by the Appellant, if the Appellant wishes to have a 'challenge test' on the meter. Based on the test results the condition of the static meter whether in good condition or not shall be decided. If the meter is declared as defective, a new tested meter may be installed in the said service and the CC charges for the defective period may be levied as per regulation 11 of the Supply Code.

13. Observation :

The Appellant has narrated the difficulties experienced by him from registering his application till effecting of service connection in detail in the appeal petition. They needs the attention of the licensee. Therefore, the Superintending Engineer/Trichy EDC/Metro is directed to examine above issue in details and take suitable action to avoid such complaints in future.

14. Conclusion :

14.1 In view of my findings for the prayer one furnished in para 11 above, the

Appellant's request for change of tariff from V to IA is not accepted.

14.2 As the grievance of low voltage in the Appellant's service has been redressed by the licensee, the prayer two of the Appellant is already met by the licensee. therefore, the above issue is closed as settled.

14.3 The Appellant may apply for a challenge test of the meter if he consider the meter installed in his service is defective. The licensee may arrange for the challenge test as per the guidelines given in the regulation and act accordingly based on the test results if the consumer opt for a challenge test.

14.4 With the above findings, AP No. 73 of 2016 is finally disposed of by the Electricity Ombudsman. No Cost.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru. S. Thirugnanam,
No.360, Indira Gandhi Street,
K.K Nagar,
Trichy – 620 021.

2) The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
TANGEDCO,
Mannarpuram,
Trichy – 600 020.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Trichy Electricity Distribution Circle/Metro,
TANGEDCO,
Mannarpuram, Trichy – 600 020.

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 Lakshmipathy Salai,
Egmore,
Chennai – 600 008.

6) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathy Salai,
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