



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.99 of 2016

M/s Natesan Housing (P) Ltd.,
Represented by its Director V.P. Seetharaman,
Ponni Delta,
Kallanai Road, Near Thiruvallur Salai
Thiruvanaikovil,
Trichy – 620 005

..... Appellant
(Rep by Thiru T. Singaravelu,
Advocate &
Thiru. V.P. Seetharaman)

Vs

1) The Junior Engineer / O & M/ Thiruvanaikovil,
Trichy Electricity Distribution Circle/ Metro,
TANGEDCO,
No. 26, Srinivachari Street,
Old J.J. Kalayana Mandapam,
Srirangam – 620 006.

2) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Trichy Electricity Distribution Circle / Metro,
TANGEDCO,
Mannarpuram, Trichy – 620 020

..... Respondents.
(Rep by S. Prakasam, EE/Srirangam &
M. Shanmugam/AEE/Srirangam)

Date of hearing : 24-2-2017

Date of order : 23-6-2017

The petition filed by M/s Natesan Housing (P) Ltd., Thiruvanaikoil, Trichy was registered as appeal petition No.99 of 2016. The above petition came up for hearing before the Electricity Ombudsman on 24.2.2017. Upon perusal of the appeal

petition, counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

Order

1. Prayer of the Appellant: This Honourable authority may kindly call for the records from the 2nd respondent and pass suitable orders or alternatively direct the 2nd Respondent to pass suitable orders and also restrain the first Respondent from any manner disconnecting the existing service connections.

2. Brief History of the case:

2.1 The Appellant obtained service connection on 262-012-685 on 7-9-2011 under tariff I A for a sanctioned load of 4-6 kw.

2.2 The Respondent issued a notice to pay the audit arrears of Rs.4,68,867/- stating that the service has to be charged under Tariff VI instead of Tariff IA.

2.3 The Appellant filed a petition dt. 27.5.2016 before the CGRF to set aside the audit arrears. The CGRF has not issued any orders on the above even after lapse of 7 months. Hence, the Appellant filed this appeal petition before the Electricity Ombudsman.

2.4 As per regulation 17 (4) (a) of the Regulation for CGRF & Electricity Ombudsman, the consumer can file his petition before the Electricity Ombudsman, if he has not got any reply from the Forum within a period of 50 days. As the consumer has stated that he has not got any reply for more than 7 months from the date of acknowledgement, the above petition is registered as an appeal petition.

3. Arguments of the Appellant furnished in the Appeal petition :

3.1) The appellant is engaged in the construction of retirement community houses and flats in survey numbers 22/2, 5, 7 & 9 – 20/1 & 2, 11/2B1, - 11/2D1 & 12/1P. For the said construction of houses the plans have been approved in the said survey numbers by DTCP / Trichy Corporation.

3.2 The appellant has reserved certain survey numbers viz., 21/8 & 14 – 22/4, 7A, 7B, 10 & 11–23/3, 23/4 & 5, 24/3, 5, 206/2,4,6 & 7, 9/4, 10/1, 11/1A, 10/2A, 11/2A & 2C1 covered in sale deed numbers 798/2006 and 799/2006 for enabling the workers to have their residence.

3.3 The construction area is different from the areas reserved for residential purpose. In respect of the area covered or ear marked for the residence of workers a separate service connection bearing no.262-012-685 was obtained under category number IA. Neither construction activity nor any commercial activity is carried in respect of the areas earmarked for the residence of workers. Under such circumstances, the Tariff IA was levied.

3.4 By means of proceedings in number 82/15 & 135/15 dated 10.02.2015 & 05.11.2015 respectively, the Junior Engineer O & M issued a notice stating that the appellant has to pay a sum of Rs.4,68,867/- under the revised category of tariff levied under category (VI) and thereby he has stated that tariff IA is not applicable to the area earmarked for the residence of the workers on the ground that it is part and parcel of the construction area. The appellant has submitted a detailed explanation. On the basis of the representation, the authority has also recommended that the said objection raised by the department is not right and requested the authorities to reconsider their decision and continue to order the tariff under the category IA.

3.5 However the representation given by the appellant as well as the department was not considered by the assessing authority and has passed the final orders in proceedings no.24/2016 dt 18.05.2016 calling upon the appellant to pay a sum of Rs.4,68,867/- within a period of 15 days failing which has threatened to disconnect the service connection and proposed to initiate action. The appellant having been aggrieved of the said proceedings is preferring this appeal.

3.6 The impugned proceedings in 24/2016 dated 18.05.2016 issued by the Junior Engineer O & M, Thiruvanai Kovil, Trichy – 5 is against the Electricity Act and also against the terms and conditions in as much as there is no violation or theft of energy.

3.7 The Assessing authority also failed to appreciate the recommendations made by the Executive Engineer in his proceedings no.591/16 dated 28.03.2016.

3.8 The Assessing Authority has failed to see that the construction area is different from residence for workers and there is no connection between the two in as much as both areas fall under different survey numbers.

3.9 The Assessing Authority has failed to see that no commercial activity is carried out in respect of areas where the workers are residing.

3.10 In the service connection under IA for workers residence, no commercial activity is carried out for the benefit of Ponni Delta. There is no nexus between the two areas and one can exist without the other. This area is not part and parcel of the Ponni Delta Construction Site.

3.11 The Assessing Authority ought not to have changed the tariff from IA to VI. The impugned order is not a speaking order and did not contain any reasons.

3.12 The Assessing Authority has not given any valid reason why he has come to such conclusion for changing the tariff from IA to VI. The conclusion arrived is without any basis.

3.13 The Assessing Authority has not given reasonable opportunity to the appellant before changing the Tariff from IA to VI and the same amounts to violation of principle of natural justice i.e., the appellant was condemned without being heard.

4. Argument of the Respondent furnished in the counter :

4.1 M/s. Natesan Housing Pvt. Ltd. Ponni delta, Kallanai Road, Thiruvallarsolai, Thiruvanaikoil is involved in constructing and selling building, So far they have sold more than 200 plots in the said area.

4.2 A temporary service connection is available in the premises of M/s Natesan Housing Pvt. Ltd, 262-012-858 under VI for construction purpose and a LT SC No. 262-012-685 under IA for temporary shelter to the workers involved in the Building Construction excluding the permanent services to the plot owners.

4.3 The LT SC No. 262-012-858 under Tariff VI was effected on 06.06.2012 and the LT SC No. 262-012-685 under Tariff IA was effected on 07.09.2011.

4.4 An Audit slip No.111 dt.23.01.15 was issued to the Executive Engineer/O&M/Srirangam stating that "M/s Natesan Housing Pvt. Ltd., constructing an apartment (totally 259 flats) at ponni delta. Thimmaraya samuthiram village T.V. Koil. For this purpose a temporary supply has been effected for construction purpose. In the same place (near to building) temporary shelters are provided for the purpose of staying the labours. For the shelters a separate SC has been effected with effect from 07.09.2011 under the Tariff IA which is not correct".

4.5 The issue was once again appraised to the Deputy Chief Internal Audit officer / Audit Branch / Trichy Region and the Deputy Chief Internal Audit office has stated that "the temporary shelters of the labour could not be treated as domestic purpose residential houses". Hence the audit branch have not dropped the audit amount and intimated to collect the audit amount.

4.6 The Chairman / CGRF /TEDC /Metro/Trichy also viewed as below:-

The temporary shelters for the labours could not be treated as domestic purpose or residential houses as they are not used as permanent residence and it is utilized for labours shelter, employed for construction purposes.

4.7 The consumption details of the LT SC No.262-012-685 under Tariff IA is as below:

Sl. No.	Month/ Year	Consumption in kwh	Sl. No.	Month / Year	Consumption in kwh
1	Oct-11	3090	15	Oct-14	6110
2	Dec-11	4560	16	Dec-14	6040
3	Feb-12	5980	17	Feb-15	4860
4	Apr-12	7240	18	Apr-15	5080
5	Jun-12	4760	19	Jun-15	5290
6	Apr-13	0	20	Aug-15	5620
7	Jun-13	0	21	Oct-15	5050
8	Aug-13	0	22	Dec-15	2850
9	Oct-13	0	22	Feb-16	2050
10	Dec-13	12069	24	Apr-16	1620
11	Feb-14	5250	25	Jun-16	1930
12	Apr-14	5190	26	Aug-16	1810
13	Jun-14	5170	27	Oct-16	1550
14	Aig-14	4650	28	Dec-16	1580

From reviewing the above consumption pattern it is very clear that the consumptions were very high and irregular. Hence on reviewing the consumption pattern conclusion is arrived that the shelter is not utilized as domestic utilization as defined for Tariff IA but for many number of labours accommodation in constructional utility.

4.8 It is further eminent that the service connection has not been effected in the individual name and has been effected in the name of a company as in one service.

5. Hearing held by the Electricity Ombudsman :

5.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was held before the Electricity Ombudsman on 24-2-2017.

5.2 Thiru T. Singaravelu, Advocate and Thiru V.P. Sethuraman, have attended the hearing on behalf of the Appellant.

5.3 Thiru S. Prakasam, Executive Engineer, Srirangam and Thiru M. Shanmugam, Assistant Executive Engineer / Srirangam have attended the hearing on behalf of the Respondent 2 & 1 respectively and putforth their arguments.

6. Arguments putforth by the Appellant's representative:

6.1 Thiru T. Singaravelu, the learned Advocate, reiterated the contents of the Appeal petition.

6.2 The learned Advocate argued that the Respondent have raised a demand without issuing any showcause notice which is violation of natural justice. However, he informed that he is not insisting the above, and prayed that the case may be adjudicated based on merits.

6.3 The Appellant has furnished a written argument on 10.3.2017 detailing the arguments putforth on the hearing date the same are detailed below:-

- (i) This appellant submits that the temporary connection under category VI was given for the purpose of constructing flats. In respect of permanent Residence available for the stay of construction workers along with their family members was given service connection under the category of I (a) classified as domestic supply. Workers who are engaged in construction, maintenance, gardening, security for the rest of the places are also staying along with their family members and they have nothing to do with construction activities.
- (ii) As per the Tamilnadu Electricity Regulatory Commission Tariff Order I(a) is applicable to (1) domestic purposes of lighting, fans watering for gardening including growing of trees in and around residential houses/ buildings.
- (iii) As per the classification the ingredients necessary for domestic purposes are available as far as the permanent sheds constructed for labourers. The labourers have not deviated from any of the TNEB regulations. Neither there is a commercial activity nor any construction activity or any activity aiding the construction is carried out in the sheds and therefore the question of declassifying the said domestic purpose of the labourers from I (a) does not arise.

- (iv) This appellant submits that the construction activity is carried out in a well demarcated place within the larger extent of campus after getting necessary approval from the DTCP and the shed is situated and well demarcated away from the construction place. There is no nexus between the shed and the place where the construction of flat is carried out. It is not a mansion and it is only a living place.
- (v) There is a physical and electrical segregation of the service connection in the place where the construction activity is carried out which is away from the domestic purposes. In as much as there is a clear segregation of the two places, the question of changing the tariff from I (a) to VI treating the same as commercial purpose will not arise.
- (vi) This appellant submits that the survey numbers of the property are also different. The construction activity is carried out in a different survey number and the shed situated for domestic purpose lies in a different survey number.
- (vii) This appellant submits that the assessing authority has correctly granted the connection in respect of residential service connection 262-012-685 under I (a) for domestic purpose. In as much as no commercial activity or aiding the construction of flats is carried out in the shed the question of levy or changing the tariff from I (a) to VI will not arise.
- (viii) This appellant submits that there is no misrepresentation or suppression of fact by the Consumer at the time of getting service connection under I (a).
- (ix) This appellant submits that the enforcement wing has visited this shed on 3 occasions and they have not pointed out any anomaly or violation and therefore the impugned order calling upon this appellant to pay the differences under commercial category tariff VI will not arise.
- (x) The respondent has neither stated how the permanent shelters will not fall under category I (a) nor how it attracts category VI. No reasonable explanation was given by the respondent.

7. Arguments putforth by the representatives of the Respondent:

7.1 The Executive Engineer / Srirangam reiterated the contents of the counter.

7.2 The Executive Engineer argued that the construction workers of the company alone staying in the temporary shelter constructed by the company. Hence, it can not be treated as a domestic service and has to be categorised as temporary supply only.

7.3 He also argued that unlike a domestic service, the consumption pattern has vast variations. Hence, the service could not be classified as Domestic service.

7.4 As the service was effected in the name of M/s. Natesan Housing Pvt. Ltd., it cannot be categorised under tariff IA but under VI only.

7.5 The Respondent has also furnished a written argument dt.3.3.2017 the arguments furnished in the written argument are detailed below:-

- (i) The temporary shelters for the labourers could not be treated as domestic purpose or residential houses as they are not used as permanent residence and it is utilized for labours shelter, employed for construction purposes.
- (ii) APTS has not imposed any penal charges while inspecting the above premises since an Audit remark was raised already and pending for violation of tariff.
- (iii) In general the domestic consumers will stay with their family and carry out their works in different place. In some cases the labourers / workers will stay nearer to the work place in separate buildings called as quarters and each building will have separate service connection. But in this case all the labourers / workers had accommodated in a temporary shelter exclusively employed for their construction activity only within their premises which is a pure commercial one. Also the consumption pattern it is very clear that the consumptions were very high and irregular as compared with a regular family consumption pattern.
- (iv) It is further eminent that the service connection has not been effected in the individual name and has been effected in the name of a company as one service.
- (v) From the all above it is hereby suggested that arrear amount of Rs.4,68,367/- shall be collected and the tariff of LT SC No. 262-012-685 under Tariff IA shall be changed to VI with effect from 07.09.2011.

8. Findings of the Electricity Ombudsman:

On a careful consideration of the rival submission I find the following as issue to be considered.

“Whether the contention of the Respondent that the service connection No. 442-262-685 has to be categorised under tariff VI is correct ?”

8.1. The Appellant has furnished the following arguments against categorising the service as tariff VI.

- (i) There is no construction activity or any activity aiding the construction is carried out in the sheds.
- (ii) The construction activity is carried out in a well demarcated place within the larger extents of campus after getting necessary approval from DTCP and the shed is situated and well demarcated away from the construction place. There is no nexus between the shed and where the construction of flat is carried out. There is a physical and electrical segregation of the service connection in the place where construction actively is carried out. The Appellant has also furnished a copy of photograph in support of the above argument.

8.2 The Appellant putforth the following arguments to categorise the service under tariff IA .

- (i) In survey Nos 21/8 & 14, 22/4, 7A, 7B, 10 & 11, 23/3, 23/4 & 5, 24/3, 5, 206/2, 4, 6 & 7, 9/4, 10/1, 11/1A, 10/2A, 11/2A & 2C1 covered in sale deed Nos.298/2006 have been used for the residence of the workers.
- (ii) Neither construction activities or any commercial activities are carried out in respect of the areas allocated for the residence to workers.
- (iii) The workers who are engaged in construction, maintenance, gardening, security for the rest of places are all residing along with their family members in the permanent residence available.
- (iv) As per the tariff order, IA is applicable to domestic purpose of lighting, fans watering for gardening including growing of trees in and around residential

house / buildings. The service in the permanent sheds were utilised only for the domestic purpose of lighting and fans only.

- (v) The respondent has not stated how the permanent shed will not fall under category IA.

8.3 The Respondents have furnished the following arguments.

- (i) The temporary shelter for the labourers could not be treated as domestic purpose or residential house as they are not used as permanent residence but utilised as sheds for the stay of labours employed for construction works.
- (ii) The service connection was effected in the name of M/s Natesan Housing Pvt. Ltd., a construction company and not effected in the individual name of the residents.

8.4 10.2 The Respondents have putforth the following arguments that the service could not be categorised as IA .

- (i) The domestic consumers will stay with their family and carry out their works in different places. In some cases, the labourers / workers will stay nearest to the work place in a separate buildings called as quarters and each building will have separate service connection. But in this case all the workers have been accommodated in temporary shelter exclusively employed for their construction activity within their premises which is a pure commercial one.
- (ii) The consumption pattern is very high and irregular as compared with a regular family consumption pattern.

8.5 As the service was effected on 7-9-2011, I would like to refer the para relating to Tariff VI of tariff order No. 3 dt 31.7.2010. The para 9.11.22 of the tariff order is extracted below:-

“XXXX XXXX XXX

9.11.22 LOW TENSION TARIFF VI:

<i>Tariff</i>	<i>Description</i>	<i>Energy charges in paise / kWhr</i>	<i>Minimum (in Rupees)</i>
<i>Low Tension Tariff VI</i>	<i>Supply to temporary activities and construction activities other than Residential building/Residential Complexes for combined lighting and Power load</i>	<i>1050</i>	<i>50 per kW or part thereof per day</i>
	<i>Lavish illumination</i>	<i>1050</i>	

(i) The LT tariff VI is applicable for the requirements of a temporary supply during the construction stage. The temporary supply shall be converted into the respective regular category after the completion and compliance to the respective terms and conditions.

(ii) This Tariff is also applicable for lavish illumination to weddings, garden parties and other private functions where the illumination is obtained through bulbs fastened in outer surfaces of walls of buildings on trees and poles inside the compound and in pandals, etc., outside the main building. All other cases of illumination, obtained through bulbs intended on outer surface of walls of buildings on trees and poles inside the compound and in pandals etc., outside the main building shall be charged as for Temporary Supply.

8.6 On a careful reading of the said para, it is noted that supply to temporary activities and construction activities other than residential building / residential complex and lavish illumination to wedding parties and other functions are falling under tariff VI.

8.7 The para 10.22 of tariff order No. 1 of 2012 dt. 30.3.2012 which was in force from 1.4.2012 to 20.6.13 is extracted below:-

“xxx xx xx

10.22 Low Tension Tariff VI:

Tariff	Description	Energy charges in paise / kWh	Minimum (in Rupees)
Low Tension Tariff VI	Supply to temporary activities	1050	100 per kW or part of connected load thereof per day
	Lavish illumination	1050	Nil

10.22.1 This tariff is applicable for power supply for temporary activities such as construction of commercial complexes/ Residential buildings/ Complexes of more than 12 dwelling units. The temporary supply shall be converted into respective regular category after completion

10.22.2 This tariff is also applicable for lavish illumination to weddings, garden parties and other private functions, where the illumination is obtained through bulbs fastened in outer surfaces of walls of buildings on trees and poles inside the compound and in pandals, etc., outside the main building. All other cases of illumination, obtained through bulbs intended on outer surface of walls of buildings on trees and poles inside the compound and in pandals etc., outside the main building shall be charged as for Temporary Supply.

Applicability of the Tariff Schedule

10.22.3 The above tariff schedule shall be read with the General Terms and Conditions of Supply Code and Distribution code specified by the Tamil Nadu Electricity Regulatory Commission.

10.22.4 The present tariff order supersedes all the previous specific orders issued by the Commission on categorization of certain consumers.

8.8 The para 6.22 of tariff order No. 1 of 2013 which is in force from 21.6.13 is extracted below:-

xxx xxx

6.22 Low Tension Tariff VI:

Tariff	Fixed Charges (Rupees per kW per month)	Energy charges in paise/kWh
Low Tension Tariff VI	300	1050

- i. This tariff is applicable for supply of power for temporary activities, construction of buildings and lavish illumination.*
- ii. The electricity supply for the additional construction beyond 2000 square feet in the premises of an existing consumer shall be provided only through a separate service connection and charged under this tariff.*
- iii. For temporary supply, the initial/in-principle approval for such construction or to conduct such temporary activity obtained by the applicant from the appropriate authority, wherever necessary, is adequate to effect the supply.*
- iv. In case of conversion of temporary supply into applicable permanent supply, the same shall be done subject to compliance of codes/regulations/orders.*
- v. In case of lavish illumination, if the illumination is done frequently or permanently, separate regular service connection shall be provided for lavish illumination and charged under this tariff.*
- vi. If the supply is availed for short duration for the temporary activity/illumination from an existing metered service connection, the computation of energy/fixed charges for temporary illumination/activity shall be done based on the connected load and duration of temporary supply. Connected load shall be accounted in kW or part thereof. Fixed charges shall be for a month or part thereof. Due credit for such computed energy, limited to the meter consumption of the respective billing period, shall be given in the energy recorded by the meter during the respective billing period for the purpose of regular billing of the existing service connection. The consumer shall abide by the safety norms for wiring.*
- vii. The following are considered as Lavish Illumination. a) Illumination done for hoardings & advertisement boards. b) Extra/additional illumination done outside the building and in the open areas for parties/functions/occasions. c) Illumination done in the outer surface/outside the buildings/shops by display lights, serial lamps, decorative lights, special effect lamps, neon lamps, ornamental lamps, flood lights etc. d) Temporary Illumination done for public meetings in pandals/shamianas, path ways, streets and roads. Explanation: The supply used for the purpose of indicating/displaying the name and other details of the shop/buildings shall not be considered as lavish illumination.”*

8.9 The para 6.22 of tariff order No. SMT 9 of 2014 dt 11.12.2014 which is in force from 12.12.14 is extracted below:-

“xxx xxx xxxx

6.22 Low Tension Tariff VI:

Tariff	Commission Determined Tariff	
	Fixed Charges (Rupees per kW per month)	Energy charges in paise/kWh
Low Tension Tariff VI	345	1200

- i. This tariff is applicable for supply of power for temporary activities, construction of buildings and lavish illumination.
- ii. The electricity supply for the additional construction beyond 2000 square feet in the premises of an existing consumer shall be provided only through a separate service connection and charged under this tariff.
- iii. For temporary supply, the initial/in-principle approval for such construction or to conduct such temporary activity obtained by the applicant from the appropriate authority, wherever necessary, is adequate to effect the supply.
- iv. In case of conversion of temporary supply into applicable permanent supply, the same shall be done subject to compliance of codes/regulations/orders.
- v. In case of lavish illumination, if the illumination is done frequently or permanently, separate regular service connection shall be provided for lavish illumination and charged under this tariff.
- vi. If the supply is availed for short duration for the temporary activity/illumination from an existing metered service connection, the computation of energy/fixed charges for temporary illumination/activity shall be done based on the connected load and duration of temporary supply. Connected load shall be accounted in kW or part thereof. Fixed charges shall be for a month or part thereof. Due credit for such computed energy, limited to the meter consumption of the respective billing period, shall be given in the energy recorded by the meter during the respective billing period for the purpose of regular billing of the existing service connection. The consumer shall abide by the safety norms for wiring.
- vii. The following are considered as Lavish Illumination.
 - a) Illumination done for hoardings & advertisement boards.

b) Extra/additional illumination done outside the building and in the open areas for parties/functions/occasions.

c) Illumination done in the outer surface/outside the buildings/shops by display lights, serial lamps, decorative lights, special effect lamps, neon lamps, ornamental lamps, flood lights etc.

d) Temporary Illumination done for public meetings in pandals/shamianas, path ways, streets and roads.

Explanation: The supply used for the purpose of indicating/displaying the name and other details of the shop/buildings shall not be considered as lavish illumination.

8.10 In all the above tariff orders, the tariff VI is applicable for supply of (i) temporary activities, (ii) construction of buildings and (iii) lavish illumination only.

8.11 In order to confirm whether the tariff applicable is tariff VI we have to examine whether the disputed service falls under any of the following category(ie) Construction of the Building, lavish illumination and temporary activities.

8.12 It is noted that the Appellant has obtained a separate temporary connection (viz) 262-012-858 for constructions of the buildings in the said area. The Respondent during the hearing also accepted that there was physical and electrical segregation between the construction area and the sheds erected for the stay of construction workers and the said service was not utilised for construction of buildings. Therefore, this service could not be treated as service obtained for construction of Building.

8.13 It is also noted that the service was not utilised for lavish illumination. Therefore, it can not be categorised as lavish illumination also.

8.14 The tariff VI is applicable for temporary activities also. In the case on hand, the construction activity being carried by the appellant is a temporary activity only. The employees engaged in the construction activities and their family members alone are staying in the shed wherein the disputed service was effected. Therefore,

the stay of the employee in the shed is based on the construction works carried out in that area. (ie) if the construction work is completed, then the place of residence will also be shifted to a new location. As the stay of the workers in the shed where the service is effected is based on a temporary activity (viz) construction works, the stay of the workers in the shed is also a temporary activity only.

8.15 It is also to be noted that the sheds are constructed not like a permanent quarters for the employees of the company. The sheds are having only partition walls and one service connection alone is being used for the stay of about 200 to 250 workers. The consumption recorded in the service is also about 5000 units per assessment period upto October 2015 and then reduced to about 1500 units during Dec 2016. On a review of Account summary, it is noted that the service was disconnected on 9.7.2012 and then reconnected on 8.3.2013. The consumption from April 2013 to October 2013 assessment period is also recorded as zero as per the Respondents counter. It shows that the service was not utilised for about 16 months from 9.7.2012 to October 2013. The above facts also support the argument that the stay of construction workers in the shed is also a temporary activity only.

8.16 As the stay of the workers in the shed is not independent and depends upon the construction activity which is being carried out in the said area, the stay of workers, in shed will also be temporary activity only (ie) when the main activity itself is a temporary one, the activity which is in existence because of the main activity will also be considered as temporary activity only.

8.17 In view of the above, I am of the view that the contention of the Respondent that the service has to be categorised as tariff VI is acceptable to me.

8.18 In view of the above findings the contentions of the Appellant that the service has to be categorised under Tariff IA are not tenable.

9. Conclusion:

9.1 In view of my findings in para 8 above, the SC No.262-012-685 has to be categorised under tariff VI only. Therefore, the shortfall levied by the Respondent is upheld.

9.2 With the above findings the A.P.No.99 of 2016 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) M/s Natesan Housing (P) Ltd.,
Represented by its Director V.P. Seetharaman,
Ponni Delta,
Kallanai Road, Near Thiruvallur Salai
Thiruvanaikovil,
Trichy – 620 005.

2) The Junior Engineer / O & M/ Thiruvanaikovil,
Trichy Electricity Distribution Circle/ Metro,
TANGEDCO,
No. 26, Srinivachari Street,
Old J.J. Kalayana Mandapam,
Srirangam – 620 006.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Trichy Electricity Distribution Circle / Metro,
TANGEDCO,
Trichy – 620 020.

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 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.