



# TAMIL NADU ELECTRICITY OMBUDSMAN

19- A, Rukmini Lakshmi Pathy 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](mailto:tnerc@nic.in) Web site: [www.tneo.gov.in](http://www.tneo.gov.in)

## BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

**Present: Thiru. S. Devarajan Electricity Ombudsman**

**Appeal Petition No. 27 of 2018**

Tmt. P. Rajagopal,  
No.1, IV<sup>th</sup> Cross Street,  
R.A. Puram,  
Chennai – 600 028.

. .... Appellant  
(Rep by Thiru. David &  
Thiru. L. Murali Krishnan, Advocate)

Vs

1) The Executive Engineer/T.Nagar,  
Chennai Electricity Distribution Circle/Central,  
TANGEDCO,  
110/33/11 KV Valluvarkottam SS Complex,  
M.G.R. Salai, Nungambakkam, Chennai - 34

2) The Assistant Executive Engineer/Teynampet,  
Chennai Electricity Distribution Circle/Central,  
TANGEDCO,  
No.1, Greenways Road, R.A. Puram,  
Chennai – 600 028.

3) The Assistant Engineer/R.A.Puram,  
Chennai Electricity Distribution Circle/Central,  
TANGEDCO,  
MRC Nagar SS Complex, MRC Nagar,  
Santhome, Chennai - 600 028.

. .... Respondents  
(Rep by Thiru. Rajendran, EE/T.Nagar,  
Thiru. M. Saravanan, AEE/Teynampet &  
Thiru. S. Suresh, AE/R.A. Puram)

**Date of hearing : 21.8.2018**

**Date of Order : 26.12.2018**

The Petition dt. 18.6.2018 filed by Thiru P.Rajagopal, No.1, IV<sup>th</sup> Cross Street, R.A. Puram, Chennai – 600 028 was registered as Appeal Petition No.27 of 2018. The above appeal petition came up for hearing before the Electricity Ombudsman on 21.8.2018. 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 has prayed to quash the impugned order issued by the CGRF on 23.2.2018 which is erroneous in law and contrary to the facts and circumstances of the case.

**2. Brief History of the case:**

2.1 The appellant's SC No.209-024-35 with a connected load of 47 KW was inspected by the officers of the licensee who in turn raised demand for Rs.11,72,397/- towards average short fall for the meter defective period from Jan'2012 to May'2015. Based on the inspection report, the AE/O&M/R.A.Puram sent a demand notice dated 1.10.2016 to the appellant to pay the short fall amount within 15 days.

2.2 The appellant immediately approached the respondents for withdrawal of the demand notice with necessary documents. As there was no action, the appellant approached the CGRF of CEDC/Central.

2.3 The CGRF of Chennai Electricity Distribution Circle/Central have issued its order on 23.02.2018. Aggrieved by the order the appellant filed this appeal petition.

### **3. Orders of the CGRF :**

3.1 The CGRF of Chennai Electricity Distribution Circle/Central have issued its order on 23.02.2018. The relevant portion of the order is extracted below:-

#### **"4. Findings & Orders:**

*Both the statements of Complainant and Respondents were heard and the records were analyzed. Upon reviewing it is clearly understood that all the services mentioned by the complainant were utilized for M.D. Sangeetha Veg Restaurant for same purpose in the same premises and was name transferred in the name Thiru. P.Rajagopal. The sanctioned load for the above mentioned service connections comes around 50KW each.*

*With regard to billing of Alc. No:209-024-35/V the reason entered for meter change on.03.04.2015 in consumer ledger was struck up. But the licensee assure that the meter was in good running condition only and it was wrongly entered as struck up. Further the licensee stated that the consumption in this service connection during 3/2015 was 5740 units which was wrongly entered by the licensees assessment staff as 450 units, and the consumption after meter change (ie) 5/15 was 5638 units which is almost equal to 3/15 consumption which shows that the meter was not defective, and was in good running condition only. If such is the case action deemed fit must be taken against the erring staff by the licensee, as it was the mistake committed by the assessment staff.*

*But any judgment (or) order cannot be given based on assumption and suggestion.*

*The records are the evidences that has to be considered. On reviewing the consumer ledger it clearly indicates that the meter that was connected in the service connection was defective. The "KVAH" End meter reading taken on 13.3.2015 drastically reduced from initial reading 48670 to 19740, whereas the "KWH" End meter reading increased from initial reading 47620 to 53360. (ie) "KVAH" is not in proportion to "KWH". Hence it is clear that the meter was defective and it was changed for defective reason only.*

*The meter was not changed because of the reason stated by licensee (ie) High quality to Static meter replacement. "Omni Agate" meter is static meter only and not 'High Quality meter'.*

*Being static meter there is possibility of downloading the meter to prove its healthiness. But it was also not done by the licensee.*

*Hence this Forum is of the opinion that the meter was defective only (ie struck up) and hence the consumption recorded in 3/12, 5/12,3/14 1/2013 of this service connection was "NIL" and on other bimonth consumption recorded was meager which reveals that the meter was defective and the average imposed for those periods before meter charge was correct.*

*The complainant had enclosed evidences (1) copy of 02.02.2012 letter addressed to the company stating that the kitchen convotherm M/c which was connected in the service connection 209-024-35/V was not suitable for their operations and request to take back the M/c. (2) In turn the purchaser company M/s Ess Emm Corporation had addressed to the complainant on 19.2.2014 that they are ready to take back the M/c. The evidences could not be considered as the purchaser company accepted to take back the M/c after a period of two years from 2.2.2012 the date of addressing by the complainant. (3) On 1.4.15 the complainant addressed to the licensee that they are interested in sharing the loads of other services (i.e.)209-024-36/V and 209-24-38/V in 209-024-35/V, and requested the change the meter accordingly. But the consumer letter dt 5.10.16 and 1.04.15 were not authenticated by the section.*

*Moreover any service connection has to be utilized for the purpose and load for which they are effected, and it should not be extended to other place or other loads, nor shared.*

*The complainant itself accepts that the load was shared between the other service connections.*

*As per TNERC Clause "Supply Code "19 Sub-Clause" 6(ii),(iv),(v), "Unauthorized usage of electricity" means the usage of electricity", "By a means not authorized by the concerned person or authority or Licensee, "for the purpose other than for which the usage of electricity was authorized", "for the premises or areas other than those for which the supply of electricity was authorized".*

*In this case the supply was extended for the areas other than those for which the supply of electricity was authorized.*

*Hence the Forum directs the licensee to book the consumer for unauthorized usage of electricity and violation of service connection under "Section 126" of the Act.*

*As per TNERC codes and regulations under Distribution code cause 27 (13) and (15A) Which states that within a door number or sub door number, an establishment or person will not be given more than one service connection," and "Notwithstanding anything contained in sub-regulations (14) and (15), a person or an entity shall be given only one service connection in a premises or in contiguous premises to run a business or service or occupation another form of activity including its associated activities and for activities of the associates even if there is a permanent physical segregation". The services has to be merged together and one service has to be effected to the establishment. Hence the licensee is directed to merge, all the service connections immediately with proper notice to the Complainant.*

*Hence this Forum concludes that the meter was defective and the average imposed for 1/12 to 5/15 by the Audit was correct and could not be cancelled and it directs that the short fall amount Rs.11,72,397/- imposed for the period -1/12 to*

*5/15 has to be collected from the complainant and further revision could not be entertained.*

*The licensee is also directed to merge all the service connections immediately with due intimation to the complainant and to send the compliance report within 15 days on receipt of this letter. The licensee is also directed to book the consumer for unauthorized usage of electricity and violation of service.*

*With the above direction the petition is disposed off.”*

#### **4. Arguments of the Appellant furnished in the Appeal Petition :**

4.1 Appeal was filed on the ground that a sum of Rs.11,72,397/- was included in S.C.No.209-024-035/V towards arrears for the period from 1/12 to 5/15 under the wrong assumption that there was fault in the meter.

4.2 There was no fault in this meter and this meter was changed malafidely by the licensee. The assessor for reasons best known to him assessed the appellant herein for 450 units for the period from 01/15 to 03/15, when the meter readings as noted by him showed that 5730 units had been consumed. By assessing the appellant herein for 450 units for the period from 01/15 to 03/15, the licensee alleged that the meter had stuck off and therefore changed the meter and then alleged that due to defective meter, there was shortage of billing for the period from 01/12 to 05/15.

4.3 The appellant submitted that the meter reading in 209-024-035/V was less for the period from 1/12 to 1/15 because the cooking range that was connected to the meter had become faulty and was not being used. However, from 1/15, at the advice of the licensee, load sharing was done in this meter from the other meters in the premises and if an analysis of all the meters is done, it will be clear that for the period from 01/15 to 03/15, the reading of two meters had come down and the reading of the meter in 209-024-035/V had gone up.

4.4 Therefore, the allegation of the licensee that the meter in connection 209-024-035/V was not working properly from 1/12 to 1/15 and was changed as the same had got stuck is without any basis and the appellant herein is not liable to pay any amount towards arrears for alleged fault in meter.

4.5 The impugned order dt. 23.02.2018 of the CGRF in petition No.47 of 2017-18 is erroneous in law and contrary to the facts and circumstances of the case. It is submitted that when the licensee itself has submitted before the CGRF that the meter was in good running condition and it was wrongly entered as struck up (at para 2 of page 3 of the CGRF's order) and mistake was committed by its assessor in entering the consumption as 450 units on 13/3/15, the CGRF is wrong in alleging the same to be assumptions and suggestions and going beyond its powers in passing the impugned order on basis of alleged records that were perused behind the back of the appellant herein.

4.6 It is submitted that the current consumption charges table available with the appellant herein and given to the appellant herein records the consumption charges in KWH. There is absolutely no record of consumption charge in KVAH and it is not known how the CGRF concluded that the KVAH end meter reading taken on 13.3.2015 drastically reduced from initial reading whereas the KWH end meter reading increased from initial reading which meant that the meter was defective and changed for defective reason only.

4.7 The CGRF failed to note that the meter that was available on 13/3/15 was a static meter and the only defects in the same are either display being blank of the meters burning out. Static meters do not get stuck off and therefore the act of the licensee in changing the meter on the ground that the same had got stuck was baseless and the same was done for the sole purpose of covering up the action of the assessor in recording the units consumed as 450, in the place of 5730.

4.8 The CGRF has failed to take into consideration the fact that the premises No.1, IV Cross Street, R.A.Puram, Chennai – 600 028 originally consisted of six flats owned by six different persons with six different service connections. Each of the flats was purchased by the appellant herein on different dates and the 6 service connections that were in the name of the erstwhile owners were transferred to the name of the appellant herein as and when the appellant purchased the flats. Therefore the entire load of electricity for the said premises was being fed through 6 service connections and each service connection was connected to such devices that were functioning in the respective areas. In the area where the electricity wires were connected to the service connection 209-024-035/V, Kitchen Convotherm machine/cooking range had been installed. However, the same was defective and kept idle and the said machine was taken back by the supplier after a period of two years. Therefore during this period, since the area in which the cooking range had been installed was occupied by the said machine and no other machine could be installed, the meter reading in service connection 209-024-035/V showed meager reading. This was also duly intimated by the appellant to the licensee.

4.9 The CGRF ought to have seen that equal load sharing was done with respect to all the service connections in the premises in April 2015 and the units consumed during the period 13/3/15 to 12/5/15 in service connection 209/024/035/V was 5638 after change of meter. The units consumed during the period 9/1/15 to 13/3/15 was 5730 (53360 – 47620) and therefore it is clear that the meter in service connection 209-024-35/V was in perfect working condition in the past and there is no scope for calculation of alleged arrears on average consumption basis.

4.10 The CGRF is wrong in alleging that there had been unauthorized usage of electricity by the appellant herein and directing the licensee to book the consumer for unauthorized usage of electricity and alleged violation of service connection under Sec.126 of the Act, when it is was never the allegation of the licensee that there had been unauthorized usage of electricity by the appellant herein.

4.11 The CGRF failed to note that if as per TNERC Codes and Regulations under Distribution Code, more than one service connection cannot be given to an establishment or person within a door number or sub door number, then it was for the licensee to have informed the appellant herein about the same and consolidated all the 6 service connections that had been allotted to each of the individual flat owners into one service connection when the appellant approached for name change as and when it purchased each of the flat. The appellant cannot be penalized for the fault on the part of the licensee in not consolidating all the 6 service connections into one.

**5.0 Arguments of Respondent furnished in counter:**

5.1 On analyzing the record, it is clearly mentioned in the consumer ledger that the meter was struck up. The KVAH meter reading taken on 13.03.2015 drastically reduced from initial reading 48670 to 19740, whereas the KWH end meter reading increased from initial reading 47620 to 53360 (i.e) KVAH is not in proportionate to KWH reading. Hence the average arrived and intimated to the consumer by the TANGEDCO.

5.2 The meter has been changed for the reason struck up only. The recorded consumptions during 03/12, 05/12, 01/13 & 03/14 of this A/C. No. 209-024-35 was NIL and on other bi-monthly consumptions recorded were meager, due to this the Hon' ble CGRF had decided that the meter was defective.

5.3. The TANGEDCO followed the TNERC distribution code by non violating the rules and regulations. Action being taken for merger of service connections. Notice is being issued to the consumer for merger of Service Connections.

**6. Hearing held by the Electricity Ombudsman:**

6.1 To enable the Appellant and the Respondent to put forth their arguments in person a hearing was conducted on 21.8.2018.

6.2 Thiru. M. David & Thiru. L. Murali, Advocate have attended the hearing on behalf of the appellant and put forth their arguments.

6.3 Thiru. K.Rajendran, EE/O&M/T. Nagar, Thiru. M. Saravanan, AEE/O&M/ Teynampet & Thiru. S. Suresh, AE /O&M/ R.A. Puram have attended the hearing and put forth their arguments.

**7.0 Arguments putforth by the Appellant on the hearing date :**

7.1 Appellant's representative Thiru. M. David & Thiru. L. Murali Advocate reiterated the contents of the Appeal petition.

7.2 The appellant has argued that there was no fault in the meter and it was changed malafidely by the licensee. Further it may be verified from the records that the respondents assessed the SC for 450 units for the period from 01/15 to 03/15, when the meter readings actually recorded 5730 units.

7.3 Further because of the cooking range that was connected to the meter had become faulty and was not being used for the period from 1/12 to 1/15, the meter reading in 209-024-035/V was less. From 1/15 load sharing was done in the meter from the other meters in the premises and if an analysis of all the meters is done, it will be clear that for the period from 01/15 to 03/15, the reading of two meters had come down and the reading of the meter in 209-024-035/V had gone up.

7.4 Therefore, the appellant argued that the allegation of the licensee that the meter in connection 209-024-035/V was not working properly from 1/12 to 1/15 and was changed as the same had got stuck is without any basis and the appellant is not liable to pay any amount towards arrears for alleged fault in meter.

7.5 The CGRF failed to note that the meter that was available on 13/3/15 was a static meter and the only defect in the same is either display being blank or the meter burnt out. Static meters do not get stuck off and therefore the act of the licensee in changing the meter on the ground that the same had got stuck was

baseless and the same was done for the sole purpose of covering up the action of the assessor in recording the units consumed as 450, in the place of 5730 units.

7.6 The respondent having known all the TNERC Codes and Regulations under Distribution Code should have informed that more than one service connection cannot be given to an establishment or person within a door number or sub door number at the time of name change itself and even at the stage when the appellant has approached for load enhancement. Therefore, the appellant cannot be penalized for the fault on the part of the licensee in not consolidating all the 6 service connections into one.

**8.0 Arguments put forth by the Respondent on the hearing date:**

8.1 Respondents have reiterated the contents furnished in the counter affidavit.

8.2 Repondents have argued that the meter was changed due to defectiveness. The KVAH meter reading taken on 13.03.2015 drastically reduced from initial reading 48670 to 19740, whereas the KWH end meter reading increased from initial reading 47620 to 53360 (i.e) KVAH is not in proportionate to KWH reading. Hence the average arrived and intimated to the consumer by the TANGEDCO.

8.3 Further they stated that the recorded consumptions during 03/12, 05/12, 01/13 & 03/14 of this A/C. No. 209-024-35 was NIL and on other bi-monthly consumptions recorded were meager.

8.4 They further asserted that they followed the TNERC distribution code and action being taken for merger of service connections. Further notice is being issued to the consumer for merger of Service Connections.

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

9.1 On a careful consideration of the arguments put forth by the Appellant and the Respondent, the issue to be decided is whether the appellant's prayer to withdraw the shortfall arrears for the meter defective period from 01/12 to 05/15 is acceptable?

9.2 The appellant in his argument has stated that there was no fault in the meter and it was changed malafidely by the licensee. Further it may be verified from the records that the respondents assessed the SC for 450 units for the period from 01/15 to 03/15, when the meter readings actually recorded 5730 units. Further, the cooking range that was connected to the meter had become faulty and was not being used for the period from 01/12 to 01/15 and therefore the meter reading in 209-024-035/V was less.

9.3 Further it was stated by the appellant that the allegation of the licensee that the meter in connection 209-024-035/V was not working properly from 1/12 to 5/15 and was changed as the same had got stuck is without any basis and the appellant is not liable to pay any amount towards arrears for alleged fault in meter.

9.4 Respondents in their argument have stated that the meter was changed due to defectiveness. The KVAH meter reading taken on 13.03.2015 drastically reduced from initial reading 48670 to 19740, whereas the KWH end meter reading increased from initial reading 47620 to 53360 (i.e) KVAH is not in proportionate to KWH reading. Hence the average arrived and intimated to the consumer by the TANGEDCO.

9.5 Further the respondents have stated that the recorded consumptions during 03/12, 05/12, 01/13 & 03/14 of this A/C. No. 209-024-35 was NIL and on other bi-monthly consumptions recorded were meager.

9.6 From the foregoing paras it may be seen that the demand is raised by the respondent based on the assumption that the meter is defective due to low current consumption recorded and entered in consumer ledger which is being done

manually. The respondent has failed to produce MRT test report or CMRI downloaded data to prove the meter defectiveness. In the absence of any evidences I would like to analyze the consumer ledger from the period from 01/2012 to 03/2015 which is reproduced below.

Month/ Year	Units	Month/ Year	Units	Month/ Year	Units	Month/ Year	Units
1/12	<b>110</b>	1/13	<b>0</b>	1/14	<b>10</b>	1/15	<b>50</b>
3/12	<b>0</b>	3/13	<b>340</b>	3/14	<b>0</b>	3/15	<b>450</b>
5/12	<b>0</b>	5/13	<b>670</b>	5/14	<b>310</b>		
7/12	<b>390</b>	7/13	<b>1950</b>	7/14	<b>410</b>		
9/12	<b>690</b>	9/13	<b>1560</b>	9/14	<b>470</b>		
11/12	<b>230</b>	11/13	<b>790</b>	11/14	<b>430</b>		

9.7 It may be seen from the above, the consumption recorded from 01/2012 to 01/2015 are not consistent. In some assessment period the recorded consumption is NIL and for the rest the consumption varies from 10 units (minimum) to 1950 units (maximum). Even during 7/2010 to 11/2011, the consumptions are not consistent but varies from as low as 110 to 2260 units. Further it is important to note that the status of meter reading is NORMAL for the above period. Only during the 3/2015 assessment period, the assessment staff has entered the status of the meter as defective which is not authenticated or proved by the respondent.

9.8 Further in the page 2 of CGRF order, the case of the respondent has been given. The same is reproduced below:

*“The respondent said the meter affixed in service connection A/c No.209-024-35/V was a High quality meter and was replaced by a static meter and not for defective (Struck up) reason as entered in consumer ledger.*

*The actual consumption during 03/2015 is 5740 units (53360-47620) which was wrongly entered as 450 units by the assessor and an amount of Rs.10,384/- was collected from the consumer. It was the mistake of the assessor only and not meter fault. Hence explanation was called for from the erring staff.*

*Meanwhile the complainant also stated that the kitchen convotherm machine which was connected in the service connection No.209-024-35 was defective and hence it was kept idle during that period and this service connection was not utilized properly. During the period 01/2012 to 03/2015 the meter that was connected in the service connection worked in good condition and was not defective. Complainant also attached the proof for his statement. The part of load connected to A/c No.209-024-36/V and 209-024-38/V were shared in A/c No.209-024-35/V. Readings were recorded continuously in the meter and hence the question of defect does not arise and hence the shortfall amount claimed is to be cancelled and Rs.51,483/- for (5740 – 450) 5290 units is to be collected.”*

9.9 From the above, it is found from the statement of respondent that the meter in the service connection was in good condition upto 03/2015. Now, the question arises, why the respondent has changed the meter on 03.04.2015, when the existing meter is in good condition. Only after the CGRF order, the respondent took a different view and now argues that the meter became defective right from 01/2012. But the respondent has not taken any step to get either the test report from MRT or CMRI downloaded data to prove the meter defectiveness. Further the argument of the respondent that the meter became struck up is not acceptable to me since the released meter is a Static meter.

9.10 Further from the consumer ledger it is found that during 03/2015 assessment period, the actual consumption was wrongly entered as 450 units instead of 5740 units (53360 (FR) minus 47620 (IR)). It is an arithmetical error which is apparent on the face of record since the meter condition is normal.

9.11 From the foregoing paras, I am of the considered opinion that the meter was in good condition upto 03/2015 assessment period. Therefore, average short fall claimed by the respondent for the meter defective period from Jan'2012 is set aside. However, the appellant is obligated to pay for the actual consumed units of 5740 units for 03/2015 assessment period which had happened due to arithmetical error. Therefore, the respondents are directed to collect the CC charges for the actual consumed units pertaining to 03/2015 assessment period after adjusting 450 units which was already paid by the appellant.

**10. Observation :**

10.1 The attention of the licensee is invited for the following lapses. The six numbers flats in the premises bearing Plot no.RA-80, Corporation Door No.1, Fourth Cross Road, Raja Annamalaipuram, Chennai – 28 was acquired by the appellant vide Sale Deed document No.2134 in the year 2008. When the appellant purchased the property, the premises have connected with the 6 nos domestic service connections viz; (i) 209-024-25, (ii) 209-024-34, (iii) 209-024-35, (iv) 209-024-36, (v) 209-024-37 and (vi) 209-024-38. Thereafter all the six service connections were name transferred to the appellant herein (the single owner) by the respondent AE vide his letter No.AE/O&M/R A Puram/F.NT/ A/c No. /D.861 to 866/08, dated 10.12.2008.

10.2 After name transfer, the appellant has requested tariff change from domestic to Commercial purpose for his hotel business and paid necessary fees on 26.12.2008. The respondent has accepted the request of the appellant and tariff change was allowed for all the service connections.

10.3 Thereafter, the appellant requested for enhancement of load for the following services and paid necessary fees as noted against each.

- i) 209-024-35 - Rs.37,675/- on 28.01.2019
- ii) 209-024-36 - Rs.37,675/- on 05.01.2019

- iii) 209-024-37 - Rs.37,675/- on 05.01.2019
- iv) 209-024-38 - Rs.37,675/- on 28.01.2019

The above request of the appellant was accepted. On receipt of application, the respondent has prepared necessary estimate for load enhancement and got sanctioned. The above action of the respondent is a clear violation of Regulation 13, 14, 15 and 15(A) of TN Distribution Code.

10.4 During the additional load sanction on 09.01.2009, the meter in the SC No.209-024-35 was changed to Static meter of 3x50 – 100A. Upon defectiveness, the respondent neither obtained the test results from MRT nor downloaded the CMRI data to prove that the meter is defective. Being a static meter it could have been confirmed the date from which the meter became defective. In the absence of CMRI data, the basis for claiming shortfall from 01/2012 is not justified. It is clear case of negligence of duty on the part of the Respondent.

10.5 The licensee cannot penalize the consumer when the obligatory duty lies with the respondent. Now more number of cases is coming up for the similar issue where the burden of proof is on the licensee. TANGEDCO Head Quarters has already given instructions to download the CMRI data whenever the static meter becomes defective to prove the defectiveness at a later date. But most of the officers of the licensee are not in the practice of downloading the data whenever the static meter becomes defective. If the same kind of negligence continues, the licensee will definitely continue to lose the revenue in future.

10.6 All the six numbers domestic services have been

- i) Name transferred to single owner Thiru.P.Rajagopal on 10.12.2008
- ii) Tariff changed from domestic to commercial (fee paid) on 26.12.2008.
- iii) 4 numbers strengthening of services (additional load) estimate sanction requested on 31.12.2008.
- iv) Deposit for Additional load was accepted on 28.01.2009.

It is seen that the load enhancement has been carried out after proper sanctioning of the estimates. After load enhancement, the total sanctioned load in the premises became 207.6 KW when the sanctioned load is limited to 112 KW for LT services. This being the case, the respondent should have issued notice to the appellant to switch over to HT Commercial in January'2009 itself since all the commercial services are in the name of single owner in the same premises for the same purpose (Hotel business). Failure on the part of the respondents has resulted in a loss of about Rs.60 lakhs, which could have been earned by the licensee if the respondents carried out their duties as per regulation 27 (13), (14), (15) and (15A) of TN Electricity Distribution code, 2004.

**11. Conclusion :**

11.1 As per my findings in para 9 above, the meter was in good condition upto 03/2015 assessment period. Therefore, average short fall claimed by the respondent for the meter defective period from Jan'2012 is set aside. However, the appellant is obligated to pay the actual consumed units of 5740 units for 03/2015 assessment period which was happened due to arithmetical error. Therefore, the respondents are directed to collect the CC charges for actual the consumed units pertaining to 03/2015 assessment period after adjusting 450 units which was already paid by the appellant.

11.2 A compliance report in this regard shall be furnished within 45 days from the date of receipt of this order.

11.3 With the above findings the AP. No.27 of 2018 is finally disposed of by the Electricity Ombudsman. No Costs.

**(S. Devarajan)**  
Electricity Ombudsman

To

1) Tmt. P. Rajagopal,  
No.1, IV<sup>th</sup> Cross Street,  
R.A. Puram,  
Chennai – 600 028.

2) The Executive Engineer / T.Nagar,  
Chennai Electricity Distribution Circle/Central,  
TANGEDCO,  
110/33/11 KV Valluvarkottam SS Complex,  
M.G.R. Salai, Nungambakkam, Chennai – 34.

3) The Assistant Executive Engineer/Teynampet,  
Chennai Electricity Distribution Circle/Central,  
TANGEDCO,  
No.1, Greenways Road, R.A. Puram,  
Chennai – 600 028.

4) The Assistant Engineer/R.A.Puram,  
Chennai Electricity Distribution Circle/Central,  
TANGEDCO,  
MRC Nagar SS Complex, MRC Nagar,  
Santhome, Chennai - 600 028.

5) The Chairman,  
(The Superintending Engineer),  
Consumer Grievance Redressal Forum,  
TANGEDCO,  
110/33/11 KV Valluvarkottam SS Complex,  
M.G.R. Salai, Nungambakkam, Chennai – 34.

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

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

8) 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.