

**TAMIL NADU ELECTRICITY REGULATORY COMMISSION**  
**(Constituted under Section 82 (1) of the Electricity Act, 2003**  
**Central Act 36 of 2003)**

**PRESENT:-**

Thiru.S.Kabilan	...	Chairman
Thiru.K.Venugopal	....	Member
	and	
Thiru.S.Nagalsamy	....	Member

**S.M.P.No. 6 of 2011**

Dates of hearing : 13-7-2011, 25-11-2011 and  
28-11-2011

Date of Order : 28-12-2011

Thiru.N.Mani  
Executive Engineer  
O & M East  
Trichy – 20

.... Petitioner  
(Party-in-Person)

Vs.

Nil

.... Respondent

S.M.P. No. 6 of 2011 came up for final hearing before the Commission on 28-12-2011. Thiru N.Mani, Executive Engineer (O&M), Trichy-20 appeared before the Commission. The Commission upon perusing the connected records and after hearing Thiru.N.Mani passes the following

**ORDER**

**1. Initiation of S.M.P. No. 6 of 2011:-**

The above Suo Motu Proceeding No.6 of 2011 was initiated by the Commission against Thiru N.Mani, Executive Engineer, Operation and Maintenance, Trichy–20, Tamil Nadu Electricity Board/TANGEDCO as there was

a contravention of Clauses 21 and 22 of the Tamil Nadu Electricity Distribution Standards of Performance Regulations issued by the Commission.

**2. Issue of show cause notice dated 8-9-2011:-**

The letter dated 13-6-2011 received from Thiru.G.Kumudha Kumari addressed to the Chairman of this Commission, enclosing the reply dated 2-9-2010 of Thiru.N.Mani, Executive Engineer has given rise to the initiation of the above Suo Motu Proceedings. In the said letter dated 2-9-2010, the said Executive Engineer, Thiru N.Mani informed Tmt.G.Kumudha Kumari under RTI Act that Clauses 21 and 22 of the Tamil Nadu Electricity Distribution Standards of Performance Regulation are in force but not under implementation due to certain conditions. He has also stated that the compensation Clause is not in force. As the Commission was satisfied that there was a prima-facie case of contravention of the said Regulations, Commission issued a show cause notice dated 8-9-2011 calling upon the said Executive Engineer to appear before the Commission on 13-9-2011 and to show cause as to why proceedings under Section 142 and 146 of the Electricity Act, 2003 should not be initiated against him.

**3. Reply of the Petitioner:-**

The Executive Engineer Thiru N. Mani initially sought time from the Commission for his appearance before the Commission on the ground that he was undergoing medical treatment for knee pain from 18-10-2011 to 16-11-2011 but finally appeared before the Commission on 28-12-2011 as directed. An affidavit to the effect, that he was fully aware of the fact that DSOP Regulation

came into force on 1-1-2007 itself and only due to certain practical difficulties such as lack of man power, material, certain works could not be completed within the stipulated period as specified in the DSOP Regulation, was filed by him on 28-12-2011. He prayed the Commission that there was no willful intention on his part to violate the Regulations of the Commission and the reply given by him to the applicant under the RTI was due to oversight and multifarious work and stress and was not due to willful attitude in contravening the Regulations. He has also offered his unconditional apology for the reply given to Tmt. Kumudha Kumary under the RTI Act and further undertook to implement the orders of the Commission without any delay or hesitation. He further prayed that this particular act of him may be condoned by the Commission for the said reasons. Finally, he prayed the Commission that since he is on the verge of retirement, the proceedings against him may be dropped.

#### **4.2. Finding of the Commission**

Thiru N. Mani, Executive Engineer in response to the summons in S.M.P. No.6 of 2011 appeared before the Commission. The limited issue for consideration is with respect to the information furnished by Thiru N. Mani on 2-8-2010 in his capacity as Public Information Officer of TANGEDCO to a RTI query that clauses 21 and 22 of the Distribution Standards of Performance Regulations are not under implementation due to certain reasons when the fact is that these clauses for compensation came into force from 1-8-2007 itself.

This matter was brought to the notice of the Commission by the applicant under RTI i.e. Tmt. Kumudha Kumari in her letter dated 13-6-2011.

It is amazing how the Executive Engineer has taken upon himself the task of clarifying a Regulation of the Commission, which is the business of the Commission. We take serious notice of the clarification of Thiru N. Mani which has eventually lowered the image of the Commission in the eyes of the public. He has given an impression that the regulations of the Commission can be violated with impunity.

He has tendered an apology, but that does not mitigate the enormity of the violation. Considering the fact that he is due to retire shortly, the Commission takes a lenient view and lets him off with a fine of Rs.1,000/- which should be paid within one month.

**5. Order:**

In view of foregoing Thiru N. Mani, Executive Engineer is directed to pay a fine of Rs.1000/- within a period of one month.

**6. Appeal:**

An appeal under section 111 of the Electricity Act, 2003 against this order shall lie to the Appellate Tribunal for electricity within a period of 45 days.

(Sd.....)  
**(S.Nagalsamy)**  
**Member**

(Sd.....)  
**(K.Venugopal)**  
**Member**  
/ True Copy /

(Sd.....)  
**(S.Kabilan)**  
**Chairman**

Secretary  
Tamil Nadu Electricity  
Regulatory Commission

