

BEFORE THE TAMIL NADU ELECTRICITY REGULATORY COMMISSION
CHENNAI

Present: Thiru K.Venugopal, Member

Thiru S. Nagalsamy, Member

In the matter of: Suo Motu Order No.2 of 2012/D.993 dated 30-07-2012
Delay in replacement of defective meters by TANGEDCO.

1. It has been brought to the notice of this Commission that there are inordinate delays in replacing defective meters. The general complaint is that TANGEDCO is not replacing the defective meters in time and consumers are subjected to hardship. Similarly, service connections are not effected within one month as envisaged in sub-section (1) of section 43 of the Electricity Act, 2003 (Central Act 36 of 2003), even though consumers have complied with the statutory requirements on their part.

2. Although the Commission is frequently calling upon TANGEDCO, to comply the statutory provisions and fulfil the consumers' requirement as per the law, the complaints from the consumers are only increasing day by day. The Ombudsman in Appeal No.79 of 2010 dated 13-02-2012 imposed a fine of Rs.1000/- on E.E./O&M/Thanjavur, for delay in replacing the defective meter. An appeal has been filed by one Tmt.Mallika before the Ombudsman in A.P.No.18 of 2012 complaining delay in effecting service connections. These are all few instances to quote. The Commission is unable to understand what actually deter the officials of TANGEDCO from taking timely action in the aforesaid matters.

3. Regulation 11 of the Distribution standards of Performance Regulations provides as follows:-

11. Replacement of meter:- *Wherever the Licenses receives complaints or the Licensee found during inspection/meter reading that a meter in a service connection is not correct or defective or burnt, the Licensee shall replace the meter after collecting the charges as applicable within 30 days"*

4. Section 128 empowers the Commission to order investigation to the affairs of the licensee, if a licensee failed to comply with any of the provisions of the Act. The said section 128 reads as follows:-

“128. Investigation of certain matters.- (1) *The Appropriate Commission may, on being satisfied that a licensee has failed to comply with any of the conditions of licence or a generating company or a licensee has failed to comply with any of the provisions of this Act or rules or regulations made thereunder, at any time, by order in writing, direct any person (hereafter in this section referred to as “ Investigating Authority”) specified in the order to investigate the affairs of any generating company or licensee and to report to that Commission on any investigation made by such Investigating Authority:*

Provided that the Investigating Authority may, wherever necessary, employ any auditor or any other person for the purpose of assisting him in any investigation under this section.

(2) *Notwithstanding anything to the contrary contained in section 235 of the companies Act, 1956, the Investigating Authority may, at any time, and shall, on being directed so to do by the Appropriate Commission, cause an inspection to be made, by one or more of his officers, of any licensee or generating company and his books of account; and the Investigating Authority shall supply to the licensee or generating company, as the case may be, a copy of his report on such inspection.*

(3) *It shall be the duty of every manager, managing director or other officer of the licensee or generating company, as the case may be, to produce before the Investigating Authority directed to make the investigation under subsection (1), or inspection under sub-section (2), all such books of account, registers and other documents in his custody or power and to furnish him with any statement and information relating to the affairs of the licensee or generating company, as the case may be, as the said Investigating Authority may require of him within such time as the said Investigating Authority may specify.*

(4) *Any Investigating Authority, directed to make an investigation under sub-section (1), or inspection under sub-section (2), may examine on oath any manager, managing director or other officer of the licensee or generating company, as the case may be, in relation to his business and may administer oaths accordingly.*

(5) *The Investigating Authority, shall, if it has been directed by the Appropriate Commission to cause an inspection to be made, and may, in any other case, report to the Appropriate Commission on any inspection made under this section.*

(6) *On receipt of any report under sub-section (1) or sub-section (5), the Appropriate Commission may, after giving such opportunity to the licensee or generating company, as the case may be, to make a representation in connection with the report as in the opinion of the Appropriate Commission, seems reasonable, by order in writing—*

(a) require the licensee or the generating company to take such action in respect of any matter arising out of the report as the Appropriate Commission may think fit; or

(b) cancel the licence; or

(c) direct the generating company to cease to carry on the business of generation of electricity.

(7) The Appropriate Commission may, after giving reasonable notice to the licensee or the generating company, as the case may be, publish the report submitted by the Investigating Authority under sub-section (5) or such portion thereof as may appear to it to be necessary.

(8) The Appropriate Commission may specify the minimum information to be maintained by the licensee or the generating company in their books, the manner in which such information shall be maintained, the checks and other verifications to be adopted by licensee or the generating company in that connection and all other matters incidental thereto as are, in its opinion, necessary to enable the Investigating Authority to discharge satisfactorily its functions under this section.

Explanation.- For the purposes of this section, the expression “ licensee or the generating company” shall include in the case of a licensee incorporated in India—

(a) all its subsidiaries formed for the purpose of carrying on the business of generation or transmission or distribution or trading of electricity exclusively outside India; and

(b) all its branches whether situated in India or outside India.

(9) All expenses of, and incidental to, any investigation made under this section shall be defrayed by the licensee or generating company, as the case may be, and shall have priority over that debts due from the licensee or the generating company and shall be recoverable as an arrear of land revenue.

5. As the violation of the above provisions by TANGEDCO has been brought to the notice of this Commission and the Commission is satisfied that there is a prima facie case to act under section 128 of the Act and the Commission desires to know the cause for such violations so that remedial measures may be undertaken at the earliest. The Commission therefore, in exercise of its powers under section 128 of the Electricity Act, 2003 (Central Act 36 of 2003) hereby directs the Director (Tariff) to investigate the affairs of South and Central Circles (Distribution) Chennai of TANGEDCO with regard to non-replacement of defective meters of the consumers in time and to report to the Commission on the investigation made by him within 60 (sixty) days of this order.

6. The Superintending Engineers and other officers of TANGEDCO in the said two circles as well as the concerned Chief Engineers are directed to render all assistance to the Investigating Authority appointed in para 4 above and produce all such books of account registers and other documents in their custody or power and to furnish

statement of information relating to the affairs of TANGEDCO in the said matter, whenever required by the Investigating Authority.

7. The Investigating Authority may employ any other person for assisting him in the investigation, as per sub-section (2) of the said section 128.

8. An appeal against this Order lies with Appellate Tribunal for Electricity, New Delhi in accordance with section 111 of the Electricity Act, 2003.

Sd/-...
(S.Nagalsamy)
Member

sd/-...
(K.Venugopal)
Member

// True copy //

Secretary
Tamil Nadu Electricity Regulatory Commission

To
The Director (Tariff)

Copy to: 1) CMD, TANGEDCO
2) Assistant Director (Computer) for hosting in the website