



Sivagiri, Erode and letter dated 1.3.12 addressed to Secretary of the Commission by Dr. K.S. Palanisamy have been taken on file by the Commission for Suo-Motu proceedings and numbered as SMP No.3 of 2012. Therefore, the Commission issued show cause notices to the Assistant Engineer, Sivagiri, Assistant Executive Engineer O&M, Sivagiri and Executive Engineer, Erode Distribution Circle, Erode on 10-4-2012 calling upon them to show cause as to why proceedings should not be initiated against them under section 142 of the Electricity Act, 2003.

2. In their reply to the said show cause notice which was received by the Commission on 7-5-2012 all the above officials took an identical stand stating that the agricultural land to which the service connection was effected was converted into number of housing plots and sold to many persons including the second complainant Dr. K.S. Palanisamy. The aforesaid officials of TANGEDCO denied the allegation made by the complainants that the service connection was disconnected without notice. In support of the same, they have brought to the notice of the Commission the issue of notice dated 7-2-2012 by the officials of TANGEDCO. But the service was disconnected by the next day on 08-02-2012. It is further the contention of the complainants that a letter was issued by the Assistant Engineer, O&M, Sivagiri as an afterthought giving 30 days notice on 14-2-2012 as required under regulation 33(4) of the Tamil Nadu Electricity Distribution Code though the service was already disconnected on 08-02-2012 itself.

3. The above matter came up for hearing on 29-5-2012. During the course of hearing, the aforesaid officials of TANGEDCO took a totally contrary stand by maintaining that proceedings were taken under regulation 19(6) of the Tamil Nadu Electricity Supply Code which is nothing but reproduction of section 126 of the

Electricity Act, 2003. It may be noted that in the reply to the show cause notices, the section 126 of the Electricity Act, 2003 or the aforesaid regulation of Tamil Nadu Electricity Supply Code was never referred to by the officers of TANGEDCO. It may further be seen that the regulation 33(4) of the Tamil Nadu Electricity Distribution Code postulates one month notice before effecting of disconnection. That is to say, a clear 30 days notice ought to have been given anterior to the disconnection of the service connection. However, on careful perusal of the documents produced before the Commission, in particular, from the notice dated 7-2-2012 issued by the Assistant Engineer it is seen that the service connection was disconnected without adhering to the provisions laid down in regulation 33(4) of the Tamil Nadu Electricity Distribution Code. What is more, the Assistant Engineer addressed another communication on 14-2-2012 i.e, a week after the disconnection informing the holder of the service connection Thiru P. Shanmugasundaram that an appeal may be preferred within 30 days from the date of the said communication to The Assistant Executive Engineer. This communication dated 14-2-2012 of the Assistant Executive Engineer is borne out of erroneous understanding of the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Distribution Code which deal with unauthorized use of energy. It is hard to fathom as to how one month's time which is postulated for the actual disconnection of a service connection could be treated as a time limit for filing an appeal against the orders of the Assistant Engineer. There seems to be undue haste in effecting the disconnection of the service connection, though the Assistant Engineer may have reasons to suspect the unauthorized use of energy.

4. During the proceedings, Thiru N.Sekar, Executive Engineer has apologized and admitted that the service connection has been disconnected without giving

proper notice as contemplated in the Distribution Code. The above submissions were adopted by other two respondents also. He further submitted that the agricultural service connection was misused for development of residential flats and water from the pump was also misused. He further submitted that action against the petitioners was taken under Supply Code 19 (6). But he could not produce any evidence to substantiate his statements.

5. Moreover prescribed procedures under section 126 of Electricity Act, 2003 for assessment of loss arising out of unauthorized usage of electricity, were not followed. The Executive Engineer submitted that based on the report of the Section Officer the service connection was disconnected. However, he could not produce the report submitted by the section officer in this regard. In the interim order, the Commission observed as follows:

*“All the three officers were present. EE, Erode EDC stated that he apologised for the mistake. He also stated that action was taken under regulation 19 of the Supply Code which is similar to section 126 of the Electricity Act, 2003. Section 126 and the corresponding regulation deals with unauthorized use of energy which is not a case represented here. The action has been taken to disconnect the supply without any notice. All the three officers undertook to restore the supply immediately. A detailed order will be issued by the Commission separately. Thiru K.S. Palanisamy, the complainant reiterated that the pumpset which is sanctioned for agricultural purpose shall be used by him only for agricultural purposes.”*

6. Though the Executive Engineer apologized for the disconnection of service connection without prior notice, the fact remains that there is a flagrant violation of

regulation 33(4) of the Tamil Nadu Electricity Distribution Code and section 126 of the Electricity Act, 2003. Such things should not be allowed to happen in a consumer oriented organization like TANGEDCO. The aforesaid officials neither followed the regulation 33(4) of the Tamil Nadu Electricity Distribution Code nor regulation 19(6) of the Tamil Nadu Electricity Supply Code which deal with unauthorized use of energy. The Commission is firmly convinced that the reliance placed upon regulation 19(6) of the TN Electricity Supply Code which deals with the unauthorized use of energy is only a last ditch attempt to make up for the failure to adhere to regulation 33(4) of the TN Electricity Distribution Code. The Commission is constrained to observe that there is no clarity on the part of the aforesaid officials during the entire proceedings.

7. The second complainant Dr. K.S.Palanisamy who appeared before the Commission refuted all the allegations of above officials of TANGEDCO categorically and submitted before the Commission that no unauthorised usage of electricity took place. Moreover the officials of TANGEDCO had not produced any evidence to prove their argument of unauthorized usage of energy. Even the procedures prescribed in the provision of the Act and Regulations were not followed by them. The aforesaid officials of TANGEDCO further undertook to restore the supply immediately. Dr. K.S. Palanisamy also complained of ill-treatment by Executive Engineer of TANGEDCO in granting audience to him for meeting him to explain the problem. However, the allegations were refuted by the Executive Engineer. The Commission do not want to go into details of this allegation. The letter dated. 7-2-2012 was only an intimation of disconnection and the next day it was disconnected.

8. Since the service connection has since been restored, the Commission is not taking a serious view in the matter and would only like to warn the concerned officials to desist from such arbitrary actions in future.

**9. Appeal:-**

An appeal against this order lies before the Appellate Tribunal for Electricity under section 111 of the Electricity Act 2003, within a period of 45 days from the date of receipt of a copy of this order by the aggrieved person.

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

(Sd.....)  
**(K.Venugopal)**  
**Member**

/ True Copy /

Secretary  
Tamil Nadu Electricity  
Regulatory Commission