

2. Facts of the Case :-

(a) The Petitioner namely, Christian Medical College, Vellore have four numbers of HT services for the quarters provided to the doctors, nurses, PG students and other essential staff of the Christian Medical College.

(b) The above four HT services were utilized for residential purposes only and they are paying at HT Tariff (others category) III right from the date of effecting the supply.

(c) The Petitioner represented to the Tamil Nadu Electricity Regulatory Commission to include "Housing Complexes" in HT category under HT II A since the entire electricity in the above services are for bonafide purposes of electrical loads in residential quarters used for doctors, nurses and other staff of Christian Medical College only.

(d) In the present tariff revision order issued by the Tamil Nadu Electricity Regulatory Commission vide Order No.1 of 2012 dated 30-03-2012, the HT "Housing Complexes" have been classified under HT II A, only for HT services under the control of Central / State Governments / Local bodies / TWAD Board CMWSSB. Hence, this petition has been filed by the Petitioner.

3. Contentions of the Petitioner as set out in the Petition :-

(a) The Chief Financial Controller/Revenue, TANGEDCO in letter dated 22-12-2011 addressed to the General Superintendent, Christian Medical College, Vellore has informed that HT housing complexes are included under HT Tariff IIA in

the Tariff Petition filed before the Tamil Nadu Electricity Regulatory Commission and they are vested with power to categorize and fix the tariff for consumers.

(b) TANGEDCO also in their petition M.P.No.5 of 2011 submitted to the Commission to include Housing Complexes in HT II A category.

(c) As per the Electricity (Removal of Difficulties) (Eighth) Order, 2005, supply of electricity at single point for giving electricity to employees for their residences for residential purposes is permitted on such terms and conditions as may be specified by the State Commission.

4. Hearing held on 21-06-2012:-

In the hearing held on 21-06-2012, the Commission held as follows:-

“Thiru J.P.Peter, General Superintending of Christian Medical College presented the case. After hearing, the petition was admitted. The Respondent was directed to file counter within four weeks. The matter shall be listed thereafter”.

5. Counter affidavit filed by the Respondent:-

In the counter affidavit filed by the Respondent, the following contentions are made by the Respondent:-

(a) The HT Service Connection No.1282, 1288, 1289 and 1293 have been effected to the said Christian Medical College, Vellore on 24-09-2010 onwards in each separated Housing Complexes at different premises. The above service connections are billed under HT Tariff III as per the terms and conditions specified in Tariff Order No.3 dated 31-07-2010 and subsequent orders issued by the Commission.

(b) In the Tariff Order No.1 of 2003 dated 15-03-2003, the Housing Complexes were classified under category HT Tariff II A. Further in the Tariff Order No.3 of 2010 dated 31-07-2010, the said Housing Complexes were not classified under the category HT Tariff II A.

(c) TANGEDCO filed a petition before the Commission in M.P.No.5 of 2011 on Tamil Nadu Electricity Regulatory Commission Order No.3 dated 31-07-2010 to include the Housing complexes in HT Tariff II A. The said petition had been withdrawn by TANGEDCO, since this category of consumers has been included under HT Tariff II A in the petition filed by the TANGEDCO for tariff revision for the year 2012-13.

(d) The Commission issued the Tariff Order No.1 of 2012 on 30-03-2012. In the order, the Commission permitted to extend the HT Tariff II A, only to Housing Complexes under the control of Central / State Governments / Local Bodies / TWAD Board / CMWSSB.

(e) The staff residential quarters of Christian Medical College, H.T.S.C.No. 1282, 1288, 1289 and 1293 in Vellore Electricity Distribution Circle are located outside the premises of Christian Medical College. Since the service connection of staff residential quarters is located outside the premises of the HT service connection of Christian Medical College, it is not permitted to categorize under LT Tariff I C.

(f) The staff residential quarters of Christian Medical College are also not coming under the category of Co-operatives group Housing Society to extend the single point supply and hence it is not possible to classify under HT Tariff II A.

(g) The Commission in para 10.6.1 of Order No.1 of 2012 dated 30-03-2012 classified all commercial establishments and other categories of consumers not covered under HT Tariff IA, IB, IIA, IIB and IV under the HT Tariff III.

(h) As per the terms and conditions specified by the Commission in accordance with Electricity (Removal of Difficulties) (Eighth) Order 2003, issued by the Ministry of Power on 09-06-2005, the staff residential quarters of Christian Medical College HT S.C.No.1282, 1288, 1289 and 1293 in Vellore Electricity Distribution Circle has to be classified under the category of HT Tariff III.

6. Rejoinder to the Counter Affidavit filed by the Petitioner:-

In the rejoinder to the counter affidavit, the Petitioner has stated as follows:-

(a) It is not true that the staff residential quarters of Christian Medical College is located outside the Christian Medical College as alleged by the Respondent in their counter. The HT Service No.1282 for residential quarters is located in the same area where Christian Medical College HT SC.No.1001 is located with only a fencing, separating the quarters and the institute. Separate service connection was availed when the Tariff Order dated 15-03-2003 was in force. The services referred to above are in the same campus separated by fencing.

(b) In the Clause 7.11 of the Tariff Order dated 15-03-2003 under the heading Bulk Supply Consumers, the Commission has recorded its views in the order stating that, residential complexes should be encouraged as the T.N.E.B.'s losses will reduce and the Tamil Nadu Electricity Board is also saved of the metering, billing and collection expenditure for the individual consumers. The Commission has

further stated that several States have given a rebate on the bill amount while some States have enabled the consumers to avail of the benefit of the slab system.

(c) In the Tariff Order dated 15-03-2003, the Commission has stated that it is fully convinced that it is not justified to charge the domestic consumption under a commercial rate simply because there is no such category under HT Tariff. Hence the Commission decided to bring Housing Complexes under the HT category II-A in the order dated 15-03-2003.

(d) Interpretation of Electricity (Removal of Difficulties) (Eighth) Order 2005 by the TANGEDCO is not acceptable. As per the Electricity (Removal of Difficulties) (Eighth) Order, 2005, supply of electricity at single point for giving electricity to employees for their residences for residential purposes is permitted on such forms and conditions as may be specified by the State Commission. This is meant for getting supply at single point at a reasonable tariff fixed by the Commission. Even without this order, Electricity (Removal of Difficulties) (Eighth) Order, 2005, any consumer is eligible for getting supply at single point at Commercial Tariff HT III.

7. Counter Affidavit filed by the Respondent to the Petitioner's Rejoinder:-

In the counter affidavit filed by the Respondent to the Petitioner's Rejoinder, it has been stated as follows:-

(a) In the Tariff Order No.1 of 2003 dated 15-03-2003, the Housing Complexes were classified under category HT Tariff II A. Further, in the Tariff Order No.3 of 2010 dated 31-07-2010, the said Housing Complexes were not classified under the category HT Tariff II A.

(b) Each HT Service connections were located in different premises and which are separated by fencing. On account of separation by fencing only, separate service connections have been extended to each premises of staff residential quarters. As long as it is separated by fencing, it cannot be considered as located in the same premises. If it has not been separated by fencing, the supply to the staff residential quarters would have been extended from the same service connection of hospital and separate service connections to the quarters need not be availed.

(c) Rule 3 of the Electricity (Removal of difficulties) (Eighth) Order 2005 reads as follows:-

“A distribution licensee shall give supply of electricity for residential purposes on an application by a person at a single point for making electricity available to his employees residing in the same premises on such terms and conditions as may be specified by the State Commission”.

Accordingly, the Commission's terms and conditions in the Tariff Order dated 31-07-2010 and 30-03-2012 classified this category of consumers under the tariff HT Tariff III.

8. Finding of the Commission:-

(a) MP No. 19 of 2012 is filed by Christian Medical College, Vellore praying for classifying their HT Services for residential quarters under HT II A Tariff instead of HT III Tariff being charged now. The petitioner in his petition has pleaded that 4 Nos of service connections were applied for and taken by them in the years 2010 and 2011 based on the tariff order issued by the Commission in the year 2003 where HT housing complex was classified under tariff category HT II A. They further pleaded that the tariff orders issued by the Commission in 2010 and subsequently in 2012 did

not provide for residential colonies and housing complexes under HT tariff II A, though this tariff has been extended to Central / State Governments / Local bodies / TWAD Board / CMWSSB. According to the petitioner, this implies that the residential colonies and housing complexes of Central / State Governments / Local bodies / TWAD Board / CMWSSB would be eligible for HT II A tariff while housing complexes and residential colonies of any other agencies other than the above listed categories would be charged under HT Tariff III by default. The benefit of providing single point supply to a housing complex through HT Service is recognized to be a saving of metering, billing and collection expenditure from the individual consumers. Further providing HT connection is also expected to reduce the T&D Losses for the utility. The Distribution licensee is also not expected to provide the transformers and LT Distribution lines for such residential complexes if the consumer takes a single point HT supply and makes his own arrangement for further distribution.

(b) *Per contra*, the respondent TANGEDCO clarified that they are only charging the HT III tariff as per the Tariff Order dated 30th March 2012. They also argued that such consumers as the petitioners herein were charged under the HT III Tariff even as per the Order dated 31st July 2010. However, the proposal of TANGEDCO with regard to consumers like the petitioner was only HT II A Tariff and not HT III Tariff in their petitions filed in the years 2010 and 2012. The Tariff Order for the year 2003 also provided for HT Tariff II A for such residential complexes.

(c) The Commission has examined the written pleadings of the parties and also the oral arguments adduced during the hearing. Prior to 2010 Tariff Order, HT Tariff II A was applied to the consumers like the petitioner herein for residential housing

colonies and housing complexes. Para 10.4.1 of the Tariff Order dated 30th March 2012 is extracted below:-

“10.4.1 This tariff is applicable for the following services under the control of Central /State Governments/local bodies TWAD Board/ CMWSSB:

- 1. Educational institutions including government aided educational institutions and Hostels run by such educational institutions, Hospitals, Veterinary Hospitals, Leprosy Sub-Centres, Primary Health Centres and Health Sub-Centres, Orphanages, Public Libraries, Public Water works and sewerage works, Public Lighting, Residential colonies and Housing complexes, Senior Citizens communities, Electric crematorium, Research Laboratories and institutions, Ministry of Defence and Avadi CRPF establishment, Dairy units, Hospitals and Rehabilitation centres run by charitable trusts which offers totally free treatment for all categories of patients on par with government hospitals, Desalination plants and Art Galleries.*

(d) There is no other provision for residential colonies and housing complexes of any other agency other than the Central / State Governments / Local bodies / TWAD Board / CMWSSB under any other HT category. HT Tariff III is the Tariff which is applicable to categories of consumers not covered under HT Tariff IA, IB, IIA, IIB and IV. The petitioner herein is pleading for categorizing them under HT Tariff II A. Since the residential colonies and housing complexes are figuring only under one category Viz., HT Tariff II A and does not figure under any other category of Tariff as discussed above the Commission considers it appropriate to accede to the prayer of the petitioner for including such bulk consumers under HT Tariff II A. Impact of such a change shall be covered by the TANGEDCO at the time of true up of FY 2012 – 13 in the next Tariff Order. Since the Commission is taking a fresh view in the matter

consequent to filing of this petition, this Order shall take effect from the date of its filing in the Commission.

Ordered accordingly.

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 the copy of this order by the aggrieved person.

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

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

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission