

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

PRESENT:-

Thiru S. Akshayakumar **Chairman**

Thiru.S.Nagalsamy **Member**

and

Thiru.G.Rajagopal **Member**

Suo-Motu Proceeding No. 4 of 2014

S.R.P. Construction Company
Civil Engineering Construction
W-472, Anna Nagar West Extension
Chennai – 600 101.

... **Petitioner**

Vs

1. The Assistant Executive Engineer
Pudupalayam, Gadilam
TANGEDCO
Cuddalore.

2. The Superintending Engineer
Cuddalore Electricity Distribution Circle
TANGEDCO
Cuddalore

....**Respondents**

Date of hearing : 23-06-2014

Date of order : 19-01-2015

1. The above Suo-Motu proceedings were initiated consequent upon the complaint of the Petitioner dated 25-09-2012 alleging that the Respondents have

wrongly charged the Petitioner (S.C.No.003-014-946) under section 135 of the Electricity Act,2003 instead of collecting from him the difference between original tariff and applicable tariff.

2. The above Suo-Motu proceedings came up for final hearing on 23-06-2014 before the Commission and the Commission upon perusing the records and hearing the parties makes the following order:-

ORDER

M/s.S.R.P. Construction Company represented by its Civil Engineering Contractor has made a complaint to the Commission dated 25-09-2012 in the reference cited stating that his company has been charged under theft of energy in what is basically a case of misapplication of tariff. The Complainant has further represented that TANGEDCO was aware of the fact that service connection would be used for 110 Nos. dwelling units at the time of effecting of service connection itself and that he was not given any notice of modification of tariff with regard to the classification under LT Tariff VI. The service connection was given under Tariff V in April 2012.

The provisional assessment order made by the Assistant Executive Engineer, O & M Town North, Pudupalayam, Gadilam, Cuddalore stated an offence of theft has been committed and approximate loss due to dishonest abstraction / illegal restoration of supply is assessed at Rs.1,65,013/-. However, on a perusal of the working sheet of the Assistant Executive Engineer, Cuddalore it appears, prima facie that it is a mere case of use of service connection obtained under LT Tariff V for construction purpose involving more than 12 dwelling units. It is also seen that the Petitioner while applying for service connection has constructively informed the

Respondents that construction of 110 Nos. of dwelling units is to be carried out by him under a contract with the Tamil Nadu Police Housing Corporation. The ingredient of section 135 i.e. dishonest intention on the part of the consumer cannot therefore *prima facie* be established.

In view of the above position, the Complaint of the Petitioner was taken on file as S.M.P. No.4 of 2014 under section 142 of the Electricity Act, 2003 and the Assistant Executive Engineer O & M Town-North was directed to furnish an explanation as to why the difference of amount between LT V and LT VI categories of tariff could not have been collected by issue of a mere notice to the complainant rather than taking recourse to section 135. The Assistant Executive Engineer was further called upon to show cause as to why proceedings under section 142 should not be initiated for violation of Tariff Order No.1 dated 31-3-2012 of the Commission and for resorting to section 135 of the Electricity Act, 2003.

The Assistant Executive Engineer submitted inter-alia that the demand was the result of the action of the APTS Wing and he himself objected to such action stating that the differential tariff amount could be collected without taking action under section 135 of the Act.

When the S.M.P. was taken up for hearing on 23-06-2014, the representative of M/s.S.R.P. Construction Company, the Assistant Executive Engineer, Pudupalayam and the Site Engineer, Cuddalore EDC were present. During the hearing the Petitioner submitted that the assessment on account of alleged theft of energy has since been revised by the Assistant Executive Engineer as the difference

on account of incorrect application of tariff to the concerned service connection and that he has paid the difference in amount and he has no grievance any more.

The Commission considering the above submission by the Complainant decided to close the S.M.P. Accordingly the S.M.P. No.4 of 2014 is closed.

(Sd.....)
(G.Rajagopal)
Member

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

(Sd.....)
(S.Akshayakumar)
Chairman

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission