



A consumer is the important visitor on our premises.
He is not dependent on us. We are dependent on him.
-Mahatma Gandhi

TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai

Present : Thiru. N.Kannan, Electricity Ombudsman

A.P.No. 105 of 2022

The Chairman/Managing Trustee,
M/s. Nethravathi Pain, Palliative
Care & Rehabilitation Centre,
Run by: Aishwaryam Trust, 3/539B, Aadhishivan Nagar,
Vilachery, Madurai – 625 006.

. Appellant
(Thiru R.Balagurusamy)

The Executive Engineer/Thirumangalam,
Madurai Electricity Distribution Circle,
TANGEDCO,
SS Complex, Usilampatty Road,
Tirumangalam-625706.

. . . . Respondent
(Thiru P.Mutharasu, EE/ Thirumangalam)

Petition Received on: 06-12-2022

Date of hearing: 21-02-2023

Date of order: 03-03-2023

The Appeal Petition received on 06.12.2022 filed by The Chairman/Managing Trustee, M/s. Nethravathi Pain, Palliative Care & Rehabilitation Centre, Run by Aishwaryam Trust, 3/539B, Aadhishivan Nagar, Vilachery, Madurai – 625 006 was registered as Appeal Petition No. 105 of 2022. The above appeal petition came up for hearing before the Electricity Ombudsman on 21.02.2023. Upon perusing the Appeal Petition, Counter affidavit, written argument and the oral submission made on the hearing date from both the parties, the Electricity Ombudsman passes the following order.

Order

1. Prayer of the Appellant:

The Appellant has prayed to change the commercial Tariff to Domestic Tariff for the Nethravathi Pain Palliative care & Rehabilitation Centre.

2.0 Brief History of the case:

2.1 The Appellant briefed that Nethravathi Pain, Palliative Care & Rehabilitation Centre is run by a team of doctors providing palliative care to poor people at free of cost under Registered Trust Aiswarayam. Initially this centre was charged under Tariff IA on inspection the Tariff was changed to V. Hence appealed to respondent again to change the Tariff-V to Tariff IA.

2.2 Based on the Appellant's request, the Respondent scrutinized the documents and learnt that they are collecting amount for the treatment from some patients. Hence the Respondent informed the Appellant that the Tariff IA could not be applied to them.

2.3 Since the grievance of the Appellant was not settled by the Respondent, the appellant filed a petition before the CGRF of Madurai EDC on 11.07.2020. The CGRF of Madurai EDC has issued an order dated 16.11.2022. Aggrieved over the order, the appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Madurai Electricity Distribution Circle issued its order on 16.11.2022. The relevant portion of the order is extracted below:-

"மன்றத்தின் தீர்வு:

முறையீட்டாளரின் விதப்பட்டி மாற்றம் கோரிக்கையானது Tariff Order ன்படி ஏற்றுக்கொள்ள இயலாது என்று மன்றத்தால் ஆணையிடப்படுகிறது செலவு தொகை இல்லை."

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments, a hearing was conducted on 21.02.2023 through video conferencing.

4.2 The Appellant Dr. Thiru R.Balagurusamy attended the hearing and put forth his arguments.

4.3 The Respondent, Thiru P.Mutharasu, EE/Thirumangalam of Madurai Electricity Distribution/Metro attended the hearing and put forth his arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing the order. Further, the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone is discussed hereunder.

5.0 Arguments of the Appellant :

5.1 The Appellant has stated that as a team of seven doctors with a mindset of providing palliative care to poor people, started Aishwaryam Trust duly registered under IAPC Indian Association of Palliative Care. Reg. No. IAPC-2017-90002696. Registration under Social Welfare Department of Madurai district under the rule 12(3) of Tamilnadu Maintenance and Welfare of the Parents and Senior Citizens Rule 2009 Central Act (56 of 2007) and AAETA4321QF20214 80G of the IT Act from Commissioner of Income Tax has also been done. Initially this was run in a rented building at Kadachanendal. A couple from Tirunagar Sri.K Janardhanan and Srimathi. R.Jalaja came forward to donate 27 1/2 cents of land at Vilachery bearing the registration cost also. Ground floor and first floor each 2000 sq ft was constructed at the given site with the donations:- main supporters for this where K.Janardhanan, TVS Arogya welfare Trust, Aravind Eye hospital, Rotarians and other like minded people. One Shri.Shyam Gupta donated an annexure block of 2000 sq feet. Washing of linen at the centre is done in an industrial washing machine that was purchased through cloud funding.

5.2 The Appellant has stated that they were initially charged under Tariff LA1A, On Inspection from EB department they were guided and insisted to opt for the

present revised Tariff LM51, on the grounds, that one or two patients volunteered to pay meager amount that they can spare for the facilities provided at the Nethravathi Pain Palliative Care Centre. They mainly provide RESCUE and rehabilitation services for the patients recommended by Police and NGO's totally free of cost. At present 48 patients are availing this facilities.

5.3 The Appellant has stated that there is no specific/fixed tariff for treating patients at Nethravathi Pain and Palliative Care Centre. They provide medical, physiotherapy, nursing, food and other maintenance totally free of cost. Some people on their own accord, pay meager amount towards medicine and medical facilities only, saying they are financially well off to pay this amount. They are rendering palliative care to the society maximum free of cost and intend to further expand and continue the same depending on the donations that they receive. They therefore, request that they may kindly be charged at the concessional domestic rate which will help a long way in providing the charitable palliative care.

5.4 The Appellant has stated that patients accommodated in the centre are provided with free, 24/7 nursing facility, physiotherapy, boarding, bedding, laundry, required ICU facility and up keep of the premises. Patients are provided with free medical follow up by the Duty Medical Officer employed by the Trust. Further special checkup is done by the team of doctors who are the Trustees.

5.5 The Appellant has stated that there is no fixed tariff for admission at the centre and every facility is provided free of cost. All Rescue operations are done on reference by Police/ NGO/Social Welfare Department. About Rs.4.40 lakhs expenditure is incurred on monthly basis for the above facilities through public donations. The income and expenditure at the centre is regularly monitored by Dr.R.Balagurusamy. Chairman cum Managing Trustee and annual returns are filed with the income Tax Department.

5.6 The Appellant has stated that all the Doctors who are Trustees are extending

honorary services at the centre for the above facilities. Since all the facilities explained above are extended to the patient charitably, there is no commercial activity at the centre. Only a very few patients who are financially sound come forward voluntarily to bear the cost of the medicine. For Major Medical complication requiring treatment at specialty hospital, the expenditure is also borne by the Trust.

5.7 The Appellant has prayed to consider the above points as special consideration and revise the EB Tariff for S.C.No. 05-144-017-1853 provided at Nethravathi Pain and Palliative Care, Vilachery, at domestic Tariff LAIA. This will help the Trust to extend the existing charitable services to more patients.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that the Appellant requested tariff change from LT Tariff V to LT Tariff IA for Nethravathi Pain, Palliative Care & Rehabilitation Centre.

6.2 The Respondent has submitted that on scrutiny of the documents submitted in the appeal petition, it is learnt that they are collecting amount for the treatment from some patients and giving free treatment to some patients.

6.3 The Respondent has submitted that in the Tariff order issued by the Tamilnadu Electricity Regulatory commission LT Tariff IA can be applied to the old age homes, leprosy centres & sub centres orphanages, Homes for destitute run by Government / Local bodies / Charitable institution / Trust rendering free services. But the appellant is collecting money for the treatment given by them.

6.4 The Respondent has submitted that LT Tariff V can only be charged for M/s.Nethravathi pain & Palliative care & Rehabilitation centre (Sc No: 05-144-017-1853) and Tariff IA cannot to be applied to them.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard both the respondent's and the appellant's arguments. The judgment below was rendered on the basis of their arguments and documents: Whether the petition filed by the appellant to revoke the present Tariff V of the M/s. Nethravathi Pain, Palliative Care & Rehabilitation Centre to the tariff IA is tenable?

In this regard, reference may be made to earlier tariff decisions of the Commission with respect to "Old Age Homes," which are given in below:-

(i) T.O.No.3 of 2010, dated 31.07.2010 –

9.11.10. Low Tension Tariff I-A :

xxxx xxxx

(5) Old Age Home, Leprosy Centre run by charitable institutions rendering free service."

TNERC in the above Tariff Order dated 31.07.2010 classified the LT Tariff I-A for the Old Age homes and Leprosy Centre run by the charitable institutions rendering free service and the same classification continued in Tariff Order No.1 of 2012 dated 30.3.2012 for rendering totally free service.

ii) T.O.No.1, dated 20.6.2013 under para 6.10(i)(f), TNERC ordered that –

6.10. This tariff is applicable to the following:

(i) xxxx xxxx

(f) Old Age Homes, Leprosy Centres and sub centres. Orphanages, Homes for destitute run by Government / Local bodies / Charitable Institutions rendering totally free services."

iii) T.O.No.9 dated 11-12-2014 with effect from 12-12-2014 under para 6.10(i)(f), TNERC ordered that –

(f) Old Age Homes, Leprosy Centres and sub centres. Orphanages, Homes for destitute run by Government / Local bodies / Charitable Institutions rendering totally free services."

iv) T.O.No.1 dated 11-08-2017 with effect from 11-08-2017 under para 6.2.2.1(f), TNERC ordered that –

(f) Old Age Homes, Leprosy Centres and sub centres. Orphanages, Homes for destitute run by Government / Local bodies / Charitable Institutions rendering totally free services."

v) The same provisions in respect of 'Old age homes' continues in the recently issued Tariff order No.7 of 2022, dt 09-09-2022 under para 6.2.2.1(e), TNERC ordered that –

(f) Old Age Homes, Leprosy Centres and sub centres. Orphanages, Homes for destitute run by Government / Local bodies / Charitable Institutions/Trust rendering totally free services.”

7.2 From all the above tariff orders since 2010, it is clear that the Hon'ble TNERC has not changed its approach of classifying LT Tariff I-A for "Homes for the Elderly operated by State/Municipal/Non-Profit Institutions/Trusts providing free services".

7.3 During the hearing, Respondent also alleged that the Appellant Trust collects fees from eligible patients, which was well established by its Enforcement Department. The Appellant also acknowledged that while his trust is funded by NGOs and does not collect fees from poor patients, it does accept donations from Philanthropists/Organisations and also from some eligible patients whose relatives have offered to pay the required fees. From the foregoing hearing of both versions of the Respondent and the Appellant, it appears that the Appellant collects fees from some eligible patients. Thus, the Appellant has not demonstrated beyond a reasonable doubt that all patients are treated in a free environment to submit claims under LT Tariff I-A.

8.0 Conclusion:

8.1 In light of my findings in the preceding paragraphs, I conclude that the appeal of the Appellant for restoration of LT Tariff I-A from LT Tariff-V has no merit as per the Tariff Order in vogue.

8.2. With the above findings the A.P.No.105 of 2022 is finally disposed of by the Electricity Ombudsman. No costs.

(N. Kannan)

Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”
“No Consumer, No Utility”

To

1. The Chairman/Managing Trustee,
M/s. Nethravathi Pain, Palliative
Care & Rehabilitation Centre,
Run by: Aishwaryam Trust, 3/539B,
Aadhishivan Nagar,
Vilachery, Madurai – 625 006.

- By RPAD

2. The Executive Engineer/Thirumangalam,
Madurai Electricity Distribution Circle,
TANGEDCO,
SS Complex, Usilampatty Road,
Tirumangalam-625706.

3. The Superintending Engineer,
Madurai Electricity Distribution Circle,
TANGEDCO,
Race Course Road,
K. Pudur, Madurai – 625007.

- By email

4. The Chairman & Managing Director,
TANGEDCO,
NPKRR Maaligai, 144, Anna Salai,
Chennai -600 002.

– By email

5. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate, Guindy,
Chennai – 600 032.

– By email

6. The Assistant Director (Computer)
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate, Guindy,
Chennai – 600 032.

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