



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. 30 of 2023

Thiru S.K.Lakshminarayanan,
14, Second Street, Priya Nagar IV,
Urapakkam – 603 210.

..... Appellant
(Thiru S.K.Lakshminarayanan)

Vs.

1. The Executive Engineer/O&M/Maraimalainagar,
Chengalpet Electricity Distribution Circle,
TANGEDCO,
110 KV SS Complex, GST Road,
Near Ford Company,
Maraimalai Nagar - 603209.

2. The Assistant Engineer/O&M/West/Urapakkam,
Chengalpet Electricity Distribution Circle,
TANGEDCO,
Office of the Assistant Engineer,
Urapakkam.

..... Respondents
Thiru M. Sundaramurthy, AEE/Guduvancherry,
Thiru V.Karthikeyan, AE/Urapakkam/West)

Petition Received on: 02-05-2023

Date of hearing: 12-07-2023

Date of order: 14-07-2023

The Appeal Petition received on 02.05.2023, filed by Thiru S.K.Lakshminarayanan, 14, Second Street, Priya Nagar IV, Urapakkam – 603 210 was registered as Appeal Petition No. 30 of 2023. The above appeal petition came up for hearing before the Electricity Ombudsman on 12.07.2023. 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 cancel the solar network charges in the service connection 584-001-1682.

2.0 Brief History of the case:

2.1 The Appellant has made a complaint for generated bills on solar network charges in his SC No. 584-001-1682.

2.2 The Respondent has stated that based on the Appellant's complaint, the service was inspected and found to be normal and informed the Appellant that the network charges are framed as per TNERC GISS order.

2.3 Since the grievance not settled with the Respondent, the Appellant has filed a petition with the CGRF of Chennai Electricity Distribution Circle/West on 05.11.2022.

2.4 The CGRF of Chengalpet Electricity Distribution Circle has issued an order dated 30.01.2023. 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 Chengalpet Electricity Distribution Circle issued its order on 30.01.2023. The relevant portion of the order is extracted below: -

"Order: (Operative portion)

As per the above findings, licensee should response the consumer complaint then and there and explain in details. And the consumer may aware the solar policy regulations, hence the petition closed."

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments in person, a hearing was conducted on 12.07.2023.

4.2 The Appellant Thiru S.K.Lakshminarayanan attended the hearing and put forth his arguments.

4.3 The Respondent on behalf of the EE/O&M/Maraimalainagar, Thiru M. Sundaramurthy, AEE/Guduvancherry and Thiru V.Karthikeyan, AE/ Urapakkam/ West of Chengalpet EDC 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 orders. 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 he noticed in the month of July 2022 that there was a due amount shown on his bill without any Excess MD/Consumption. For which he raised a complaint through online to know the correct details vide complaint No: 88698014072022 Dated 14th July 2022. He stated that he has received a reply stating the meter will be checked tomorrow.

5.2 The Appellant has stated that since have been out of country and monitoring his house by CCTV one fine day it was OFF. After his arrival on 11th September 2022 he found the Power was disconnected and all his essential devices were out of service and his food and other medicines are spoiled. After this incidence he sent mail to AE Urapakkam requesting him details on the reason for excess charges, date of disconnection and my ONGRID Solar generation / consumption / amount charged / Adjusted details. But failed to receive any reply even after 1-1/2 month.

5.3 The Appellant has stated that again made complaint on Minagam on 14th November 2022, received Complaint Number as TNEBCL 1266586 but no action on this complaint also.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that in Service connection No.584-001-1682 solar net meter network charges collected from consumer on 05/2023 to till now as per Tamil Nadu Electricity Regulatory Commission Generic tariff order for Grid interactive PV Solar energy generating system (GISS) No. 8 of 2021 dated 22.10.2021 consumer not satisfied.

6.2 The Respondent has submitted that the question by the consumer was TNERC generic tariff order se. Network charges. His complaint dated 88698014072022 replied through CCMS on 14.07 2022 and the same service inspected by Revenue Supervisor on 16.07 2022 made check reading 11746 kwh and 15505 kvah found as normal.

6.3 The Respondent has submitted that AE/ORM/West Urapakkam explained the details of billing issue in person and checked the meter reading with our staff on 30.12.2022 but he is not convinced. Then the CGRF attended by consumer on 12.01.2023. During the period from 17.10.2022 to 23.11.2022 AE /Urapakkam West engaged on court case of Thirumathi Malliga Athanur CC 33/2013 and also fully engaged in DCW G square works, Adhaar updating works.

6.4 The Respondent has submitted that on 12.01.2023 CGRF meeting and explained the network charges framed by TNERC-GISS Order No 8/2021 dt 22.10.2021 Details of order copy sent through consumer on 06.01.2023 by AE/O&M/West/Urapakkam. But consumer not satisfied Now comes to Ombudsman Forum 4 The details of payment sent through consumer registered mobile by SMS (8939790270)

6.5 The Respondent has submitted that while entering the reading on system our staff there is numerical error occurred the billing amount was deleted and actual amount was updated There is no fault on TANGEDCO side please.

6.6 The Network charges for generated unit billing was arrived on the system as per TNERC-GISS policy. According to TNERC GISS order dated before 10.9.2022 Network charges Rs 1.27 per Unit generated. After 10.9.2022 Network charges Rs. 1.48 per unit generated with SGST, CGST (9%).

6.7 The Respondent has submitted that disconnection made for only non-payment of Network charges on 5.8.2022. Non-payment of network charges on 7/2022 disconnected on 5.8.2022 and now the service under live.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard the arguments of both the Appellant and the Respondent. Based on the arguments and the documents submitted by them the following conclusion is arrived.

7.2 The appellant has stated that in July 2022, he noticed a due amount shown on his bill without any excess MD and zero consumption. As a result, he filed a complaint online to obtain accurate information but the details were not provided to him. Additionally, the appellant mentioned not being informed about the network charges and the reason for being fined for disconnection/reconnection, which resulted from a mistake on the part of the Tamil Nadu Electricity Board.

To clarify the matter, the following points need to be addressed:

1. What is the reason for the due amount on the bill despite no excess MD and zero consumption.
2. Whether the Respondent has failed to provide the appellant with the necessary details after filing the complaint.
3. Is there lack of information regarding the network charges.
4. Whether the disconnection done by the respondent is correct and as per rule.

8.0 Findings on the First Issue:

8.1 The appellant is an LT consumer with a connected load of 4KW, under SC No. 584-001-1682, which was established on 01.04.2007. The service was subsequently converted to a solar bi-directional meter on 20.10.2017. The appellant has questioned why there was a due amount shown on his bill without any excess MD and zero consumption for the month of May 2022. The respondent clarified that the amount charged is not for energy consumption but for network charges, which are being collected in accordance with TNERC's Order No. 8 of 2021, dated 20-10-2021.

8.2 To clarify this matter, I would like to refer to Regulation 4(i-a) of the Tamil Nadu Electricity Supply Code under the caption of Charges recoverable by the licensee is reproduced as below:

“(i-a) The wheeling charges / Network charges shall be payable by the HT / LT consumer category in accordance with the rates as the Commission may fix time to time for different category of consumers (to recover the cost incurred by the Licensee for its Distribution wire business).

Provided that the Wheeling charges / Network charges may be denominated in terms of Rs/kWh (or) Rs/kVAh (or) Rs./kW/month (or) Rs./kVA/month for the purpose of recovery from the Distribution network user or any such denomination as may be stipulated by the Commission.”

From the above it is evident that all the HT and LT consumers are required to pay wheeling charges or network charges, which are determined by the Commission to cover the licensee's distribution wire business costs. The charges may be denominated in various units as specified by the Commission.

8.3 Further, I would like to refer to Order No. 8 of 2021, dated 20-10-2021, specifically regarding the collection of network charges. The relevant paragraph, para 8, is reproduced below:

“8 Net work charges:

8.1. Section 61 of the Electricity Act insists that the generation, transmission, distribution and supply of electricity are conducted on commercial principles. Regulation 4 (5) of the Commission’s Power Procurement from New and Renewable Sources of Energy Regulation

2008, stipulates that while determining the tariff, the Commission shall adopt appropriate financial and operational parameters.

8.1.1 *Grid interactive support is the ingredient component of any grid connected solar system, without which the solar generating system would become non-functional.*

8.1.2 *While the development of solar has been on the rise in the past decade with isolated investments of individual projects, the supportive Grid on which these solar systems depend on their operation, had been developed with huge investment and being maintained with equally huge recurring expenditure.*

8.1.3 *When a dual investment is made for network system and solar system collectively in order to make them to co-exist and complement each other to operate in tandem, the substantial investment pertaining to half portion of the system cannot be ignored.*

8.1.4 *Thus the component of the charges pertaining to essential linkage of grid to generate solar power has to be necessarily made a part of charges to be determined holistically for generic solar tariff.*

8.2 *This network charges shall be applicable to consumers of net-metering and netbilling mechanism for the total units generated by the solar systems. Such charges to be recovered from the prosumers will be covered within the total Aggregate Revenue Requirement as envisaged in the amendment to the Terms and conditions for Tariff Regulation 2005 as notified vide TNERC/TR/5/3 dated 26.05.21.*

8.3 *Net work charges shall not be applicable for eligible consumers / generators of gross metering mechanism as it involves direct sale of the units generated by their solar system to the Licensee.*

8.4 *Net work charges shall be applicable to all existing and new consumers except for consumers who sell the generated units directly to the Licensee under Gross metering mechanism.*

8.5 *Net work charges shall be applicable to the prosumers categorised under net metering or net billing or net feed in mechanism, as determined by the commission under regulation 70 of TNERC (Terms and conditions for determination of Tariff) Regulations 2005, from time to time.*

8.6 *To encourage the growth of solar power in domestic sector, the Commission proposes to levy 20% of network charges for domestic consumers of up to 10KW and 75% of network charges for the domestic consumers of above 10KW.*

8.7 *100% net work charges shall be applicable to all other category of consumers / prosumers (except agriculture consumers for which separate orders will be issued) covered under net feed-in mechanism.*

8.8 *The total units recorded in the meter provided to measure the gross generation of solar power shall be reckoned for calculation of network charges.”*

8.4 From the above, it is clear that Grid interactive support is the ingredient component of any grid connected solar system, without which the solar generating

system would become non-functional. The development of solar has been on the rise and the supportive Grid on which these solar systems depend on their operation, had been developed with huge investment and being maintained with equally huge recurring expenditure. Thus the component of the charges pertaining to essential linkage of grid to generate solar power has to be necessarily made a part of charges to be determined holistically for generic solar tariff. This network charges shall be applicable to consumers of net-metering and net-billing mechanism for the total units generated by the solar systems.

8.5 Further as per the above regulation, the network charges shall be applicable to **all existing and new consumers / prosumers** categorised under net metering or net billing or net feed in mechanism, as determined by the commission under regulation 70 of TNERC (Terms and conditions for determination of Tariff) Regulations 2005, from time to time. Further, the Commission determined to levy 20% of network charges for domestic consumers of up to 10KW and 75% of network charges for the domestic consumers of above 10KW and 100% net work charges shall be applicable to all other category of consumers / prosumers (except agriculture consumers for which separate orders will be issued) covered under net feed-in mechanism.

8.6 Further, as per regulation 4(1)(i-a) of TNE Supply Code, the wheeling / Network charges shall be payable by the HT / LT consumer category in accordance with the rates as the Commission may fix time to time for different category of consumers (to recover the cost incurred by the Licensee for its Distribution wire business). Accordingly, the Hon'ble Commission have notified the Tamil Nadu Electricity Regulatory Commission (Grid Interactive Solar PV Energy Generating Systems) (GISS) Regulations, 2021 which come into force from 20.10.2021 i.e. from the date of the publication in the Tamil Nadu Government Gazette and hence network charges are to be collected from 20.10.2021. Therefore, I am of the view that the collection of net work charges along with arrears for the Appellant's roof top solar system is in line with the Regulation.

9.0 Findings on the Second Issue:

9.1 As a appellant was charged for the network charges he filed a complaint online to obtain accurate information but claims that the details were not provided to him. The Respondent has stated that the details regarding network charges was clearly explained to the appellant and TNERC GISS order no.8/2021 dated 22.10.2021 was sent to the appellant through email. However the appellant remains unconvinced regarding the application of network charges for his solar service.

9.2 Based on the available records, it is evident that the appellant pays their electricity bills through the online portal. Upon examining the consumer login section of the portal, it can be observed that the split-up for current consumption charges is clearly provided. The consumer portal displays details such as Import Reading, Export Reading, Consumption in Units, Split-up of Charges (which includes Charges, Electricity Tax, Welding, Excess Demand, PF Penalty, Fixed Charges, Network Charges with GST), and the Total Charges and Deductions. Additionally, by clicking on the Network charges amount, a page opens, explicitly stating the methodology for calculating the network charges.

9.3 Hence it is evident that the appellant has access to a comprehensive breakdown of their electricity consumption charges through the online portal. The split-up of charges, including the network charges, is clearly provided, and the methodology for calculating the network charges is also available. Therefore, it is unnecessary to provide further explanation or clarification regarding the network charges as the required information is readily accessible to the appellant through the consumer portal.

9.4 Further the appellant questioned why he received two billing messages on different dates, both indicating different readings for the same period. In response, the respondent explained that a numerical error occurred while their staff was entering the reading into the system. They promptly rectified the error by deleting the incorrect amount and updating the system with the accurate reading. Therefore, the respondent asserts that TANGEDCO is not at fault in this matter. From the

document furnished by the Respondent it was observed that necessary information were sent.

10.0 Findings on the Third Issue:

10.1 The appellant has expressed that he was not informed about the network charges imposed on his solar service connection. Also he has stated that according to Clause 8.11.12 of the GISS order, the network/wheeling charges should be Rs.0.25/Unit only. Then why he was charged higher. In response, the respondent clarified that the network charges for generated unit billing were calculated in accordance with the TNERC-GISS policy which states as follows.

“8.9.5 The Network charges towards the Distribution wire business is chargeable to HT prosumers at 83 Paise / kWh and for LT prosumers at Rs.1.27 / kWh. The above charges is applicable to all existing and new prosumers as specified under respective category until the “Network charges” is revised by the Commission in the next Tariff Order or in any other special order.”

10.2 As per the TNERC GISS order dated before 10.9.2022, the network charges were set at Rs. 1.27 per unit generated. However, after 10.9.2022, the network charges increased to Rs. 1.48 per unit generated, with SGST and CGST (9%). The objective of charging the Network / Wheeling charges are to collect charges for the usage of the network. While arriving the network cost various factors were discussed by the Commission no where the Commission has declared final value as Rs.0.25/unit. However considering the Network cost arrived at various levels, the Commission approves “Network charges” as to HT prosumers at 83 Paise / kWh and for LT prosumers at Rs.1.27 / kWh.

10.3 The appellant claims to have been unaware of these network charges. It should be noted that under the *“6. Commercial Settlement”* section of the solar net-metering agreement executed by the appellant at the time of availing solar energy, it is clearly stated that all commercial settlements under this agreement shall adhere to the Net metering order issued by TNERC.

10.4 Further in this regard, I would like to mention the following:

The decision of the Central Information Commission (CIC) dated 25.10.2006, in the case of Ashish Kumar Khare v. Fishery Survey of India, is reproduced below. This decision highlights the right to seek details that are available in the public domain.

“Once the information is in the public domain through instructions, memos, etc. issued by the Government, it cannot be said to be “held” by the given public authority within the meaning of section 2(f). It is not open to the applicant to ask the public authority to explain the procedures to him, once the information about that procedure is publicly available and hence accessible”.

Also I would like to refer Regulation 42 in TNE Distribution code which was reproduced below.

“42. Knowledge of Acts, Rules, Regulations, Orders, etc: Subject to the provisions contained in Note 1 to sub-regulation (13) of Regulation 29, the consumer will be deemed to have full knowledge of the provisions of ‘applicable Acts, Rules and all Regulations and Notifications’ made there under. The consumer shall act in due conformity with all the applicable Acts, Rules and all Regulations and Notifications mentioned above.”

10.5 In conclusion, the details requested by the appellant, including the network charges which was mentioned in GISS Order No.8 of 2021 dt. 20.10.2021 are readily available in the public domain on the TNERC and TANGEDCO websites. The appellant cannot solely claim ignorance of these charges as they have a responsibility to familiarize themselves with the details regarding solar billing methodology. It is stated that the appellant can obtain the necessary information from these public domains, and therefore, they are equally responsible for being informed about the applicable billing procedures.

11.0 Findings on the Fourth Issue:

11.1 The appellant's service connection was charged for network charges starting from May 2022, in accordance with TNERC-GISS Order No. 8 of 2021, dated 20-10-2021. The appellant made the payment for these charges without raising any objections during May 2022. However, due to non-payment of network charges for the month of July 2022, the service was disconnected on 05.08.2022. During that period, he was out of the country and did not inform the respondent about this fact,

nor did he pay any advance CC charges as per TNERC Regulation 16 in TN Electricity Supply Code, Option to pay charges in advance as discussed below;

“16. Option to pay charges in advance

The consumers who opt for depositing electricity charges in advance shall be permitted to do so. Such deposits shall be recorded in the consumer meter card. Interest at Bank rate or such rate as specified by the Commission shall be calculated on such balance advance amount and credited to the consumer ledger accounts.”

However, it is noticed that only after returning in September 2022, the RC charges were paid by the Appellant and the service was reconnected. To determine whether the respondent's action of disconnecting the appellant's service connection is justified, I would like to refer to Rule 14 & 21 of the Tamil Nadu Electricity Supply Code.

“14. Due dates and notice periods

xxxxx

xxxxx

(5) If the amount of any bill remains unpaid beyond the period specified, the Licensee may also, without prejudice to any of its righter under the agreement entered into by the consumer with the Licensee, order supply of electricity to the consumer to be discontinued forthwith without further notice and keep the service connection disconnected until full payment for all obligations pending and the charge for the work of disconnection and reconnection has been paid. Such discontinuance of supply of electricity shall not relieve the consumer of his liability to pay the minimum monthly charges nor shall such discontinuance affect any right, claim, demand or power which may have accrued to the Licensee hereunder,”

“21. Disconnection of supply

Section 56 of the Act with regard to disconnection of supply in default of payment reads as follows :

“ (1).Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a Licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the Licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such Licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer.”

11.2 From the above it is clear that if a consumer fails to pay their electricity bill within the specified period, the Licensee has the right to order the immediate disconnection of electricity supply without further notice. The disconnection will remain in effect until full payment of all outstanding obligations, including charges for disconnection and reconnection, has been made. The consumer will still be liable to pay the minimum monthly charges during the period of disconnection. The supply can be discontinued until the outstanding charges, along with any expenses incurred by the Licensee for the disconnection and reconnection, are fully paid. This provision does not affect the Licensee's right to recover the unpaid charges or other sums through legal means. Hence the Respondent's action of disconnecting the service connection for non-payment of network charges is deemed appropriate.

12.0 Conclusion:

12.1 From the findings of the forgoing paras, I am of the view that the network charges collected and disconnection/reconnection were done in accordance with the regulations. Therefore the claim of the appellant is not tenable.

12.2 With the above findings the A.P.No.30 of 2023 is finally disposed of by the Electricity Ombudsman. No Costs.

(N.Kannan)
Electricity Ombudsman

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

To

1. Thiru S.K.Lakshminarayanan,
14, Second Street, Priya Nagar IV,
Urapakkam – 603 210.

- By RPAD

2. The Executive Engineer/O&M/Maraimalainagar,
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Maraimalai Nagar - 603209.

3. The Assistant Engineer/O&M/West/Urapakkam,
Chengalpet Electricity Distribution Circle,
TANGEDCO,
Office of the Assistant Engineer,
Urapakkam.

4. The Superintending Engineer, - By Email
Chengalpet Electricity Distribution Circle,
TANGEDCO,
No.130 GST Road,
Chengalpattu - 603 001.

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

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

7. The Assistant Director (Computer) –**For Hosting in the TNERC Website**
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate, Guindy, Chennai – 600 032.