

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. 86 of 2022**

Thiru B. Ramachandran,  
Plot No.34, Balaji Nagar, Extension C Sec,  
Puzhuthivakkam, Chennai – 600 091.

. . . . . Appellant  
(Rep. by Thiru R.Jagdish Kumar)

Vs.

1. The Executive Engineer/O&M/Vyasarpadi,  
Chennai Electricity Distribution Circle/North,  
TANGEDCO,  
110/33KV SS Vyasarpadi,  
Opp Ramalingam Temple,  
Vyasarpadi, Chennai -600039.

2. The Assistant Executive Engineer/O&M/ Vyasarpadi,  
Chennai Electricity Distribution Circle/North,  
TANGEDCO,  
110/33KV SS Vyasarpadi,  
Opp Ramalingam Temple,  
Vyasarpadi, Chennai -600039.

3. The Assistant Engineer/O&M/Krishna Murthy Nagar,  
Chennai Electricity Distribution Circle/North,  
TANGEDCO,  
Krishna Murthy Nagar,  
33/11KV, Kaviarasu Kannadasan Nagar SS,  
SIDCO Main Road, Chennai – 600 118.

. . . . Respondent  
(Thiru C.Jeyachandran, EE/O&M/Vyasarpadi  
Thiru R.Ganesan, AEE/O&M/Vyasarpadi  
Thiru V.Parthiban, AE/O&M/Krishnamoorthy(i/c))

**Petition Received on: 27-09-2022**

**Date of hearing: 28-12-2022**

**Date of order: 13-01-2023**

The Appeal Petition received on 27.9.2022, filed by Thiru B. Ramachandran, Plot No.34, Balaji Nagar, Extension C Sec, Puzhuthivakkam, Chennai – 600 091 was registered as Appeal Petition No. 86 of 2022. The above appeal petition came up for hearing before the Electricity Ombudsman on 28.12.2022. 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 reduce the penalty imposed in LT SC No.079-014-187.

**2.0 Brief History of the case:**

2.1 The Appellant has requested to reduce the outstanding amount in his SC No.079-014-187.

2.2 The Respondent has stated that the above service connection was disconnected due to non-payment of CC charges for the month of 10/2017 and the appellant had not turned up for payment of CC charges after disconnection.

2.3 Since the respondent advised to pay the arrears amount at the earliest, the appellant had filed a petition before CGRF of Chennai Electricity Distribution Circle/North on 28.01.2022.

2.4 The CGRF of Chennai EDC/North had issued an order CGRF/Chennai/North No.1 dated 30.03.2022. Aggrieved over the order, the appellant had preferred this appeal petition before the Electricity Ombudsman.

### **3.0 Orders of the CGRF :**

3.1 The CGRF of Chennai Electricity Distribution Circle/North issued its order on 30.03.2022. The relevant portion of the order is extracted below: -

*“Order:*

*EE/O&M/Vyasarpadi reported vide letter dt.23.6.2022 that on 11.4.2018 at the time of DC, FR of the meter was 1248 and during PD on 4.8.2021 FR of the meter was 5058 and 3828 units consumed after last assessment. As per TNERC rules the DC service connection after or more than 2 years should be permanently disconnected. The MRT meter test report furnished by EE/O&M/Vyasarpadi also confirmed the actual use of energy during disconnection period and hence the charges arrived Rs.68661/- at the time of account closing was also correct. Since the grievance is redressed the petition is 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 28.12.2022.

4.2 On behalf of the Appellant Thiru R.Jagdish Kumar attended the hearing and put forth his argument.

4.3 The Respondents Thiru C.Jeyachandran, EE/O&M/Vyasarpadi, Thiru R.Ganesan, AEE/O&M/Vyasarpadi and Thiru V.Parthiban, AE/O&M/Krishnamoorthy (i/c) of Chennai EDC/North attended the hearing and put forth their 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 தனது மின்னிணைப்பு துண்டிப்பு , மீட்டர் நீக்கம் , தொடர்பாக AE/வியாசர்பாடியை சந்திக்க இயலாததால் RTI மூலம் பதிவு தபால் அனுப்பப்பட்டதாகவும் அந்த தபால் 23.10.2021-இல் மின் அலுவலகத்தில்

பெறப்பட்டு அதற்கு எந்தவிதமான தகவலும் வரவில்லை என்றும்  
மேல்முறையீட்டாளர் தெரிவித்துள்ளார்.

5.2 பதிவு தபாலில் மின்சார குறை தொடர்பான பாக்கி தொகையை விவரமாக  
தெரிவித்ததில் அவர்கள் கம் ப்யூட்டரில் உள்ள தொகையை அப்படியே  
தெரிவித்து இருந்ததாகவும், ஆகையால் மேல்முறையீடு Chairman, CGRF, Chennai  
EDC / North 30.3.2022 ஆம் தேதி தனது குறைகளை எடுத்து கூறியிருந்ததில்  
4.3.2022 தேதியிட்ட தபாலில் எவ்வித குறையும் தீர்க்கப்படாததால்  
மேல்முறையீட்டை சமர்ப்பிப்பதாக மேல்முறையீட்டாளர் தெரிவித்துள்ளார்.

5.3 தான் மூத்த குடிமகன் என்றும் , வியாசர்பாடி TNHB (263SF) கீழ்த்தளம்  
உள்ள வீட்டில் வாடகை ரூ .3,000/- மற்றும் மருத்துவ செலவுகளையும்  
கவனித்து வந்ததாகவும் , 04.08.2021 முதல் மீட்டர் நீக்கப்பட்டதாலும் ,  
மின்னிணைப்பு இல்லாததாலும் வீடு பூட்டப்பட்டு இருப்பதாகவும் , வீடும் 30  
வருடங்கள் பழமையானதாக இருப்பதால் வாழ்வதற்கு ஏற்ற இடமாக  
இல்லையென்றும், (ரூபாய் 35/- பாக்கி தொகை ரூ .68,661/- என்று  
போடப்பட்டுள்ளது) மின் கட்டண பாக்கி எவ்வாறு , எப்படி, எந்தச் சூழ்நிலையில்  
ஏற்பட்டது என்ற விவரம் தெரியாததால் தான் சமர்ப்பித்துள்ள ஆவணங்களை  
ஆராய்ந்து பார்த்து மின்பாக்கி தொகைக்கு penalty, interest, standard deduction –ஐ  
குறைத்து தீர்ப்பு வழங்குமாறு மேல்முறையீட்டாளர் கேட்டுக் கொண்டுள்ளார்.

## **6.0 Arguments of the Respondent:**

6.1 The Respondent has submitted that the Petitioner Thiru B.Ramachandran,  
has requested to reduce the outstanding amount of Rs.68,661/- of account closed  
LT connection No.079-014-187 in his own name.

6.2 The Respondent has submitted that the LT A/C No.079-014-187 stands in the  
name of the Appellant which is located at Mullai complex Chennai 600 039. The

service connection comes under the Jurisdiction of AE/O&M/Krishnamoorthy Nagar Section, Vyasarpadi subdivision. This service connection was disconnected on 11.4.2018 due to non-payment of Rs.35/- CC Charges for the month of 10/2017. The final reading of this service connection was 1248 units while disconnection was made on 08/2018. The Respondent also submitted that the Appellant had not turned up for payment of CC charges after disconnection.

6.3 The Respondent has submitted that action had been taken up to remove the more than 2 years disconnected service in AE/O&M/ Krishnamoorthy Nagar section during 8/2021. At that time the LT A/c No.079-014-187 was listed in more than 2 years disconnected list. It was removed on 4.8.2021 and while removing the meter the Appellant was consuming the electricity, even after disconnection and the reading was noted as 5058 units.

6.4 The Respondent submitted that based on final reading of 5058 units as on 4.8.2021 outstanding amount was calculated as follows:

CC arrear upto 4.8.2021	Rs.	25,300.00
BPSC	Rs	17,862.00
Extra Levy	Rs	25,265.00
Compounding Charges	Rs	1,000.00
Monthly Minimum	Rs	120.00
DC Fees	Rs	150.00
Dismantling Charges	Rs	500.00
		-----
	Rs	70,197.00
		-----
Less CCD + MCD	Rs	1,536.00
		-----
Balance	Rs	68,661.00
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6.5 The Respondent submitted that as per TNERC rules in supply code clause No 23(AA) sub-clause 5 wherein if the accused person unauthorisedly connects or reconnects any meter of licensee or supplier in a disconnected service, then electric supply to such premises or place shall be disconnected forthwith as stipulated in Electricity Act 135 provision. The above balance amount also raised under

miscellaneous slip on 08.09.2021 in LT A/C No.079-014-187. The LT Account was closed on 21.9.2022 since this service was disconnected on 11.04.2018.

6.6 The Respondent has further submitted that a letter was communicated to the Appellant on 01.11.2021 to pay the outstanding amount Rs.68,661/- at the earliest based on his request letter submitted at Grievance day on 12.10.2021.

6.7 The Respondent has further submitted that the petitioner's RTI petition dated 22.10.2021 has not been received by the Respondent. He has submitted that the petitioner petitioned to CGRF on 28.1.2022 stating that the above service connection was utilized by his tenant and the tenant had not paid rent and etc. regularly and vacated the premises without his knowledge and prayed to reduce the outstanding amount of Rs.68,661/-.

6.8 The Respondent has submitted that based on CGRF petition, CGRF meeting was convened on 31.3.2022. The CGRF heard the arguments of both side and forum instructed the Respondent to submit the meter condition of LT A/C No. 079-014-187 with MRT report. So the removed meter was sent to MRT wing for testing. The MRT reported on 17.05.2022 that the removed meter is in good condition and had also given the consumption units details from 01.12.2019 to 16.05.2022. Based on MRT result it was found that consumer consuming electricity supply of approximately 500 units every bimonthly from 01.12.2010 to 01.08.2022 so it is proved that petitioner has consumed power supply after disconnection.

6.9 The Respondent further submitted that the MRT test result was submitted to CGRF on 1.8.2022 and CGRF issued an order on 04.08.2022 wherein Executive Engineer/O&M/Vyasarpadi reported vide letter dt.23.06.2022 that on 11.04.2018 the time of DC final reading of the meter was 1248 and during permanent dismantling on 04.08.2021 the final reading of the meter was 5058 units and 3828 units consumed after last assessment. As per TNERC rules the disconnected service connection after or more than 2 years should be permanently disconnected. The MRT meter test report furnished by Executive Engineer/O&M/Vyasarpadi also confirmed the actual use of energy during disconnection period and hence the

charges arrived amounted to Rs.68,661/- at the time of account closing was also correct. Simultaneously CGRF closed the petition.

6.10 The Respondent stated that the petitioner had not turned up to pay the said amount as per CGRF order. Now petitioner filed appeal petition to Tamilnadu Electricity Ombudsman on 12.08.2022.

6.11 The Respondent further submitted that MRT test report confirmed that the petitioner consumed electricity supply during disconnection period. The petitioner illegally connected the service connection after disconnection on 11.04.2015 and used 3828 units, As per TNERC rules in supply code clause 23(AA) sub clause 5 extra levy was levied for the illegally reconnected service with the usage of 3828 units. The CGRF also confirmed that the outstanding amount of Rs.68,661/- calculated is correct.

6.12 The Respondent prayed to dismiss the appeal petition and the Appellant may be advised to pay the arrears amount Ra.68,661/- at the earliest.

## **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 prayed to reduce the outstanding amount of Rs.68,661/- levied in SC No. 079-014-187 which stands in his name.

7.3 However, on scrutinizing the given documents and the arguments it is found that the disputed service with account number 079-014-187 has been disconnected and booked under section 135 of Electricity Act, 2003 since the service connection was illegally restored. In this regard, I would like to refer Regulation 5 of Regulations for CGRF and Electricity Ombudsman, 2004 which is reproduced below:

*"The forum shall take up any kind of grievances/complaints as defined in clause 2 (f) of*

*these Regulations. However, the consumer's grievances concerned with*

- (i) unauthorized use of electricity as detailed u/s 126 and*
- (ii) offences and penalties as detailed u/s 135 to 141 of the Electricity Act, 2003 are excluded from the purview of this forum."*

7.4 From the above, it is noted that unauthorized use of electricity as detailed u/s 126 and offences and penalties as detailed u/s 135 to 141 of the Electricity Act, 2003 are excluded from the purview of the Forum. Since service connection No. 079-014-187 has been illegally restored after disconnection and booked under section 135 of Electricity Act, 2003, I am unable to take up the grievance of the appellant. Therefore the present appeal is treated as closed.

## **8.0 Conclusion:**

8.1 In view of my findings in para 7.0 above, the service connection No. 079-014-187 has been illegally restored after disconnection and booked under section 135 of Electricity Act, 2003, I am unable to take up the grievance of the appellant and hence, the present appeal is treated as closed.

8.2 With the above findings the A.P. No.86 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. Thiru B. Ramachandran,  
Plot No.34, Balaji Nagar, Extension C Sec,  
Puzhuthivakkam, Chennai – 600 091.

- BY RPAD

2. The Executive Engineer/O&M/Vyasarjadi,  
Chennai Electricity Distribution Circle/North,  
TANGEDCO,  
110/33KV SS Vyasarjadi,  
Opp Ramalingam Temple,  
Vyasarjadi, Chennai -600039.



3. The Assistant Executive Engineer/O&M/ Vyasarpadi,  
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TANGEDCO,  
110/33KV SS Vyasarpadi,  
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4. The Assistant Engineer/O&M/Krishna Murthy Nagar,  
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5. The Superintending Engineer, – By Email  
Chennai Electricity Distribution Circle/North,  
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Ground Floor, 5B Block,  
144, Anna Salai, Chennai - 600002.

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

7. The Secretary, – By Email  
Tamil Nadu Electricity Regulatory Commission,  
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