



## **TAMIL NADU ELECTRICITY OMBUDSMAN**

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**BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI**

**Present : Thiru. A. Dharmaraj, Electricity Ombudsman**

**Appeal Petition No.54 of 2011**

M/s Brakes India Ltd,  
Rep. by its Executive Director,  
M.T.H. Road,  
Padi, Chennai – 600 050.

..... Petitioner  
(Rep. by Thiru N.L. Rajah, Advocate  
& Thiru P.R. Sudhakaran)

Vs

The Deputy Financial Controller,  
Chennai Electricity Distribution Circle / West,  
TANGEDCO,  
Thurumangalam , Chennai 600 040.

..... Respondent  
(Rep. by Appellant himself)

**Dates of hearing : 9-12-2011, 12.4.2012, 19.6.2012 & 24.7.2012**

**Date of order : 15-11- 2012**

The above Appeal Petition No. 54 of 2011 came up for hearing before the Electricity Ombudsman on 9.12.2011, 12.4.2012, 19.6.2012 & 24.7.2012. Upon perusing the above petition and the connected records and after hearing both sides, the following order is passed by the Electricity Ombudsman : -

## **ORDER**

### **1. Prayer of the Appellant :**

The appellant prayed to set aside the order dated 28.11.2011 of Consumer Grievance Redressal Forum(CGRF) of Chennai EDC / West which upheld the Demand of Rs.1,09,74,436/- levied on the appellant towards excess demand charges and excess energy charges for exceeding the quota fixed for the HTSC No.1113.

### **2. Facts of the case :-**

The appellant M/s Brakes India Ltd., is having HTSC No.1113, for manufacturing of motor vehicle parts with a sanctioned load of 3800 KVA under the jurisdiction of Chennai EDC / West . The respondent has issued a notice for payment of Rs.1,09,74,436/- for exceeding the R&C measures imposed by the licensee. The appellant filed a petition before CGRF of the Chennai EDC / West to set aside the above demand but the CGRF has confirmed the above demand. Hence, the appellant filed the present petition to the Electricity Ombudsman.

### **3. Contention of the appellant :**

The appellant has contended the following in his appeal petition :

- a) The order of the Hon'ble Consumer Grievance Redressal Forum, Chennai EDC/West /TANGEDCO is not a speaking order inasmuch as it does not discuss the various issues raised by the Appellant and proceeds to routinely dispose the objections raised without deliberations. Further, no reasons are adduced to support their findings.

- b) The appellant had operated their factory well within the quota fixed by EB. As the appellant had operated their factory with minimum essential production units by supporting the same with CPP power and genset and within the quota fixed, there cannot be any excess demand consumption. Further, assuming without admitting that the appellant had exceeded the quota, the excess demand charge has been calculated at a flat rate of Rs.600/- per KVA instead of Rs.20/- per KVA per day. Hence the calculation of excess demand consumption charges at Rs.600 per KVA is arbitrary and is not in line with the laid down rules in this regard.
- c) The appellant had planned its factory operations in such a way that the appellant operate within the quota fixed. For this purpose the appellant had even changed their shift timings.
- d) In order to avoid drawal of power from the grid and at the same time to operate some of the essential production lines, the appellant have been operating their diesel generator sets, in addition to allotment of CPP gas power and wind power.
- e) Levy of excess consumption charges retrospectively by changing the quota fixed is arbitrary, illegal and against the principles of natural justice as the operations (consumption of energy and demand against the quota fixed ) cannot be undone. Any such refixation of quota can only be prospective and not retrospective.

- f) The appellant find from the working sheets provided that for the peak hour excess charges the consumption during the peak hour under 3 slot metering had been apportioned 50 % for morning peak hour 6 to 9.a.m and 50% for evening peak hour 6 to 9 p.m . Similarly, consumption for 9 to 10.p.m (1 hour) , has been derived from the normal hour consumption and added to the evening peak hour consumption. As the appellant had changed their shift timings to avoid operating their factory during evening peak hour (excepting for certain essential production lines with the support of CPP power and genset), this apportionment has no basis and is incorrect. This wrongful apportionment has resulted in excess peak hour energy charges amounting to about Rs.31 lakhs and excess peak hour demand charge amounting to Rs.23 lakhs . This alleged excess charges for evening peak hour should be straightaway liable to be deducted from the total demand as claimed in the notice.
- g) The CGRF failed to give effect to the order passed by the Appellate Tribunal for Electricity which held that penalty can be levied only with effect from 4.5.2010 and not retrospectively.

**4. Contentions of the Respondent :-**

The Respondent has stated the following in his counter affidavit :

- a) The averments of the appellant that their industry was run within the quota fixed by erstwhile Electricity Board were denied. The

excess demand charges calculated at the rate of Rs.600/- per KVA is correct and is in order and not arbitrary.

- b) The averments of the appellant that their factory operations were planned in such a manner that the quota fixed are not violated, were denied
- c) The averments of the appellant that the levy of excess consumption charges retrospectively by is arbitrary, illegal and against the principle of natural justice were denied. The averment that the alleged re-fixation of quota could be made prospectively only were denied.
- d) The working sheets provided for calculation of excess charges by way of penalty, is logical and reasonable and according to rules and regulations and TNERC directions and instructions of the erstwhile TNEB. The detection of violation of restriction and control measures and levy of excess charges are all actual and real, on the facts of the case.
- e) The averment of the appellant that the wrongful apportionment, and other mistakes in calculations, the appellant could and be made liable for the demand of Rs.1,09,74,436/- were denied.
- f) The contention of the appellant that the order of the CGRF is a non speaking order were denied.

- g) The averments of the appellant that as they operating their diesel generator sets, in addition to allotment of CPP gas power and wind energy, they do not violate quota were denied.
- h) The averment that the penalty can be levied with effect from 4.5.2010 alone were denied.
- i) The TNEB has filed appeal before the Hon'ble Supreme Court of India against the order of the Appellate Tribunal for Electricity dated 11-01-2011 vide CIVIL APPEAL Nos. 1090-1099 of 2011 and the Hon'ble Supreme Court has pleased to grant interim stay in the matters.
- j) Order of the lower CGRF does not suffer from any error, fault, flaw and defect, therefore, needs no interference by this Electricity Ombudsman.

**5. Hearing held by Electricity Ombudsman :-**

Hearings was held by the Electricity Ombudsman on 9-12-2011, 12.4.2012, 19.6.2012 & 24.7.2012 to enable the appellant and the respondent to putforth their views in person.

**6. Argument of the appellant :-**

6.1 The appellant was represented by Thiru. N.L. Rajah, Advocate & Thiru P.R. Sudhakaran, Senior General Manager, Brakes India Ltd.

6.2 The learned counsel argued that the appellant has operated the plant within the quota intimated from time to time by the respondent . The learned counsel argued that when a quota has been fixed and intimated to

- the consumer it cannot be varied with retrospective effect. He also cited Ombudsman's Order dated 4.10.2011 in Tmt. Sarojini, Mangalam, Vs EE/O&M, urban Somanur division , Coimbatore EDC South and Hon'ble TNERC's Order in DRP No.13 of 2010 and 14 of 2010 and argued that the quota fixed cannot be revised retrospectively.
- 6.3 Further, he also argued that the excess charges for peak hour violation shall be on day basis only and not on monthly basis.
- 6.4 The learned counsel also informed that as per the Appellate Tribunal's order dt.11.1.2011, the excess demand charges are to be levied only from 4.5.2010 only. However, he also informed that the Hon'ble Supreme Court has issued stay order's on the above, based on an appeal by TNEB.
- 6.5 The learned counsel argued that the respondents have apportioned the three slot meter reading proportionately between morning peak and evening peak and arrived the peak hour consumption and demand. But, the above is not actual readings. As the appellant have planned their shift timing's in such a way that there shall not be any running of factory during the peak hour by drawing EB power.
- 6.6 Thiru. P.R. Sudhakaran, Senior General Manager of M/s Brakes India agreed that M/s Brakes India Ltd., have requested the SE/CEDC/West to revise the quota taking into account of their captive power generation. vide their letter dt.20.11.2008. But, while fixing the quota, the respondents have not informed that any reduction in captive generation will be taken

into account for arriving the excess demand/energy charges. He has also argued that had the respondent levied excess demand charges for exceeding the quota taking into account of the shortfall in CPP power, they would have restricted their consumption/usage accordingly at least in subsequent months. But, the excess demand / energy charges were levied only after issue of suo moto proceedings by Hon'ble TNERC vide its order on SMP 1 of 2009 dt. 28.10.2009. Hence, he argued that the excess demand charges and energy charges levied for exceeding the quota is not correct and to be withdrawn.

6.7 It was also argued that in the counter, the respondent has not explained how it was ascertained by the respondent that the appellant has exceeded the quota.

**7. Arguments of the Respondent :-**

7.1 The respondent was represented by Thiru. Eraskine Leo, Advocate and Thiru. Suresh kumar, Deputy Financial Controller of Chennai EDC/West.

7.2 Thiru. Suresh kumar argued that due to representations from various HT consumers having captive power plants requesting exemption from power cut as they are unable to use that energy generated from CPPs, the demand and energy quota for these HT consumers using CPP have been refixed as per Memo No.CE/CommI/EE./DSM/AEE/PMM/F.Power cut/D.No.28/2008 dt.17.11.2008.

7.3 Based on the above instruction, M/s Brakes India Ltd. have also requested that their quota shall be refixed taking into account of their CPP vide their

letter dt.20.11.2008 . Accordingly, the quota for M/s Brakes India Ltd., have been refixed vide letter 22.11.2008, Wherein it has been indicated that the power generated in CPP of the consumer in M/s MMS Steel and power Pvt Ltd., Narimanam has been taken into account. Hence, he argued that the appellant is aware that the quota fixed is inclusive of CPP power and when the receipt of CPP power is less than the quantity included in the quota, then, the consumer will draw power from TNEB Grid. As the above drawal is more than the licensee's power component of the quota, the appellant has to pay the excess demand charges and excess energy charges for the excess drawn at the rates approved by Hon'ble TNERC.

7.4 With regard to the argument of not levying any excess demand charges immediately on the above basis, the respondent argued that due to oversight they have not levied the excess demand charges and energy charges at that time.

7.5 Regarding charging the quota retrospectively, the respondent argued that Hon'ble TNERC in its order against SMP No.1 of 2009 dt.28.10.2009 directed to redraw the quota in respect of wind energy taking into account of banked energy also. Hence, the demand and energy quota had been redrawn and excess charges have been revised in respect of the Appellant for the period from December 2008 to December 2009.

7.6 The DFC also informed that CMRI downloaded details are not available for the period from 26.3.2009 to 4.8.2009. He informed that M/s Brakes India Ltd., are being supplied through a dedicated feeder from Korattur SS and

the hourly ammeter readings are taken by the respondent to monitor the load of that feeder. On an analysis of the load current of the feeder and working out the demand reached base the dedicated feeders feeding the loads of M/s. Brakes India Ltd. it is seen that the appellant has exceeded the demand during evening peak hour. As the above feeder is supplying only to M/s Brakes India, the above readings may be taken for arriving the peak hour energy and demand.

**8. Contentions of the Respondent in affidavit filed on 7.6.2012 :-**

8.1 The respondent was directed to furnish a affidavit in Corporating the quota fixation and explaining the basis at which the excess energy/demand charges was levied . Accordingly they have filed an affidavit on 7.6.2012.

8.2 The respondent has contended the following in the affidavit filed on 7.6.2012.

- (i) Due to increase in demand of power and shortage in generation, the Government of Tamil Nadu has implemented restriction and control measures on the usage of electricity to all industrial consumers in the state. Based on the order of the Govt., a notice dated 1.11.2008 was communicated to all HT consumers containing instructions for power cut.
- (ii) In the above order it has been clearly mentioned that the quota for the use of power will be fixed based on the consumption of the consumer for the period from October 2007 to October 2008. The highest consecutive three months average energy consumption during the aforesaid period will be arrived as base energy and 40% cut on energy has been imposed. The

remaining 60% has been fixed as energy quota. On 1.11.2008 the base demand has been arrived as the maximum recorded demand in the HT service during the aforesaid period subject to the condition that if the maximum recorded demand exceeds sanctioned demand, sanctioned demand is base demand and 40% cut on the base demand has been imposed. The remaining 60% has been fixed as demand quota. However, during the peak hours (18.00 hours to 22.00 hours) petitioner has been permitted 5% of the demand and energy quota plus transformer loss as a peak hour demand and energy quota for lighting and security purpose only.

- (iii) A large number of representations were received from various HT consumers having captive power plants requesting exemptions from power cut, as they are unable to utilise the energy generated through their captive power plants due to restriction and control measures. The demand and energy quota for the HT consumers using partially from their captive power plants have been refixed as per Memo No. CE/Comml/EE/DSM/AEE/PMM/F.Power Cut/D.No.28/2008, dt.17.11.2008. The energy and demand used by the HT consumers have been compared with the demand and energy quota fixed by the TANGEDCO based on the monthly reading. The consumption of power by the HT consumer from Board's grid over and above the quota fixed for TANGEDCO power, the violation will be charged at the rate prescribed by the Hon'ble TNERC. Further, it has been clearly mentioned in the circular Memo dt.17.11.2008 in page No.2 that " Calculation of demand supplied by the generator may be

worked out on par with calculation made for wheeling of power to the captive consumer as communicated in CE/PPP Memo dt.6.11.2007 and subsequent amendment thereof". Further it is submitted that in the said circular page No.3 it is mentioned as follows.

*"The consumer shall not exceed demand / energy quota fixed for the TNEB power for any reason due to outage of generator of their supplier or short supply from their supplier etc., and it is their responsibility to monitor this with their Generator consumer shall not exceed demand / energy quota fixed by the board for any reasons.*

- (iv) The excess demand /energy charges shall be collected at the rate as prescribed by the Hon'ble TNERC for the violation of quota fixed to the consumers. In the above method, the consumer may use their wheeled energy only on slot to slot basis. The demand and energy quota are thus fixed and excess demand and energy charges are being levied to the HT consumers partially using power from CPP.
- (v) The above order for refixing of demand and energy quota for the HT consumers who are partially using power from CPP users only and not for the Wind Energy Captive users. As the Demand and Energy Quota fixed for the CPP user have been considered after adjusting the wheeled energy as per memo dated 17.11.2008, the wind Energy Captive users have challenged the above order by way of filling writ petitions vide W.P.No.1244 etc., at Hon'ble High Court of Madras by praying to refix their demand and energy quota on par with the CPP users.

- (vi) Based on the order of Hon'ble High Court of Madras in W.P. No.12448/2009 etc., the Hon'ble TNERC have issued an order vide suo-motu proceedings No.1 of 2009 dt.28.10.2009 regarding the fixation of quota for wind energy captive users on par with CPP users and the Hon'ble TNERC has recognised and approved the formula contained in Board's Memo dt.17.11.2008 for refixing the demand and energy quota for all captive users including wind energy users.
- (vii) The Hon'ble TNERC ordered that the quota to be fixed to all captive users including the wind energy captive users based on the circular memo dt.17.11.2008, Namely – first part for the period from 1.11.2008 to 30.4.2009, second part for the period from 1.5.2009 to 31.10.2009 and third part for the period from 1.11.2009 onwards. In respect of all three parts, the Hon'ble TNERC ordered that the demand and energy quota for the wind energy supplied after 1.11.2008 shall be fixed in accordance with the memo dated 17.11.2008 of TNEB and the demand quota and energy quota shall be revised as per the order of Hon'ble TNERC vide its suo – motu proceedings No.1 of 2009 and the excess demand charges and excess energy charges shall be computed based on the revised demand and energy quota for the period from 1.11.2008 onwards.
- (viii) The aforementioned memo dt.17.11.2008 is not applicable to wind energy captive users. Whereas the demand and energy quota had been fixed on taking into account of captive power plant (thermal etc.,) not wind energy

even though the petitioner was a wind energy captive user as worked out in the fixing of energy quota and demand quota.

- (ix) While calculating the excess charges before issuance of suo motu proceeding No.1 of 2009 the wind energy also had been taken into computation of excess charges. This is not in order. As such the CC bill for the period before issuance of SMP No.1 of 2009 dated 28.10.2009 had been revised especially the excess calculation. Based on the above, the petitioner should have paid an amount of Rs.5,52,60,868/- for the period from December 2008 to December 2009. But the petitioner had not paid the above said amount due to Respondent who had by oversight committed an error at the time of billing. A detailed working sheet is submitted for kind reference.
- (x) The Hon'ble Commission had issued S.M.P No. 1 of 2009 dated 28.10.2009 with regard to redrawn Quota in respect of Wind Energy Captive users based on the memo dated 17.11.2008 from the month of December 2008 as mentioned in the above. Hence, the Demand and Energy Quota had been redrawn and Excess Charges had been revised in respect of the Petitioner for the period December 2008 to December 2009 and the Petitioner has paid an amount of Rs.1,09,74,436/- towards the Excess Charges. In this connection, it may be stated that, if the Respondent had already collected an amount of Rs.5,52,60,868/- towards the excess charges during the respective month then and there without considering the Wind Energy adjusted, while C.C bill for the above month had been

revised based on the S.M.P. No. 1 of 2009 dated 28.10.2009 the Petitioner should get the refund for an amount of Rs.4,42,86,432/-. The Demand raised based on the S.M.P. No. 1 of 2009 dated 28.10.2009 is in order and sustainable.

- (xi) As per clause 38 of TAMIL NADU ELECTRICITY DISTRIBUTION Code and as per the Hon'ble Commission's order in M.P. No. 42 of 2008 dated 28.11.2008, the Respondent has power to levy excess charges for exceeding Demand and Energy Quota.
- (xii) The details of Demand and Energy Consumption against the Quota fixed are furnished as follows.

WORKINGS – 1 (H.T.Sc. No. 1113):-

COMPUTATION OF EXCESS ENERGY CHARGES:-

As per order 17.11.2008 quota fixed	Computation of Excess Energy Charges
Fixing of Energy Quota:-	
(I) monthly base energy consumption as illustrated working instruction dated 01.11.2008 = 1272733 = A	(I) Industrial Consumption = 1254360 UNITS = A
(II) average energy to be supplied by the petitioner = 967708 B	(II) Energy supplied by the consumer during that Month = 300000 = B
(III) the actual energy availed by the consumer from T.N.E.B (A-B) = 305025 C	(III) The Actual Energy availed by the consumer From T.N.E.B = 954360 = (A-B)
(IV) 60% Energy on C=183015 Units.	(IV) The Energy Quota Fixed = 183015.
the quota fixed for Energy (B+D) = 967708 Units + 183015 Units	(V) The Excess Energy Availed by the Consumer = 771345.
<p>WORKINGS – 2</p> <p>Computation of Excess Demand charges during peak hour:-</p> <p>recorded demand during the month 06/2009 = 1391.70 K.V.A.</p> <p>less equivalent demand supplied by the generator = 407.32 K.V.A</p> <p>50000/31 x 4 x 0.99</p> <p>T.N.EB supplied demand = 984.38 K.V.A</p> <p>quota demand = 166.38 K.V.A</p> <p>excess demand availed by the consumer = 818.00 K.V.A</p> <p>excess charges 818 x 600 = 490800 K.V.A.</p>	

Hence, the contention of the petitioner is not correct and is denied.

(xiii) If the appellant had furnished the generated units on daily basis for the above month, the excess peak Hour Demand Charges also had been revised on daily basis at the rate of 20/- per K.V.A.

(xiv) The Appellant has stated that they have modified the shifting time in such a way to avoid drawing the Demand and Energy from T.N.E.B grid other than 5% for lighting purpose, but in their letter No. U36/F21/833 dated 16.11.2009 and U367/F 42 DATED 30.11.2009, they stated that, the Energy proposed for Captive use for the month of December 2011 is as follows.

Details	December 2009					
	6 – 9 A.M	6- 9 P.M	9 – 10 P.M	Normal Hours	Night Hours	Total Generation
Energy proposed for captive use						
CPP	87500	87500	29166	291672	204162	700000

And also they stated in their letter that if any shortage of energy to be adjusted from the Wind banked units up to October 2009.

PEAK HOUR	NIGHT HOUR	OTHER	TOTAL HOURS
305664	194400	141380	641444

If the Appellant really adjusted their factory timings in such a way to avoid drawing energy above 5% from TANGEDCO grid, then the Appellant really would not have required the following units during peak hour time

During Peak Hours

i.e. from CPP 87500 (6 – 9 P.M) and 29166 (9 – 10 P.M) = 1,16,666  
from WIND 305664 Peak Hour = 3,05,664

However, 5% of Quota Energy fixed by TANGEDCO is only 20,551 units including Transformer Loss 1%.

It shows that they have not shifted the factory timings in any manner, but they operated their factory by using the TANGEDCO power over and above the permitted quota 5% during Evening Peak Hour.

Re-fixation of Quota arose due to banking of Wind Generation of the Appellant.

(xv) The working sheets provided for calculation of excess charges by way of excess consumption over and above the quota is logical and reasonable and according to the rules and regulations and C.M.R.I Data and Dedicated Feeder Readings and as per the Hon'ble T.N.E.R.C directions and instruction of the erstwhile T.N.E.B's various circulars issued from time to time and there was no wrongful apportionment. With reference to the Energy / Demand consumption, while calculating excess charges. The respondent, stated that the detection of violation of restriction and control measures and levy of excess charges are all actual and real, on facts of the case. Adjustment of Wind Energy was carried out as per T.N.E.R.C Suo – Moto proceedings accordingly. However, while verifying the dedicated feeder reading as well as the C.M.R.I down loaded data reveals that the Appellant has exceeded the Quota during the Evening Peak Hour Period. Appellant in its petition has stated that, they have shifted the factory

operation in such a way to avoid using T.N.E.B Energy and availed Energy for lighting purpose only (i.e. 5% of the Quota fixed), wherein, while verifying the dedicated feeder readings of M/s. Brakes India feeder shows that they have drawn over and above the 5% of the Quota fixed.

**9. Contentions of the Appellant in the Rejoinder affidavit**

The Appellant has filed rejoinder for the affidavit filed by the respondent and has contended the following in the above rejoinder.

- (i) Certain queries were raised before the Hon'ble Ombudsman on 12.04.2012 and certain explanations were offered by the Respondent. The Hon'ble Ombudsman quite rightly pointed out that their explanations were not supported by any affidavit and if the Respondent desired to make any statement they must do it in the form of an affidavit.
- (ii) However, the affidavit filed now raises new averments and allegations which were neither part of the impugned order nor were they part of any earlier pleadings or averment before the Hon'ble Forum.
- (iii) It has to be noted that the Appellant received the letter of the Respondent dated 01.11.2008 fixing the quota for the period 01.11.2008 to 22.11.2008. However subsequently vide their letter dated 22.11.2008 a revised quota was fixed which was to be effective from 23.11.2008 for normal hours and evening peak

hours separately taking into consideration the power supplied by CPP – MMS Steel & Power Pvt. Ltd.

- (iv) As regards the averments in paragraph 8, the respondent stated that the averments herein are very significant to the Appellant's contention in this appeal since in this paragraph the Respondent admits that the Demand and energy quota should be fixed taking into consideration the energy supplied by all CPP including wind energy.
- (v) The averments in paragraph 10 are significant to show that the Demand and Energy quota fixed pursuant to order dated 17.11.2008 took into account only the captive power plant. It was only after the order was passed in the suo-motu proceedings that the wind energy component had also been considered for calculating the quota. It is relevant to note that even the earlier quota fixed without taking into consideration the wind energy quota has been scrupulously adhered to by the Appellant.
- (vi) The averments in paragraphs 11 and 12 are denied and in fact they are contrary to the averments in paragraph 20. In paragraph 10 the Respondent states "whereas the Demand and energy quota had been fixed on taking into account of captive power plant (Thermal, etc) not wind energy..." This stand is totally contradicted in paragraph 11 where the Respondent states that "while calculating the excess charges before issuance of suo-

motu proceedings No.1 of 2009 the wind energy has also been taken into computation of excess charges. This is not in order". Therefore, the Respondent is on the one hand saying that wind energy was not taken into consideration and on the other hand, they are saying that wind energy had been taken into consideration. The Respondent then goes on to make an averment that the CC bill for the period before issuance of SMP No. 1 of 2009 dated 28.10.2009 has been revised especially the excess calculation and the Respondent proceeds to levy a staggering figure of Rs.5.52.60,868 on the Appellant. it is relevant to note that no show cause notice or hearing has been afforded to the Appellant and in any case the Appellant has not even been served with the copy of this alleged levy. The averment that the demand raised on the basis of SMP No. 1 of 2009 dated 28.10.2009 is in order and is sustainable is denied.

- (vii) In any case the simple question which the Respondent was required to answer was the basis on which the Respondent had raised a levy for penalty when the Appellant had strictly adhered to the quota communicated by the Respondent to the Appellant.
- (viii) As regards the averments in paragraph 15, these run counter to the communication relating to Demand and Energy quota fixed by the Respondent for the Appellant's industry. Obviously the Respondent cannot hope to profit by their own mistake.

- (ix) As regards the averments in paragraph 16, the Appellant states that the rules and regulations drafted by the Hon'ble TNERC or the Respondent do not provide any requirement of supplying details of units generated on a day to day basis.
- (x) As regards the averments in paragraph 18, the same are denied and the Respondent is put to strict proof of the same. The contention that the Appellant have operated the factory in shifts had been reiterated right from the beginning. None of the statements that the Respondent has now made in its affidavit had been stated earlier. The appellant therefore state that these contentions have been made only for the purpose of the present litigation and have no bearing on facts.
- (xi) With regard to the averments in paragraph 20 the Appellant has the following comments to make in respect of the data supplied to the Appellant.
  - (a) The CMRI data for energy consumption is available for December 2008 to March 2009 – i.e. only for four months of the alleged violation period.
  - (b) The CMRI data for Demand consumption is available for Dec.2008 to February 2009 i.e. only for three months of the alleged violation period.
  - (c) Some handwritten manuscript indicating the period as 03/09 to 07/09, some figures have been indicated in these sheets.

- (d) With regard to the handwritten data, for the period 03/09 to 07/09, the appellant would like to state that nowhere it is indicated what it represents. Whether it is energy in KW Hr. or Demand in KVA? In the covering letter also it has been stated that "Reading taken from the Dedicated Feeder from Korattur Substation for the period from 26.2.2009 to 4.8.2009". the appellant do not understand what the figures represent in this handwritten statement. Further, there is no method by which the figures can be linked to the Service Connection of the appellant.
- (e) No multiplication factors have been given in any of the statements given to us, for calculating the energy or demand as recorded as per the statement.
- (f) No workings or calculations have been provided on the basis of the above statements to link the alleged excess consumption of demand / energy during peak hour.

**10. Findings of the Electricity Ombudsman:**

I have heard both sides and perused the documents adduced before me in support of the arguments put forth by the Appellant and Respondent. On a careful study of the case, I fix the following as issues for consideration.

- i) Whether the quota fixed by the Respondent from 22.11.2008 is inclusive of CPP power as contended by the Respondent and is known to the Appellant.

- ii) Whether the condition that any shortfall from CPP will entail excess demand/energy charges has been indicated in the quota intimation letters issued by the Respondent.
- iii) Whether, apportioning of peak hour consumption recorded in 3 slot meter into morning peak hour & evening peak hour could be considered for arriving the excess demand charges & excess energy charges.
- iv) Whether the excess demand charges for evening peak hour violation are to be calculated on monthly basis or proportionate day basis.
- v) Whether the contention of the Appellant that they have not exceeded the quota fixed is acceptable.

**11. Findings on the First issue:**

11.1 It is noted that the Respondent have issued a quota fixation letter on 1.11.2008 consequent to the imposition of the R & C measures in the state by the licensee due to gap between the generation and demand. The quota fixed by the licensee vide its letter dated 1.11.2008 are as follows:-

Demand quota : 2092.8 KVA  
Energy quota : 7,63,640 units

11.2 Then on 22.11.2008 a revised quota was issued by the licensee taking into account of the power generated in CPP of the Consumer Viz., M/s. M.M.S. Steel and power Private Ltd., Narimanam

The revised quota is furnished below:-

Demand quota : 2679.43 KVA

Energy quota : 11,50,723 units  
Peak hour demand quota : 1527.20 KVA  
Peak hour Energy quota : 2,59, 931 units

11.3 In the quota communicated in Respondent's letter dated 9.6.2009 also it was specified in para 3, that the revised demand and energy quota are as per power generated in captive power project of the consumer in M/s. M.M. Steel and power Pvt. Ltd. , unit I.

11.4 In quota fixation letter issued on 3.7.2009 consequent to reduction of power cut to 20% in para 2, it has been specified that the demand and energy quota fixed is inclusive CPP energy and demand quota.

11.5 In view of the above, I am of the opinion that the quota fixed and intimated by the Respondent to the Appellant are inclusive of CPP power.

11.6 The Respondent has also furnished a copy of letter dated 20.11.2008 of the Appellant wherein the Appellant has stated that based on the guidelines of Board they have worked out the revised quota on energy and demand. The quota so arrived by the appellant is as below:-

Energy quota : 1144304 units  
Demand quota : 2679 KVA  
Peak hour energy quota : 2,82,476 units  
Demand quota : 501 KVA

11.7 The quota fixed by the licensee and the quota arrived as per the calculation of the Appellant taking into consideration of the CPP power are compared below:-

Sl.No.	Details	As per licensee's letter dated 22.11.2008	As per Appellant's letter dated 20.11.2008
1	Demand	2679.43 KVA	2679 KVA
2	Energy	11,50,723 units	11,44,304 units
3	Peak hour Demand	1527.20 KVA	501 KVA
4	Peak hour Energy	2,59,931 units	2,87,476 units

11.8 On a study of the above statement, it is noted that as far as normal hours quota is concerned, the Demand fixed by the Board and the Demand worked out by the Appellant are more or less same and in energy, the licensee has fixed about 6400 units more than the Appellants calculation. In peak hour, the licensee has fixed about 1026 KVA more than the Appellant's calculation, as peak hour demand quota and about 27545 units less in peak hour energy quota.

11.9 As the Appellant has written a letter on 20.11.2008 to Respondent to consider the CPP power and revise the quota and the approximate quota arrived by the Appellant is also comparable with the quota fixed by the Respondent as discussed in previous para, I am of the opinion, the Appellant is also aware that CPP power has been taken into account in the quota intimated by the Respondent though, there is no indication in the quota communication letters of the Respondent that how much is the CPP power included in the above quota for the respective periods. (ie) normal & evening peak hour.

## **12. Findings on the second issue:**

12.1 In the licensee's circular dated 17.11.2008 based on which the quota was revised for the CPP consumers, it has been mentioned as follows:-

*"In the above method the consumer may use their full wheeled energy without any cut. However, the HT Consumers having Group Captive Power Plants will be permitted to use their wheeled energy only on slot to slot basis.*

*The consumer shall not exceed demand/energy quota fixed for the TNEB power for any reasons, either due to outage of generator of their supplier or short supply from their supplier, etc., it is their responsibility to monitor this with their generator. The excess demand/energy charges shall be collected as prescribed by TNERC for the quota violated. In addition, the excess energy shall be deducted from the coming months quota of TNEB power and quota fixed accordingly in the respective month ensuring that quota fixed shall not be exceeded by the consumer in any month."*

12.2 It is noted from the above circular that the consumer shall not exceed demand / energy quota fixed for the TNEB power for any reasons, either due to outage of generator of their supplier or short supply from their supplier etc., it is their responsibility to monitor this with their generator. The excess demand / energy charges shall be collected as prescribed by TNERC for the quota violated.

12.3 On a careful examination of the quota fixation letters dated 22.11.2008, 9.6.2009 and 3.7.2009, it is seen that there is an indication that CPP power was included in the quota but there is no mention about the levy of excess demand charges and excess energy charges for short fall in CPP power. Hence, it is held that in the quota fixation letters issued by the respondent the condition that any short fall from CPP will entail excess demand & excess energy charges has not been indicated.

**13. Findings on the third issue :**

13.1 The appellant informed that the respondent has apportioned the peak hour consumption recorded in the 3 slot meter into morning peak hour and evening peak hour consumption by dividing it by 2 to arrive at the consumption of 18 hrs to 21 hrs consumption. Regarding 21 hrs to 22 hrs consumption the proportionate consumption from normal hours has been calculated and added to the consumption arrived for 18 hrs to 21 hrs to arrive at the evening peak hour consumption.

13.2 As the above method is only a proportionate calculation and not the actual, the appellant argued that, it is not correct to apportion the consumption into two parts and based on the above calculation levying excess demand/energy excess peak hour charges is not legally valid. The appellant argued that they have changed their shift timings to avoid operating their factory during evening peak hour (excepting for certain essential production lines with support of CPP power and genset) and hence this apportionment has no basis and is incorrect. The appellant also argued that due to this wrongful apportionment they are charged about Rs.31 lakhs as excess peak hour energy charges and 23 lakhs as excess peak hour demand charges.

13.3 The respondent argued that they have adopted the above apportionment as per the instructions of TANGEDCO when the CMRI down load details are not available. Hence, he argued that the apportioning is in order. The DFC further argued that M/s Brakes India are being supplied through a dedicated feeder from Korattur SS and hourly ammeter readings were taken by the licensee to monitor the

load of that feeder. He further argued that on an analysis of the load current details noted down, it is noted that the appellant has exceeded the demand during evening peak hour. As the above feeder is supplying only to M/s Brake India, he argued that the reading taken may be considered for arriving the conclusion.

13.4 In this regard, para 6 of the TNEB's Chairman's clarification letter dt.28.5.2010 addressed to Thiru. A.R. Chinnaiyan is extracted below :

*சில மீட்டர்களில் மட்டும் பதிவிறக்கம் செய்வதற்கு வாய்ப்புகள் இல்லை என்ற குறைபாட்டையும் மேற்பார்வை பொறியாளர்கள் தெரிவித்துள்ளார்கள். அப்படி தெரிவிக்கும் பட்சத்தில் காலையும் மாலையும் peak hour (3 slot meter )இல் உபயோகப்படுத்தப்பட்ட மின்சாரத்தை இரண்டாக பிரித்து மாலை நேர ஒதுக்கீட்டுடன் ஒற்றுமைப்படுத்தி மீறி உள்ளார்கள் என்று கண்டறிய மேற்பார்வை பொறியாளர்கள் அறிவுறுத்தப்பட்டுள்ளார்கள். மேற்கண்ட முறையில் மின்நுகர்வோர்களுக்கு ஏதேனும் ஆட்சேபனை இருக்கும் பட்சத்தில் அவர்கள் அளிக்கும் சான்றிதழ்களை (documents) அடிப்படையில் அவர்கள் தங்களது ஒதுக்கீட்டை மீறி உள்ளார்களா என்பதை கண்டறியப்பட்டு அபராத தொகை மாற்றியமைக்கப்படும்.*

13.5 On a careful reading of the above instruction, it is noted that, the licensee has instructed his SEs to apportion the peak hour consumption into two halves for arriving the evening peak hour. However, if the consumers are objecting to it, then, the documents furnished by the consumers in support of their objection shall be examined and the penalty levied may be modified if need be. Hence, the licensee itself has given direction to verify the documents and then decide about the evening peak hour violation. Hence, the apportioning could be taken for arriving the excess charges if the consumer also accept it otherwise it has to be decided on the documents furnished by the consumers in support of their claim.

13.6 With regard to dedicated feeder current details, I would like to state that the load current recorded by the SS operator is only an instantaneous values noted down to watch the load of the feeder and is not used for charging any amount from the consumer. The demand could be arrived based on the above current, but the demand so arrived is instantaneous one whereas the demand taken for calculating the demand charges are based on 30 minutes or 15 minutes integration depending upon the meter provided / nature of the industry. Hence, the demand so arrived using the

current noted down may not reflect the correct demand availed by the consumer. But, the above may give a picture about the approximate demand availed by the consumer during evening peak hours. Which can be used for justifying whether the consumer has exceeded the quota. Similarly, the energy consumed calculated based on the above readings will also be an approximate figure only.

13.7 The excess evening peak hours consumption over and above attract penal provision (ie) excess demand charges and excess energy charges. As these are penal provisions for exceeding the quota, the demand and energy recorded shall be actual and not arrived figures based on some assumption which may or may not be correct. Hence, I am of the view, that apportioned figures cannot be the basis for levying the excess demand and excess charges.

#### **14. Findings on the forth issue :**

14.1 The Hon'ble TNERC has ordered that the excess demand charges shall be thrice the normal rate. But the licensee has issued a circular dated 26.11.2009. In the above circular in para 10 the following has been specified.

“Circular Memo No. CFC/Rev/FC/R./ D. No. 362, Dt. 26.11.2009.

*“ 10 The peak hour excess demand charges for exceeding the demand may be levied for proportionate day basis on CMRI down loaded data or by 48 hours notice and the excess charges may be levied at double the normal charges only (ie) at Rs.600/- per KVA.”*

14.2 The licensee has also issued clarification in this regard, the relevant portion of the letters are furnished below :

“In Lr. No. DIR/F/FC/R/D.No. /10 dt. 20.12.2010.is reproduced below :

*2(iii). For the violation of the peak hour, the instructions has also been issued to the field to levy the excess charges for the*

*proportionate day basis based on the CMRI downloaded data and not for all the 30 days as in the case of monthly MD charges.*

*கடித எண். துணிகஅ/வ/நிகஅ/எண்.109/2010 நாள் 28.5.2010*

*8.0 மாலை நேர ஒதுக்கீட்டை மீறும்போது எந்தெந்த நாளில் மீறப்படுகிறது, அந்த நாளுக்குண்டான maximum demand charge மட்டுமே வசூலிக்க மேற்பார்வை பொறியாளர்கள் கேட்டுக்கொள்ளப்பட்டுள்ளார்கள். தாங்கள் கேட்டுக் கொண்டுள்ளபடி நான்கு மணி நேரத்திற்கு மாத்திரம் கட்டணத்தொகை வசூலிக்க இயலாது என்பதை தெரிவித்துக் கொள்கிறோம், ஏனென்றால் maximum demand charge என்பது நிலையான கட்டணமாகும்.”*

14.3 The monthly, MD charges are levied based on the highest demand availed by the consumer or 90 % of the sanctioned demand / quota per month which ever is higher. Here, the highest demand reached on any half an hour integration on any day of the month will be taken as the maximum demand for calculating the MD charges. The licensee has categorically informed that the above procedure shall not be followed in the case of arriving excess demand charges for evening peak hour violation.

14.4 Hence, on a careful reading of circulars and clarification issued by the licensee it can be stated that the licensee is instructing its officers to levy the excess charges for violation of peak hour demand quota on proportionate day basis only and not an monthly basis.

14.5 In view of the above, I am of the view that the excess demand charges for exceeding the evening peak hour quota shall be levied on proportionate day basis only.

**15. Findings on the fifth issue:**

15.1 The Learned advocate representing the Appellant argued that the Appellant have not exceeded the quota fixed by the Respondent and hence the excess demand charges and excess energy charges levied is not correct. He also argued that the quota intimated cannot be varied with retrospective effect. The Learned Counsel has also cited following orders of the Hon'ble Commission in support of his argument.

- (i) DRP No. 13 of 2010 L.S. Mills Ltd. Theni Vs CFC / Revenue & SE / Theni EDC
- (ii) DRP No. 14 of 2010 M/s. Durgesh Nandhini Spinning Mills Vs CFC / Revenue & SE / Theni EDC.

15.2 The Learned advocate also cited the Orders of Electricity Ombudsman in AP 6 of 2010. [Tmt Sarojini, Mangalam Vs EE/O&M, Somanur and AE / Samalapuram section] and argued that the Electricity Ombudsman has ordered not to levy excess energy charges based on the quota intimated at a later date.

15.3 He argued, in the case on hand the Respondent has levied excess demand and energy charges even though, the appellant has not exceeded the quota intimated in advance.

15.4 The Respondent argued that the quota was revised based on the request of the Appellant to consider the CPP generation also. As the CPP power is being arranged by the Appellant he knows the quantum of CPP energy and deemed demand included in the quota communicated. It is the

responsibility of the Appellant to arrange for the CPP power and any short fall in the quantum of CPP drawn will naturally result in excess drawal of licensees portion of the quota fixed. Hence, for the excess quantum of demand and energy drawn over and above the quota from licensees portion, the Appellant has to pay the excess demand charges and excess energy charges and hence he argued that the excess demand and excess energy charges levied are reasonable and genuine.

15.5 With regard to non availability of CMRI downloaded details for the period from 26.3.2009 to 3.8.2009, the DFC argued that the service of M/s. Brakes India was supplied through a dedicated feeder from Kurattur SS and hence, the hourly load details recorded in the SS may be taken for arriving the evening peak hour demand. However, the Appellant's representative who attended the hearing informed that there is no peak hour excess demand charges and hence, the above non availability of CMRI download details may not be relevant to the present case.

15.6 The Learned Advocate has cited the Electricity Ombudsman's Order in AP 6 of 2010. [Tmt. Sarojini Mangalam Vs EE/O&M/Somanur & AE/O&M/Samalapuram]. The above case is discussed below:-

15.7 In the above case, the respondent has issued the quota fixation letter only on 21.1.2009 but based on the above quota, levied excess energy charges for 12/2008 onwards. As the quota was intimated only on 21.1.2009 the Electricity Ombudsman has ordered to levy the excess energy charges from the date of issue of quota only.

15.8 But, in the case on hand, quota was intimated in time. The quota is inclusive of CPP component also, but it was not shown separately. The consumer is also aware, that CPP power is included in the quota as the revision was done based on the consumers representation. The license levied excess demand charges and excess energy charges as the CPP portion was not met by the consumer. Hence, I am of the views that the above case cannot be compared with AP 6 of 2010.

15.9 As the Appellant's Learned advocate has referred to the Hon'ble Commission's order against DRP No. 13 of 2010 and 14 of 2010, the findings of the Commission are furnished below:-

**“DRP No. 13 of 2010**

The TNEB, in their letter dated 27-6-2010 communicated to the Petitioner that the demand quota for the month of July 2010 would be 1182 KVA and the energy quota 6,29,499 units. The bill of the TNEB for the month of July 2010 indicates that the maximum recorded demand is 1159 KVA and the energy consumed is 6,38,624 units, excess being 9125 units. The bill of TNEB for July 2010 indicated an excess demand charges of Rs.67,381/- and excess energy charges of Rs.3,11,772. The excess energy charges have been levied for 35,700 units as against 9125 units. The TNEB is estopped from going back on the demand and energy quota communicated in advance. We have no hesitation in setting aside the excess demand charges and excess energy charges other than the actual excess of 9125 units. The balance may be refunded by the TNEB to the

consumer/generator. The Learned Counsel for TNEB states that it has refunded to the consumer the excess amount in respect of excess energy consumption.

**DRP No. 14 of 2010**

The TNEB in their letter of 27-6-2010 fixed the demand quota for the petitioner for the month of July 2010 at 764 KVA and the Energy Quota at 4,21,308 units for July 2010 of which evening peak hour quota was 1,17,200 units. The recorded peak demand as revealed in the Bill of the TNEB for the month of July 2010 was 754 KVA and energy consumed for July 2010 was 3,76,404 units. The Consumer who is also a Wind Generator neither exceeded the demand quota nor the energy quota. All the same the bill for July 2010 levied excess demand charges of Rs.79,317/- and excess energy charges of Rs.1,85,607/-. The total penalty was Rs.2,64,924/-. The limited question before us is whether TNEB is bound by estoppel and whether the bill for July 2010 can be at variance with the demand and energy quota communicated in advance by the TNEB for the month of July 2010. The answer should be a categorical 'No'. The consumer has abided by the demand and energy quota communicated in advance by the TNEB for the month of July 2010 and therefore we have no hesitation in setting aside the excess demand and excess energy charges levied by the TNEB for the month of July 2010.”

15.10 In the case on hand, based on the CPP power availed by the (consumer) Appellant during 2007, the quota has been fixed for the Appellant's industry (However, in the quota intimation, both the CPP and licensee; portion of quotas have not been shown separately) The excess demand charges and energy

charges were worked out due to shortfall in CPP portion which in turn resulted in excess drawal from the licensee's portion of the quota.

15.11 In DRP No. 13 of 2010 and DRP No. 14 of 2010, the consumer has not supplied the committed wind power. The consumer argued that wind is infirm and the proposed generation is only tentative. Therefore, it shall not be taken as a firm commitment and excess charges shall not be levied. It was also argued that this is no provision in the suo-motu proceeding No.1 of 2009 dated 28.10.2009 to levy penalty for the difference between the rough proposal and the actual generation.

15.12 In the case on hand, the CPP power committed is a firm power. Hence, it cannot be compared with the infirm power. The circular dated 17.11.2008 of the licensee is a circular approved by Hon'ble TNERC. In the above circular the following has been stated.

*“The Superintending Engineers/Electricity Distribution Circle should get a letter from the CPP for each HT service connection they intend to supply power before fixing quota.*

*The SEs of the circle where the generator units is available will arrange to take a check reading on every Saturday slot wise and the details of energy actually sent out and shared by various industries who have wheeled energy from the generator should be communicated to the SEs concerned where the HT service are available by every Monday. The SE of the circle where the HT Service availing the wheeled energy, is situated will check the actual consumption with respect to the total quota fixed and take appropriate action.*

*At the time of every weekly check/monthly reading the concerned SEs should closely watch the demand and energy used by the consumer and compare it with the deemed demand and energy supplied by the generators. If*

*there is any violation of the demand quota and energy as determined above, then the excess demand charges may be collected for the excess energy used from TNEB Grid at the rate to be specified by TNERC.*

*The un-utilized quota will not be carried over to the subsequent period.*

*In the above method the consumer may use their full wheeled energy without any cut. However, the HT Consumers having Group Captive Power Plants will be permitted to use their wheeled energy only on slot to slot basis.*

*The consumer shall not exceed demand/energy quota fixed for the TNEB power for any reasons, either due to outage of generator of their supplier or short supply from their supplier, etc., it is their responsibility to monitor this with their generator. The excess demand/energy charges shall be collected as prescribed by TNERC for the quota violated. In addition, the excess energy shall be deducted from the coming months quota of TNEB power and quota fixed accordingly in the respective month ensuring that quota fixed shall not be exceeded by the consumer in any month.”*

15.13 On a plain reading of the above circular, it is noted that the SEs of Distribution of circle shall get a letter from the CPP that they intend to supply power to the HT industry before fixing the quota. They shall also check the quantum of power actually supplied by the CPP generation with the deemed demand and energy supplied by the generation. If there is any violation of the demand quota and energy as determined above, then the excess demand charges shall be collected. It has also been specified in the circular, that the consumer shall not exceed demand /energy quota fixed for the TNEB Power for any reasons, either due to outage of Generator. or short supply from the supplier etc, it is the responsibility of the consumer to monitor this with their Generator.

The excess demand/energy charges shall be collected as prescribed by TNERC for the quota violated.

15.14 The Appellant cannot say that he is not aware of the above circular, as he has asked for revision of quota based on CPP Generation which was allowed by the licensee only in the above circular. Hence, the Appellant is aware of the above circular. Further, in view of my findings on the first issue, the Appellant is aware what quantum of electricity, he has proposed to consume from CPP and the Appellant is also aware how much shortage in the CPP power that was brought in as against the committed one. Hence, I am of the opinion that the Appellant is liable for payment of excess demand and excess energy charges if there is any shortfall in the CPP power included in the quota. However, the power drawn from wind mill has to be accounted as per the Hon'ble Commission Suo-motu proceedings dt. 28.10.2009.

15.15 On a review of the working sheet furnished by Appellant dt.20.11.2008 and the respondent's calculation sheet for fixing the quota, it is seen that both the datas are same. Only in the method of calculation there was some difference. As both the Appellant and the respondent are relying on the same data the quota may be fixed as per circular 17.11.2008 and the excess demand and excess energy charges may be levied if there is any shortfall in the CPP power included in the quota fixed. The Respondent is directed to revise the excess demand and excess energy charges as per the above within 30 days from the date of receipt of this order.

## **16. Conclusion:**

16.1 In view of my findings in paras 11 to 15 above, and as there was shortfall in the CPP power supplied by the consumer, the excess demand and excess energy charges, for the power drawn from TNEB over and above the TNEB portion of the quota, may be levied taking into account of the suo-motu proceeding issued by Hon'ble Commission on 28.10.2009. The TNEB portion of demand and energy quota shall be calculated as per the direction given in licensees circular dt.17.11.2008. However the excess demand charges & excess energy charges for evening peak hour violation, could be levied based on CMRI down loaded data or readings taken on 5 slot meter. The dedicated feeder current details cannot be taken for arriving the excess demand charges and excess energy charges during evening peak hour. The respondent is directed to issue the revised demand notice based on this order within 30 days and sent a compliance report within 45 days.

16.2 Further, in this regard, it is to be pointed out that as per the Hon'ble Appellate Tribunal for Electricity's order dt 11.1.2011 in appeal No. 111, 114,119,120,127 to 131 and 141 of 2010, the excess demand charges and excess energy charges for evening peak hour restriction has to be given with effect from 4.5.2010. But it is also noted that the licensee has filed a case against the above order before the Hon'ble Supreme Court of India and the case is pending. Hence, the matter is subjudice.

16.3 Hence the excess demand charges and excess energy charges for evening peak hour violation levied by the licensee consequent to this orders shall

be subject to the interim /final orders that may be passed by the Hon'ble Supreme Court from time to time on the subject matter.

167 With the above findings, A.P. No. 54 of 2011 is finally disposed off by the Electricity Ombudsman with no costs.

**(A.Dharmaraj)**  
Electricity Ombudsman

To

1) The Executive Director,  
M/s Brakes India Ltd,  
M.T.H. Road,  
Padi, Chennai – 600 050.

2) The Deputy Financial Controller,  
Chennai Electricity Distribution Circle / West,  
TANGEDCO,  
Thurumangalam , Chennai 600 040.

3) The Chairman (Superintending Engineer),  
Consumer Grievance Redressal Forum,  
Chennai EDC/West,  
TANGEDCO,  
Thirumangalam, Chennai – 40.

4) The Chairman & Managing Director,  
TANGEDCO,  
NPKRR Maligai,  
144, Anna salai,  
Chennai – 600 002.

5) The Secretary  
Tamil Nadu Electricity Regulatory Commission  
No.19A, Rukmini Lakshmi pathy Salai  
Egmore, Chennai – 600 008.

6) The Assistant Director (Computer) – **FOR HOSTING IN THE WEBSITE**  
Tamil Nadu Electricity Regulatory Commission  
No.19A, Rukmini Lakshmi pathy Salai  
Egmore, Chennai – 600 008.