



## **TAMIL NADU ELECTRICITY OMBUDSMAN**

19- A, Rukmini Lakshmi Pathy Salai, (Marshal Road), Egmore, Chennai – 600 008.

Phone : ++91-044-2841 1376 / 2841 1378/ 2841 1379 Fax : ++91-044-2841 1377

Email : tnerc@nic.in Web site : www.tneo.gov.in

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

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

#### **Appeal Petition No. 29 of 2012**

M/s Orchid Chemicals & Pharmaceuticals Ltd.,  
HT No. 562  
313, Orchid Towers,  
Valluvarkottam High Road,  
Nungambakkam, Chennai 34.  
Rep by its Senior General Manager-Legal & Company  
Secretary Mrs. Bhoomijha Murali.

. . . . Appellant  
(Rep by Thiru. S.P. Parthasarathy,  
Advocate)

Vs

The Additional Chief Engineer,  
Chengalpattu Electricity Distribution circle  
TANGEDCO(formerly TN  
130, GST Road,  
Opp. to New Bus Stand,  
Chengalpattu – 603 104.

. . . . . Respondent  
(Rep by Thiru. E. Karunakaran, DFC)

#### **Date of Order : 3-12-2012**

1.0 M/s Orchid Chemicals & Pharmaceuticals Ltd., Chennai 34 have filed an appeal petition on 4-7-2012 against the Order dt. 3-2-2012 of CGRF of Chengalpattu Electricity Distribution Circle. The appeal petition was registered as Appeal Petition No. 29 of 2012.

2.0 The appellant prayed to set aside the impugned order dated 3.2.2012 issued by the CGRF of Chengalpattu EDC and direct the respondent to give adjustment / refund of the alleged excess demand and energy charges collected for the month of July and August 2011 and pass such further or other orders as deem fit proper in the facts and circumstances of the case.

3.0 The appellant informed that the impugned order dt.3.2.2012 was signed by the Chairman of the CGRF on 16.4.2012 and was received by him on 19.4.2012. The due date for filing on appeal is 15.5.2012. The appellant's appeal was received at the office of the Electricity Ombudsman on 4.7.2012. There is a delay of 50 days. The appellant informed that the impugned order was misplaced in their factory premises during shifting activities and was subsequently found along with other files. In view of the above the appellant prayed to condone the delay in filing his appeal.

4.0 As per regulation 8 of the Regulations for CGRF & Electricity Ombudsman 2004, the Electricity Ombudsman may entertain an appeal after expiry of the said period of 30 days if Electricity Ombudsman is satisfied that there was sufficient cause for not filing the appeal within the said period of 30 days. As the delay is 50 days, I am satisfied with the reasons explained by the appellant for the delay and the delay is condoned .

5.0 A copy of the appeal petition was forwarded to the Respondent for filing the counter on 6.7.2012. The Additional Chief Engineer, Chengalpattu EDC has furnished his counter on 5.10.2012.

6.0 Hearing proposed on 30.8.2012 was adjourned to 27.9.2012 and the case was again adjourned to 30.10.2012 as requested by the Respondent . The hearing proposed on 30.10.2012 was adjourned to 20.11.2012 as per the request of the Appellant.

7.0 On 20.11.2012, the Respondent's representative informed that they have requested approval from their head quarters for revising the excess demand charges levied and the approval is expected shortly and hence requested for an adjournment . Accordingly, the case was posted for hearing on 30.11.2012.

8.0 On 30.11.2012, the learned counsel for the Appellant informed that the Respondent has given a revised proposal reducing the excess demand charges for the month of July 2011 & August 2011 to Rs.19,48,728/- from Rs.52,00,146/- and agreed to adjust the excess collection of Rs.32,51,418/- in CC bill. He has also furnished a copy of the Respondent's letter dt.24.11.2012.

9.0 The relevant portion of the above letter is extracted below :

*“As per the clarification issued by the Chief Financial Controller vide reference cited above, the excess demand charges for the consumption made over above and the permissible demand quota in the service connection disconnected (as per the order of the TNPCB) months of July 2011 & August 2011 was reworked out by applying the working 17(D) revised illustration of the Chief Financial Controller's letter dt.26.8.2011. The revised workings leads to a levy of total excess demand charge of Rs.19,48,728/- (sum total of excess demand charges for the month of July 2011 & August 2011) for both normal and peak hours.*

*In this regard already a total amount of Rs.52,00,146/- was levied and collected from you. So, the excess collection of Rs.32,51,418/- will be adjusted in your Current Consumption bill on withdrawal of the appeal petition no. 29 of 2012 filed in the Tamil Nadu Electricity Ombudsman in regard to this matter.”*

10.0 The learned counsel informed that the Appellant is agreeable for the above proposal of the Respondent.

11.0 As the Appellant has agreed for the revised working of excess demand charges for the month of July 2011 & August 2011 intimated in Respondents letter dt.24.11.2012, there is no dispute between the parties. Accordingly the appeal petition No. 29 of 2012 is treated as closed.

**(A. Dharmaraj)**  
Electricity Ombudsman

- 1) Mrs. Bhoomijha Murali.  
Senior General Manager-Legal & Company  
Secretary,  
M/s Orchid Chemicals & Pharmaceuticals Ltd.,  
313, Orchid Towers,  
Valluvarkottam High Road,  
Nungambakkam, Chennai 34.
- 2) The Additional Chief Engineer,  
Chengalpattu Electricity Distribution circle  
TANGEDCO(formerly TNEB)  
130, GST Road,  
Opp. to New Bus Stand,  
Chengalpattu – 603 104.
- 3) The Chairman (Superintending Engineer),  
Consumer Grievance Redressal Forum,  
Chengalpattu Electricity Distribution circle  
TANGEDCO(formerly TNEB)  
130, GST Road, Opp. to New Bus Stand,  
Chengalpattu – 603 104.
- 4) The Chairman & Managing Director,  
TANGEDCO,  
NPKR Malaigai,  
144, Anna Salai,  
Chennai – 600 002.
- 5) The Secretary  
Tamil Nadu Electricity Regulatory Commission

No.19A, Rukmini Lakshmiipathy Salai  
Egmore, Chennai – 600 008.

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