



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 18 of 2012

Tmt. K. Malliga,
W/o Thiru. Kothandam,
Plot No.17, MGR Nagar 7th Street,
Athanoor Village,
Oorapakkam – 603 202.

.... Appellant
(Rep by Appellant herself)

Vs.

The Superintending Engineer
Chengalpattu EDC,
TANGEDCO,
130, GST Road,
Opp. to New Bus Stand,
Chengalpet – 603 001

... Respondent
(Rep by Thiru. Balasubramani/AEE/
Guduvancherry)

Date of hearing : 27.7.2012

Date of order : 30.8.2012

The above Appeal Petition No.18 of 2012 came up for hearing before the Electricity Ombudsman on 27.7.2012. Upon perusing the above petition, the counter affidavit connected records and after hearing both sides, the following order is issued by the Electricity Ombudsman :-

ORDER

1. Prayer of the Appellant :-

The appellant prayed for action on the AE/Oorapakkam for not following the regulations of the TNERC in effecting his service connection and payment of required compensation.

2. Facts of the case:-

Tmt. K. Malliga, Athanoor village has submitted an application requesting a service connection for his house on 28.9.2011 and paid the required charges on 31.10.2011. But service was effected only on 27.2.2012. The licensee informed that her application comes under extension category and due to Thane Cyclone in Cuddalore area, the staff and Materials were diverted and hence there was delay in effecting service connection. The petitioner filed a petition to CGRF of Chengalpattu EDC on 13.2.2012 and as there was no reply from CGRF within 2 months she filed a petition before Electricity Ombudsman on 30.4.2012.

3. Contentions of the Appellant :-

The appellant has stated the following in her petition to Electricity Ombudsman and CGRF.

- (i) She applied for a service connection to her house on 28.9.2011 and paid the charges on 14.10.2011 but the receipt was given only on 31.10.2011.
- (ii) Service was effected only on 29.2.2012.

- (iii) Action may be taken on the AE/ Oorapakkam who has not taken action as per the regulations of the TNERC and also pay compensation for the above.
- (iv) The above prayer was submitted to CGRF of Chengalpattu EDC. But no acknowledgement was given and order was also not given within 60 days.
- (v) Hence, action may be taken on CGRF and AE/Oorapakkam and necessary compensation may be paid.
- (vi) As there was no action on her application for effecting supply to her house even after expiry of 2 months, she sent petition's dated 14.12.2011 and 24.12.2011 to EE/Maraimalai Nagar.
- (vii) Again a petition was sent to EE with a copy to SE/Chengalpattu EDC on 11.1.2012 by RPAD.
- (viii) As per TNERC's regulation, a reply shall be sent within 20 days and action shall be taken within 30 days. Further compensation at the rate of Rs.100/- per day has to be paid for the delay. But, Executive Engineer/Maraimalai Nagar and Assistant Engineer are acting like exempted persons by not giving any reply to her letters and by not effecting service connection to her house.

4. Contentions of the Respondent :-

The Respondent has contended the following in his counter :-

(i). The respondent emphatically denies the averment contained in the petition and state that it is incorrect to state that this respondent had purposely issued E.B. Service belatedly.

(ii) The averments that the office has not properly responded to her enquiry and due to the above she had severe mental agony and that has to be compensated are utter false misleading averments of the petitioner.

(ii). The petitioner had submitted her application on 28.9.2011, and as per priority she was called to pay the deposit amount, and she paid the amount on 31.10.2011.

(iii) Further due to the natural calamities of heavy rain and flood at Cuddalore District and Pondicherry, the respondent and his staff were deputed for rectification works at the flooded area from 30.12.2011 to 10.2.2012.

5. Hearing held by the Electricity Ombudsman:-

In order to enable the Appellant and the respondent to put forth their arguments in person, a hearing was scheduled on 11-7-2012. But the above hearing was adjourned to 27-7-2012 as per the request of the respondent.

6. Argument of the Appellant:

6.1 The Appellant herself presented the case on the hearing date. She reiterated the contents of her petition.

6.2 She informed that services have been effected to certain consumers who have submitted their applications after submission of her application she also

informed that no demand notice was issued to pay the charges as soon as the estimate was sanctioned. She informed that no reply was received from Executive Engineer / Maraimalai nagar for all the three petitions filed. However, she admitted that she was informed that service will be effected as per priority. She argued that due to delay in effecting the service, there was heavy loss to her. She argued that, she has to be paid compensation for not effecting the service as per the rules and regulations. She also insisted for compensation for not sending any reply to her representation.

6.3 With regards to the argument of the respondent that due to cyclone in Cuddalore District, all the staff were diverted to Cuddalore which is the reason for delay in effecting the service, she informed that this reply was given only when she made a representation to CGRF. But, she was not at all informed about any difficulty in effecting the service previously.

7. Argument of the Respondent –

7.1 The respondent was represented by Thiru Balasubramani, Assistant Executive Engineer/ O & M, Guduvancehry.

7.2 The Assistant Executive Engineer informed that the Application was registered on 28-9-2011 and the estimate was sanctioned on 13-10-2011 and the Appellant has paid the charges on 31-10-2011. He also informed that the Appellant's service come under minor extension category.

7.3 He argued that as there was cyclone in Cuddalore, the Assistant Engineer and his staff were deputed for rectification works at Cuddalore and that is also

one of the reasons for delay in effecting the service. Further, he argued that shortage of materials mainly pole is the reason for delay in effecting the service.

7.4 Regarding effecting service to the applicants, who have furnished their application after registering the application of the Appellant, the Assistant Executive Engineer informed that they are mere service connection category and are coming under separate priority. He also explained that the service connection applications are categorized as mere service, minor extension and major extension category and priority is fixed separately for each category and the appellant's application comes under minor extension category.

8. Written Argument of the Respondent :

8.1 The respondent has furnished his written argument vide letter 8.8.2012. The points not covered in the counter alone are detailed here.

(i) Tmt. Malliga's application comes under 2 pole extension category and her section priority is 20. Already service was effected upto priority 10, the above service was not effected for want of pole and other materials

(ii) Based on the petition filed by Tmt. Malliga during grievance day at Maraimalai Nagar, 40 poles were allotted to Oorappakkam section. There were 9 applications pending before the appellant's application. As there was heavy damages in Cuddalore and Pondichery area, due to Thane Cyclone, there was delay in getting the materials. The extension works of 9 prior applications were completed as per their priority and the appellants extension works was also completed during January 2012. But due to non availability of meter, the service was not effected during January. Meter was allotted to Oorappakkam section

during February 2012 and the service was effected to the individual on 27.2.2012 and the SC No. is 1367. The above fact was intimated to the appellant by the CGRF on 7.3.2012.

(iii) In Guduvancherry / East section, the application registered on 1.4.2011 involving extension works was given supply on 31.3.2012 and in Guduvancherry/West the application registered on 3.10.2011 was given supply on 2.4.2012.

(iv) Hence, it is informed that due to non availability of materials only, there was delay in effecting service to Tmt. Malliga.

9. Issues for consideration:

The prayer of the appellant is (i) to pay compensation to her for not effecting service to her house within the time stipulated in the Regulation and (ii) also payment of compensation for sending no reply to her letters. Hence, they are discussed below :-

10. Findings on the first prayer –

10.1 The Appellant informed that her application was registered on 26-9-2011 and she has paid the necessary charges on 31-10-2011. But the service was effected only on 27-2-2012. Hence , she requested payment of compensation for delay in effecting the service.

10.2 The respondent also confirmed the dates of events specified by the Appellant. But respondent argued that the Assistant Engineer and his staff were deputed to Cuddalore District for rectification works due to Thane cyclone from 30-12-2011 to 10-2-2012. Further he also argued that the services were effected

as per section priority and there is no purposeful delay in effecting the service. He informed that due to Thane cyclone, there was difficulty in getting pole allotment. The then Assistant Engineer / Urappakkam informed that based on the representation of Thiru K. Malliga, he has requested for 36 poles and 4 Kms of 7/2.59 conductors to effect service to the appellant and others who are before her in the section priority register.

10.3 The respondent also informed that based on the representations of the appellant on the Grievance Day, the SE/Chengalpattu EDC has allotted 40 poles to Oorapakkam section and the extension works in respect of the applicants who have registered their applications prior to Tmt. Malliga and her extension works were completed during January 2012. But, due to non availability of meter the service was not effected. The service was effected only on 27.2.2012 after getting allotment of meter for Oorapakkam section.

10.4 The respondent also informed that in other sections (viz) Guduvancherry / East and Guduvancherry/West also the services involving extension, are effected only during 3/2012 and 4/2012 for the applications registered during 10/2011.

10.5 It is noted from the above details that the respondent has not delayed the effecting of service connection to the appellant purposefully. The delay in effecting service is only due to shortage of materials.

10.6 In this regard, clause 4 in chapter 2 of the Tamil Nadu Electricity Distribution Standards of performance Regulations is reproduced below:-

“ 4. Duties of the Licensees to Supply on Request:

Section 43 of the Act deals with duty to supply and reads as below:

"43. (1) Every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission.

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

(2) *It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in subsection (1):*

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) *If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default."*

The Licensees shall endeavor to give supply within a week but not exceeding 30 days wherever no extension or improvement works are involved in giving supply.

The Licensees shall observe the following time schedule for supply of electricity involving extension of distribution lines, etc.

Table I :

Category (1)	Time Schedule for LT (2)
<i>(a) Involving no extension or improvement work</i>	<i>Preferably within a week but not exceeding 30 days</i>
<i>(b) Involving Extension and Improvement without Distribution Transformers</i>	<i>60 days</i>
<i>(c) Involving Extension and Improvement with Distribution Transformers</i>	<i>90 days</i>

Table II :

Category (1)	Time Schedule for HT / EHT (2)	
	HT	EHT
<i>(a) Involving Extension & Improvement</i>	<i>60 days</i>	<i>150 days</i>
<i>(b) Involving the enhancement of Power Transformer/Addition of Power Transformers</i>	<i>120 days</i>	<i>180 days</i>
<i>(c) Involving the Commissioning of new substation</i>	<i>180 days</i>	<i>270 days</i>

- (I) The Licensee shall issue advice slip/notice/letter indicating the prescribed charges payable with proper acknowledgement.*
- (II) The Consumer shall remit the above charges within the stipulated period but not exceeding fifteen Days from the date of receipt of advice slip/notice/letter.*
- (III) In exceptional / deserving cases, permission may be granted by the respective Chief Engineer and Superintending Engineer or the person designated for this purpose by the Licensee for remittance of charges by the Consumer beyond the prescribed fifteen Days for HT/EHT and LT services respectively.*
- (IV) The time taken by the Consumer to remit the prescribed charges from the date of receipt of demand notice will not be covered in the above time schedule.*
- (V) The time schedule is also applicable for additional loads.”*

10.7 On a careful reading of the said clause, it is noted that, the licensee has to effect service within 60 days if it involves extension and improvement without distribution transformers. However, the time taken by the consumer to remit the prescribed charges from the date of demand notice will not be covered in the above time schedule.

10.8 The Appellant case also comes under in the above category. The relevant activity dates are furnished below:-

(i)	Date of registration of the Application	28-09-2011
(ii)	Date of estimate sanction	13.10.2011
(iii)	Date of issue of Demand notice	-
(iv)	Date of payment of the prescribed charges	31-10-2011
(v)	Date of effecting of service connection	27-02-2012

10.9 Here, it is seen that no demand notice was received by the consumer but she paid the charges on 31-10-2011. As per the said clause 4 of the Distribution Standards of performance only 15 days time will be permitted for remittance.

10.10 The due date for effective service is 60 days from the date of application minus the time taken for remittance. Therefore assuming 15 days as time taken for remittance, the due date for effecting service is 12-12-2011. But the service was effected only on 27-2-2012.

10.11 The respondent informed that due to natural calamity the Assistant Engineer and staff were deputed for rectification works at Cuddalore District and hence he was unable to effect the service. I accept that attending rectification works in the Thane Cyclone hit area of Cuddalore District is a Force majeure condition. But, as per the statement of the respondent, the staff were deputed only on 31-12-2011. But, the due date for effecting the service falls as back as on 12-12-2011. Hence, I am unable to accept the above argument for delay in effecting the service.

10.12 Another argument advanced by the respondent is non availability of poles and conductors for completing the extension work, and meter after completing the extension works. But arranging material is the responsibility of the licensee.

Hence, for his responsibility, the licensee alone can be answerable. As there was delay in effecting service even before the date of deputation of the staff to Cuddalore Electricity Distribution Circle, I am of the view that the respondent has not met the standards of performance fixed by the Hon'ble TNERC and hence to pay necessary compensation as stipulated in Regulation 21 of the Tamil Nadu Electricity Distribution standards of performance Regulations. The said regulation is reproduced below:-

“21. Compensation

The Licensee is expected to achieve the performance prescribed. If a Licensee fails to meet the standards specified for various service areas, the affected consumer is entitled for compensation by the Licensees as stipulated in the Act. The compensation payable is set out in the table below, namely:-

Sl. No.	Events	Compensation payable
1.	Duty to give supply on request a) New Service Connection b) Additional Load c) Temporary Supply d) Shifting of service connection e) Transfer of service connection f) Change of Tariff	Rs.100/- per day of delay subject to maximum of Rs.1000/-
2.	x x x x	x x x
3.	x x x x	x x x x
4.	x x x x	x x x x
5.	x x x x	x x x
6.	Responding to consumer's complaints	Rs.25/- for each day of delay subject to a maximum of Rs.250/-
7.	x x x x	x x x x
8.	x x x	x x x
9.	x x x	x x x

10.13 As per item (1) of the table above, the compensation payable per day of delay in effecting service is Rs.100/- subject to a maximum of Rs.1000/-. As the

delay is more than 10 days, I am of the opinion the Appellant is entitled for a compensation of Rs.1000/-

11. Findings on Prayer 2:

11.1 The Appellant informed that no reply was received from the licensee for her representation submitted to Executive Engineer / O & M / Maraimalar Nagar on 14-12-2011, 24-12-2011 and 11-01-2012.

11.2 The Appellant has produced Xerox copies of the petition. In the petition dated 14-12-2011 & 24-12-2011 the signature of the person who received the petition was available. With regard to 11-1-2012 petition, the petitioner has furnished the Xerox copy of the receipt issued by the postal Department in support of her claim of submitting the petitions.

11.3 The respondent informed that during the grievance day, the Appellant was informed about the requirement of pole and conductor for effecting service connection and her priority number was also informed to her. But the respondent have not produced any documentary evidence in support of their argument of sending any reply to her representations.

11.4 In this regard, regulation 17 of Tamil Nadu Electricity Distribution Standards of Performance Regulations which deals with responding to consumer complaints is reproduced below:-

“17. Responding to Consumer’s Complaint

If any consumer makes a complaint in writing to the Territorial Engineer of the concerned licensee then, the Territorial Engineer concerned shall reply to the consumer within ten days after receipt of the letter. In case the Territorial Engineer requires to visit the site or consult any other officer to give a comprehensive reply, the Territorial Engineer shall explain to the consumer as to why a substantive response cannot be sent immediately

and intimate the name address and telephone number of the Officer dealing with the complaint. The Territorial Engineer shall also ensure that a substantive response is sent to the consumer within twenty days of receiving the complaint letter.”

11.5 On a plain reading of the said regulation, it is noted that the concerned Territorial Engineer shall reply within 10 days after receipt of letter from the consumer. In case the Territorial Engineer requires visit to the site or consult any other Officer to give a comprehensive reply, the Engineer shall explain the consumer as to why a substantive response cannot be sent immediately and intimate the telephone number and address of the officer dealing with the complaint. The Territorial Engineer shall also ensure that a substantive response is sent to the consumer within 20 days of receiving the complaint.

11.6 As the respondent have not produced any record showing substantive response was sent to the consumer on her complaints dated 14-12-2011, 24-12-2011 & 11-1-2012. I am of the view that the Appellant is entitled for compensation.

11.7 As per item (6) of table furnished under regulation 21as compensation, the licensee has to pay Rs.25/- for each day of delay in responding to consumer complaints subject to a maximum of Rs.250/-

11.8 As no reply was sent to the Appellant, for her complaints (as all the complaints relate to same subject of effecting of service for her house, they are treated as one complaint) I am of the view that the Appellant is entitled for a compensation of Rs.250/- for not sending substantive reply for the complaints made by her.

12. Conclusion :

12.1 In view of my findings in paras 10 & 11 the respondent is liable to pay a compensation amount of Rs.1000/- to the Appellant under Tamil Nadu Electricity Standards of Performance Regulations 2004 for violation of regulation 4 read with regulation 21 (1) and a sum of Rs.250/- for violation of regulation 17 read with regulation 21(6). The above compensation shall be paid to the Appellant as per the procedure laid in regulation 22 of the Distribution Standards of Performance Regulation within 30 days from the date of Order.

12.2 A compliance report shall be sent to this office within 45 days from the date of receipt of the Order. It needs to be noted that non compliance of the Orders of Ombudsman will be viewed seriously under regulation 22(5) of the Regulations of CGRF and Ombudsman 2004 which in turn attract the penal provision under sections 142 & 146 of Electricity Act 2003.

13. With the above findings AP 18 of 2012 is finally disposed of by Electricity Ombudsman. No costs.

(A. Dharmaraj)
Electricity Ombudsman

To

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W/o Thiru. Kothandam,
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3. The Chairman
TANGEDCO,
NPKR Malaigai,
144, Anna Salai,
Chennai – 600 002.
4. The Secretary
Tamil Nadu Electricity Regulatory Commission
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5. The Assistant Director (Computer) - **FOR HOSTING IN THE WEBSITE.**
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