



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. 15 of 2012

Tmt. B. Sujatha
2/274, Anna Nagar,
Malumichampatty (Post)
Coimbatore – 641 050

. Appellant
(Rep. in person)

Vs

Superintending Engineer
Coimbatore Electricity Distribution Circle / South,
Tatabad,
Coimbatore

. Respondent
(Rep by Thiru P. Karuppasamy,
AE/O&M, Malumichampatty)

Date of hearing : 21-6-2012

Date of Order : 28.6.2012

The appeal petition 15 of 2012 came up for final hearing before the Electricity Ombudsman on 21-6-2012. Upon perusing the above appeal petition, counter filed by the respondent and after hearing both sides the following order is issued by the Electricity Ombudsman.

1. Prayer of the Appellant:

The Appellant prayed to clarify whether renting a house to Bachelors comes under commercial tariff.

2. Facts of the Case:

The Appellant has rented out her houses to students. The service connection numbers of the house rented out houses are 1199, 1232,1235, 1522, 1521, 1523 & 1524 and all the services were charged under domestic tariff IA upto November 2011. All the above service connections were changed to tariff V as requested by the Appellant and one year arrears was also collected from her. The Appellant filed a petition to CGRF of Coimbatore Electricity Distribution Circle on the above and the CGRF has given its Order 2-3-2012. As the Appellant is not convinced and satisfied with the Orders of CGRF, she filed this Appeal petition to Electricity Ombudsman.

3. Orders of CGRF:

The CGRF of Coimbatore Electricity Distribution Circle / South issued the following Orders.

“Conclusion:

Considering the fact put forth by the applicant and the TANGEDCO regarding change of tariff, the two members of the forum opined that the change of tariff to commercial has been made on the request of the consumer only and hence the amount collected for one year is correct. And also opined that, if the petitioner request for change of tariff again to Domestic it may be considered.

The chairman of the forum opined that the change of tariff from IA to V has been made only on the request of Consumer and hence the amount collected for one year is correct. If the petitioner request to change the tariff from V to IA, it will be considered based on the tariff order (i.e)if the purpose of utilization is Domestic only.

The forum has requested TANGEDCO to change the tariff from V to IA, if the petitioner requests for change. In case the TANGEDCO is

not convinced with the order it has a provision to file an appeal with the ombudsman, Chennai within 30 days.”

4. Contentions of the Appellant:

- i) The appellant is the owner of the houses at 2/274 A, Anna Nagar, Malumichampatty (Post), Coimbatore – 50 and rented them to Bachelors. The service connection Nos of the houses rented out are 1199, 1232, 1235, 1521, 1522, 1523 & 1524.
- ii) All the above services were charged under tariff IA till November 2011. On the pressure of Assistant Engineer the appellant applied for a change of tariff and the tariff was changed to V.
- iii) TNEB says that renting bachelors comes under commercial tariff whereas renting family comes under domestic tariff. She also requested to clarify whether there is any G.O on the above contentions of the licensee.
- iv) CGRF was approached for a solution but again confused over their orders. Hence, requested clarification on the issue.

5. Contention of the Respondent :

The respondent has contended the following in the counter.

- i) The low tension service connection Nos. 1199, 1232, 1235, 1521, 1522, 1523, 1524 were effected under LT Tariff IA – domestic in the name of the petitioner, Mrs. B. Sujatha.
- ii) During November 2011, there was inspection by the enforcement wing around the area of the above service connections. On finding violations, the enforcement wing issued assessment for violation to those of the service connection found violating the provisions of the Tamil Nadu Electricity Supply and Distribution code. However no inspection of the Petitioner’s service connections was carried out at that time by the enforcement wing. (The purpose for which the said service connections are utilized for renting of building for the College students does not belong to one family and also the

purpose are not listed as per the Tariff order No.1/2012 at 30-03-2012).

- iii) The licensee had not issued any notice to the petitioner to change the existing LT IA domestic tariff to LT TF V (Comml). Though the supply has been availed at LT TF IA (Domestic), the buildings were rented out to college students. Fearing levy of penal charges and other consequential actions in the above services, the petitioner herself has applied for change of tariff from LT TF IA to LT TF.V. The petitioner has also expressed her willingness to pay necessary charges for the change of tariff.
- iv) As per clause 9 of the distribution standard of performance regulations, the time limit fixed for change of tariff is seven days. Therefore, the change of tariff from LT TF IA to LT Tariff V Commercial has been effected on 26-11-2011 after collecting necessary charges.
- v) Before the Consumer Grievance Redressal forum, the Petitioner had accepted that the change of tariff has been effected at her request only and the existing domestic tariff has been changed to Commercial to the service connection Nos. 1199, 1232, 1234, 1521, 1522, 1523, 1524.
- vi) On field inspection, it has been ascertained that the premises of Service connection Nos.1199, 1232 and 1235 are occupied by college students. Hence, bill revision for the back period of one year was made and the charges collected. The rest of the services, no revision were made and change of tariff only effected.
- vii) Since the change of tariff has been effected at the request of the Petitioner, any further request for revision and applicability of tariff would be considered according to the provisions of the tariff order of the Commission. So far the Petitioner had not applied for any such revision of tariff from LT TF V (comml) to LT.TF IA (Domestic).

- viii) The Forum having analyzed that the change of tariff has been effected at request and found that the necessity to refund the amount collected does not arise. The Forum also directed the Licensee to consider the request of the Petitioner for re conversion of the tariff from LT TF.V to LT TF.IA. It is therefore submitted that any request for re conversion of the tariff would be considered as per the provisions of the Tariff orders.
- ix) The petitioner had not raised any grounds against the change of tariff and also accepted that the change of tariff was at her request. Also the Licensee has no objection for reconversion to the changed tariff if the petitioner applied for the reconversion.
- x) The petitioner had not provided any substantial evidence for her allegation that the change of tariff has been pressurized by the field officers. Further the amounts demanded were paid without any objection. The petitioner having obtained the change of tariff at her request and paid necessary charges, now challenged the same as an afterthought.
- xi) In view of the above facts, the change of tariff to the Petitioner's service connections are in order.
- xii) Under these circumstances it is humbly prayed that the Hounourable Electricity Ombudsman maybe pleased to dismiss the appeal petition No. 15 of 2012 filed by the Petitioner and thus render justice.

6. Hearing filed by the Electricity Ombudsman:

In order to enable the Appellant and the respondents to putforth their arguments in person a hearing was held on 21-6-2012. The Appellant Tmt. Sujatha and Thiru Karuppasamy, AE/ O&M, Malumichampatty have attended the hearing.

7. Argument of the Appellant:

The Appellant reiterated the contents of the petition. She informed that all the houses where tariff has been changed from Tariff IA to Tariff V are having Kitchen, One Bedroom and a hall and are rented out to students. She also argued that as the houses are used for dwelling, it has to be treated as domestic service and charged under tariff IA. She also admitted that the students are not cooking their food in the houses rented out. She informed that she has given an application for change of tariff on 18-6-2012 and the respondent is yet to intimate the action taken on his petition.

8. Argument of the Respondent:

8.1 The respondent was represented by Thiru Karuppasamy, AE/O&M Malumichampatty. He reiterated the contents of the Counter.

8.2 He argued that no pressure was given by him to the appellant to change the tariff. He also argued that the students staying in a house belong to different families and hence it cannot be treated as a single family. He also informed that a petition seeking change of tariff from V to I has been received from the appellant and action will be taken to dispose the above petition as per the rules in force.

9. Findings:

9.1 The CGRF of Coimbatore Electricity Distribution Circle /South has given the following conclusion.

“Conclusion:

Considering the fact put forth by the applicant and the TANGEDCO regarding change of tariff, the two members of the forum

opined that the change of tariff to commercial has been made on the request of the consumer only and hence the amount collected for one year is correct. And also opined that, if the petitioner request for change of tariff again to Domestic it may be considered.

The chairman of the forum opined that the change of tariff from IA to V has been made only on the request of Consumer and hence the amount collected for one year is correct. If the petitioner request to change the tariff from V to IA, it will be considered based on the tariff order (i.e)if the purpose of utilization is Domestic only.

The forum has requested TANGEDCO to change the tariff from V to IA, if the petitioner requests for change. In case the TANGEDCO is not convinced with the order it has a provision to file an appeal with the ombudsman, Chennai within 30 days.”

9.2 On a careful reading of the above conclusions it is noted that two members of the forum have opined that if the petitioner is request for change of tariff again to domestic it may be considered. But the Chairman of the Forum opined that if the petitioner’s request to change the tariff from V to IA, it will be considered based on tariff order (i.e.) if the purpose of utilization is Domestic only.

9.3 The forum has requested TANGEDCO to change the tariff from V to IA, if the petitioner makes a request for change.

9.4 The forum has also observed that if TANGEDCO is not convinced with the Orders of the forum, it has a provision to file an appeal before Electricity Ombudsman. So it is noted that the Order of the forum is in favour of the Appellant.

9.5 In the counter in para 15 the respondent has intimated that the forum has directed the licensee to consider any request for reconversion and the licensee is also ready to effect reconversion of the tariff as per tariff order. Hence, he contended that there is no merit in filing the appeal before the Electricity Ombudsman.

9.6 Now, it is learnt that the Appellant has filed a petition for change of tariff on 18-6-2012 and it is under process in the licensee's office.

9.7 As the Orders of the licensee is pending on the Appellant's petition for change of tariff I am of the view that it is premature to issue any orders on the petition of Appellant at this stage.

9.8 With the above observation, the AP 15 of 2012 is finally disposed of by the Electricity Ombudsman. No costs.

(A. Dharmaraj)
Electricity Ombudsman

To

- 1) Tmt. B. Sujatha
2/274, Anna Nagar,
Malumichampatty (Post)
Coimbatore – 641 050
- 2) The Superintending Engineer
Coimbatore Electricity Distribution Circle / South,
Tatabad,
Coimbatore

- 3) The Chairman & Managing Director
TANGEDCO,
NPKR Malaigai,
144, Anna Salai,
Chennai – 600 002.
- 4) The Secretary
Tamil Nadu Electricity Regulatory Commission
No.19A, Rukmini Lakshmipathy Salai
Egmore,
Chennai – 600 008.
- 5) The Assistant Director (Computer)
Tamil Nadu Electricity Regulatory Commission
No.19A, Rukmini Lakshmipathy Salai
Egmore,
Chennai – 600 008. - for hosting in the website.