



TAMIL NADU ELECTRICITY OMBUDSMAN

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

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present: Thiru. A. Dharmaraj. Electricity Ombudsman

Appeal Petition No. 83 of 2016

Thiru. P. Subramanian,
E11/163, Pari Quarters,
Mahakavi Bharathi Nagar,
Vyasarpadi,
Chennai 600 039.

. Appellant
(Party in person)

Vs

1) The Executive Engineer,
O&M/Vyasarpadi,
Chennai Electricity Distribution Circle/North,
TANGEDCO,
110/33 KV SS,
Vyasarpadi Opp to Ramalingam Temple,
Vyasarpadi, Chennai – 39.

2) The Asst. Executive Engineer,
O&M/Vyasarpadi,
Chennai Electricity Distribution Circle/North,
TANGEDCO,
110/33 KV SS,
Vyasarpadi Opp to Ramalingam Temple,
Vyasarpadi, Chennai – 39.

3) The Assistant Engineer,
O&M/MKB Nagar,
Chennai Electricity Distribution Circle/North,
TANGEDCO,
33/11 KV Stanly SS,
No.28, Old Jail Road,
Vallalar Nagar, Chennai – 1.

. Respondents
(Tmt. V.S. Ramani Lakshmi, EE/Vyasarpadi,
Thiru. H. Rajakumar, AEE/Vyasarpadi &
Thiru. S. Nagarajan, AE/MKB Nagar)

Date of hearing : 10.1.2017

Date of Order : 27.1.2017

The Petition dt. 13.10.2016 filed by Thiru. P. Subramanian, Mahakavi Bharathi Nagar, Vyasarpadi, Chennai was registered as Appeal Petition No.83 of 2016. The above appeal petition came up before the Electricity Ombudsman for hearing on 10.1.2017. Upon perusing the appeal petition, counter affidavit of the Respondent and after hearing both sides, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

- (i) The Appellant prayed that the excess amount of Rs.1123/- collected from him has to be returned to him along with interest.
- (ii) Action may be taken against the person who is responsible for this.

2. Brief History of the case:

- 2.1 The Appellant Thiru. P. Subramanian, availed a single phase service connection for his residence. The service connection no. is 070-026-163. The sanctioned load is 2 kw and the tariff is IA.
- 2.2 During 5/2016 assessment period, the consumer was charged for 520 units. As the consumption was high, the consumer filed a petition before the CGRF for refund of the excess amount collected.
- 2.3 The CGRF of Chennai EDC/North dismissed the petition. Aggrieved over the order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

3.0 Contentions of the Appellant furnished in the Appeal Petition :

3.1 He submits that both of the officers orders are incorrect and in justice.

They support their departmental staff and assessor Mrs. Sathiya Banu.

3.2 She has caused him great trouble to his mind and body, he thinks it has happened due to her carelessness and negligence Hence, he prays the honour to render justice.

3.3 Further he submits that the assessor Sathiya Banu had taken reading on 2.3.2016 for the period 2.1.2016 to 2.3.2016 and for this the consumption units are only 10 units and the charge is Rs.88/- This is not correct.

3.4 Similarly this assessor Sathiya Banu had taken reading again on 2.5.2016 for the period from 2.3.2016 to 2.5.2016 and for this the consumption units are 520 units and the charge is Rs.2262/- This is an in exorbitant charge.

3.5 He submits that as per the current consumption charges table for the period from 2.11.2015 to 2.1.2016 is Rs.460/ and the consumption units are 210 This amount of units is not mentioned in the table but the rupees mentioned is 460/-

3.6 As per the layman's calculation he feels that the real current charges for the period as mentioned in the table is Rs.1139/- but the department has mentioned mistakenly as Rs.2262/- Therefore, the excess amount i.e. Rs.1123/- collected from him may kindly be returned to him along with interest by the department and action may be taken against the person who is responsible for this.

4. Contention of the Respondent furnished in the Counter :

4.1 I submit that during November 2015 and December 2015, heavy rain and flood was occurred in Chennai Area, due to that flooding, several meters were became defective. During such time, the assessment was not able to carried out, hence 50 % of the average consumption was taken into account and collected the current consumption charges (CC charges) In this case, service connection 070-026-163. TF IA, the average consumption of 210 units was assessed as assumed consumption and collected Rs.460/- as CC charges.

4.2 Due to defect of meter, the meter was replaced by a healthy meter on 12.1.2016 and the next assessment was made as 10 units (Period 14.1.2016 to 2.3.2016) and the computer has generated (automatic) the average consumption as 58 units, thus total consumption 68 units, the corresponding amount of Rs.88 was collected on 9.3.2016, during such time, the petitioner did not object and paid the amount. Subsequently, the petitioner has submitted the representation to CGRF, Chennai EDC.North Chennai 2. The average collection is pending for the period from 2.11.2015 to 2.1.2016.

4.3 Further, study in the assessment made was carried out by down loading of the details from the new meter installed on 12.1.2016 and found certain discrepancies in the reading for which the reason for the discrepancies are in study.

4.4 Based on the data's received from MRT wing of Chennai EDC/North Chennai dated 8.11.2016, the assessment amount has been calculated from 12.1.2016 to 5.11.2016 as Rs.3020/- whereas, the consumer has paid Rs.3751/-

The difference in amount of Rs.731/- will be adjusted in the future CC charges.

4.5 Necessary Disciplinary Proceeding have been initiated against the assessor Tmt. A. Sathiyabanu and appropriate action will be taken up on the errant staff according to the fact.

5.0 Hearing held by the Electricity Ombudsman:

5.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was conducted before the Electricity Ombudsman on 10.1.2017.

5.2 Thiru P. Subramanian, the appellant herein has attended the hearing and putforth his arguments.

5.3 Tmt. U.S. Ramani Lakshmi, Executive Engineer/Vyasarpadi the Respondent-I, Thiru. H. Rajakumar, Asst. Exe. Engineer/Vyasarpadi the Respondent-II & Thiru. S. Nagarajan, Assistant Engineer/MKB Nagar, the Respondent-III herein have attended the hearing and putforth their arguments.

6. Findings of the Electricity Ombudsman :

6.1 The Appellant Thiru. P. Subramanian, reiterated the contents of his appeal petition.

6.2 He also informed that he received the counter filed by the Respondent and noted that the Respondent is willing to refund a sum of Rs.731/- by way of adjustment in future CC bills of the service.

6.3 As the Respondent has agreed to refund the excess amount and has stated that Disciplinary Proceedings have been initiated against Tmt. A. Sathiya Banu the Appellant informed that his petition may be closed.

6.4 The Executive Engineer/Vyasarpadi informed that the MRT wing of Chennai EDC/North has downloaded the details from the meter and furnished it to them. On analysis of the downloaded data there was some discrepancy in the reading noted. Based on the downloaded data, the CC charges from 12.1.2016 to 5.11.2016 was worked out of Rs.3020/- whereas the consumer has paid a sum of Rs.3751/- She also informed that difference in amount is Rs.731/- and the same will be adjusted in the future CC bills of the said service. She also informed that necessary Disciplinary Proceedings have been initiated against Tmt. A. Sathiya Banu and appropriate action will be taken on the errant staff according to the fact. The EE has also furnished the working sheet for refund of Rs.731/-

6.5 On a careful examination of the working sheet, it is noted that the Respondent have taken the reading as on 1.11.2016 as 1490 whereas as per the downloaded details the reading is 1343.60. Therefore, I am of the view that the reading already recorded on 1.11.2016 as 1340 is correct only.

6.6 Accordingly, the Respondent was directed to revise the working sheet, the revised working sheet was furnished by the Executive Engineer/Vyasarpadi on 12.1.2017.

6.7 The reading on the date of respective assessment has been arrived by the Respondent based on the downloaded data and the consumption and, CC

charges for the respective assessment periods are worked out by the Respondent in the revised working sheet. The total amount to be collected works out to Rs.2783/-. As Rs.3761/- has already been collected, the Respondent worked out the refund as Rs.968/-

6.8 The Appellant has requested for refund of the balance amount with interest.

6.9 In this regard, I would like to refer regulation 12(2) of the Supply Code which is extracted below :

“ 12. Errors in billing

XXXX XXX XXX

(2)Where it is found that the consumer has been over-charged, the excess amount paid by such consumer shall be refunded along with interest at the rate applicable for security deposit. The interest shall be computed from the date on which the excess amount was paid. Such excess amount with interest may be paid by cheque in the month subsequent to the detection of excess recovery or may be adjusted in the future current consumption bills upto two assessments at the option of the consumer. The sum which remains to be recovered after two assessments may be paid by cheque. Interest shall be upto the date of last payment.

XXX XXX XXXX ”

6.10 On a careful reading of the said regulation, it is noted that whenever the consumer has been over charged the excess amount paid by such consumer has to be refunded along with interest at the rate applicable to security deposit. The interest shall be computed from the date on which the excess amount has been paid. The excess amount with interest has to be paid by cheque in the month subsequent to the detection of excess recovery or may be adjusted in future current consumption bills upto two assessment at the option of the consumer and the balance may be paid by cheque.

6.11 In view of the above, the Respondent is directed to refund the excess amount with interest as applicable to security deposit. The interest shall be calculated from the date on which the excess amount was paid up to the date of refund.

7. Conclusion :

7.1 In view of my findings in para. 6 above, the Respondent is directed to refund the excess amount of Rs.968/- with interest as applicable to security deposit within 30 days from the date of receipt of the order. The interest shall be calculated upto the date of refund. The excess amount may also adjusted in the future CC bills of the Appellant at the option of the Appellant as per regulation 12(2) of the Supply Code.

7.2 A compliance report on the above, shall be sent within 45 days from the date of receipt of this order.

7.3 With the above findings, the A.P.No.83 of 2016 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru. P. Subramanian,
E11/163, Pari Quarters,
Mahakavi Bharathi Nagar,
Vyasarpadi,
Chennai 600 039.

2) The Executive Engineer,
O&M/Vyasarpadi,
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Chennai Electricity Distribution Circle/North,
TANGEDCO,
33/11 KV Stanly SS,
No.28, Old Jail Road,
Vallalar Nagar, Chennai – 1.

5) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Chennai Electricity Distribution Circle/North,
TANGEDCO (Formerly TNEB),
5A Block, 144, Anna Salai,
Chennai – 600 002.

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

7) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.

8) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.