



A consumer is the important visitor on our premises.
He is not dependent on us. We are dependent on him.
-Mahatma Gandhi

TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai

Present : Thiru. N.Kannan, Electricity Ombudsman

A.P.No. 67 of 2024

Thiru S.Ganesan,
No.1/21, Sivan Kovil Street,
Mela Krishnaputhur & Post,
Kanyakumari District – 629 601.

. Appellant
(Rep. by Thiru S.Pavesh Kannan,
Advocate)

Vs.

1. The Assistant Engineer/O&M/Kelakrishnapudur,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Kelakrishnapudur – 629 601.

2. The Executive Engineer/Distribution/Nagercoil,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Parvathipuram, Nagercoil – 629 003.

3. The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Parvathipuram, Nagercoil – 629 003.

. . . . Respondents
(Thiru K. Ramesh, AE/O&M/ Kelakrishnapudur
Thiru N.K.Jawahar Muthu, EE/ Distribution/Nagercoil)

Petition Received on: 16-09-2024

Date of hearing: 17-10-2024

Hearing postponed on: 24-10-2024

Date of Order: 05-11-2024

The Appeal Petition received on 16.09.2024, filed by Thiru S.Ganesan, No.1/21, Sivan Kovil Street, Mela Krishnaputhur & Post, Kanyakumari District – 629 601 was registered as Appeal Petition No. 67 of 2024. The above appeal petition was scheduled to hear on 17.10.2024 but it was rescheduled on 24.10.2024. Upon perusing the Appeal Petition, Counter affidavit, written argument, and the oral submission made on the hearing date from both the parties, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The Appellant has prayed to set aside CGRF order confirming the action of Respondent for disconnection and prayed to reconnect the SC No. 146-014-1925 and seek compensation of Rs.1,00,000/- for his mental anguish.

2.0 Brief History of the case:

2.1 The Appellant has prayed to reconnect the SC No. 146-014-1925 and seek compensation of Rs.1,00,000/- for his mental anguish.

2.2 The Respondent has stated that the Appellant had not paid the additional charges claimed on 05-09-2023 and the service was disconnected on 18-10-23 and the dues have not been paid to till date.

2.3 Hence the Appellant has filed a petition with the CGRF of Kanyakumari EDC on 17.10.2023 to reconnect his service connection.

2.4 The CGRF of Kanyakumari EDC has issued an order dated 27.10.2023. Aggrieved over the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Kanyakumari Electricity Distribution Circle issued its order on 27.10.2023. The relevant portion of the order is extracted below: -

“Order:

மனுதாரர் புகார் மனுவில் குறிப்பிடப்பட்டுள்ள மின்னணைப்பு எண் 146-014-1925-ற்கு Tamil Nadu Electricity Supply Codes and Regulations 21((1)-ல் தெரிவிக்கப்பட்டுள்ள படி மின்துண்டிப்பு செய்யப்பட்டுள்ளதால் நிலுவைத்தொகை பெறப்பட்டவுடன் மறுமின்னணைப்பு வழங்க ஆணை பிறப்பித்து உத்தரவிடப்படுகிறது.”

Consequent to the CGRF order the Appellant had approached the electricity ombudsman to seek relief on the following Prayer “ பணம் செலுத்த முன்வந்த பிறகும் புகார் அளித்ததால் பணம் வாங்க மறுக்கின்றனர் ஆகையால் கோவிலுக்கு மின் இணைப்பு கிடை த்திட உத்தரவு பிறப்பிக்க வேண்டும்.

Subsequent to this the Appellant had been informed from this office on 19-12-2023 that which is reproduced below;

“2. குறைதீர்மன்றத்தில் தங்கள் கோரிக்கை தொர்பாக நடந்து முடிந்த விசாரணையின் முடிவில் மனுதாரர் கோரிக்கைக்கு நிலுவைத் தொகை செலுத்தியபின் மறுமின்னணைப்பு வழங்குமாறு ஆணை பிறப்பித்துள்ளது தெரிய வருகிறது. ஆனால் தற்போது பெறப்பட்ட தங்கள் மனுவை ஆராய்ந்து பார்த்ததில் தாங்கள் மின் நுகர்வோர் குறைதீர்மன்றத்தில், தங்களின் மின் இணைப்பு எண் 146-014-1925-இல் தொகை செலுத்த முன்வந்த பிறகும் தொகை வாங்க மறுப்பதாக மனு சமர்ப்பித்துள்ளீர்கள்.

3. தற்போது தங்களின் கோரிக்கை தாங்கள் மின் நுகர்வோர் குறைதீர்மன்றத்தில் சமர்ப்பிக்கப்படாத கோரிக்கை என்பதால் தங்களுடைய புது கோரிக்கை சம்பந்தமாக கன்னியாகுமரி மின்பகிர்மான வட்டத்தில் புதிதாக மனு சமர்ப்பித்து முறையிடுமாறு தெரிவிக்கப்படுகிறது.”

Following to this the Appellant made the below petition before the CGRF on 02-07-2024.

“The Respondent is trying to collect extra charges illegally without regularisation of the new load.”

In reply to the above a letter had been sent on 05.08.2024 from the coordinator of CGRF stating that the petition had been rejected as the Appellant had made same prayer before CGRF for which necessary orders have been issued on 27-10-2023.

Consequent to this receipt of intimation from the Co ordinator /CGRF on 05-08-2024 the Appellant had filed an appeal petition praying on 16-9-2024 to set aside CGRF order confirming the action of the Respondent for disconnection and prayed to reconnect the SC No. 146-014-1925 and seek compensation of Rs.1,00,000/-.

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments, a hearing was scheduled on 17.10.2024 and it was rescheduled on 24.10.2024 through video conferencing.

4.2 On behalf of the Appellant Thiru S.Pavesh Kannan, Advocate attended the hearing and put forth his arguments.

4.3 The Respondents Thiru K. Ramesh, AE/O&M/ Kelakrishnapudur and Thiru N.K.Jawahar Muthu, EE/ Distribution/Nagercoil, of Kanyakumari Electricity Distribution Circle attended the hearing and put forth their arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing orders. Further, the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone is discussed hereunder.

5.0 Arguments of the Appellant:

5.1 The Appellant has submitted that he had applied and obtained electricity connection to his ancestral temple from the 1st Respondent, vide connection No. 146-014-1925. The current load was 1 KW (Kilo Walt). In this case, the Respondent

is trying to collect additional charges without regularizing the changed new electricity load. As a result, excessive electricity bill has been received by the Appellant.

5.2 The Appellant has submitted that based on the above position, the Appellant is not in a position to pay the additional electricity charges. The Appellant was not immediately given a formal "Advance notice" by the electricity board for using the additional load.

5.3 The Appellant has submitted that if the power user exceeds the agreed power requirement, the owner shall take action as per TN Electricity Supply Rule 5(2) (III) (A)—

As per the TN Electricity Supply Rule 5 (2) (III) (A), In case the recorded demand has not exceeded 112 KW the existing load sanction shall after intimation to the Consumer, be revised within one month of the second occurrence to the level of recorded demand and all the relevant Charges applicable to the additional load shall be included in the next bill.

In the event that excessive load is considered to have been used, the load should have been changed after proper notice has been given by the 1st Respondent who is the appropriate officer.

5.4 The Appellant has submitted that notice was given to the Appellant only belatedly. The notice was given after several months, which caused a lot of hardship and distress to Appellant. The activities of the Respondent are against the TN Supply Rule. Presently, electricity has been banned continuously since 18.10.2023.

5.5 The Appellant has submitted that at present, the 1st Respondent is in a position to ask for an additional payment of Rs. 8,605/- . Based on this, as per the Tamil Nadu Electricity Ombudsman directed a letter dated 19.12.2023, vide letter No.652/A No.1746/2023, the Appellant filed a complaint before the 1st Respondent on 04.05.2024. It is to be noted that till date no reply has been given by the 1st Respondent on 04.05.2024 till date to the Appellant. The Appellant filed petition before the CGRF on 02.07.2024. At the above said CGRF stage, summons were not issued to the Appellant at the hearing of the petition. In this regard, a letter sent to the Respondents with acknowledgement due dated 13.08.2024 has been sent by the Appellant on 13.08.2024. This letter has been signed and received by both the

Respondents on 14.08.2024.

5.6 The Appellant has submitted that the consumer's grievances in this regard were not resolved at appropriate official level. It is Respondent's position that the fresh complaint has not been given due reply. From 18.10.2023 till date without power to Appellant's temple, unnecessary expenses have been incurred by the Respondents through rented generator. As a result, Appellant has suffered unnecessary financial hardship and mental anguish.

5.7 The Appellant has prayed to (i) set aside the Consumer Grievance Redressal Forum order No. A480/24, dated 05.08.2024, (ii) Supply electricity to Appellant power supply in a way that protects the customer's interest and (iii) Respondents to pay compensation of Rs.1,00,000/- (Rupees One Lakhs Only) to the Appellant's ancestral temple for causing unnecessary haste and mental anguish and pass such further order or other order as this Hon'ble Ombudsman may deem fit and proper in the circumstances of the case and thus render justice.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that averment in para (1), (2) & (3) is utterly denied and false since, the consumer had used excess demand in the S.C.No.146-014-1925 during the assessment month 02/2023 and 08/2023 against the sanctioned load of 1 KW and details shown as below:

Sl. No.	Assessment Month	MD Used (KW)	Sanctioned Load (KW)	Present sanctioned Load (KW)
1.	02/2023	4.09	1	5
2.	08/2023	1.125	1	

Also the Electricity consumed during the above assessment months were also increased. So as per Tamil Nadu Electricity Regulatory Commission Codes and Regulations vide Tamil Nadu Electricity supply code Regulation (5) (2) III (A)

"in case the recorded demand has not exceeded 112 KW, the existing load

sanction shall after intimation to the consumer, be revised within one month of the Second occurrence to the level of maximum recorded demand and all the relevant charges applicable to the additional load shall be included in the next bill.”

The Respondent has submitted that after MD exceeded for second time, proper notice had been given to the consumer on 31.08.2023 vide Lr.No.AE/O&M/Keelakrishnanputhur/F.Notice for revision of Load/D.No.316 dated: 31.08.2023 and acknowledgement had been received. Copy of the notice enclosed in annexure - 1. After getting acknowledgement the existing load sanction was revised to the level of maximum recorded demand on 05.09.2023.

All relevant charges applicable to the additional load was raised in consumer ledger of LT Billing software vide Slip Number 14620235157 dated: 05.09.2023. Hence after regularizing of sanctioned load only additional charges had been raised and no excess electricity bill was claimed from the consumer. Hence prior notice for MD exceeded had been given before regulation of load.

6.2 The Respondent has submitted that the averment in para (4) is utterly denied and false since MD exceeded notice was given on 31.08.2023, after the MD exceeded the sanctioned load for the Second occurrence in the month of 08/2023 while taking reading on 23.08.2023. Hence notice was not issued belatedly. The action was taken as per TNERC codes and regulations vide TN supply code 5(2) (IIIA).

The Consumer had not paid the additional charges claimed on 05.09.2023. Split-up details of additional charges was given to the consumer vide LR.No: 341/JE/D/KKPR, Dt: 11.09.2023 through registered post. After expiry of one month, the service connection had notified in defaulter list on 12.10.2023. This was intimated to consumer vide Lr.No.393/JE/D/KKPR /F.Doc/2023, 16.10.2023. But the Consumer had not paid the amount. So the SC was disconnected on 18.10.2023. The consumer has not paid the dues till date. Total dues as on date is Rs. 15,371/-.

Sl. No.	Slip Number	Slip date	Entry date	Account description	Amount	Paid - details
1.	14620235157	05.09.23	05.09.23	Registration cum process process charges	205	Not Paid
				Testing Fees	155	
				Round off	0.2	
				Cgst	32.4	
				Sgst	32.4	
				Development Charges	8180	
				Total	8605	

6.3 The Respondent has submitted that the averment in para (5) is utterly denied and false since reply had been sent to the petitioner on 30.5.2024 vide Lr.No.EE / D / Ngl / CI / F.Petition / R.1258 / 24, dt. 28.05.2024 for his petition dated: 04.05.2024 Copy of letter enclosed in annexure-4 and for his appeal petition dated 13.08.2023/, reply has been sent to the petitioner on 13.09.2024 vide Lr. No:EE/D/NGL/CI/F.DOC-Petition/R.361 1/24, Dt: 11.09.2024.

For the petition filed in the CGRF on 02.07.2024 reply has been given on 05.08.2024. No hearing was conducted since the petitioner had filed the same petition already in CGRF vide petition No.102/023 dated: 17.10.2023. Hearing for the petition was conducted on 27.10.2023. But the Petitioner had not participated on that date. Order had been issued on 27.10.2023 stated that as per Tamil Nadu Electricity Supply codes and Regulations 21(1) since the SC No.146-014-1925 was disconnected due to Non-payment of dues, it is instructed to pay the dues for reconnection of Service Connection.

6.4 The Respondent has submitted that the averment in para (6) was utterly denied and false since the consumer grievance was addressed in the CGRF on 27.10.2023 and order given as per TNERC Codes and regulations. Since the consumer has not paid the additional charges already intimated to the consumer vide Lr.No.341/JE/O&M/KKPR/Doc/2023 dated 11.09.2023, the SC No.146-0141925 was disconnected on 18.10.2023 as the SC was notified in the defaulters list on 12.10.2023. Hence Tamil Nadu Power Distribution

Corporation Limited (TNPDCCL) is not responsible for the unnecessary expenses made by the petitioner. But while on site inspection of the temple, illumination is available in the temple by misusing of power supply. Illegal extension of electricity is made to the temple from nearby house having Sc No.146-014-1152. Video clip is enclosed in pen drive. Since the consumer filed a petition against the TNPDCCL employee who had already entered his premises for inspection of meter and also argued with the employees not to touch the meter, it is not safe for the employees to enter the premises. Since TNPDCCL employee could not able to enter the premises, illegal extension of electricity in the temple is informed to Assistant Executive Engineer / APTS / Tirunelveli and Ex-services man inspection squad in Kanyakumari to inspect the site and guide in this issue. Hence unnecessary expense made by petitioner by using rented generator is utterly denied and false since he is using electricity from nearby house SC No. 146-014-1152.

Hence it is reported that prior notice was given the consumer for MD exceeded in the SC No.146-014-1925 for the second occurrence and sanctioned. Load was regularized to the level of maximum demand recorded and additional charges were claimed after load was regularized.

6.5 The Respondent has submitted that all procedures were followed promptly as TNERC Codes and Regulations. Hence all the averments are utterly denied. The SC No.146-014-1925 shall be reconnected after payment of all dues as on date.

7.0 Written arguments submitted by the Appellant:

7.1 The Appellant has stated that he had filed the above case against the Consumer Grievance Redressal Forum order No.A 480 / 24 / dated 05.08.2024 for set aside and supply electricity to Appellant power supply in a way that protects the consumer's interest and the Respondent to pay compensation of Rs.1,00,000/- (Rupees one Lakh only) to the Appellant's ancestral temple for causing unnecessary haste and mental anguish.

7.2 The Appellant has submitted that he was informed to file a fresh application in the Kanyakumari Power Distribution Circle regarding the fresh demand, vide TN Electricity Ombudsman letter No. TNEO/Petition No.652/Ano.1746/2023, dated 19.12.2023 (The appeal filed by the Appellant is SI.No.1 in the list of Documents) accordingly in petition was duly filed before the Respondent by the Appellant dated 04.05.2024. In that petition, he submitted as follows;

- i. The Appellant has got electricity connection to his ancestral temple vide Electricity Connection No. 146-014-1925. In relation to the above electricity connection, the electricity load was 1KV, but the Respondent has proposed to collect additional charges without regularizing the new electricity load. Seeing this, the Appellant / Customer is shocked.
- ii. On top of the malpractice of the Respondent, the Appellant has been paying extra electricity charges Rs.8,605/- as reported by the Respondent in their counter and Rs.15,371/- with penalty till date.
- iii. While the Respondent stated that they used additional electrical load, proper prior notice was not given by them.
- iv. In case the power user exceeds (sanction demand) the agreed power requirement, as per TN Electricity Supply Rule 5 (2) (III) (A) owner action should be taken.

“Under Rule of the TN Electricity Supply 5 (2) (III) (A) in case the recorded demand has not exceeding 112KW the existing load sanction shall after intimation to the Consumer, be revised within one month of the second occurrence to the level of recorded demand and all the relevant charges applicable to the additional load shall be included in the next bill.”

In the event that excessive load is considered to have been used, the load should have been charged after giving formal notice to the Respondent.

7.3 The Appellant has submitted that due to the negligence of the

Respondent, the notification was given only after many months, causing great inconvenience and mental anguish to the electricity consumer. Also, during the essential period, by getting power from a private generator, Rs.74,500/- for rental has been paid without need till date. With great distress, there has been an unnecessary rush of money. This causes me great distress.

7.4 The Appellant has submitted that all the acts of the Respondent is contrary to the Electricity Rules. In addition, Rs.8,605/- has been wrongly claimed by the Respondent as electricity charges. As of today, I , the electricity user, have not been defined and given proper electricity bill. Thereafter noting this, I also sent a letter to the Respondent by registered post (With RPAD) on 04. 05.2024. To that date no formal response has been given.

7.5 The Appellant has submitted that it is a false information that the Respondent has given information regarding high electricity load. There is no written record of their disclosure. He stated that with some expectation, they have acted to take revenge. The information given by the Respondent in his counter as acknowledgment on 31.08.2023. Notice for revision of Load /D.No.316 is false. Such an event did not happen. The entire counter is submitted with false statement. No documents related to that has been submitted as a list of document. At present, electricity is supplied through generator. As a result, the Appellant has suffered unnecessary financial hardship. He stated that he attached photo of the generator used.

7.6 The Appellant has stated that in the above Circumstances, till date, the cost of private generator rental for electricity requirement from private generator during emergency is Rs.74,000/- (Rupees Seventy Four Thousand only) has been spent. In the case of the Appellant / electricity consumer, provide m with the above unnecessary expenses as compensation Rs.1,00,000/- (Rupees one Lakh only) to the Appellant ancestral temple for causing unnecessary haste and mental anguish; the Consumer Grievance

Redressal Forum order No. 480 / 24, dated 05.08.2024 for set aside and requested to repair the proper electricity supply and restore the interrupted electricity supply, vide Connection No.146- 014-1925.

8.0 Rejoinder submitted by the Respondent:

8.1 The Respondent has stated that the entire averments in the written argument filed by the Appellant is utterly denied and false. The temple is not ancestral. It is a private temple. After MD exceeded for second time, proper notice had been given to the consumer on 31.08.2023 vide Lr.No.AE/O&M/ Keelakrishnanputhur/ F.Notice for revision of Load/D.No.316 dated: 31 .08.2023 and acknowledgement had been received. After getting acknowledgement the existing load sanction was revised to the level of maximum recorded demand on 05.09.2023. All relevant charges applicable to the additional load was raised in consumer ledger of LT Billing software vide Slip Number 14620235157 dated: 05.09.2023. All details are given in the counter statement.

8.2 The Respondent has stated that averments in the para 2(i) is utterly denied & false since the additional charges was raised in the SC No. 146-014-1925 after given prior intimation for excess demand used for second time, acknowledgement received and after that sanctioned load was regularized. Hence the additional charge was raised after regulation of sanctioned load.

8.3 The Respondent has stated that the averment in para 2(u) is false since no malpractice is made in the additional charges raised in the SC No. 146-014-1925. All the charges were raised as per TNPDC norms in force. Total due in the SC No. 146-014-1925 is additional charges + Fixed charges (Rs. 8605 + 6766).

8.4 The Respondent has stated that the averment in para 2(iii) is utterly denied and false since the Respondent has not mentioned such words in the counter already filed.

8.5 The Respondent has stated that the averment in para 2(iv) is false since the

additional charges was raised in SC No.146-014-1925 after given prior intimation to the petitioner and got acknowledgment. After that only load was regularised and additional charges raised. The action was taken as per TNERC codes & regulation of Tamil Nadu Electricity Supply code regulation 5 (2) (IIIA).

8.6 The Respondent has stated that the averment in para 3 is utterly denied and false since MD exceeded notice was given on 31.08.2023, after the MD exceeded the sanctioned load for the Second occurrence in the month of 08/2023 while taking reading on 23.08.2023. Hence notice was not issued belatedly. The action was taken as per TNERC codes and regulations vide TN supply code 5(2) (IIIA). Hence no negligence in the Respondent side.

8.7 He stated that on site inspection, it is found that no generator is used for private temple illumination. But power supply is extended illegally from nearby house having SC No.146-014-1152. The current consumption is high in the month of 10/2023 to 08/2024. It proved the illegal extension of power supply to private temple. The petitioner statement of using private generator and enclosed rental bill for generator is bogus because the outstanding amount to be paid is only Rs.8605, but paying of huge amount monthly to private generator is not logically acceptable. Also it is found that no illumination found in temple on 21.10.2024 at 07:00 PM. It clearly shows that the petitioner has not used private generator. So the petitioner statement of using private generator is utterly false.

8.8 The Respondent has stated that the averments in para (4) are utterly denied and false since as per the request letter of petitioner vide letter dated 05.09.2023, Split-up details of additional charges was given to the consumer vide LR.No: 341/JE/D/KKPR, Dt: 11.09.2023 through registered post. No charges were raised wrongly. Reply had been sent to the petitioner on 30.5.2024 vide Lr.No.EE / D / Ngl / Cl / F.Petition / R.1258 / 24, dt. 28.05.2024 for his petition dated: 04.05.2024 and for his appeal petition

dated 13.08.2023, reply has been sent to the petitioner on 13.09.2024 vide Lr.No:EE/D/NGL/CI/F.DOC-Petition/R.361 1/24, Dt: 11.09.2024.

8.9 The Respondent has stated that the averment in para (5) is utterly denied and false since proper notice had been given to the consumer on 31.08.2023 vide Lr. No. AE/O&M/ Keelakrishnanputhur/ F.Notice for revision of Load / D.No.316 dated: 31.08.2023 and acknowledgement had been received. After getting acknowledgement the existing load sanction was revised to the level of maximum recorded demand on 05.09.2023. All relevant charges applicable to the additional load was raised in consumer ledger of LT Billing software vide Slip Number 14620235157 dated: 05.09.2023. Hence after regularizing of sanctioned load only additional charges had been raised and no excess electricity bill was claimed from the consumer. Hence prior notice for MD exceeded had been given before regulation of load.

8.10 The Respondent has stated that statement of using private generator is false since while inspection on 21.10.2024 at 07:00 PM, the private generator is not running & no illumination available in the private temple. Petitioner previously extended the supply to private temple from nearby house. But he removed it now.

9.0 Findings of the Electricity Ombudsman:

9.1 I have heard the arguments of both the Appellant and the Respondent. The discussion has been limited strictly to the subject matter relevant to this case. Based on the arguments presented and the documents submitted by both parties, the following is discussed.

9.2 The Appellant has got electricity connection to the said temple vide Electricity Connection No. 146-014-1925 on 23-03-2022 only. The dispute revolves around disconnection of the private temple (ancestral temple as mentioned by the Appellant) service connection No.146-014-1925 by the Respondent due to non

payment of excess demand charges. In view of the above I would like to find the following:

- 1) What is regulation for excess Demand Charges at the time of the dispute?
- 2) Whether the Appellant SC has exceeded the sanctioned load and proper procedure followed in the case of excess demand regularization?
- 3) Is the Appellant's claim that the Rs.8605/- charged as excess Demand Charges is incorrect, and that the subsequent disconnection of the Service Connection (SC) is unjustified, making his request for restoration of supply valid?

10.0 Findings on the first issue:-

10.1 I would like to refer to the regulation governing excess demand charges that are being disputed for the second time, specifically for the billing cycle of August 2023. The relevant regulation is reproduced below:

"Tamil Nadu Electricity Supply Code Regulation 5(2) Excess Demand Charge:
Whenever the consumer exceeds the sanctioned demand, excess demand charges shall be applicable.

...

III (A)

"in case the recorded demand has not exceeded 112 KW, the existing load sanction shall after intimation to the consumer, be revised within one month of the Second occurrence to the level of maximum recorded demand and all the relevant charges applicable to the additional load shall be included in the next bill."

10.2 From the above, it is understood that when the maximum recorded demand exceeds the sanctioned demand for the second time, the consumer shall be notified, and the demand must be revised within one month. The applicable charges for the additional load shall be included in the next billing cycle.

11.0 Findings on the second Issue:-

11.1 The Appellant contended that if excessive load was indeed used, the load should have been revised only after proper notice by the 1st Respondent, who is the appropriate officer for such actions. He argued that the notice was delayed, causing significant hardship and distress, as it was issued several months after the fact, in violation of the TN Supply Rule. As a result, the Appellant has been experiencing continuous disconnection of electricity since 18.10.2023.

11.2 Additionally, the Appellant claimed that the Respondent's assertion of having informed him about the high electricity load is false no written record of such a disclosure exists. He further asserted that the Respondent's counterclaim, which includes an acknowledgment on 31.08.2023 and a notice for load revision (D.No.316), is fabricated, stating that no such event occurred.

11.3 The Respondent has submitted that, the consumer had used excess demand in the S.C.No.146-014-1925 during the assessment month 02/2023 and 08/2023 against the sanctioned load of 1 KW and details shown as below:

Sl.No.	Assessment Month	Sanctioned Load (KW)	MD Used (KW)
1.	02/2023	1	4.09
2.	08/2023	1	1.125

11.4 The Respondent stated that after the Maximum Demand (MD) exceeded for the second time, a proper notice was issued to the consumer on 31.08.2023 via Lr.No.AE/O&M/Keelakrishnanputhur/F.Notice for revision of Load/D.No.316. The consumer had acknowledged the notice. Despite this, the consumer did not pay the additional charges claimed on 05.09.2023.

11.5 The Respondent further explained that split-up details of the additional charges were provided to the consumer on 11.09.2023 through registered post.

After one month had passed without payment, the service connection was marked as a defaulter on 12.10.2023, and the consumer was notified of this via Lr.No.393/JE/D/KKPR/F.Doc/2023 on 16.10.2023. As the consumer was not settled the dues, the service connection was disconnected on 18.10.2023. The total outstanding dues for an amount to Rs. 15,371/- has not been paid by the consumer.

11.6 The Appellant claimed that he was not informed about the excess demand charges, alleging that no notice was given. However, the Respondent maintained that proper notice was issued, and acknowledgment was obtained from the Appellant.

11.7 Based on the consumer ledger, the first instance of excess Maximum Demand (M.D.) occurred during the billing cycle of February 2023, where the demand reached 4.09 KW against the sanctioned load of 1 KW. The Appellant paid the corresponding excess M.D. charges of Rs.91.79, along with the regular current consumption (CC) charges, on 06-03-2023. This payment demonstrates that the Appellant was aware of the first excess demand instance, with all relevant details recorded in the consumer ledger. The entries in the ledger are valid evidence under Section 35 of the Evidence Act, 1872 which is discussed below:

“35. Relevancy of entry in public record or an electronic record made in performance of duty. An entry in any public or other official book, register or record or an electronic record stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty or by any other person in performance of a duty specially enjoined by law of the country in which such book, register or record or an electronic record is kept is a relevant fact.”

11.8 The second occurrence of excess demand charge was recorded by the licensee during the billing period of August 2023, and this entry was duly recorded in the consumer ledger. This serves as valid documentation of the excess demand, further confirming the communication of the charges to the consumer.

11.9 The issue to resolve concerns whether the Respondent followed the applicable regulations, as mentioned in Findings 1. Specifically, once the maximum recorded demand exceeded the sanctioned demand after the second occurrence,

the Respondent should have notified the Appellant within one month and adjusted the applicable charges for the additional load in the next bill. The Appellant alleges that the Respondent provided misleading information regarding the high electricity load usage notification.

11.10 On review of the documents, it is noticed that on August 31, 2023, the Respondent issued a notice regarding the second excess demand occurrence, which was received by the Appellant's mother, Tmt. Ramu. This notice followed the second instance of excess demand over the sanctioned demand of 1KW during the February 2023 and August 2023 billing periods.

11.11 The Appellant, in a letter dated September 5, 2023, acknowledged receipt of the August 31, 2023, notice. The relevant paragraph from the letter is reproduced below:

“தங்களால் ஆங்கிலத்தில் வடிவமைக்கப்பட்ட 31.08.2023 நாளிட்ட கடிதம் ஆங்கில மொழியில் கையெழுப்பம் 01.09.2023 நாளிட்ட கடிதம் மேற்குறிப்பிட்ட முகவரியில் உள்ள வீட்டில் எனது தாயாரிடம் கொடுத்து கையெழுத்து பெற்றுள்ள தங்களின் கடிதமானது என்ன விவரம் அதில் குறிப்பிட்டுள்ளது என்பதை 1460141925 மின் இணைப்பு பெற்றுள்ள மின்நுகர்வோரால் அறியமுடியாதது குறித்த பிண்குறிப்பிடும் விளக்கம் கோரிடுவதற்கு தாங்கள் பதில் வழங்கிட வேண்டும். ”

11.12 Further, the Respondent raised a slip to the consumer on 05-09-2023 to make payment of the necessary charges for the regularization of excess demand charges, which had been recorded in the consumer ledger. On 11-09-2023, the Respondent provided details about the excess demand charges claim, sending the information to the Appellant in Tamil. This notice was dispatched via registered post on 12-09-2023 and proof for the same has been submitted by the Respondent.

11.13 From the above, it is evident that the Respondent issued a proper notice to the consumer after the second occurrence of excess demand, with the first occurrence during the 02/2023 billing period and the second during the 08/2023 period. The said notice was sent to the consumer on 31-08-2023 and was received by the Appellant's mother, as acknowledged in the Appellant's letter dated 05-09-

2023, which was received by the Respondent on 08-09-2023. Furthermore, the Respondent furnished additional details in the 11-09-2023 letter, confirming that the Appellant had been informed, thus following the procedure discussed in Findings 1.

11.14 Subsequently, the Respondent's letter dated 11-09-2023 further clarified the details. The Respondent also stated that they informed the Appellant over the phone on 11-10-2023, reminding them to pay the excess demand charges. However, the Appellant failed to make the payment, and the service connection was listed in default on 12-10-2023. Despite a notice was sent on 16-10-2023 urging the Appellant to avoid disconnection, the service was eventually disconnected on 18-10-2023 due to non-payment.

11.15 From these findings, it is clear that the Respondent followed the correct procedure to regularize the excess demand charges, while the Appellant failed to pay within the stipulated time, leading to the disconnection.

12.0 Findings on the third issue:-

12.1 Before deciding the disconnection issue, the other associated issues raised by the Appellant related to the disconnection have been analyzed. The Respondent stated that the Appellant argued with the employees, instructing them not to touch the meter. As a result, the Respondent reported that it was not safe for the employees to enter the premises.

12.2 This statement by the Respondent brings up the significant question of whether the licensee is entitled to inspect the consumer's premises. Upon scrutinizing the documents submitted by both parties, it is observed that the Appellant had requested the Respondent on 14-09-2023 to furnish details of the excess demand recorded on his service. The Respondent reported that the licensee's staff were prevented from entering the premises to download the meter details. Subsequently, the Respondent requested the appellant vide letter dated 23-09-2023 to provide co-operation to release the energy meter for testing. Further, the

scheduled date and time (i.e. 9.30 am on 27.09.2023) to visit the consumer premises has been clearly mentioned clearly mentioned in that letter.

12.3 In this regard, I would like to refer to the existing TNERC Supply Code Regulations 25, which outlines the powers of the licensee to enter consumer premises. This regulation is reproduced below:

“25. Power for Licensee to enter premises and to remove fittings or other apparatus of Licensee

(1) Section 163 of the Act provides for the powers for Licensee to enter premises and reads as:

“ 1) A Licensee or any person duly authorized by a license may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which electricity is, or has been, supplied by him, of any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of --

(a) Inspecting, testing, repairing or altering the electric supply-lines, meters, fittings, works and apparatus for the supply of electricity belonging to the Licensee; or

(b) Ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or

(c) Removing where a supply of electricity is no longer required, or where the Licensee is authorized to take away and cut off such supply, any electric supply-lines, meters, fittings, works or apparatus belonging to the Licensee.

2) A Licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than twenty-four hours notice in writing to the occupier, --

(a) enter any premises or land referred to in sub-section (1) for any of the purposes mentioned therein;

(b) enter any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires fittings, works and apparatus for the use of electricity belonging to the consumer.

3) Where a consumer refuses to allow a Licensee or any person authorized as aforesaid to enter his premises or land in pursuance of the provisions of sub-section (1) or, sub-section (2), when such Licensee or person has so entered, refuses to allow him to perform any act which he is authorized by those sub-

sections to perform, or fails to give reasonable facilities for such entry of performance, the Licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer.”

12.4 The Appellant's denial of access to the disputed service connection could have been addressed through appropriate recourse if the Respondent had followed the necessary steps as per regulations.

12.5 Furthermore, as noted in Findings 2, the Appellant exceeded the sanctioned demand. The Appellant is now requesting to set-aside the disconnection order confirmed by the Consumer Grievance Redressal Forum (CGRF) on the grounds of non-payment of excess demand regularization charges and requests the restoration of the interrupted electricity supply for Service Connection No. 146-014-1925.

12.6 The Respondent, on the other hand argued that the Appellant did not paid the additional charges claimed on 05.09.2023. Details of these additional charges were provided to the Appellant via Lr. No: 341/JE/D/KKPR, dated 11.09.2023, sent through registered post. After the one-month period expired, the service connection was placed on the defaulter list on 12.10.2023, which was also communicated to the Appellant via Lr.No.393/JE/D/KKPR/F.Doc/2023 on 16.10.2023. As the Appellant failed to make the payment, the service connection was disconnected on 18.10.2023. The Appellant has not cleared the dues, which currently stands at Rs. 15,371/-.

12.7 As per my findings in para 10, the respondent included the relevant charges within one month after the second occurrence of excess demand, by providing proper notice on 31.08.2023. Subsequently, the charges were raised in the consumer ledger of the LT Billing software via Slip Number 14620235157 dated 05.09.2023 for an amount of Rs 8,605/-.

12.8 Therefore, the demand charges in the CC bill was raised as per TNE Supply code provisions and the said service connection was disconnected for non

– payment. In this regard, I would like to refer regulation 14 (5) and regulations 21 (1) of TNE Supply code which is reproduced below;

“14. Due dates and notice periods

xxx

xxx

5) If the amount of any bill remains unpaid beyond the period specified, the Licensee may also, without prejudice to any of its rights under the agreement entered into by the consumer with the Licensee, order supply of electricity to the consumer to be discontinued forthwith without further notice and keep the service connection disconnected until full payment for all obligations pending and the charge for the work of disconnection and reconnection has been paid. Such discontinuance of supply of electricity shall not relieve the consumer of his liability to pay the minimum monthly charges nor shall such discontinuance affect any right, claim, demand or power which may have accrued to the Licensee hereunder.”

“21. Disconnection of supply

Section 56 of the Act with regard to disconnection of supply in default of payment reads as follows :

“ (1).Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a Licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the Licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such Licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:”

12.9 From the above, it is clear that the licensee has the right to disconnect the supply if any charges for electricity or any sum, other than a charge, is due from the consumer. In this case, the question remains whether the Respondent's action in disconnecting the Appellant's service is justified or not.

12.10 In the prior finding, it was determined that the Appellant failed to pay the excess demand regularization charges on time. The sequence of events regarding this dispute is outlined as follows:

1. The Respondent issued an excess demand notice on 31-08-2023, following the second instance of exceeding sanctioned demand during the billing periods of 02/23 and 08/23.
2. The Respondent obtained acknowledgment from the Appellant's mother, Tmt Ramu, on 31-08-2023.
3. On 05-09-2023, the Respondent raised the regularization charges for Rs.8,605/- via consumer ledger slip no. 14620235157.
4. Although the Appellant later claimed non-receipt of the notice, his letter dated 05-09-2023 confirms that his mother received the notice.
5. In response to the Appellant's letter, the Respondent sent a registered post on 11-09-2023, to pay the excess demand charge along with the 08/23 CC bill.
6. The Appellant's non-payment resulted in the excess demand charges being listed in the defaulter list on 12-10-2023.
7. A reminder was sent on 16-10-2023 since due date for payment lapsed on 11.10.2023.
8. Due to non-payment, the Respondent disconnected the Appellant's service on 18-10-2023.

12.11 According to Regulation 21 of TNE Supply Code, the Respondent is empowered to disconnect the service connection in case of non payment after providing adequate notice. In this instance, the Respondent served a notice on 05-09-2023 before disconnecting service on 18-10-2023. Hence, based on the above finding, the Appellant's claim that his service was wrongly disconnected is rejected.

12.12 The Appellant further contends that the disconnection forced him to incur extra costs by using a generator for his ancestral temple at a monthly rental of Rs.12,000/- totaling Rs.74,500, and seeks compensation of Rs.1,00,000 for alleged undue hardship and mental distress. The Respondent countered that the Appellant

did not paid the additional charges, which were duly communicated on 11.09.2023. As a result, the service connection (SC No.146-014-1925) was disconnected on 18.10.2023, after it was listed in default on 12.10.2023. The Respondent denied responsibility for the Appellant's claimed generator expenses, asserting that an on-site inspection revealed the illegal extension of electricity from a nearby house (SC No.146-014-1152) to the temple, rather than the use of a generator.

12.13 The Respondent provided evidence of illegal power extension, and during the hearing, the Appellant did not counter the Respondent's allegations. Therefore, the Appellant's claim regarding the use of a generator and the associated expenses is unfounded. However, I would like to record that for the matter of adjudication of the cases related to illegal usage of the electricity supply is not under the purview of the Ombudsman as per regulation 5 of TNERC Regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman, 2004.

12.14 From the above findings, it has been established that the Respondent followed the correct procedure for regularizing the excess demand charges and subsequently disconnected the service connection due to non-payment. Therefore, the Appellant's claim for compensation is rejected.

13.0 Conclusion:-

13.1 Based on the above findings, the Appellant's claim to set aside the disconnection action taken by the Respondent, which was confirmed by the CGRF for non-payment of the required excess demand charges for regularization, is rejected.

13.2 With the above findings the A.P. No. 67 of 2024 is finally disposed of by the Electricity Ombudsman. No Costs.

(N. Kannan)
Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”
“No Consumer, No Utility”

To

1. Thiru S.Ganesan,
No.1/21, Sivan Kovil Street,
Mela Krishnaputhur & Post,
Kanyakumari District – 629 601.

- By RPAD

2. The Assistant Engineer/O&M/Kelakrishnapudur,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Kelakrishnapudur – 629 601.

3. The Executive Engineer/Distribution/Nagercoil,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Parvathipuram, Nagercoil – 629 003.

4. The Superintending Engineer,
Kanyakumari Electricity Distribution Circle,
TANGEDCO,
Parvathipuram, Nagercoil – 629 003.

– By Email

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

– By Email

6. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate, Guindy, Chennai – 600 032.

– By Email

7. The Assistant Director (Computer)
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