



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. 68 of 2024

Thiru P.Mugunthan,
S/o. M.Perumal(Late),
H.No.5/26-H, Seven Well St- 2,
St. Thomas Mount, Chennai – 600 016.

. Appellant
(Thiru P. Mugunthan)

Vs.

1. The Assistant Engineer / St.Thomas Mount,
Chennai Electricity Distribution Circle/South-I,
TNPDC,
33/11KV St.Thomas mount SS Complex,
No:30 RVDRA Road,St.Thomas mount,
Chennai-600 016.

2. The Executive Engineer/O&M/Guindy,
Chennai Electricity Distribution Circle/South-I,
TNPDC,
110KV SS Complex, K.K.Nagar,
Second floor, Anna Main Road, Chennai-600 078.

. . . . Respondents
(Tmt. K. Girija Bai, AE/ St.Thomas Mount
Thiru R. Sivakumar, AEE/O&M/Alandur)

Petition Received on: 07-10-2024

Date of hearing: 13-11-2024

Date of order: 19-11-2024

The Appeal Petition received on 07.10.2024, filed by Thiru P. Mugunthan,
S/o. M.Perumal(Late), H.No.5/26-H, Seven Well St- 2, St. Thomas Mount, Chennai

– 600 016 was registered as Appeal Petition No. 68 of 2024. The above appeal petition came up for hearing before the Electricity Ombudsman on 13.11.2024. 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 rectify the default reading made for the last three months of the billing period in his SC No. 242-059-531.

2.0 Brief History of the case:

2.1 The Appellant has prayed to rectify the default reading made for the last three months of the billing period in his SC No. 242-059-531.

2.2 The Respondent has stated that the reading is correct and the amount has been collected as per the MRT downloaded report.

2.3 Hence the Appellant has filed a petition with the CGRF of Chennai Electricity Distribution Circle/South-I on 04.08.2024.

2.4 The CGRF of Chennai Electricity Distribution Circle/South-I has issued an order dated 27.09.2024. 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 Chennai Electricity Distribution Circle/South-I issued its order on 27.09.2024. The relevant portion of the order is extracted below: -

“Order:

Based on the petitioner's grievance regarding wrong assessment in S/c No. 242-059-531, as per the Respondents report the meter was downloaded and billing

revision done as per the MRT downloaded report. Hence the forum concludes that the grievance of the petitioner has been attended.

Hence, the petition is treated as closed.”

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 conducted in person on 13.11.2024.

4.2 The Appellant Thiru P. Mugunthan attended the hearing and put forth his arguments.

4.3 The Respondents Tmt. K. Girija Bai, AE/ St.Thomas Mount and Thiru R. Sivakumar, AEE/O&M/Alandur of Chennai Electricity Distribution Circle/South-I attended the hearing and put forth his 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 stated that his last meter reading recorded by the meter assessor on 01-03-2024 was 31949.8 and current meter reading recorded by the assessor on 19-09-2024 is 34601. The amount of energy consumed is 2652 units for the above period. He has already paid tariff charges of Rs.19,125/- on 16-08-2024. But again he was asked to pay Rs.8,264/- against SC.No: 09-242-059-531 by 09-10-2024.

5.2 The Appellant has also stated that incorrect meter reading assessment by meter reading assessor, due to fault in meter and kindly rectify the default reading made for last three months of the EB billing date.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that the petitioner has filed this appeal petition seeking Thiru.M.Perumal residing at D.No.5/26H, Seven well 2nd Street, St. Thomas Mount was given a three phase connection service connection No.242-059-531 for 4 KW 3 phase on 30.05.2008 (Tariff LAIA Domestic).

6.2 The Respondent has submitted that the billing issue for the month of May/2024. An amount of Rs.9,300/- was generated for final reading of the energy meter reading 32251kwh on 23.05.2024 and Appellant paid this bill on 16.08.2024. Besides MRT report was the reading entered in the consumer ledger during 07/2023, 09/2023, 11/2023, 01/2024, 03/2024 and 05/2024 was wrongly entered in consumer ledger.

6.3 The Respondent has submitted that the MRT Report calculation working sheet given as below:

S. No.	Date	Reading	Unit	Amount	Reading	Unit	Amount
1.	Initial reading 05/2023	28180	As per MRT		As per Consumer Ledger		
2.	01.07.2023	29195.59	1016.00	6726	28750	570	2510
3.	01.09.2023	30070.69	875	5300	29312	562	2446
4.	01.11.2023	30788.36	718	3812	29873	561	2438
5.	01.01.2024	31334.37	546	2318	30344	471	1551
6.	01.03.2024	31949.89	616	2894	31001	657	3263
7.	01.05.2024	32846.68	897				
8.	23.05.2024	33245.08	398 1295	9795	32251	1250	9300
	Total			30845			21508

As per MRT report reading (23.05.2024)	=	33245
As per consumer ledger reading	=	32251
		994
Different		994

6.4 The Respondent has submitted that as per MRT report, the reading recorded on 01.03.2024 was 31949.8 kwh and on 23.05.2024 was 33245.08 kwh. The difference is 33245.08-31949.8 = 1296 units.

But as per consumer ledger, the reading entered on 23.03.2024 was 31001 and on 23.05.2024 was 32251. Hence the difference is $32251-31001=1250$ units.

6.5 The Respondent has submitted that as the reading entered in the consumer ledger was 31001 instead of 31949, the difference $31949.89-31001=948$ units has to be billed. Again as per MRT report, the reading recorded on 01.03.2024 was 31949.8 kwh and as per consumer ledger kwh reading as on 19.09.2024 was FR:34601 kwh. The difference is $34601-31949.8 = 2652$ units. But as per consumer ledger, the reading entered on 23.03.2024 was 31001 and on 19.09.2024 was 34601. Hence the difference is $34601-31001=3600$ and not 2652 units.

6.6 The Respondent has submitted that the consumer has paid an amount of Rs.9300/- for the month of 05/2024 for 1250 units ($32251-31001$) and an amount 9300/- for 07/2024 (door lock). Again the consumer has paid an amount of Rs.8264/- only for the remaining 2350 units only (Total 3600 units). The amount of Rs.9300/- collected on 16.08.2024 was for 1250 units only and the remaining 2350 units an amount of Rs.8264 was generated which is correct only. Bill should be collected for 3600 units only and not for 2652 units.

6.7 The Respondent has submitted that as per the TNERC Rules they had collected the bill amount and requested to dismiss the above appeal petition.

6.8 Additionally, the Respondent has submitted that as per MRT report, meter is in good condition and readings obtained up to 25.06.2024 as CR = 33700. The amount collected from the consumer is calculated as below;

For 05/2024 – 1250 units = 9300/-

07/2024 – 1250 units = 9300/-

On 14.08.2024 SC disconnection was done due to non- payment of CC charges for CR – 34193 and on 16.08.2024 – reconnection was done. Total amount collected is Rs.19,125/- (Rs.18600 as CC charges + Rs.11.70 + Rs.11.70/- as GST and SGST charges + Rs.130/- as reconnection charges and Rs.372/- as BPSC charges). On 19.09.2024, assessment was done for FR –

34601 and CC charges Rs.8264/-.

FR – 34601 (19.09.2024)

IR – 32251 (23.5.2024)

Difference = 2350 units

Hence the average consumption for 07/2024 & 09/2024 is $\frac{2350}{2} = 1175.94$

Therefore CC charges for 07/2024 for 1175 units = 8673 (old rate)

CC charges for 09/2024 for 1175 units = 8891 (New rate)

Total (CC charges) = 17564

Bill already paid for 07/2024 = 9300/-

Balance to be collected = 8264/-

The above said amount of Rs.8264/- is generated as CC charges for 09/2024 assessment alone. Hence the CC charges collected for 09/2024 is correct.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard the arguments of both the Appellant and the Respondent. Based on the arguments and documents submitted by them, the following are the issues to be decided;

1. What was the condition of the meter connected to the Appellant's service connection during the disputed period?
2. Whether the Appellant's claim to rectify the default reading made for last three months of the EB billing date is tenable?

8.0 Findings on the first issue:

8.1 The Appellant contends that the recent electricity billing for his service connection (SC No: 09-242-059-531) has been inaccurately calculated due to a potential meter fault. He states that his previous meter reading on 01-03-2024 was 31949.8, while the current reading on 19-09-2024 is 34601.0, indicating an energy

consumption of 2652 units for this period. The Appellant has already paid Rs.19,125/- on 16-08-2024 but is now being asked to pay an additional amount of Rs.8,264/- by 09-10-2024. He believes the reading may have been inaccurately assessed due to a meter malfunction and requests correction of the reading for the last three months of billing.

8.2 The Respondent argued that the Appellant was appropriately billed based on accurate meter readings verified through an MRT report, which confirmed that the meter was in proper working condition. The Respondent explained that the discrepancy in recorded readings stemmed from errors in the consumer ledger, not from any fault in the meter. They clarified that the final reading recorded on 23.05.2024 was 33,245 kWh according to the MRT, but an incorrect entry of 32,251 kWh was noted in the consumer ledger. This resulted in a difference of 994 units, which was adjusted accordingly.

8.3 In this context, I would refer to the Evidence act 1872 section 35 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.”

8.4 According to the above, any register or record is evidence under the law of the country. The MRT wing of the Licensee is the unit that will decide the status of the meter after conducting a test. Hence as per the Evidence Act, I would rely upon the meter downloaded report by MRT which is scientific data. The MRT report reveals that there was mistake on the reading entry in the consumer ledger card from 07/2023 assessment. The total energy consumed during the period between 07/2023 to 05/2024 was accumulated and claimed for the left out consumption added in the 09/2024 assessment, being the 07/2024 assessment was a 'door lock'. The Appellant himself has agreed that there was an irregular meter reading by the assessor.

8.5 Hence, it is concluded from the MRT downloaded report that the meter was functioning correctly, and consumption was accurately recorded. However, it is noticed that the consumption for billing period as in the consumer ledger was less recorded by the licensee staff which was evident from the MRT down loaded data, whose data is scientifically technical evident parameter. Improper recording of units consumed at appropriate billing period not only caused consumer grievance but also non realization of appropriate charges from the consumer in time to licensee.

9.0 Finding on the second issue:

9.1 The Appellant has claimed that the amount of energy consumed is 2652 units for the above period. He has already paid tariff Charges of Rs.19,125/- on 16-08-2024. But again he was asked to pay Rs.8,264/- against SC No: 09-242-059-531 on 09-10-2024.

9.2 The Respondent stated that for the May 2024 billing, the Appellant was billed Rs. 9,300 for 1,250 units based on the ledger reading. Following the Appellant's payment, an additional bill of Rs. 8,264 was generated for the remaining 2,350 units, calculated from the difference between the actual meter readings. They justified that the total consumption of 3,600 units (adjusted to reflect actual usage) was correct as per the readings verified by MRT, and all dues were generated following the proper calculation standards.

9.3 The Respondent has submitted that as per MRT report, meter is in good condition and readings obtained up to 25.06.2024 as CR = 33700. The amount collected from the consumer is calculated as below,

For 05/2024 – 1250 units = 9300/-

07/2024 – 1250 units = 9300/-

On 14.08.2024, the SC was disconnected due to non- payment of CC charges for CR – 34193 and reconnection was done on 16.08.2024. Total amount collected is Rs.19,125/- (Rs.18600 as CC charges + Rs.11.70 + Rs.11.70/- as GST and SGST charges + Rs.130/- as Reconnection charges and Rs.372/- as

BPSC charges). On 19.09.2024, assessment was done for FR – 34601 and CC charges Rs.8264/-

FR – 34601 (19.09.2024)

IR – 32251 (23.05.2024)

Difference = 2350 units

Hence the average consumption for 07/2024 & 09/2024 is $\frac{2350}{2} = 1175.94$

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Therefore CC charges for 07/2024 for 1175 units = 8673 (old rate)

CC charges for 09/2024 for 1175 units = 8891 (New rate)

Total (CC charges) = 17564

Bill already paid for 07/2024 = 9300/-

Balance to be collected = 8264/-

The above said amount of Rs.8264/- is generated as CC charges for 09/2024 assessment alone. Hence the CC charges claimed for 09/2024 is correct.

9.4 Based on the above calculation of the respondent it is noticed that the respondent did not claim excess bill but the explanation now furnished would have been appropriately informed to the appellant at the time of raising dispute. The Appellant has claimed to rectify the default reading made for last three months of the EB billing date simply mentioning that he paid Rs.19,125/- on 16.08.2024 and Rs.8,264/- on 09.10.2024.

9.5 In this regard, I would like to refer regulation 4 of TNERC supply code which is discussed below.

“4. Charges recovered by the Licensee – The charges recovered by the Licensee from the consumer are:-

(1) Tariff-related charges, namely-

(i) The price of electricity supplied by him to the consumers which shall be in accordance with the tariff rates as the commission may fix from time to time, for HT supply, LT supply, temporary supply for different category of consumers.”

9.6 The plain reading of the above explicitly deduces that if any electrical energy is consumed, the same has to be paid to the Licensee by the consumer. Further while availing Electricity connection, the intending consumer has to execute an agreement which will be in force until the termination of the agreement. Hence, I would like to refer to the content of the LT agreement Form-I, Sl.no.12, where the intending consumer has to execute an agreement by adhering to the following condition which is reproduced below.

“I/We certify that we are aware of the above precaution and agree to abide by it. I/We agree to pay to the Licensee at the applicable tariff/minimum rates/fixed charges/surcharge etc., that may be decided by the Commission from time to time. I/We agree to abide under all specifications, conditions and provisions laid down in Tamil Nadu Electricity Supply Code, Distribution Code and the applicable Act, Codes, Rules and Regulations and of any modification or re-enactment thereof for the time being in force and subject to the conditions of revisions, amendments approved from time to time.”

The Explanatory execution of the agreement implies that the consumer should pay tariff/minimum rates/fixed charges/surcharge to the Licensee i.e., the Respondent without fail.

Further co-joint reading of the above provisos categorically declares that any consumer who enjoys the electricity should pay the charges to the Licensee.

9.7 Based on the above finding it is evident that there was mistake on reading entry in the consumer ledger card from 07/2023 assessment and the Appellant has consumed the energy which was claimed and billed during 09/2024 assessment. Hence the claim of the Respondent as per MRT report is found in order and the prayer of the Appellant to correct the bill is rejected.

10.0 Conclusion :

10.1 As per my findings in para 8 & 9 above, the prayer of the Appellant to correct the bill is rejected.

10.2 With the above findings the A.P. No. 68 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 P. Mugunthan,
S/o. M. Perumal(Late),
H.No.5/26-H, Seven Well St- 2,
St. Thomas Mount, Chennai – 600 016.

- By RPAD

2. The Assistant Engineer / St. Thomas Mount,
Chennai Electricity Distribution Circle/South-I,
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33/11KV St. Thomas mount SS Complex,
No:30 RVDRA Road,St. Thomas mount,
Chennai-600 016.

3. The Executive Engineer/O&M/Guindy,
Chennai Electricity Distribution Circle/South-I,
TNPDCI,
110KV SS Complex, K.K.Nagar,
Second floor, Anna Main Road, Chennai-600 078.

4. The Superintending Engineer,
Chennai Electricity Distribution Circle/South-I,
TNPDCI,
110KV SS Complex, K.K.Nagar, Chennai-600 078.

- By Email

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

– By Email

6. The Secretary,
Tamil Nadu Electricity Regulatory Commission,
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– By Email

7. The Assistant Director (Computer)
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