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. 85 of 2023

The Principal,
Dr. Sivanthi Aditanar College of Engineering,
Ranimaharajapuram, Adaikalapuram Post,
Tiruchendur – 628 217. . . . . Appellant

(Thiru R.K. Sanjay, Advocate
Thiru S.R. Kumaraswamy Adityan)

Vs.

1. The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
TANGEDCO,
131,132, Ettayapuram Road, Tuticorin-628001.

2. The Executive Engineer/Distribution/Tiruchendur,
Tuticorin Electricity Distribution Circle,
TANGEDCO,
33 KV SS Complex, Tiruchendur-628215.

3. The Deputy Financial Controller,
Tuticorin Electricity Distribution Circle,
TANGEDCO,
131,132, Ettayapuram Road, Tuticorin-628001.

4. The Assistant Executive Engineer/Distribution/Tiruchendur,
Tuticorin Electricity Distribution Circle,
TANGEDCO,
33 KV SS Complex, Tiruchendur-628215.

5. The Assistant Engineer/Distribution/Tiruchendur,
Tuticorin Electricity Distribution Circle,
TANGEDCO,
33 KV SS Complex, Tiruchendur-628215. . . . . Respondents

(Tmty. R.Remona, EE/General/ Tuticorin
Thiru A.Muruganantham, DFC)

Petition Received on: 17-11-2023

Date of hearing: 23-01-2023

Date of order: 09-02-2024

The Appeal Petition received on 17.11.2023, filed by The Principal, Dr.Sivanthi Aditanar College of Engineering, Ranimaharajapuram, Adaikalapuram Post, Tiruchendur – 628 217 was registered as Appeal Petition No. 85 of 2023. The above appeal petition came up for hearing before the Electricity Ombudsman on 23.01.2024. 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 refund the excess amount being collected in HT SC No. 187 for availing LT service for construction of additional women's Hostel under Temporary Supply.

2.0 Brief History of the case:

2.1 The Appellant has prayed to refund the excess amount being collected in HT SC No. 187 towards levied tariff change for the usage for construction.

2.2 The Respondent has stated that the Appellant has availed temporary supply on during 2010 for construction of additional hostel within their premises. Hence the excess levy of current consumption charges are in order.

2.3 Since the grievance was not settled with the Respondent, the Appellant filed a petition with the CGRF of Tuticorin Electricity Distribution Circle on 10.05.2023.

2.4 The CGRF of Tuticorin Electricity Distribution Circle issued an order on 21.10.2023. Aggrieved by the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Tuticorin Electricity Distribution Circle issued its order on 21.10.2023. The relevant portion of the order is extracted below: -

*"**Order:***

Interim reply order has been issued vide reference cited (2). In continuation to the above it is informed M/s.Aditanar Education Institution., HT SC. No. 187 manual application was received in CGRF Portal on 10.05.2023. The acknowledgement letter has been sent from Superintending Engineer/ Tuticorin Electricity, Distribution Circle/ Tuticorin to M/s.Aditanar Education Institution., Tiruchendur (Hard copy) on 12.05.2023.

The hearing of the CGRF forum regarding the M/s.Aditanar Education Institution, Tiruchendur was held on 16.06.2023 at 3.00 Pm. Hearing date has been intimated to the petitioner through Hard copy on 10.06.2023. Considering the Board's detailed reply it is concluded that, the refund of Rs.26,00,000/- claimed is barred by limitation period of three years. Hence, the request of the petitioner is not feasible of compliance."

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondents to put forth their arguments, a hearing was conducted on 23.01.2024 through video conferencing.

4.2 On behalf of the Appellant Thiru R.K. Sanjay, Advocate and Thiru S.R. Kumaraswamy Adityan attended the hearing and put forth their arguments.

4.3 On behalf of the Respondents Tmty. R.Remona, EE/General and Thiru A.Muruganantham, DFC of Tuticorin EDC 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 Thiru.T.V. Venkataramaraj, The Manager, M/s. Aditanar Educational Institution, HT SC. No. 187, / Dr. Sivanthi Aditanar College of

Engineering has stated that Dr. Sivanthi Aditanar college of Engineering a unit of AEI/ Tiruchendur first availed 11 KV HT supply on 18.07.1998 with MD of 100 KVA, and increased as follows:

On 08.07.2000-110 KVA;
27.09.2002-150 KVA,
09.07.2003-200 KVA;
05.05.2006-275 KVA;
20.11.2020-400 KVA

5.2 The Appellant has stated that upon taking up the construction of additional Women's Hostel. (Annai Govindammal Women's Hostel - II- Mahal Mala) from 19-11-2010 it availed temporary supply for construction within the premises for 30 KW by fixing Sub - energy meter in one of the LT DB of the HT SC No. 187.

5.3 The Appellant has stated that from Nov 2010 to May 2011 TANGEDCO levied Tariff Changing for the sub usage for construction only energy charges and not minimum charges on load. On 24-03-2011, SE/TEDC/TTN letter No. AO (Rev)/AI/F.A.S. No. 11 & 12 dated 09.02.2011 has asked the petitioner to remit an amount of Rs. 38,535/-as per the Audit instruction. The contention of the Audit being the short levy is arising out of levying minimum charges for construction within the HTSC.

5.4 The Appellant has stated that it filed petition before CGRF vide its Lr. AE1/TNEB/2010-11 dt. 29.03.2011 & 01.06.2011 filed another supporting points. The petitioner requested that its usage had to be levied only LT Commercial Tariff-V. But the same was rejected by CGRF vide proceedings No. 1185 dt. 09.07.2011. Since now here in the Tariff order no. 3 of 2010 LT Tariff VI is mentioned and hence it is against the Law.

5.5 The Appellant has stated that meanwhile, changes have been taken place in the administrative hierarchy in its office and so due follow up could not be carried out. Subsequent to the managerial reshufflings in the institution this issue has been brought before the competent authority of TANGEDCO again on June 2019. During

the interim period the issue is to be treated as alive owing to unavoidable circumstances.

5.6 The Appellant has stated that on 10-06-2019 it gave representation to the Superintending Engineer/ TEDC/ Tuticorin as follows.

(1)To cancel the previously, levied minimum/ fixed charges for the temporary supply for construction within the HT service.

(ii) To levy only energy charges for consumption of the temporary supply for construction, at the appropriate rate, as applicable for the relevant category of utility.

(iii) To revise energy charges already levied, as explained below. The energy charges to be levied is rationally analyzed and arrived, taking from the chart.

Rs. 6.50/- from 08/2010 to 03/2012

Rs. 9.50/- Unit from 04/2012 to 11-02-2014 on the ground that under the two part tariff system, the demand component is already charged for HT service. As the load used for the construction utilities, within the system, being a part and parcel of the same load becomes double charging, which is not justifiable.

5.7 The Appellant has stated that on 17.06.2019 SE/TEDC/ Tuticorin intimated that revision can be effected from 21.06.2013 only, Since it is clearly mentioned without ambiguity that only the energy shall be charged as per LT Tariff - VI as mentioned in general Provisions for HT supply and refunded the excess amount of Rs. 58,000/- but failed to give the interest which is clearly provided in sec 62 sub sec (6) of Electricity Act 2003. Rejected the claim in respect of the previous periods citing the wordings in the T.O. No. Dt. 01.04.2012, it is simply mentioned that the sub usage will be charged under LT Tariff - VI. Hence the appellant approached The Chief Financial Controller/ Chennai on 19.08.2019 furnishing 6 authenticated documents in support of its claim which went uncared.

5.8 The Appellant has approached the JMD (Finance) & CMD TANGEDCO on 15.12.2020 (Anx-19) highlighting the prime reason for this prolonged ordeal being the misinterpretation by the Audit wing without coordination with the other 4 limbs of internal administrative mechanism namely (1) CFC (Rev) (2) CFC (Regulatory Cell) (3) CE Commercial (4) Legal Cell.

5.9 The Appellant has stated the Chief Financial Controller/ Chennai conveyed the rejection order dated 06.11.2020 which was communicated vide Lr. No. SE/ TEDC/ DFC/ AO/ Rev/ AAO/ HT/ AS.1/F.HT.187/D. No. 495 date 29.12.2020 by stated that the request of consumer is not feasible of compliance as per Regulation and Limitation. It is to be noted that the Chief Financial Controller/ Chennai (Revenue) took 16 months to response that too without quoting which regulation and under which provision it was barred by limitation. The proceeding by way of appeal is the continuous process of the original claim. Hence the question Limitation would not attract.

5.10 The Appellant has stated that taking the interference from the letter of CFC (Rev) that there is no mention about the billing formula, it is constructed that our request of revision of billing formula has deemed to have been ratified by CFC (rev). It is a clear violation of stipulations specified in T.O. No. 1 of 2012 (vide para 9.9 - Tariff Rationalisation, since the connected load used for construction purpose within the HTSC is a part and parcel of the permitted demand, which is also charged in accordance with sec 45 (3a) of Electricity Act (Anx 10) as per sec 62 (3) Anx 2 and so again levying for the same component is arbitrary, irrational and against law. Hence charging only the energy component as applicable to the nature of utility is rationally and lawfully justifiable. It is evident that CFC (Rev) has deemed to have endorsed the refund effected partially for the period from July 2013 to Oct 2013, as intimated by SE/ TEDC/ Tuticorin vide letter to CFC under making limitation non relevance.

5.11 Based on this, taking the stand of not feasible of compliance is self contradictory and is in contravention to your own effecting the refund partially for the period from July 2013 to Oct 2013 which is not expressly disapproved by CFC (Rev) and becomes concurrence. Hence the order of the CFC (Rev) referred in para 11 (a) does not hold the sanctity of law and not in conformity with any rational reasoning. No time limitation is specified under sec 62 Sub sec (6) of Electricity Act 2003 which provides for refund of excess billing by licensee. Under sec 174 of Electricity Act 2003 the provisions of the Act has over riding effect over any other law for the time

being in force, except consumer protection Act 1986 as per Sec 173 of the Act. Hence it is mandatory on the part of the licensee to make the refund. No time limitation is specified in any of the provisions relating to consumer viz: sec 2, sub sec 1 (c) item (iii) and iv-a; sub sec 1 (g) and sub sec 1 (0) of the consumer protection Act 1986. Hence it is mandatory on the part of the service provider to make the refund. No time limitation is prescribed in Regulation 12 of supply code issued by TNERC under sec 50 of the Electricity Act 2003 to make the refund of the excess amount in case of overcharging without any time limitation of period making it a statutory obligation for the licensee.

5.12 The Appellant therefore prays that this Hon'ble Commission be pleased to set aside the rejection order of the respondents. And direct them to revise the excess levy by adopting the tariff formula as requested in Para (7) for the period 2010 to 2013 for the sub usage of electricity for construction within the HT SC No. 187 (400 KVA- HT tariff II B) of Dr.Sivanthi Aditanar College of Engg/ Tiruchendur in Tuticorin EDC and consequently. Direct the respondents to refund a sum of Rs. 26,00,000/- (Approximately) being the collection of excess amount and interest at 18% per annum in accordance with sec 62 sub sec (6) of the Electricity Act 2003 and grant other order or other relief as this Hon'ble Commission may deem fit and proper in the above circumstances of the case and thus render justice.

5.13 The Appellant has also stated that (i) Additional points and justification is Supreme Court rulings which makes the limitations not applicable to our case as per Sec.174 of Electricity Act 2003. In our case TANGEDCO accepted our representation Dt. 10-06-2019 and partially rectified the fault. Here only the dispute is mis-interpretation of Tariff order which is against law. Also Consumer Protection Act 1986 bars any other law, under Section 173 of the Electricity Act 2003, which interferes the objectives of safeguarding the interest of consumers.

6.0 <u>Arguments of the Respondent</u>:

6.1 The Respondent has stated that this petitioner is praying to declare as void the Tariff charging formula adopted as per Audit Slip No. 12/9-2-2011., i.e. levying

minimum charging for the connected load used for construction within the HT SC and to direct the SE/Tuticorin to revise the bills for the period from 10/2010 to 11/2013 by adopting Tariff changing only energy component of the electricity used for construction as per LT Tariff VI, for their HT service No. 187.

6.2 The Respondent has respectfully submitted that this petitioner's education institute M/s. Dr. Sivanthi Aditanar Engineering College, is bearing the HT Sc. No. 187/Tiruchendur in Tuticorin Electricity Distribution Circle with a sanctioned demand of 100 KVA with effected from 18-07-1998, and increased the connected load as follows:

a) 08-07-2000 – 110 KVA
b) 27-09-2002 – 150 KVA
c) 09-07-2003 – 200 KVA
d) 05-05-2006 – 275 KVA
e) 20-11-2011 – 400 KVA

6.3 The Respondent has submitted that this petitioner has availed temporary supply on 19-11-2010 for construction of additional women's hostel within their premises of HT Sc 187, for 30 KW by fixing sub-energy meter in one of the LT DB of their HT SC No.187.

6.4 The Superintending Engineer/TEDC/Tuticorin has asked this petitioner vide their letter No.AO (Rev)/A1/F.A.S No.11 & 12 dated 09-02-2011, to remit an amount of Rs.38,535/- as per the Audit instruction towards non levy of monthly minimum charges for construction in their HT Sc. No. 187, for the period from16-11-2010 to 26-12-2010.

i. This petitioner has filed Petition before CORF vide Letter No.AEL/TNEB/2010-11 on 29-3-2011. It is informed by the petitioner that their usage for construction purpose had to be levied only under LT Commercial tariff V instead of LT Tariff, supply tariff VI already levied for their electricity usage for construction purpose. The same was rejected by CGRF vide proceedings No. 1185 dt 09-07-2011, since the Memo No. 10622/IEMC/E.1/AEE/C3487/D1256/96 (TB) dt.21-12-1996 and Memo No.SE/IEMC/EE3/AEE.1/F. Instruction

/D296/97 (TB) dt. 25-02-1997 has stated that the levy for construction usage within the HT SC premises has to be billed under LT Tariff VI.

ii. The Respondent has submitted that initially, this petitioner has filed petition for levy current consumption charges under LT commercial tariff - V only. It is also submitted that this petitioner has not objected anywhere in the above petition for billing the formula of energy charges/for energy consumed or demand charges(monthly minimum) for permitted load for construction purpose whichever is higher taken for billing

Subsequently, this petitioner had not filed any appeal before the Tamil Nadu Electricity Ombudsman as per the Regulation 8 of the regulations for Consumer Grievance Redressal Forum and Electricity Ombudsman and hence, the CGRF order dated 09-07-2011 attained finality.

6.5 The Respondent has stated that now (i.e) after 11 years, this petitioner have pleased to set aside the rejection order and to revise the excess levy of current consumption charges for construction purpose for the period from 2010 to 2013 in line with energy charges and demand charges.

6.6 The Respondent has submitted that CFC/Revenue/Chennai has also stated vide Memo No.CFC/Rev/FC/REV/DFC/AO/HT/D.823/20 dt. 06-11-20, that the request of the consumer is not feasible of compliance as per the regulation including limitation. Now (i.e) after 11 years, this petitioner M/s.Dr.Sivanthi Aditanaar Engineering College, (HT SC.No 187) has filed a petition before the Hon'ble TNERC vide M.P No.16/2022 and the Hon'ble TNERC has issued an order dated 25-04-2023 directed this Petitioner to approach Consumer Grievance Redressal Forum which shall examine the matter afresh uninfluenced by its earlier order and in the event of being aggrieved by the order of CGRF, the petitioner shall approach Ombudsman. Accordingly the case was disposed of Pursuant to the above, this Petitioner approached the CGRF. The CGRF has ordered that the request of this petitioner is not feasible of compliance in lieu of limitation period of three years, based on the instruction of Financial Controller/Revenue /TANGEDCO/Chennai vide

Lr.No.FC/REV/AO/REV/D.705/23,Dt.25-09-2023. Thus the order of the CGRF is in order.

6.7 The Respondent has submitted that as this petitioner (HT Sc. No.187) has filed a petition vide M.P No. 16 of 2022 before Hon'ble TNERC and the Hon'ble TNERC has issued an order dated 25-04-2023 and directed this Petitioner to approach Consumer Grievance Redressal Forum which shall examine the matter afresh uninfluenced by its earlier order and in the event of being aggrieved by the order of CGRF, the petitioner shall approach Ombudsman. In this connection, it is relevant to mention that the Hon'ble TNERC order in para 9.11 in I.A.No.1 of 2019 in D.R.P.No.12/2019 and D.R.P.No. 12/2019 dated 15-12-2020 has, inter alia, stated as under:

> *"9.11. In this connection, it is pertinent to mention that any monetary claim should be made within a period of 3 years from the date on which cause of action arisen.*
>
> *In view of the above position, the claims for O & M charges for the period of three years prior to the date of issue of such notices of demand mentioned above (i.e 22-03-2019 and 31-05-2019) clearly barred by limitation."*

By applying the same anology, the refund of the claim by this petitioner, being the financial claim which is barred by limitation period of three years.

6.8 The Respondent has stated that based on the above, CGRF has ordered on 21-10-2023 that the request of this petitioner is not feasible of compliance in lieu of limitation period of three years.

6.9 The Respondent has stated that in the tariff order No.3 dated 31-7-2010 as per clause 9-11-22, it is stated that the consumption for construction has to be levied under LT tariff VI i.e the billing has to be made for unit charge and demand charge as monthly minimum charge. The same was also pointed out by the BOAB audit party in their audit slip, for the period from 16-11-2010 to 26-12-2010.

6.10 The Respondent has submitted that it is also that the energy charges for energy consumed or demand charges(monthly minimum) for permitted load for construction purpose whichever higher is taken for billing, as per Tariff order 3 of

2010 and tariff order dt 01-04-2012. This petitioner has also remitting the current consumption charges every month from the date of temporary supply effected in their HT Service No. 187 without any protest what so ever, except to revise the audit slip towards short levy of monthly minimum charges for the period from 16-11-2010 to 26-12-2010 by filing appeal No. 85/2023 at CGRF/Tuticorin, by pointed out that the billing for the construction purpose to be made under TF.V only instead of TF.VI.

6.11 The Respondent has submitted that the order issued by the CGRF/Tuticorin is in order. There is no any deviation against law. Further it is also submitted that the charges was levied based on the actual consumption units, only from 21-06-2013 towards the temporary supply in HT Services and hence the excess levied amount of Rs.58,800/- for the period from 21-06-2013 to 31-8-2013 has also been refunded to this petitioner and rejected the claim in respect of the previous periods citing the wordings i.e., the sub usage will be charged under LT tariff VI, in the Tariff Order dated 01-04-2012.

6.12 The Respondent has stated that the petitioner is not entitled to any relief in the above Appeal petition, and has prayed to dismiss the Appeal Petition.

7.0 <u>Rejoinder submitted by the Appellant</u>:

7.1 The Appellant has stated that he was well acquainted with the facts of the case as he represented in the proceedings in M.P. No. 16 of 2023 before TNERC and C.P.No. 42 Dt. 10-05-2023 before CGRF/TTN As such he is presenting the rejoinder parawar to the counter filed by the Respondent.

7.2 Concurred

7.3 Concurred

7.4 The Appellant has stated that not fully correct upto sub para 4 (i) is concurred. Deny the averment given in sub-para 5 (ii) according to the facts given below:

a) The CGRF order Dt. 09-07-2011 (Not accepted) because the payment was made only under protest. Hence the issue has not attained finality.

b) Besides, these aspects have been thoroughly dealt with by the Honourable TNERC in M.P. No. 16 of 2023 and issued direction on 25-04-2023 to pursue the issue with CGRF afresh and un influenced by the previous orders. Any deviation from these directions is disobedience Under Sec 142 and 146 of The Electricity Act 2003.

c) More over vide FC (Rev) Lr. No. D 705 Dt. 25-09-2023 TANGEDCO in para (4) concurred with our plea on the correct tariff formula charging for sub usage of electricity for construction within the HTSC. (i.e.) charging only energy consumed under LT Tariff VI and not minimum charge on connected load. Hence the stand of SE/STN/EDC is self contradictory.

7.5 The Appellant has stated that only after 6 years it is wrong to say that we took 11 years. We made 5 representations for revising the billing to SE/TTN/EDC on 10-06-2019. The reason for the delay was explained to TNERC and Hon'ble Commission after absolving the situation issued the orders dt. 25-04-2023. It was accepted by SE/TTN/EDC and responded. Now revoking the position leads to out stepping the boundries of power.

7.6 The Appellant has stated that the comparison of ruling by TNERC in D.R.P. No.12 Dt.15-12-2020 has no locus standy with reference to the grievance of consumer. Moreover TANGEDCO has miserably failed to substantiate the specific article mentioned in the schedule of the Limitation Act 1963.

Above all the role of Limitation of period is not beyond review in the light of Section 16 and 17 of the Limitation Act. The rulings by different courts have broadly provides for the supremacy of protecting the rights of citizens.

7.7 The Appellant has stated that finally the sanctity of Section 174 of The Electricity Act Stoutly bars the infringement by any other general law which has no specific relevance to the protection of consumers rights and interest against the deficiency by a service provider.

7.8 The Appellant has quoted Section 6 (iii) (iv), 9 (iv) (v) of the consumer protection Act 2019 in support of upholding the above case.

8.0 Findings of the Electricity Ombudsman:

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

1) Whether the Limitation Act is applicable in the present case?

2) Whether the claim of the Appellant for refund is tenable?

9.0 Finding on the first issue:

9.1 The Appellant stated that, upon commencing the construction of the additional Women's Hostel on 19-11-2010, they obtained temporary supply for construction within the premises for a load of 30 KW by installing a Sub-energy meter in one of the LT DBs of the HT SC No. 187.

9.2 The Appellant further mentioned that from November 2010 to May 2011, TANGEDCO imposed a Tariff Change for the sub-usage, specifically charging only energy fees for construction and not applying minimum charges on load. However, the Appellant argued that on 24-03-2011, the SE/TEDC/TTN issued letter No. AO (Rev)/AI/F.A.S. No. 11 & 12 dated 09.02.2011, instructing the petitioner to remit an amount of Rs.38,535/- in accordance with the Audit instructions. The Audit contention was that the short levy resulted from imposing minimum charges for construction within the HTSC.

9.3 The Appellant stated that they filed a petition before CGRF arguing that their usage should be subjected only to LT Commercial Tariff-V. However, this petition was rejected by CGRF in proceedings No. 1185 dated 09.07.2011. The Appellant contends that the current Tariff order, specifically Tariff order no. 3 of 2010, mentions LT Tariff VI, which they believe is in violation of the law. Further, it has been stated that changes in the administrative hierarchy within their office occurred in the meantime, hampering the due follow-up process. Subsequent to these managerial reshufflings, the Appellant brought the issue before the competent authority of TANGEDCO again in June 2019. During the interim period, the issue is to be treated as still relevant due to unavoidable circumstances.

9.4 The Respondent has mentioned that, after 11 years, the petitioner is now seeking to set aside the rejection order and revise the excess levy of current consumption charges for construction purposes for the period from 2010 to 2013 in alignment with energy charges and demand charges. In connection with this, it's relevant to mention that the Hon'ble TNERC order in para 9.11 in I.A.No.1 of 2019 in D.R.P.No.12/2019 dated 15-12-2020 has, among other things, stated as follows:

> *"9.11. In this connection, it is pertinent to mention that any monetary claim should be made within a period of 3 years from the date on which cause of action arisen.*
> *In view of the above position, the claims for O & M charges for the period of three years prior to the date of issue of such notices of demand mentioned above (i.e 22-03-2019 and 31-05-2019) clearly barred by limitation."*

By applying the same analogy, the Respondent contends that the refund claim made by the petitioner, being a financial claim, is barred by the limitation period of three years. The Respondent further stated that based on this, the CGRF issued an order on 21-10-2023, asserting that the petitioner's request is not feasible for compliance due to the limitation period of three years. However, the Appellant has argued that the wrong formula was adopted for charging construction activities. They have requested a refund along with interest at 18% for the excess amount collected between 2011 to 2013. The Appellant claims that no time limitation is prescribed in Regulation 12 of the Supply Code and also as per Section 62, Sub-section (6) of the Electricity Act 2003.

9.5 In view of this, I would like to go through the Electricity Act 2003. The relevant section is given below.

*"**62. Determination of tariff** –*

(1) The Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for –

(a) supply of electricity by a generating company to a distribution licensee:

Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale of purchase of electricity in pursuance of for sale and agreement, entered into between a generating company and a licensee of between licensees, for a period not exceeding one year to ensure reasonable prices of electricity:

(b)transmission of electricity,

(c) wheeling of electricity;

(d) retail sale of electricity

Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Appropriate Commission may, for promoting competition among distribution licensees, fix only maximum ceiling of tariff for retail sale of electricity.

(2) The Appropriate Commission may require a licensee or a generating company to furnish separate details, as may be specified in respect of generation, transmission and distribution for determination of tariff.

(3)The Appropriate Commission shall not, while determining the tariff under this Act, show undue preference to any consumer of electricity but may differentiate according to the consumer's load factor, power factor, voltage, total consumption of electricity during any specified period or the time at which the supply is required or the geographical position of any area, the nature of supply and the purpose for which the supply is required.

(4) No tariff or part of any tariff may ordinarily be amended, more frequently than once in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified.

(5) The Commission may require a licensee or a generating company to comply with such procedure as may be specified for calculating the expected revenues from the tariff and charges which he or it is permitted to recover.

(6) If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability Incurred by the licensee.

This clause provides that the Appropriate Commission shall determine the tariff for supply of electricity by a generating company to a distribution licensee. However, in case of an agreement between a generating company and a licensee or between licensees for a period not exceeding one year, the Appropriate Commission may fix only the minimum and maximum ceiling of tariff. The Appropriate Commission shall also determine the tariff for transmission, wheeling and retail sale of electricity. The Appropriate Commission shall not show undue preference to any consumer of electricity while determining the tariff. Further, the tariff or any part thereof shall not be amended ordinarily more frequently than once in any financial year. The Appropriate Commission may require a generating company or a licensee to comply with such procedure as may be specified for calculating the expected revenues from the tariff and charges. However, if the generating company or any licensee recovers an excess amount from the consumer, the same shall be recoverable by the person who has paid such excess amount, along with the interest equivalent to the bank rates.

9.6 Further, I would like to refer whether there is any provision made in the TNERC regulation, if at all there was any error in billing. Regulation 12 of TNE Supply which is relevant in this case is discussed below

"12. Errors in billing

(1) In the event of any clerical errors or mistakes in the amount levied, demanded or charged by the Licensee, the Licensee will have the right to demand an additional amount in case of undercharging and the consumer will have the right to get refund of the excess amount in the case of overcharging.

(2) Where it is found that the consumer has been over-charged, the excess amount paid by such consumer 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.

(3) Wherever the Licensees receive complaints from consumers that there is error in billing, etc. the Licensee shall resolve such disputes regarding quantum of commercial transaction involved within the due date for payment, provided the complaint is lodged three days prior to the due date for payment. Such of those complaints received during the last three days period shall be resolved before the next billing along with refunds / adjustments if any. However, the consumer shall not, on the plea of incorrectness of the charges, with hold any portion of the charges."

9.7 It is evident from the preceding paragraphs that, in case of any clerical errors or mistakes in the amount levied, demanded, or charged by the Licensee, they are entitled to demand additional payment if they undercharge, and the consumer is entitled to a refund if they overcharge. Now, the issue raised by the Appellant regarding the applicability of the law of limitations on the claim made by the Respondent needs to be addressed.

9.8 In addition, I would like to refer relevant Judgments of the recent orders of the Hon'ble Supreme Court in Civil appeal No.1672/2020, dated 18.02.2020 and Civil appeal No.7235 of 2009 dated 05.10.2021. The relevant paras of the order is reproduced below;

Civil appeal No.1672/2020 issued on 18.02.2020

"Section 56(2) however, does not preclude the licensee company from raising a supplementary demand after the expiry of the limitation period of two years. It only restricts the right of the licensee to disconnect electricity supply due to non-payment of dues after the period of limitation of two years has expired, nor does it

restrict other modes or recovery which may be initiated by the licensee company for recovery of a supplementary demand.

*****

Section 56(2) did not preclude the licensee company from raising an additional or supplementary demand after the expiry of the limitation period under Section 56(2) in the case of a mistake or bonafide error. It did not however, empower the licensee company to take recourse to the coercive measure of disconnection of electricity supply for recovery of the additional demand."

Civil appeal No.7235 of 2009 issued on 05.10.2021

"21) The raising of an additional demand in the form of "Short assessment notice" on the ground that the bills raised during a particular period of time, the multiply factor was wrongly mentioned, cannot tantamount to deficiency in service. If a licensee discovers in the course of audit or otherwise that a consumer has been short billed, the licensee is certainly entitled to raise a demand. So long as the consumer does not dispute the correctness of the claim made by the licensee that there was short assessment, it is not open to the consumer to claim that there was any deficiency. This is why, the National Commission, in the impugned order correctly points out that it is a case of "escaped assessment" and not "deficiency in service".

22) In fact, even before going to the question of Section 56(2), the Consumer forum is obliged to find out at the threshold whether there was any deficiency in service. It is only and then that the recourse taken by the licensee for recovery of the amount, can be put to best in terms of Section 56. If the case on hand is tested on this parameter, it will be clear that the Respondents cannot be held guilty of any deficiency in service and hence dismissal of the complaint by the National Commission is perfectly in order.

23) Coming to the second aspect named the impact of Sub-section (1) on Sub-section (2) of Section 56, it is seen that the bottom line of Sub- section (1) is the negligence of any person to pay any charge for electricity. Sub-section (1) starts with the words ***"where any person neglects to pay*** *any charge for electricity or any some other than a charge for electricity due from him".*

24) Sub-section (2) uses the words "no sum due from any consumer ***under this Section".*** *Therefore, the bar under Sub-section (2) is relatable to the sum due under Section 56. This naturally takes us to Sub-section (1) which deals specifically with the negligence on the Part of a person to pay any charge for electricity or any sum other than a charge for electricity. What is covered by section 56, under sub-section (1), is the negligence on the part of a person to pay for electricity and not anything else nor any negligence on the part of the licensee.*

25) In other words, the negligence on the part of the licensee which led to short billing in the first instance and the rectification of the same after the mistake is detected, is not covered by Sub-section (1) of Section 56. Consequently, any claim so made by a licensee after the detection of their mistake, may not fall within the mischief, namely, "no sum due from any consumer ***under this Section****, appearing in Sub-section (2).*

26) The matter can be examined from another angle as well. Sub-section (1) of Section 56 as discussed above, deals with the disconnection of electric supply if any person "neglects to pay any charge for electricity". The question of neglect to pay would arise only after a demand is raised by the licensees. If the demand is not raised, there is no occasion for a consumer to neglect to pay any charge for electricity. ***Sub-section (2) of Section 56 has a non-obstante clause with respect to what is contained in any other law****, regarding the right to recover including the right to disconnect. Therefore, if the licensee has not raised any bill, there can be no negligence on the part of the consumer to pay the bill and consequently the period of limitation prescribed under Sub-section (2) will not start running. So long as limitation has not started running, the bar for recovery and disconnection will not come into effect. Hence the decision in* ***Rahamatullah khan*** *and Section 56 (2) will not go to the rescue of the Appellant."*

9.9 It is seen from the above two court orders, the Respondent can invoke section 56 (2) on escaped assessment. Further, Section 56(2) does not prevent the licensee company from raising an additional or supplementary demand after the expiry of the limitation period under Section 56(2) in the case of a mistake or bonafide error.

9.10 The above orders clearly permits the licensee to claim the supplementary bill even after the expiry of limitation period under sec 56 (2), then in the present case, the appellant too have equal rights that if at all his claim is found merit. Under these circumstances I would like to reproduce the Hon'ble Supreme Court order in Civil appeal No.1672/2020, dated 18.02.2020. The relevant para of the order is reproduced below;

"In Mahabir Kishore and Ors. V.State of Madhya Pradesh, this Court held that:- Section17(1)(c) of the Limitation Act, 1963, provides that in the case of a suit for relief on the ground of mistake, the period of limitation does not begin to run until the plaintiff had discovered the mistake or could with reasonable diligence, have discovered it. In a case where payment has been made under a mistake of law as contrasted with a mistake of fact, generally the mistake become known to the party only when a court makes a declaration as to the invalidity of the law. Though a party could, with reasonable diligence, discover a mistake of fact even before a court makes a pronouncement, it is seldom that a person can, even with reasonable diligence, discover a mistake of law before a judgment adjudging the validity of the law."

9.11 Hence, I am of the view that the licensee is eligible claim additional demand in case of under charging and the consumer of electricity as well is eligible to get

refund incase of overcharging and there is no limitation, if mistake or bonafide error is found at a later date, as per the above Court Judgments and as per the provisions contained in Section 62(6) of Electricity Act, 2003 and Regulation 12 of the TNE Supply code.

9.12 Further, in the case of appellant, the cause of action arouse only after issuance of order in the M.P.No.16 of 2022 by the Hon'ble TNERC on 25-04-2023, directing the Appellant to approach CGRF again for a fresh examination of the matter. Therefore mere rejection of petition by the CGRF without going into the merits of the case is not appreciable.

10.0 Finding on the Issue 2:

10.1 The Appellant has stated that on 10-06-2019, they submitted a representation to the Superintending Engineer/TEDC/Tuticorin to cancel the previously, levied minimum/ fixed charges for the temporary supply for construction within the HT service, on the ground that under the two part tariff system, the demand component is already charged for HT service. As the load used for the construction utilities, within the system, being a part and parcel of the same load becomes double charging, which is not justifiable.

10.2 The Appellant further stated that on 17.06.2019, the SE/TEDC/Tuticorin informed them that the revision could only be effective from 21.06.2013. It was explicitly mentioned without ambiguity that only the energy would be charged as per LT Tariff - VI, as stated in the General Provisions for HT supply. The excess amount of Rs. 58,000/- was refunded, but the interest, clearly provided for in Section 62, Sub-section (6) of the Electricity Act 2003, was not provided. The claim for the previous periods was rejected.

10.3 The Respondent has stated that the petitioner availed temporary supply on 19-11-2010 for the construction of an additional women's hostel within their premises of HT Sc 187 with 30 KW, by installing a sub-energy meter in one of the LT DBs of their HT SC No.187. The Respondent further mentioned that the

petitioner, through their letter No.AO (Rev)/A1/F.A.S No.11 & 12 dated 09-02-2011, was asked to remit an amount of Rs.38,535/- as per the Audit instructions, relating to the non-levy of monthly minimum charges for construction in their HT Sc. No. 187, for the period from 16-11-2010 to 26-12-2010. The appellant filed a petition before the CGRF and the CGRF rejected this claim in proceedings No.1185, dated 09-07-2011, citing Memos No. 10622/IEMC/E.1/AEE/C3487/D1256/96 (TB) dated 21-12-1996 and No. SE/IEMC/EE3/AEE.1/F. Instruction/D296/97 (TB) dated 25-02-1997, which state that the levy for construction usage within the HT SC premises should be billed under LT Tariff VI.

10.4 In view of the above arguments, I would like to analyze the key issues arising from the Appellant's claim and the counterarguments presented by the respondents based on the recent directives from the Tamil Nadu Electricity Regulatory Commission (TNERC) in M.P. No.16 of 2022 dated 25-04-23, which is reproduced below:

> *"Thiru Sanjay, Junior to Thiru Rajesh Vivekananthan, Advocate appeared for the petitioner, Tvl. N.Kumanan & A.P.Venkatachalapathy, Standing Counsel appeared for TANGEDCO. Brief arguments heard from the petitioner. Petitioner is given the liberty to approach Consumer Grievance Redressal Forum (CGRF) which shall examine the matter afresh uninfluenced by its earlier orders and in the event of being aggrieved by the order of CGRF, the petitioner shall approach the Ombudsman. Accordingly the case is disposed of."*

10.5 The core of the dispute revolves around the Appellant being granted a Temporary LT supply point for construction purposes from the HT supply A/C No. 187 (HT Tariff IIA – Educational Institution) by the respondent on 19-11-2010, with the installation of a sub energy meter. However, the Appellant contends that the demand component has already been charged for HT service. Given that the load used for construction utilities is within the same system, the Appellant argues that double charging the demand under the HT component and Minimum Charges is unjustifiable. The Appellant has requested a refund of the excess billing with interest. In light of the above, it is pertinent to examine the applicable tariff for extending temporary supply during the period in question, i.e., between 19-11-2010 and 21-06-2013.

10.6 The date of LT Temporary supply initiation at the Appellant's premises for construction purposes is 19-11-2020. During this period, Tariff Order No.3 of 2010 was effective from 01-08-2010 and remained in force until 31-03-2012. Subsequently, T.O.No.1 of 2012, dated 30-03-2012, came into effect from 01-04-2012 to the next revision period of 20-06-2013. T.O 1 of 2013, dated 20-06-13, became effective from 21-06-2013.

10.7 The specifics of each tariff order will be discussed in the following sections.

Order No.3 of 2010, dt 31.07.2010.

*"**9.11.4 High Tension Tariff II A**:*

xxxx

xxxx

9.11.4.2 If the HT consumer under this category needs to extend LT supply within their area of operation for any commercial purposes, they have to inform TNEB suitably and meter such consumption separately and pay at the appropriate LT Commercial Tariff."

"9.11.22 LOW TENSION TARIFF VI:

Tariff	*Description*	*Energy charges in paise/kWHr*	*Minimum (in Rupees)*
Low Tension Tariff VI	*Supply to temporary activities and construction activities other than Residential building/Residential complexes for combined lighting and Power load*	*1050*	*50 per kW or part thereof per day*
	Lavish illumination	*1050*	

(i) The LT tariff VI is applicable for the requirements of a temporary supply during the construction stage. The temporary supply shall be converted into the respective regular category after the completion and compliance to the respective terms and conditions.

**** "*

9.11.23 GENERAL CONDITIONS

(1) The above tariff shall be read with the General Terms and Conditions of Supply Code and Distribution code specified by the Tamil Nadu Electricity Regulatory Commission.

(2) The present tariff order does not alter the previous specific orders of the Commission on categorization of certain consumers."

TNERC Order No.1 of 2012, dt 30.03.2012.

Tariff for High Tension Supply

10.1 General Provisions applicable for High Tension Supply

xxxx

xxxx

10.1.5 In the case of HT supply under IA, IIA, IIB, III, the use of electricity for the construction purposes within the premises shall be metered separately by the licensee and charged under

LT Tariff VI. Such metered consumption shall be deducted from the total consumption registered in the main meter of the HT/EHT supply for billing."

TNERC Order No.1 of 2013, dt. 20.06.2013

6.1 - Tariff for High Tension Supply

"6.1 General Provisions applicable for High Tension Supply

*****

v. In case of HT supply under IA, IIA, IIB, III, the supply used for any additional construction of building within the consumer's premises not exceeding 2000 square feet may be allowed from the existing service and charged under the existing tariff. The use of electricity for the additional construction beyond 2000 square feet and lavish illumination (as defined under LT tariff VI) shall be metered separately by the licensee and only the energy shall be charged under LT Tariff VI. Such metered energy consumption shall be deducted from the total consumption registered in the main meter of the HT/EHT supply for billing."

10.8 Since the disputed billing period covered under three tariff orders, it is appropriate to analyze each billing period duly considering the tariff order that was in force during those period is discussed below:

(i) Billing period from 19.11.2010 to 31.03.2012 - Order No.3 of 2010, dt 31.07.2010

In the para 9.11.7.3 (HT Tariff III – Commercial), it has been provided that, industries requiring HT supply during construction period shall be charged under this tariff, but there is no mention about specific tariff for any additional construction within the HT premises after providing permanent regular supply.

Further, as per para 9.11.4.2 of the tariff order under High Tension Tariff II A, it has been provided that, if the HT consumer under this category (in the present case – Educational Institution) needs to extend LT supply within their area of operation for any commercial purposes, they have to inform TNEB suitably and meter such consumption separately and pay at the appropriate LT Commercial Tariff.

However, in the present case, the respondent extended temporary supply for construction purposes by fixing a sub-energy meter in one of the LT DBs of their HT SC No. 187 premises. Since the construction activity does not fall under the ambit of commercial in nature, the tariff for such activity has to be billed only under LT Tariff VI (Tariff for construction activities) for period from 19-11-2010 to 31-03-2012.

Para 9.11.22 of tariff order provides billing under LT Tariff VI wherein energy charges was to be billed Rs.10.50 / KW and Rs.50 per KW or part thereof per day as Minimum charges towards supply to temporary activities and construction activities.

(ii) Billing from (01.04.2012 to 20.06.2013) - Order No.1 of 2012, dt 30.03.2012

In the para 10.1.5 of the tariff order under the caption General Provisions applicable for High Tension Supply, it has been provided that, in the case of HT supply under IA, IIA, IIB, III, the use of electricity for the construction purposes within the premises shall be metered separately by the licensee and charged under LT Tariff VI. Such metered consumption shall be deducted from the total consumption registered in the main meter of the HT/EHT supply for billing.

Further, para 10.22 of tariff order provides billing under LT Tariff VI wherein energy charges was to be billed Rs.10.50 / KW and Rs.100 per KW or part thereof per day as Minimum charges towards supply to temporary activities.

(iii) Billing from 21.06.2013 - Order No.1 of 2013, dt. 20.06.2013

Para 6.1 of the tariff order under the caption General Provisions applicable for High Tension Supply, it has been provided that, in case of HT supply under IA, IIA, IIB, III, the supply used for any additional construction of building within the consumer's premises not exceeding 2000 square feet may be allowed from the existing service and charged under the existing tariff. The use of electricity for the additional construction beyond 2000 square feet and lavish illumination (as defined under LT tariff VI) shall be metered separately by the licensee and **only the energy shall be charged under LT Tariff VI**. Such metered energy consumption shall be deducted from the total consumption registered in the main meter of the HT/EHT supply for billing.

Further, para 6.22 of tariff order provides billing under LT Tariff VI wherein energy charges was to be billed Rs.10.50 / KW and Rs.300 per KW per month as fixed charges towards supply to temporary activities, construction activities and lavish illumination.

10.9 Even though the respondent provided a separate LT energy meter, the energy recorded was not disputed by the appellant. The main contention of the appellant is that under two part tariff system, the demand component is already charged for HT service. As the load used for the construction utilities, within the system, being a part and parcel of the same load becomes double charging, which is not justifiable and hence prayed to revise the bills for the period from 10/2010 to 11/2013 by adopting only energy component of the electricity used for construction as per LT Tariff VI, for their HT service No. 187. That is, the dispute was centered around billing the minimum charges for LT supply for construction activities in Tariff VI. Only in the Tariff Order No.1 of 2013, dt. 20.06.2013, the concept of monthly minimum charges replaced with Fixed charges per KW per month along with specific provision to charge only the energy component under LT Tariff VI.

However in the Tariff Order No.3 of 2010, dt 31.07.2010 (01.08.2010 to 31.03.2012) and TNERC Order No.1 of 2012, dt 30.03.2012 (01.04.2012 to 20.06.2013) the use of electricity for the construction purposes within the premises shall be metered separately by the licensee and **charged under LT Tariff VI**. Further, in both the tariff order, the energy charges was to be billed Rs.10.50 / KW and minimum charges has to be levied, when the price of electricity supplied (energy charges) is less than the minimum charges. In the present case, the appellant misunderstood the term 'minimum charges' as 'demand charges' and contended that levying the minimum charges in their opinion tantamount to double charging. It is worth noting that the General Conditions of the tariff order provides that, "***The above tariff shall be read with the General Terms and Conditions of Supply Code and Distribution code specified by the Tamil Nadu Electricity Regulatory Commission***". Therefore, in order to have more clarity on the applicability of minimum charges, the relevant provisions in regulation 4 and 6 of TNE supply code are given below:

"4. Charges recoverable by the Licensee-

The charges, recoverable by the Licensee from the consumers are: -

(1) Tariff related charges, namely,—

(i) The price of electricity supplied by him to the consumer which shall be in accordance with the tariff rates as the Commission may fix from time to time, for HT supply, LT supply, and temporary supply and for different categories of consumers. [3][***]. *Where it is intended to use Floor polishing equipments, welding equipments for repairs/ maintenance and such*

other portable equipments temporarily in a premises having permanent supply, such use shall not be treated as temporary supply for purpose of levying charges. It shall be construed as regular consumption under the permanent supply tariff.

(ii) Demand charges for HT supply and fixed charges for LT supply shall be payable by the consumer in accordance with the rates as the Commission may fix from time to time for different categories of consumers.

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***(2)** Miscellaneous charges, namely,—*

(i) Capacitor Compensation charge;

(ii) Excess demand charge;

***

***(3)** Minimum charges where applicable.*

6. Minimum Charges

*The consumer shall pay to the Licensee minimum charges in respect of every connection as detailed below. The minimum monthly charges are payable even when no electricity was consumed or supply disconnected by orders of Court or **when the price of electricity supplied is less than the minimum charges."***

10.10 From the above, it is noted that the licensee is entitled to collect minimum charges where applicable as one of the component of charges recoverable from the consumer as per regulation 4(3) of TNE supply code. Further, the consumer shall pay to the licensee minimum charges when the price of electricity supplied is less than the minimum charges as per regulation 6 of TNE supply code.

10.11 Further, it is clear that a separate meter designated for construction purposes should be utilized, and the electricity usage for construction must be measured using this dedicated meter. The recorded consumption from this energy meter should then be subtracted from the readings of the main meter associated with the HT supply. Charges for this consumption are expected to be applied according to LT Tariff VI.

10.12 From the above findings, I am of the view that the LT supply provided in the appellant's premises for construction activities has to charged under LT tariff VI which has two components i.e. i) energy charges and ii) minimum charges. If the energy charges are more than minimum charges, then the energy charges had to be levied. However, monthly minimum charges are applicable when the price of electricity supplied is less than the minimum charges as per regulation 6 of TNE

supply code. In line with the same, the respondent had charged minimum charges where applicable for the appellant LT supply since the energy charges under LT Tariff VI is less than the price of electricity supplied for the period from 01.08.2010 to 20.06.2013 as per Tariff Order No.3 of 2010, dt 31.07.2010 and Order No.1 of 2012, dt 30.03.2012 as well as in line with TNE Supply code. Further from 21.06.2013, the use of electricity for the construction purposes within the premises shall be metered separately by the licensee and only the energy shall be charged under LT Tariff VI as per Tariff Order No.1 of 2013, dt. 20.06.2013. Therefore, the prayer of the appellant to refund the minimum charges collected for the period from 19.11.2010 to 20.06.2013 is rejected.

10.13 Further on reviewing the given documents, it is found that the respondent considered the appellant's request, dated 10-06-2019, wherein it was stated that from 21-06-2013 onward, only energy charges would be claimed. As a result, a refund of Rs 58,800/- was issued for the period from 21-06-2013 to 31-08-2013. However, the interest component was not paid by the respondent. Therefore, the respondent is directed to calculate the interest at the prevailing rate from 10-6-2019 and the same shall be paid within 15 days from the date of receipt of this order.

11.0 <u>Conclusion</u>:

11.1 Based on the findings above,

i) the LT supply provided in the appellant's premises for construction activities has to charged under LT tariff VI which has two components i.e. i) energy charges and ii) minimum charges. If the energy charges are more than minimum charges, then the energy charges had to be levied. However, monthly minimum charges are applicable when the price of electricity supplied is less than the minimum charges as per regulation 6 of TNE supply code. In line with the same, the respondent had charged minimum charges where applicable for the appellant LT supply since the energy charges under LT Tariff VI is less than the price of electricity supplied for the period from 01.08.2010 to 20.06.2013 as per Tariff Order No.3 of 2010, dt 31.07.2010 and Order No.1 of 2012, dt 30.03.2012 as

well as in line with TNE Supply code. Further from 21.06.2013, the use of electricity for the construction purposes within the premises shall be metered separately by the licensee and only the energy shall be charged under LT Tariff VI as per Tariff Order No.1 of 2013, dt. 20.06.2013. Therefore, the prayer of the appellant to refund the minimum charges collected for the period from 19.11.2010 to 20.06.2013 is rejected.

ii) the Respondent is directed to pay interest for the refunded amount of Rs.58,800/- which was wrongly collected for the period from 21-06-2013 to 31-08-2013, at the prevailing rate from 10-6-2019 and the same shall be paid within 30 days from the date of receipt of this order.

11.2 The compliance report in this regard shall be submitted within 45 days from the date of receipt of this order.

11.3 With the above findings A.P.No.85 of 2023 is finally disposed of by the Electricity Ombudsman. No Costs.

(N.Kannan)
Electricity Ombudsman

"நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை"
"No Consumer, No Utility"

To

1. The Principal, - By RPAD
Dr. Sivanthi Aditanar College of Engineering,
Ranimaharajapuram, Adaikalapuram Post,
Tiruchendur – 628 217.

2. The Superintending Engineer,
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3. The Executive Engineer/Distribution/Tiruchendur,
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TANGEDCO,
33 KV SS Complex, Tiruchendur-628215.

4. The Deputy Financial Controller,
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5. The Assistant Executive Engineer/Distribution/Tiruchendur,
Tuticorin Electricity Distribution Circle,
TANGEDCO,
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6. The Assistant Engineer/Distribution/Tiruchendur,
Tuticorin Electricity Distribution Circle,
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7. The Chairman & Managing Director, – By Email
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8. The Secretary,
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4th Floor, SIDCO Corporate Office Building,
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9. The Assistant Director (Computer) – **For Hosting in the TNERC Website**
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