

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. 93 of 2023

Tmt. Kirthika, W/o. Rajasekar,
Old No.22/2, New No.51, Bajanai Koil Street,
Mambalam, Chennai – 600 017.

. Appellant

(Tmt. B.Kirthika &

Rep. by Thiru B. Manivannan, Advocate)

Vs.

1. The Executive Engineer/O&M/T.Nagar,
Chennai Electricity Distribution Circle/Central,
TANGEDCO,
M.G.R Salai, 110KV, 33KV, 11KV Valluvar kottam SS Campus,
3rd Floor, Nungambakkam, Chennai – 600 034.

2. The Assistant Executive Engineer/O&M/T.Nagar/South,
Chennai Electricity Distribution Circle/Central,
TANGEDCO,
129, Kannampet SS Campus,
TNEB, Muthu Rangan Salai, T.Nagar, Chennai-600 017.

3. The Deputy Financial Controller,
Chennai Electricity Distribution Circle/Central,
TANGEDCO,
M.G.R Salai/110KV/33KV/11KV,
Valluvar kottam SS Campus,
Nungambakkam, Chennai-600034.

. . . . Respondents

(Thiru A. Venkatesan, EE/O&M/T.Nagar,

Thiru K.S.M. Ravichandran, AEE/O&M/T.Nagar-South

Thiru S.Parthiban, DFC/Central)

Petition Received on: 22-12-2023

Date of hearing: 15-02-2024

Date of order: 27-02-2024

The Appeal Petition received on 22.12.2023, filed by Tmt. Kirthika, Old No.22/2, New No.51, Bajana Koil Street, Mambalam, Chennai – 600 017 was registered as Appeal Petition No. 93 of 2023. The above appeal petition came up for hearing before the Electricity Ombudsman on 15.02.2024. 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 effect new service connection in the name of Tmt Kirthika under tenant category.

2.0 Brief History of the case:

2.1 The Appellant has applied for three phase LTSC through online to effect new service connection in the name of Tmt Kirthika under tenant category.

2.2 Based on the application, the Respondent after scrutinizing, the application was put on hold as 6 persons names were mentioned as legal heirs.

2.3 Since the grievance not settled with the Respondent the Appellant has filed a petition with the CGRF of Chennai Electricity Distribution Circle/Central on 30.09.2023.

2.4 The CGRF of Chennai Electricity Distribution Circle/ Central has issued an order dated 29.11.2023. 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 Chennai Electricity Distribution Circle/Central issued its order on 29.11.2023. The relevant portion of the order is extracted below: -

“Order:

As per TNERC 27 (4) of the Tamil Nadu Electricity Distribution code, if the owner is not available or refuses to give consent letter, the intending consumer shall

produce valid proof of his/her being in occupation of the premises and also execute an indemnity bond in FORM 6 of the Appendix-III to this Code indemnifying the Licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.

For the purpose this regulation, the expression valid proof means any proof of occupancy such as registered power of attorney or latest rent receipt issued prior to the date of application or lease deed or possession order from appropriate authority or decree or judgment of courts. The above explanation has been stated in the TNERC's letter dated 13.09.2023.

Valid rent receipt has been taken as the issuance of receipt by the lawful owner of premise to tenant of the premise. As per the latest property tax receipt issued by the Greater Chennai Corporation, presently the property tax has been paid in the name of (Late) Thiru C Balaraman whereas the rent receipt has been issued by one of the legal heir Thiru. Rajasekar, S/o. (Late) Thiru C. Balaraman.

There had been no document produced that the ownership of the portion of the property (service connection sought) has been transferred from (Late) Thiru C. Balaraman to one of the legal heir (his son) Thiru B Rajasekar. So far no objection has been received from Thiru B. Rajasekar or any of the legal heir that not to effect service in the name of Tmty Kirthika under tenant without consent category. Tmty.B.Kirthika has not putforth before forum that the owner Thiru B. Rajasekar (as per the statement of the petitioner) is not available or refuses to give consent letter.

Based on the above TNERC norms, representations of the consumer and reports furnished by the Licensee, the forum directs the following:

- 1. The request of the petitioner Tmty. Kirthika, W/o Thiru B Rajasekar, to effect a new service of the aforesaid premise under tenant without consent category wherein mentioned in the form 6 that the owner of the premise is Thiru B Rajasekar, S/o (Late) Thiru C Balaraman (who is one among six legal heirs), shall not be considered as it has been purposefully applied under tenant without consent category to claim Thiru B Rajasekar is owner of the property rather than getting basic amenity*
- 2. This forum has felt that being on utility TANGEDCO is serving to provide the basic amenity to the consumers/public and at the same time the request for the provision of basic amenity to a premise purposefully to prove their possession may not be encouraged though there had been alternate option to get the amenity lawfully.*

With the above direction the petition is disposed off.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments in person, a hearing was conducted on 15.02.2024.

4.2 The Appellant Tmty. B.Kirthika and her representative Thiru B. Manivannan, Advocate attended the hearing and put forth his arguments.

4.3 The Respondents, Thiru A. Venkatesan, EE/O&M/T.Nagar, Thiru K.S.M. Ravichandran, AEE/O&M/T.Nagar-South and Thiru S.Parthiban, DFC/Central of Chennai EDC/ Central 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 stated that an application for 3 phase LT service connection of LA1A category for 5 KW was applied online by Tmty B Kirthika on 14.09.2023 under "Tenant without consent". Application was put on hold by the concerned officer stating that the owner details had not been mentioned in Form 6 and also proof of ownership had not been enclosed.

5.2 The Appellant has stated that the site inspected by the Assistant Executive Engineer/O&M/T Nagar South on 21.09 2023 and it had been insisted that Tenant and ownership mentioned in the form 6 was same as Tmty.B Kirthika and the same may be corrected. Based on the above the application was resubmitted stating B Kirthika as tenant and Thiru B Rajasekar S/o C. Balaraman as owner.

5.3 The Appellant has stated that subsequently, AEE/O&M/T Nagar, South has stated that the official wanted to have a word with Thiru B Rajasekar, one of the legal heirs of the original owner of the premise and also the spouse of the applicant. Meanwhile the applicant has been insisted to get the consent from all legal heirs as the property tax is being assessed in the name of original owner. Thiru C.Balaraman.

5.4 The Appellant has stated that valid address proof (Current LPG Gas bill) has been shown as a document in proof for the possession of the aforesaid premise by the petitioner Tmty B. Kirthika under the rental agreement executed by her husband

and the insistence on production of the consent of all the legal heirs is against the regulations.

5.5 The Appellant has stated that she had applied for electricity service connection as a tenant residing at the address and submitted all necessary documents as per TNERC regulation (Applicants Photo, Latest Rent Receipt and Form (6) and submission of ownership proof was not insisted by TNERC/TNEB portal during the application submission.

5.6 The appellant further argued that her application submitted to the Executive Engineer/O&M/T.Nagar for cancellation on 30.09.2023 for the following defects.

"As in the enclosed Legal Heir Certificate 6 persons names were mentioned as Legal heirs, the Rent receipt issued by one of the legal heir Mr Rajasekar in favour of his own wife is not valid".

5.7 The Appellant has further questioned validity of the doubt being raised by the authority on the tenancy agreement executed Thiru B Rajasekar in favour of the applicant, Tmty B. Kirthika, who happens to be his own wife.

5.8 The Appellant has stated that in the CGRF online petition it has been submitted by Tmty.B.Kirthika intentionally AEE asked for Ownership proof but the service connection was applied with Tenant without consent. Also, as per regulations, Applicant photo, Latest rent receipt & form 6 but still AEE is asking for "Ownership proof". The Appellant further argued that there is no need to verify the owner status by the Licensee as this was against the TNERC regulation.

5.9 Further during enquiry it has been learnt from the petitioner that partition deed for the above said property is yet to be executed among the legal heirs. Earlier the existing supply of the portion was taken from the portion occupied by the elder brother of Thiru B.Rajasekar.

5.10 The Appellant has prayed for service connection as the occupant and the service may be effected in the name of the Appellant under tenant category. So, she requested this Commission to Conduct detailed enquiry and thus render justice.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that petitioner Tmty.B.Kirthika, Old No.22/2, New No.51. Bajanai Koil street, Mambalam, Chennai 17 has applied for new 3 phase LT service connection to a load of 5KW in tariff IA vide online application No.200012230923406 dated 14.09.2023 in the category of "Tenant without consent" with the following enclosures.

1. Rent receipt in the name of Tmty. B.Kirthika, issued by her (Tmty. Kirthika) husband Thiru B.Rajasekar, S/o C.Balaraman (late).
2. Indemnity Bond in Form 6 mentioning Taty B. Kirthika, W/o Rajasekar as tenant as well as owner.

6.2 The Respondent has submitted that the application was put on hold by the Assistant Executive Engineer/O&M/T.Nagar-South on 19.09.2023 for not submitting owner details has not been mentioned in Form 6 and Proof of ownership not enclosed.

6.3 The Respondent has submitted that Tmty B. Kirthika modified and resubmitted the application on 20.09.2023 with the following enclosures.

1. Property Tax receipt dt. 11.04. 2023 in the name of C. Balaraman (expired)
2. Death certificate of C.Balaraman expired on 21.08.2000.
3. Legal heir certificate mentioning 6 members as legal heirs as Jayalakshmi, Palani B, Selvi, N.Sudha, B. Rajasekar and Vijayalakshmi B.

After scrutinizing, the application was put on hold by Assistant Executive Engineer/O&M/T.Nagar South mentioning the remarks 'Owner details not mentioned in Form.6' on 21.09.2023. Tmty B.Kirthika again resubmitted after modifying and correcting the name of owner in the 2nd para in Form 6 as B.Rajasekar, S/o C.Balaraman on 21.09.2023. After scrutinizing, the application was submitted to the Executive Engineer/O&M/T.Nagar for cancellation with the following remarks "As in the enclosed Legal Heir Certificate 6 persons names were mentioned as Legal heirs, the rent receipt issued by 1 (one of) legal heir(s) Mr. Rajasekar to his wife is not valid". Hence it has been informed by the Assistant Executive Engineer/O&M/T.Nagar south that the application is not feasible to give a new 3 Phase LT Service connection in the category of "**Tenant without Consent**".

6.4 The Respondent has submitted that as per TNERC 27(4) of the Tamil Nadu Electricity Distribution code, if the owner not available or refuses to give consent letter, the intending consumer shall produce valid proof of his/ her being in occupation of the premises and also execute an indemnity bond in Form 6 of the Appendix III to this code indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.

6.5 The Respondent has submitted that for the purpose of this sub-regulation, the expression "valid proof means any proof of occupancy such as registered power of attorney or latest rent receipt issued prior to the date of application or lease deed or possession order from appropriate authority or decree or judgement of courts. The above explanation has been stated in the TNERC's letter dated 13.09.2023. Valid rent receipt has been taken as the issuance of receipt by the lawful owner of premises to tenant of the premises. As per the latest property tax receipt issued by the Greater Chennai Corporation, presently the property tax has been paid in the name of (late) Thiru C.Balaraman whereas the rent receipt has been issued by one of the Legal heir Thiru B.Rajasekar, S/o (late) Thiru C. Balaraman.

6.6 The Respondent has submitted that there had been no document produced that the ownership of the portion of the property (Service connection sought) has been transferred from (late) Thiru C.Balaraman to one of the legal heir (his son) Thiru B.Rajasekar. So far no objection has been received from Thiru. B. Rajasekar that not to effect service in the name of Tmty.B.Kirthika under tenant without consent category. Tmty B.Kirthika has not putforth before forum that the owner Thiru. B.Rajasekar (As per the statement of the petitioner) is not available or refuses to give consent letter.

6.7 The Respondent has further submitted that it is informed that the site was inspected by the Assistant Executive Engineer/O&M/T.Nagar South on 18.01.2024 to confirm whether Tmty.B.Kirthika actually residing in the mentioned premises and found that other 2 Nos. Legal heirs Tmty. Jayalakshmi and Thiru B. Palani has

occupied in the mentioned premises and also Tmty.B.Kirthika was not residing in the old No:22/2, New No:51, Bajanai koil street, Kannnamapet, T.Nagar Chennai -17. Out of 6 Nos. legal heirs, 3 Nos Legal heirs Tmy Jayalakshmi, Thiru B. Palani and N. Sudha were given the objection letters. In that objection letters, mentioning Tmty B. Kirthika was not residing in the old No.22/2, New No.51, Bajanai koil street, Kannnamapet, T. Nagar, Chennai -17 and not to give new EB Service connection in the name of Tmty.B. Kirthika.

6.8 The Respondent has submitted that based on the above TNERC norms and representations of the consumer, it is evident that the petitioner has purposefully applied under "**tenant without consent**" category to claim Thiru. B.Rajasekar is owner of the property than getting basic amenity of electricity.

6.9 The Respondent has submitted that TANGEDCO is the utility for providing the basic amenity of electricity to the consumers/ public and at the same time the request of the petitioner/applicant for the provision of electricity at the above premises, is found to be purposeful to prove their possession though there had been alternate option to get the amenity lawfully.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard the arguments of both the Appellant and the Respondent. Before going to decide the issues, a brief fact of the situations surface around the issues are discussed below:

7.3 The property exists in the name of C.Balaraman who was expired at Door 22/2 new 51 Bajanai kovl street Kannammamet T.Nagar with the following legal heirs,

Smt .Jayalashmi wife of the deceased Balaraman

B.Palani son of the deceased Balaraman

Selvi Daughter of the deceased Balaraman

Sudha Daughter of the deceased Balaraman

B.Rajasekar son of the deceased Balaraman

Vijayalashmi Daughter of the deceased Balaraman

7.4 The above premises already having two Electricity Service connection one in the name of deceased Thiru Balaraman vide A/C No. 01-223-049-71 and another one in the name of the Thiru B.Palani son of the deceased Balaraman vide A/C No.01-223-049-138 . The Appellant Tmty B.Krithika was wife of B.Rajasekar s/o Balaraman who seeks the service connection as a tenant mentioning her husband as the Owner of the premises .The Appellant mentioned in her prayer that she had a dispute with her husband for the last 10 years and reunion last year. The respondent on inspection reported that the appellant was not residing the above address and enclosed statement from other legal heirs on the support of their claim from 1) Smt .Jayalashmi w/o Balaraman, 2)Thiru.B.Palani, s/o Balaraman 3) Tmty.Sudha, D/o Balaraman. From the above it is now clearly understood that there is a dispute on the property and the claim of the Appellant residing there. Now based on the arguments and the documents submitted by them, the following conclusion is arrived

7.5 The Appellant stated that she had applied new connection thro online on 14.09.2023 under "Tenant without consent". Further, the appellant mentioned that she had personal dispute with her husband for last 10 years and they reunion by last year. After getting into the matrimonial house, her power supply was disconnected illegally by her in laws.

7.6 The appellant insists to provide electricity service connection as a tenant residing at the address and submitted all necessary documents as per TNERC regulation (Applicant photo, latest rent receipt and Form (6) and argued that submission of ownership proof was not insisted by TNERC/TNEB portal during the application submission.

7.7 The appellant further argued that her application submitted to the Executive Engineer/O&M/T.Nagar was cancelled on 30.09.2023 for the following defects which was not correct

"As in the enclosed Legal Heir Certificate 6 persons names were mentioned as Legal heirs, the Rent receipt issued by one of the legal heir Mr Rajasekar in favour of his own wife is not valid".

7.8 Further the Appellant has questioned validity of the doubt being raised by the authority on the tenancy agreement executed Thiru B Rajasekar in favour of the applicant, Tmt B. Kirthika, who happens to be his wife.

7.9 The respondent argued that the application is not feasible to give a new 3 Phase LT Service connection in the category of "**Tenant without Consent**". As per TNERC 27(4) of the Tamil Nadu Electricity Distribution code, if the owner not available or refuses to give consent letter, the intending consumer shall produce valid proof of his/ her being in occupation of the premises and also execute an indemnity bond in Form 6 of the Appendix III to the code indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.

7.10 The Respondent further argued that for the purpose of this sub-regulation, the expression "valid proof means any proof of occupancy such as registered power of attorney or latest rent receipt issued prior to the date of application or lease deed or possession order from appropriate authority or decree or judgement of courts.

7.11 The Respondent agrees that valid rent receipt issued may be taken as a proof of lawful occupant from the owner of the premises to the tenant of the premises where the service connection has been sought. However, it was noticed with the Respondent that the latest property tax receipt issued by the Greater Chennai Corporation, presently the property tax has been paid in the name of (late) Thiru C.Balaraman whereas the rent receipt has been issued by one of the Legal heir Thiru B.Rajasekar, S/o (late) Thiru C. Balaraman.

7.12 The Respondent further claimed that there had been no document produced that the ownership of the portion of the property (Service connection sought) has been transferred from (late) Thiru C.Balaraman to one of the legal heir (his son) Thiru B.Rajasekar. Further, he had not received documents from Thiru. B.

Rajasekar that not to effect service in the name of Tmt.B.Kirthika under tenant without consent category.

7.13 The Respondent informed that the site was inspected by the Assistant Executive Engineer/O&M/T.Nagar South on 18.01.24 to confirm whether Tmt.B.Kirthika actually residing in the mentioned premises and found that other 2 Nos. Legal heirs Tmy Jayalakshmi and Thiru. B. Palani has occupied in the mentioned premises and also Tmt.B.Kirthika was not residing in the old No:22/2, New No:51, Bajanaikoil street, Kannamapet, T.Nagar Chennai -17.

7.14 Out of 6 Nos. legal heirs, 3 Nos Legal heirs Tmy Jayalakshmi, Thiru B. Palani and N. Sudha were given the objection letters to the Respondent mentioning Tmt B. Kirthika was not residing in the old No.22/2, New No.51, Bajanaikoil street, Kannamapet, T. Nagar, Chennai -17 and not to give new EB Service connection in the name of Tmt.B. Kirthika. By invoking the above TNERC norms, it is evident that the petitioner has purposefully applied under "**tenant without consent**" category to claim Thiru. B.Rajasekar is owner of the property.

7.15 The Respondent stated that TANGEDCO is the utility for providing the basic amenity of electricity to the consumers/ public and at the same time the request of the petitioner/applicant for the provision of electricity at the above premises, is found to be purposeful to prove their possession though there had been alternate option to get the amenity lawfully.

7.16 From the above, it is understood that the issue is centric around seeking service connection by the intending Appellant who herself claims as tenant and under occupation of the premises and submission of ownership proof was not insisted by the TNERC

Under these circumstances, I would like to refer Regulation 27 (4) Requisitions for supply of Energy of TNEDC

"27. Requisitions for Supply of Energy:

xxxx

(4) An intending consumer who is not the owner of the premises shall produce a consent letter in Form-5 of Appendix III to this code from the owner if the premises for availing the supply. If

this owner is not available or refuses to give consent letter, the intending consumer shall produce valid proof of his being in occupation of the premises and also execute and indemnity bond in FORM-6 of Appendix III to this Code indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.

Explanation: For the purpose of this sub-regulation, the, the expression "valid proof" means any proof of occupancy such as registered power of attorney or latest rent receipt issued prior to the date of application or lease deed or possession order from appropriate authority or decree or judgment of courts."

7.17 From the above, I would like to find who is the owner of the premises and whether the appellant is in occupation of the premises. On scrutiny of the documents it is well established as per the property tax receipt that the Appellant seeking a new service connection at the premises No.51(22/2) Bajanaikoil street, T.Nagar Chennai 17 is in the name of the One Thiru C.Blaraman. Further, as per the legal heir certificate, it is noticed that the Owner of the premises was expired leaving behind six legal heirs for the above property which was discussed again

Smt .Jayalashmi	wife
B.Palani	son
Selvi	Daughter
Sudha	Daughter
B.Rajasekar	son
Vijayalashmi	Daughter

Hence it is concluded that the premises where Appellant seeking service connection is (still) in the name of C.Balaraman who has six legal heirs.

7.18 The next issue is whether the Appellant is in occupation of the premises. From the respondent documents a rent receipt was issued to Appellant with signature alone was enclosed and during the hearing, the appellant stated that the rent receipt was issued in her name by her husband B.Rajasekar. But from the available documents it was found that Thiru B.Rajasekar was one among the six legal heirs of the undivided property which has already provided with Electricity Service connection. The appellant seeks service connection by enclosing

undertaking in form 6 of TNEDC claimed to be an occupier without consent from the owner. The owner of the property was mentioned as Thiru B.Rajasekar instead of late Thiru.Balaraman in the undertaking. Further the respondent on verification of site had declared that the Appellant was not residing the premises and enclosed the other legal heirs statement that the appellant was not residing and also found that there was no supporting document that the premises was transferred to her husband Thiru C.Rajasekar. All the correspondence made to her was not received at this address as claimed by the Respondent has evident that the Appellant not residing at the above address.

7.19 From the latest property tax receipt issued by the Greater Chennai Corporation, it is established that the property tax has been issued in the name of (late) Thiru C.Balaraman whereas the rent receipt has been issued by one of the Legal heir Thiru B.Rajasekar, S/o (late) Thiru C. Balaraman and hence it is concluded that the rent receipt issued by Thiru B.Rajasekar is not valid. Also the appellant is not residing at the premises as an occupant in the absence registered lease deed to prove the relationship between lessor (legal owner of property) and lessee (tenant). Hence the prayer of the Appellant is rejected.

8.0 Conclusion:

8.1 From the above finding, the appellant's prayer to provide service connection under the category 'occupier' is rejected and accordingly the petition was disposed of.

8.2 With the above findings, the A.P.No.93 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. Tmt. Kirthika, W/o. Rajasekar,
Old No.22/2, New No.51, Bajanai Koil Street,
Mambalam, Chennai – 600 017.

2. The Executive Engineer/O&M/T.Nagar,
Chennai Electricity Distribution Circle/Central,
TANGEDCO, M.G.R Salai, 110KV, 33KV,
11KV Valluvar kottam SS Campus,
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3. The Assistant Executive Engineer/O&M/T.Nagar/South,
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4. The Deputy Financial Controller,
Chennai Electricity Distribution Circle/Central,
TANGEDCO,
M.G.R Salai/110KV/33KV/11KV,
Valluvar kottam SS Campus,
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5. The Superintending Engineer, - By Email
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6. The Chairman & Managing Director, - By Email
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7. The Secretary, - By Email
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8. The Assistant Director (Computer) - **For Hosting in the TNERC Website**
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