



# **TAMIL NADU ELECTRICITY OMBUDSMAN**

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

Phone : ++91-044-2841 1376 / 2841 1378/ 2841 1379 Fax : ++91-044-2841 1377

Email : [tnerc@nic.in](mailto:tnerc@nic.in)

Web site : [www.tneo.gov.in](http://www.tneo.gov.in)

**BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI**

**Present : Thiru. A. Dharmaraj, Electricity Ombudsman**

**Appeal Petition No.17 of 2015**

Thiru John Joseph,  
G-Block, Door No.85,  
F1, Shah Regency 10<sup>th</sup> Street,  
Anna Nagar,  
Chennai-600102

... Appellant

Vs

1. The Executive Engineer,  
Anna Nagar Division,  
Chennai Electricity Distribution Circle/West,  
11<sup>th</sup> Main Road, Anna Nagar,  
Chennai-600040.
2. The Assistant Engineer/O&M,  
Shenoy Nagar Section,  
Chennai Electricity Distribution Circle/West,  
TANGEDCO (Formerly TNEB),  
"O" Block, First Avenue Road,  
Anna Nagar, Chennai-600102.

... Respondents  
(Thiru. S. Ranganathan, EE/O&M/  
Anna Nagar &  
Thiru.R. Ponnambalavanan, AE,  
Shenoy Nagar)

**Date of hearing 1-4-2015**

**Date of Order: 7.5.2015**

The appeal petition dated 1-2-2015 filed by Thiru John Joseph, Anna Nagar was registered as Appeal petition No.17 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 1-4-2015. Upon perusing the appeal petition, counter affidavit of the Respondent and after hearing the respondents, the Electricity Ombudsman passes the following order :-

**ORDER**

**1. Prayer of the Appellant:**

The Appellant prayed to review the proofs provided and revert charges for 10/2014 of Rs.5779/- that have been paid. They have already paid the charges for burnt meter Rs.2000/-.

**2. Brief History of the case:**

2.1 The appellant is the owner of Service connection No.163-007-451 and is charged under tariff IA.

2.2 The meter of the above service was burnt and the same was changed on 29-10-2014. As there was no display in the meter, and burnt, while taking reading on 17-10-2014, an average consumption of 1185 units was adopted.

2.3 The Appellant filed a complaint in consumer complaint monitoring system stating that the bill for 10/2014 assessment period is unreasonable as the house was vacant during the above period. The AE/Shenoy Nagar replied that the average consumption was billed as the meter was burnt in the above service.

2.4 The Appellant filed a petition before the CGRF of Chennai EDC/South and the forum has dismissed the petition.

2.5 Aggrieved by the order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

**3. Contentions of the Appellant:**

3.1 The Appellant has contended the following in the Appeal petition dated 1-2-2012.

3.2 Complaint was filed on 16-8-2014 to check excess billing for 6/2014 (1160 units) and 8/2014(1210 units). Corresponding meter reading for 6/2013 and 8/2013 was 950 units and 620 units. Response to complaint said meter was burnt.

3.3 Further no bill was received for 10/2014 and a complaint was filed on 25/10/2014. In response he received a bill with history based charges for assessed units of 1185 (10/2013 unit consumption was only 540).

3.4 Apartment is occupied only by his mother and she left on 12/8/2014 to visit him in Toronto and mains were switched off when she left. Not clear how meter could have burnt when mains are off.

3.5 Requested review of charges for assessed charges for 10/2014 based on non-occupancy of apartment . Mothers passport immigration stampings provided as proof.

3.6 The CGRF order ignored the mismatch in usage details from 2013 and 2014 for June and August billing cycles. Also order accepts non-occupancy of apt proof from 12/8/2014 to 12/10/2014 but still stands by assessed amount on the grounds that TNEB was not informed in advance of non-occupancy. No reasons provided to explain difference in meter reading for 2013 and 2014 and subsequent burning of meter when mains are switched off.

#### **4. Contentions of the Respondent:**

4.1 The Respondent-I contended the following in the counter affidavit

4.2 There is a LT service connection No.163-007-451 under Tariff –IA in the name of Thiru. John Joseph at No.85, G-Block, Anna Nagar, Chennai-102.

4.3 During 8/2014, the Appellant filed complaint in Consumer Complaint Monitoring System to check the excess billing for 6/14 and 8/14 assessment. Based on the complaint, the meter was checked by the AE/O&M/Shenoy Nagar (Respondent-II) and found that performance of the meter is in order. The unit consumed in 6/2014 and 8/2014 was 1160 units and 1210 units respectively.

4.4 During 10/2014 assessment on 17/10/2014, the meter in the LT service connection No.163-007-451, found burnt with no display. Hence, average consumption of 1185 units was adopted for 10/2014 assessment based on the consumption recorded for preceding 2 bi-monthly assessments as per Clause 11 of TNE Supply Code and also meter burnt charges was included in the 10/2014 assessment as per Clause 7, Sub Clause (10).

4.5 Again the appellant had filed complaint in Consumer Complaint Monitoring System on 28-10-2014 that no one was at home for 2 months and their mains were switched off and billing of Rs.5,779/- made unreasonable.

4.6 The Appellant was intimated by AE/O&M/Shenoy Nagar that the meter in the service connection was burnt and meter burnt charges was included in 10/2014 assessment month as per rules. The amount of Rs.5,779/- was collected from the consumer towards the average assessment amount for the month of 10/2014 due to meter burnt.

4.7 The appellant has not informed to TANGEDCO in advance whether the house was occupied by him or tenant. Subject to revision of bills due to meter burnt the

petitioner claims that the premises was vacant. No action is warranted unless the prior intimation received from the consumer about the non occupancy of the premises. The service connection stands in the name of appellant, but the appellant had produced passport, migration copy of his mother who went to abroad. Hence, the appellant is liable to pay the average consumption for 10/2014 assessment and meter burnt charges as per TNE Supply Code.

4.8 He denies the contention of the appellant that excess billing during 6/2014 and 8/2014 assessment as consumption during 6/2014 assessment were found similar in previous summer period of 6/2013 assessment and also meter burnt charges was included in the 10/2014 assessment as per rules.

#### **5. Hearing held by the Electricity Ombudsman**

5.1 To enable the Appellant and the Respondent to putforth their arguments in person, a hearing was conducted before the Electricity Ombudsman on 1-4-2015.

5.2 Thiru S.Ranganathan, EE/O&M, Anna Nagar, Respondent-I and Thiru R.Ponnambalavanan, AE/O&M/Shenoy Nagar have attended the hearing on 1-4-2015.

5.3 Neither the Appellant nor his representative attended the hearing. The Appellant has informed that the case may be decided on merits of the following records vide his email dt. 17-4-2015:

- (i) Mother's passport stamping
- (ii) Letters to attest non-occupancy of flat and
- (iii) TNEB decision to refund the charge for Oct/Nov. billing cycle for approx. Rs.500/-

## **6. Argument of the Respondent**

6.1 Both the Respondents have attended the hearing and put forth their arguments.

6.2 The EE/O&M, Anna Nagar reiterated the contents of the counter.

6.3 The EE/O&M, Anna Nagar argued that the Appellant has submitted his Mother's passport stamping as evidence for keeping the house vacant but there is no evidence to establish that no one was occupying that house during the above period. The EE also argued that had the consumer informed about the non occupancy of the premises in advance to them, they would have inspected the premises and record the fact.

6.4 Regarding burning of meter the EE argued that had the burning of meter is due to the fault in licensee's supply system, the meters of other service available in the same premises would have also been burnt. But no damage or burning of meter case is noted in all the other services of the premises. Hence argued that the burning of meter is due to fault in the consumer side.

6.4 The AE/Shenoy Nagar informed that when he visited the premises to check the meter on 16.8.2014 he noticed that the supply to the house of the Appellant was not switched off and was informed that nobody was in the above house.

## **7. Findings of the Electricity Ombudsman:**

7.1 On a careful study of the argument of the Appellant and the arguments of the Respondents, I find the following as the issues to be decided

(i) whether the contention of the Appellant that there was no consumption in the disputed period as the house was vacant is true?

(ii) what is the relief that could be awarded?

**8. Findings on the first issue:**

8.1 The Appellant argued that the house in which the service connection No.163-007-451 was effected is vacant during the dispute period as his mother who was residing in the above house has left on 12-8-2014 to visit him in Toronto. He has also furnished a copy of passport stamping in support of the above argument.

8.2 As the house was vacant from 12-8-2014 to 13-3-2015, he argued that the average consumption charges of Rs.5779/- adopted for the 10/2014 assessment period has to be reviewed.

8.3 The Appellant also enclosed copies of letters received from (i) Thiru K.Sundaramoorthy, Retired Member/Ordinance factory, Kolkatta and resident of 52, G85, Shah Regency, G.Block, Anna Nagar and (ii) Thiru Prem.R.Sukhy, office bearer of the Building Society and also a co-resident of the Apartment in support of non occupancy of the house from 11.8.2014 to 13.3.2015.

8.4 The Appellant also argued that the TNEB has refunded excess charges collected for Oct/Nov 2014 billing cycle of approximately Rs.500/-.

8.5 The Respondent argued that while taking reading for 10/2014 assessment, on 17-10-2014, it was noted that the meter in SC No.163-007-451 was found to be burnt with no display. Hence average consumption of 1185 units was adopted for the above period based on the previous two preceding bimonthly assessments as per clause 11 of the Supply Code.

8.6 The Respondent argued that no prior information about the non occupancy of the premises was given to TANGEDCO. Had it been informed they would have inspected the premises and recorded the non-occupancy.

8.7 The Respondent argued that the Appellant has shown the passport immigration stamping of his mother in proof of her leaving the premises on

12-8-2014. But, the premises would have been used by any other tenant or relative during her absence.

8.8 The respondent -2 informed that when he visited the consumer premises on 16-8-2014 to check the meter based on the complaint of the Appellants about excess billing he was informed that nobody was there in the said house.

8.9 On a perusal of the copy of the passport stamping furnished by the Appellant, it is noted that her mother Mrs.Baby James passport has immigration India stamping on 12-8-2014. Hence, the argument of the Appellant that his mother left India on 12-8-2014 is established.

8.10 On a review of the Account summary of the service connection, No.406-163-007, it is noted that the burnt meter was changed on 29-10-2014. The initial reading of the meter is noted as zero and the reading noted on 23-12-2014 and 19-2-2015 for 12/14 and 2/15 assessment period is 1 only. In otherwords, the consumption is only one unit in the said service during 12/2014 and 2/2015 assessment period after changing the meter.

8.11 Further, based on the above, the licensee has also refunded a sum of Rs.533/- from the amount of Rs.553/- collected as CC charges for 12/2014. (ie) the licensee has accepted that there was no consumption during 12/2014 assessment period.

8.12 As there was no consumption in the above service, after changing the meter on 29-10-2014 upto 19-2-2015, it is proved that there was no utilisation of electricity in the said premises during the above period. The above period falls within the period of 12.8.2014 to 13.3.2015, the period in which, the occupant of the house left India to visit his son at Toronto. When there was no consumption in the intervening period from 28.10.2014 to 19.2.2015, there is every possibility that the whole period

from 12.8.2014 to 13.3.2015 shall also be with Nil consumption as the occupant of the house was not in India during the whole period.

8.13 As the consumption recorded in the premises is 440 units during 4/2015 assessment period after the Appellant visited India, I am of the view that the existing meter is not defective.

8.14 As there was no consumption after changing the meter on 29-10-2014 to 19-2-2015, I am unable to accept the argument of the Respondents that some tenant would have occupied the house during the absence of the mother of the Appellant.

8.15 As per the Appellants version, the house was vacant from 12.8.2014 to 13.3.2015. As per consumption recorded in the meter (after changing the meter on 29.10.2014) for the period from 29.10.2014 to 19.2.2015 is only one unit. The above consumption establishes that there was no utilisation from 29.10.2014 to 19.2.2015.

(ie) the house is vacant during the above period. The above period falls within the period of non occupancy argued by the Appellant (viz) 12.8.2014 to 13.3.2015. As it has been established that the house was vacant during 29.10.2014 to 19.2.2015 about four month, I am of the view that house would have been vacant from 12.8.2014 to 29.10.2014 also. Here, I would also like to point out that during the inspection by the AE on 16.8.2014 it was observed that nobody was in the house on that day.

8.16 In view of the above, the contention of the Appellant that there was no utilisation during 10/2014 assessment period as his mother left the house to visit him at Toronto is acceptable to me.

## **9. Findings of the second issue :**

9.1 In order to find the assessment for the meter defective period, the regulation 11 of the Supply Code has to be referred which is extracted below:-

### **“11. Assessment of billing in cases where there is no meter or meter is defective :**

*(1) Where supply to the consumer is given without a meter or where the meter fixed is found defective or to have ceased to function and no theft of energy or violation is suspected, the quantity of electricity supplied during the period when the meter was not installed or the meter installed was defective, shall be assessed as mentioned hereunder.*

*(2) The quantity of electricity, supplied during the period in question shall be determined by taking the average of the electricity supplied during the preceding four months in respect of both High Tension service connections and Low Tension service connections provided that the conditions in regard to use of electricity during the said four months were not different from those which prevailed during the period in question.*

*(3) In respect of High Tension service connections, where the meter fixed for measuring the maximum Demand becomes defective, the Maximum Demand shall be assessed by computation on the basis of the average of the recorded demand during the previous four months.*

*(4) Where the meter becomes defective immediately after the service connection is effected, the quantum of electricity supplied during the period in question is to be determined by taking the average of the electricity supplied during the succeeding four months periods after installation of a correct meter, provided the conditions in regard to the use of electricity in respect of such Low Tension service connections are not different. The consumer shall be charged monthly minimum provisionally for defective period and after assessment the actual charges will be recovered after adjusting the amount collected provisionally.*

*(5) If the conditions in regard to use of electricity during the periods as mentioned above were different, assessment shall be made on the basis of any consecutive four months period during the preceding twelve months when the conditions of working were similar to those in the period covered by the billing.*

*(6) Where it is not possible to select a set of four months, the quantity of electricity supplied will be assessed in the case of Low Tension service connections by the Engineer in charge of the distribution and in the case of High Tension service connections by the next higher level officer on the basis of the connected load and the hours of usage of electricity by the consumer.*

*(7) In case the consumer does not agree with the assessment made by the Engineer or the higher-level officer as the case may be, the matter may be referred to the next higher-level officer of the Licensee. In case the consumer is still not satisfied, the consumer is at liberty to approach the respective Consumer Grievance Redressal Forum of the Licensee.”*

9.2 On a careful reading of the above regulation, it is noted that regulation, 11(4) and 11(5) are the relevant regulations.

9.3 As per my findings on first issue, the house is vacant during 10/2014 assessment period. Hence, there may not be any consumption during the above period. The licensee has charged average consumption charges of Rs.5779/- based on the previous two assessment period (viz) 8/2014 and 6/2014. The above is as per regulation 11(2) of the Supply Code.

9.4 As the house was vacant from 12-8-2014 to 13-3-2015, the utilisation pattern of the house shall not be the same either with the preceding 4 months or with any consecutive four months period during the preceding 12 months. Hence, I am of the view that the regulation 11(2) and 11(5) could not be applicable.

9.5 The house was vacant from 12-8-2014 to 13-3-2015. The meter was defective for 10/2014 assessment period and a new meter was installed on 29-10-2014 and the same is in service till date.

9.6 As per my findings on the first issue the house is vacant during 10/2014 assessment period, hence the consumption during the above assessment period shall be nil only. As there was no consumption, the fixed charges alone could be charged for the above assessment period. In this connection, it is to be noted that

the licensee has charged only fixed charges for 12/2014 and 2/2015 assessment period during which also the house is vacant.

9.7 In view of the above, it is held that the fixed charges alone shall be charged from the consumer for 10/2014 assessment period. As Rs.5779/- was collected as average consumption charges, the Respondent is directed to refund the excess amount collected to the Appellant.

**10. Conclusion:**

10.1 In view of my findings in second issue furnished in the para 9, the Respondents are directed to charge the fixed charges alone for the SC.No.163-007-451 for the assessment period 10/2014 as the house was vacant during the above period and refund the excess amount collected to the Appellant within 30 days from the date of receipt of the order.

10.2 A compliance report shall be furnished within 45 days from the date of receipt of this order.

10.3 With the above findings, the AP.No.17 of 2015 is finally disposed of by the Electricity Ombudsman. No cost.

**(A. Dharmaraj)**  
Electricity Ombudsman

To

1) Thiru John Joseph,  
G-Block, Door No.85,  
Anna Nagar,  
Chennai-600102

2)The Executive Engineer,  
Anna Nagar Division,  
Chennai Electricity Distribution Circle/West,  
11<sup>th</sup> Main Road, Anna Nagar,  
Chennai-600040.

3) The Assistant Engineer/O&M,  
Shenoy Nagar Section,  
Chennai Electricity Distribution Circle/West,  
TANGEDCO (Formerly TNEB),  
“O” Block, First Avenue Road,  
Anna Nagar, Chennai-600102.

4) The Chairman,  
(Superintending Engineer),  
Chennai Electricity Distribution Circle/West,  
TANGEDCO,  
33/11 KV Tirumangalam SS Complex,  
Anna Nagar, Chennai – 40.

5) The Chairman & Managing Director,  
TANGEDCO,  
NPKR Maligai,  
144, Anna Salai,  
Chennai – 600 002.

6) The Secretary  
Tamil Nadu Electricity Regulatory Commission  
No.19A, Rukmini Lakshmi pathy Salai  
Egmore,  
Chennai – 600 008.

7) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**  
Tamil Nadu Electricity Regulatory Commission,  
No.19-A, Rukmini Lakshmi pathy Salai,  
Egmore,  
Chennai – 600 008.