



# **TAMIL NADU ELECTRICITY OMBUDSMAN**

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

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

### **Appeal Petition No.21 of 2015**

Thiru. P. Thiyagamurthi,  
Main Road,  
Sreenivasa Rice Mill Backside,  
Venkarumbur,  
Murugankudi Post,  
Titagudi  
Pincode – 606 106

..... Appellant  
(Party in person)

Vs

The Superintending Engineer,  
Cuddalore Electricity Distribution Circle,  
TANGEDCO,  
230 KV Auto SS Campus,  
Capper Hills, Cuddalore-607 004

..... Respondent

(Thiru. R. Natesan, Executive Engineer,  
Virudhachalam)

**Date of hearing : 30-4-2015**

**Date of order : 8-6-2015**

The appeal petition dated 11-2-2015 filed by Thiru P. Thiyagamurthi, Venkarumpur was registered as Appeal petition No. 21 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 30-4-2015. Upon perusing the appeal petition, counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

### **Order**

**1. Prayer of the Appellant:** The Appellant prayed to review the order of the CGRF and settle the issue of changing the tariff from VI to I A from June 2014.

## **2. Brief History of the Case:**

2.1 The Appellant obtained a temporary service connection for construction of house and the service connection No. is 02-075-003-895.

2.2 The Appellant submitted an application for shifting the meter Board and for change of tariff. The shifting of service was done on 21-7-2014. But the change of tariff was not accorded by the licensee on the ground that the construction activities are not completed. The tariff change was made on 16-12-2014 after completion of the pending work.

2.3 The Appellant filed a petition before the CGRF on 31-10-2014 to change the tariff from June 2014. The CGRF of Cuddalore Electricity Distribution Circle has not accepted the prayer of the Appellant and issued its order on 7-1-2015.

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

## **3. Contentions of the Appellant furnished in the petition:**

3.1 He gave application for change of EB connection service No. 02-075-003-895 from temporary location to the newly built house on completion of the building and also requested for change of tariff, from VI to 1A. Date of application:23-06-2014; Date of response (partial): 21-07-2014 after many follow-ups. Location shifted but tariff not changed.

3.2 He wrote another letter of application on 22-09-2014, sent through Registered post on tariff change due to non-response during direct interaction with the official. Reply received as “the building not complete”.

3.3 He sent an e'mail to Consumer Redressal Forum, Cuddalore about the total problems on 31-10-2014 and subsequent registered post of the e'mail copy sent on 19.11.2014. The gist of the complaint is as follows:

(i) Delay in every request of application and lack of transparency, etc.

(ii) Tariff change not done due to which Electricity used for domestic application charged under commercial tariff (VI).

(iii) Clarified that the incomplete portion is of non-residential basement and that to only 8 mason days work pending at the time (23.06.2014) of tariff change cum location shifting of connection, Tariff VI charged up to December 2014.

3.4 Response received on 18.12.2014 from AEE/Pennadam based on the instruction from Superintending Engineer's office to resolve the issues while organising the hearing on 19.12.2014. Issues settled within 5 days except tariff issue collected on the account of "incomplete construction".

#### **4. Contentions of the Respondent furnished in the counter:**

4.1 The tariff of SC No. 075-003-895 was changed from Tariff V to Tariff VI on 25-1-2014.

4.2 The shifting of Meter Board application was received on 23.6.2014 and the Meter Board was shifted on 21.7.2014 after collecting the required charges of Rs.335/- on 21.7.2014.

4.3 Application for changing the tariff from VI to I A was received on 22-9-2014 and the site was inspected on the same date and found that the construction works are not completed. Accordingly the Appellant was informed on 13.10.2014 that only on completion of construction works, the service could be changed to tariff I A. The letter was acknowledged by the consumer on 13.10.2014.

4.4 Again tariff change application was received from the Appellant on 12.12.14 and the site was inspected on 15.12.14 and the tariff was changed to I A on 16.12.2014.

4.5 The charges for SC No. 075-003-895 for the period from 25.1.2014 to 16.12.2014 when it was categorised under tariff VI was levied as per the Commission's order dt 20.6.2013.

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

5.1 In order to enable the Appellant and the Respondent to put forth their arguments in person a hearing was conducted before the Electricity Ombudsman on 30.4.2015. The Appellant Thiru P. Thiyagamurhti himself attended the hearing and putforth his arguments.

5.2 Thiru R. Natesan, Executive Engineer, Virudhachalam attended the hearing on behalf of the Respondent and put forth his arguments.

**6. Arguments putforth by the Appellant on the hearing date:**

6.1 The Appellant reiterated the arguments furnished in his petition.

6.2 He informed that he has submitted two letters on 4.6.2014. One letter is for shifting of the service connection from the temporary location to a new location in the newly built house and another letter requesting to change the tariff form temporary supply to Domestic. He again submitted a letter on 23.6.2014 for shifting of service. The licensee's officers have shifted the service connection to the newly built house.

6.3 As the tariff was not changed he submitted another application on 22.9.2014. In response to the above, a reply was received stating that the tariff could not be changed as the construction work is not over.

6.4 He argued that only a small portion inside of the elevated basement was kept incomplete due to shortage of funds. But, they have occupied the house on

2.6.2014 and the usage is only domestic and not for construction. Hence argued that the consumption charge shall be levied only on tariff I A.

6.5 As only 8 days mason works were pending changing temporary tariff from June to 16.12.2014 is unreasonable.

**7. Arguments putforth by the Respondent on the hearing date:**

7.1 The Executive Engineer, Virudhachalam reiterated the contents of the counter.

7.2 He argued that as the construction works are not completed, the tariff was not changed to I A. The fact was also informed to the Appellant's representative orally. Hence no written reply was given for the letter dated 3.6.2014 received on 4.6.2014.

7.3 He also argued that in response to the letter dated 22.9.2014 of the Appellant, he was informed that only on completion of the construction works, the service connection will be changed to domestic tariff vide letter dated 13.10.2014.

7.4 He also cited the letter dated 31.10.2014 of the Appellant and argued that as per the contents of the letter, the construction work was not completed even on 31.10.2014.

7.5 The Appellant has completed the work and gave another application for change of tariff on 12.12.2014 and the tariff was changed on 17.12.2014. Hence, he argued that the tariff levied for the Appellant's service connection is as per the existing rules and there is no excess CC charges available for refund.

**8.0 Findings of the Electricity Ombudsman:**

8.1 I have heard the arguments of both sides and on a careful consideration of the rival submission, I find the following as the issue to be decided.

Whether the prayer of the Appellant to categorise his service under Tariff I A from June 2014 is acceptable ?

8.2 The Appellant argued that he has given an application for shifting of service from the temporary location to the newly built house on completion of building works on 4.6.2014 and also another application for changing the tariff from Tariff VI to Tariff I A.

8.3 The shifting of service alone was effected on 21.7.2014 but the tariff change was not made.

8.4 The Appellant wrote another letter on 22.9.2014, but reply was received on 13.10.2014 stating that as the building was not completed, the change of tariff could not be done.

8.5 The Appellant argued that as his family has occupied the house on 2.6.2014 pending completion of a small portion of work in the elevated basement which is a non residential portion, the tariff for Domestic category has to be applied from June 2014.

8.6 The Respondent informed that the letter dated 3.6.2014 of the Appellant was received at the Assistant Engineer / Murugangudi office on 4.6.2014 and on inspection, it was found that the building was in incomplete stage. Hence, the tariff change was not made and the same was informed orally to the Appellant's representative. Hence, no letter was issued to them.

8.7 The letter dated 4.6.2014 requesting shifting of service from the temporary location to the location of the newly built house was received at the office on 23.6.2014 and the shifting was done on 21.7.2014 duly collecting the required charges.

8.8 The Respondent argued that low tension tariff VI is applicable for construction activities. As the construction works were not completed, the tariff was not changed and the same was also informed to the consumer vide letter dated 13.10.2014.

8.9 The Respondent also argued that as per the Appellant's letter dated 31.10.2014 addressed to CGRF by e-mail, the construction works are not completed. The Respondent also argued that, they are not aware whether the house was occupied by the Appellant during the disputed period.

8.10 As the issue here is only changing of tariff, I have considered the arguments related to the above aspects only.

8.11 On a careful reading of the letter dated 3.6.2014 of the Appellant addressed to Assistant Engineer, Murugankudi, it is noted that the Appellant has informed that he has occupied the house from 2.6.2014 and requested to change the service from temporary to domestic type.

8.12 The above letter was marked to Revenue Supervisor for necessary action. The Revenue Supervisor in-charge after inspecting the site has remarked as below on 5-6-2014 "கட்டிடம் முடிவுறாத நிலையில் உள்ளது".

8.13 Hence, it is construed that the construction was not completed as on 5-6-2014. Here, the licensee officer should have informed the same to the consumer by a written letter. But they have not done the above, it is a lapse on their part.

8.14 It is also observed that the Appellant has again sent a representation dated 22.9.2014 for changing the tariff which was received by the Assistant Engineer / Murugankudi on 24.9.2014. The Appellant requested for tariff change from the date of shifting the service (i.e) from 21.7.2014 and requested refund of the excess amount collected.

8.15 In response to the above, the Assistant Engineer / Murugankudi informed that on inspection, it was found that the construction work was not completed. Only on completion of construction work the tariff could be changed from temporary to

domestic tariff vide letter dated 13.10.2014 and the same was received by the Appellant's representative on the same date.

8.16 As the Respondent informed that the constructions work are not completed as per Appellant's letter dated 31.10.2014 sent by e-mail to CGRF, the relevant para of the letter is extracted below:-

*"I hereby declare, that the connection asked for the residential portion which is complete in all respect. Only inside of the elevated basement is kept unfinished".*

8.17) On a careful reading of the above para, it is noted that inside of the elevated basement is unfinished in the above building. Hence, it is confirmed that the construction works were not completed as on 31.10.2014.

8.18) The Appellant has again send a representation dated 8.12.2014 to Assistant Engineer / Murugankudi which was received by the Assistant Engineer on 12.12.2014. In the above representation he has informed that his house construction work is completed and requested to change the tariff to Domestic application. In response to the above, the tariff was changed on 17.12.2014.

8.19) On a careful consideration of the arguments made by both the parties, it is noted that inside of the elevated basement of the house was not completed when the Appellant applied for change of tariff on 3.6.2014 and on 22.9.2014 and it is a fact and the Appellant has also not disputed the above.

8.20) As the construction works were not fully completed while the Appellant applied for change of tariff on 3.6.2014 and on 22.9.2014, the argument of the Respondent that the tariff could not be changed from temporary supply tariff obtained for construction of a house to domestic acceptable to me .

**9. Conclusion:**

9.1 In view of the findings given in para 8.20 above, I am unable to interfere with the orders of the CGRF of the Cuddalore Electricity Distribution Circle.

9.2 With the above findings, the AP No.21 of 2015 is finally disposed of by the Electricity Ombudsman. No cost.

**(A. Dharmaraj)**  
Electricity Ombudsman

To

1) Thiru. P. Thiyagamurthi,  
Main Road,  
Sreenivasa Rice Mill Backside,  
Venkarumbur,  
Murugankudi Post,  
Titagudi, Pincode – 606 106

2) The Superintending Engineer,  
Cuddalore Electricity Distribution Circle,  
TANGEDCO,  
230 KV Auto SS Campus,  
Capper Hills, Cuddalore-607 004.

3) The Chairman,  
(Superintending Engineer),  
Consumer Grievance Redressal Form,  
Cuddalore Electricity Distribution Circle,  
TANGEDCO,  
230 KV Auto SS Campus,  
Capper Hills, Cuddalore-607 004 .

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

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

6) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**  
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