



TAMIL NADU ELECTRICITY OMBUDSMAN

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Present : Thiru A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 8 of 2015

Secretary,
Ponvizha Nagar Kudierupor Munnetra Nala Sangam,
4/1, Ponvizha Nagar,
Back Side Metro Higher Secondary School,
Mettupalayam-641 301.

.....Appellant

Vs.

1. The Superintending Engineer
Coimbatore Electricity Distribution Circle/North
Tatabed, Coimbatore – 12.
2. Executive Engineer,
Coimbatore EDC / North,
TANGEDCO,
Sirumugai Road,
Mettupalayam 641 301.
3. The Assistant Executive Engineer,
Coimbatore EDC / North,
TANGEDCO,
Co-operative Colony,
Mettupalayam 641 301.
4. The Assistant Engineer,
Coimbatore EDC / North,
TANGEDCO
Co-operative Colony,
Mettupalayam 641 301.

..... Respondents
(All the Respondents except
Respondent-1 attended in person)

5. The Secretary
Ponvizha Nagar Kudierupor Nala Sangam,
Karamadai Road,
Mettupalayam 641 301.

.... Impleaded
(Thiru. G. Angamuthu, Secretary
& Thiru. A. Sundararaj/Member)

Date of hearing : 26.3.2015

Date of Order : 6.5.2015

The Appeal Petition dated 20.1.2015 received from the Secretary, Ponvizha Nagar Kudierupor Munnetra Nala Sangam, has been registered as Appeal Petition No. 8 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 26.3.2015. Upon perusing the appeal petition, counter affidavit of the Respondent, written argument of the Appellant and the arguments putforth by the Respondents and the impleaded on the hearing date the Electricity Ombudsman passes the following order.

ORDER

1. **Prayer of the appellant:**

The Appellant prayed to issue favourable orders to grant compensation promised in the Rights of the Electricity Consumers issued by Tamil Nadu Electricity Regulatory Commission.

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

2.1. The Secretary, Ponvizha Nagar Kudierupor Munnetra Nala Sangam has filed a complaint on behalf of the EB consumers residing in Ponvizha Nagar Kudierupor Munnetra Nala Sangam. The Registration No. of the Sangem is 121/2013.

2.2. The above Sangam has filed a petition before the SE/CBD EDC / North about the low voltage problem persisting in their area for the past 4 years on the Public Grievance Day meeting conducted on 17.4.2013. The proposal for providing a new transformer was sanctioned on 6.6.2013 and the work order for the erection of transformer was issued on 1.8.2013. But an old transformer

was erected and commissioned on 7.3.2014. The above transformer was removed and a new transformer was commissioned on 11.3.2014.

2.3 As there was delay and erection in commissioning of the transformer, the Sangam filed a complaint before the CGRF, Coimbatore EDC / North to order compensation for the delay in commissioning of the transformer to 125 families as assured in citizen's charter.

2.4 The CGRF of Coimbatore EDC / North has rejected the claim of the Appellant. Aggrieved over the orders of CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

3. **Orders of CGRF:**

The CGRF of Coimbatore has issued its order dated 12.12.2014. In the order, the following has been stated :-

“ 7.1 திரு. காமராஜ் உதவி மின் பொறியாளர் அவர்கள் மீது மனுதாரர் தெரிவித்துள்ள புகார் மனு விழிப்புணர் பரிசீல விசாரணை செய்து அளிக்கும் அறிக்கையின் அடிப்படையில் மேற்படியாரின் மீது உரிய நடவடிக்கை எடுக்க தமிழ்நாடு மின்உற்பத்தி மற்றும் பகிர்மான கழகத்திற்கு இம்மன்றம் பரிந்துரைக்கிறது.

7.2 பொன்விழா நகர் பகுதியில் புதிய மின்மாற்றி அமைக்க தளவாடப் பொருட்கள் தட்டுபாடு காரணமாகவே தாமாதம் ஏற்பட்டது. உள்நோக்கோடு தாமம் செய்யப்பட்டதாக தெரிவித்து இழப்பீட்டுத் தொகை கோரியுள்ள கோரிக்கை ஏற்றுக் கொள்ள தக்கதல்ல என இம்மன்றம் கருதுகிறது.”

4. **Contentions of the Appellant:**

4.1 Shri Kamaraj AE, in Charge has not taken any interest to install the transformer in our area for ulterior motive. Further, Assistant Engineer is knowingly not implemented the project eventhough sufficient materials are available in EB store.

4.2 The AE have not placed any materials requisition form/indent so as to get the materials required for the implementation of the project within time. Because of his delaying tactic the project could not be executed within the time promised by the Superintending Engineer in the first CGRF meeting and in the rights of the electricity consumers issued by TNERC.

4.3 They have met the Superintending Engineer/ Additional Chief Engineer, Executive Engineer, Assistant Executive Engineer and Assistant Engineer in 4 grievance meetings held in Mettupalayam EB office and more than 6 times in their office and yet time bound action was not taken by the officers.

4.4 Also the higher officers have supported the Assistant Engineer in delaying the installation of the transformer. Because of the negligence / irresponsible approach of the TANGEDCO officers, in our area life threat incident has taken place and police complaint has been lodged in Karamadai Police Station.

4.5 The President and the TANGEDCO officers have not accepted their submission even after 2 hours of discussion and gone through the material evidences that the AE has taken time bound action.

4.6 All the TANGEDCO officers present in the CGRF told that it is not practically possible to install transformer within the time schedule promised in the rights of the Electricity consumers issued by TNERC/Citizen charter and in the GO Ms No.263/Admn & Admn Reforms dated 4.11.97 and they have done the work correctly. The compensation for delay has not been considered and granted.

4.7 So they pray the Hon'ble Electricity Ombudsman to decide as to whether timebound action is required to be taken by the TANGEDCO officers as prescribed in the rights of the electricity consumers and also they are eligible for compensation promised in the rights of the electricity consumers issued by the TNERC or not.

5. **Contentions of the Respondent:**

5.1. A petition was received on 15.4.2013 that the voltage was low in Ponvizha Nagar area which is coming under the jurisdiction of Mettepalayam / Urban/south section of Mettupalayam Division. Based on the petition, field inspection was made and a proposal to provide a new Distribution Transformer was evolved by the AE on 29.4.2013 and got sanctioned by CE/D/CBE on 6.6.13. The work order was issued on 1.8.2013.

5.2. The poles required for the above work was received on 22.8.13 and the conductor was delivered on 28.1.14. The balance materials required were received during January 2014 and the extension work was completed and available old transformer was allotted for the above work and the same was commissioned on 7.3.2014. A new transformer was allotted and the same was commissioned on 11.3.2014.

5.3. During August 2013, about 60 transformers have to be erected and out of the above 10 transformers are under improvement works and due to shortage of materials during the above period , there was delay in erection of transformer at Ponvizha Nagar. Hence, the

allegation that Thiru Kamaraj, the then Assistant Engineer has wantely delayed the erection is not true.

5.4. Two Welfare Associations are in operation in Ponvizha Nagar – one is Ponvizha Nagar Kudierupor Munnetra Nala Sangam and the other is Ponvizha Nagar Kudierupor Nala Sangam. Due to the difference of opinion in between the above two Associations there were quarrels and complaints were made with the police. Hence, the Appellants allegation against the officers of TANGEDCO with regards to the complaints made with the Police, is not acceptable.

5.5. The office bearers of Ponvizha Nagar Kudieruppor Sangam has participated in the Grievance Day Meeting conducted on 16.7.2014 and thanked the SE/CBE EDC/North for commissioning the transformer in their area and also requested to hear their views. also while deciding the petition filed by the other Sangam viz. Ponvizha Nagar Kudierupor Munnetra Nala Sangam.

5.6. The above office bearers informed that they are thankful to the EB for erecting a new transformer in their area and are not in agreement with the prayer of claiming compensation by Thiru Aravazhi vide their letter dt.9.2.2015 addressed to Electricity Ombudsman, Chennai with a copy to SE/CBD/EDC/North.

6. **Hearing held by the Electricity Ombudman:**

6.1. To enable the Appelant and the Respondents to put forth their arguments in person, a hearing was conducted on 26.3.2015.

- 6.2. The Appellant has submitted a written argument dated 24.3.2015 and informed to decide the case on the basis of proof which are available in the records without hearing them in person.
- 6.3. Thiru S. Mohamed Mubarak, Executive Engineer, Mettupalayam, Thiru N. Muralidharan, Asst. Executive Engineer / Town, Mettupalayam and Thiru P. Sureshkumar, AE//c/Town/South, Mettupalayam have attended the hearing and put forth their arguments.
- 6.4. The Ponvizha Kudierupor Nala Sangam in their petition dated 9.2.2015 filed before the Electricity Ombudsman has prayed to hear them also in this case. Hence, they have been treated as impleaded. Thiru G.Angamuthu, Secretary and Thiru A. sundararaj, member have represented the impleaded and put forth their arguments.

7. Arguments of the Respondents:

- 7.1. The EE / Mettupalayam put forth the arguments of the Respondents. He reiterated the arguments furnished in the counter.
- 7.2. The EE argued that there was shortage of material at that time. Hence, there was delay in erecting and commissioning of the transformer. As the delay is due to non availability of materials, the EE argued that the claim of compensation may not be accepted.
- 7.3. The EE argued that the transformer was sanctioned under improvement scheme which are done to improve the licencees network to meet the future requirement also. Hence, he argued that it

could not be treated as delay in erection of a transformer to overcome the voltage problem and to pay compensation.

7.4. The EE also argued that the other sangam (viz) Ponvizha Nagar Kudieruppor Nala Sangam has accepted that there is no delay on the part of the licensee and have stated that they need no compensation. Hence, there is no need to pay the compensation.

7.5. The EE argued that the LT regulation was within the permissible limits as per the estimate sanctioned. The EE also argued that the tail end voltage measured was low, but, it does not mean that all the consumers connected in the said feeder are under low voltage.

8. Arguments of the impleaded

8.1. Thiru G. Angamuthu, Secretary, Ponvizha Nagar Kudieruppor Nala Sangam attended the hearing and put forth his arguments.

8.2. He argued that their Sangam is a registered one and their Regn. No. is 145/2013.

8.3. He argued that majority of the Members of Ponvizha Nagar are their Members only and they are not requesting any compensation. He also submitted a list of 65 consumers and informed that all the above service connection owners are their members and are not requesting compensation.

8.4. He also informed that the other Sangam has not have 125 members of EB consumer as stated in their petition. He also informed that they are really thankful to the licensee's officers for having erected the

transformer and attending the maintenance works promptly then and there.

9. **Written Argument of the appellant:**

9.1. The Appellant has furnished his written argument. The arguments which are relevant to the prayer of the Appellant are furnished below :

9.2. They are facing power problem for the past 4 years and the jurisdictional AE has not taken steps to solve their power problem as per the TNERC Consumer guidelines. In their area already 3 transformers are available and if he has planned systematically these problems would have already been solved but no action was taken to solve the same. Even after sanction from CE & SE no efforts were taken to obtain materials from stores. As per the stock available during the August-13 and September-13 sufficient materials are readily available in the EB-Stores. The work Order was issued on 01.08.2013. From the above it is the fact that the AE has not taken timely action.

9.3. They have met the Superintending Engineer/Additional Chief Engineer 4 times in his office, 4 times in different months in the Public Grievance Meeting held at Mettupalayam in the past 1 year yet the work was intentionally kept pending.

9.4. While fixing the Electricity Power Cost the department takes in to account of infrastructure expenses, Maintenance Expenses, Administrative Expenses, Over-heads, Miscellaneous Costs etc.,

and fix the power tariff. So it is the duty of the department to provide necessary infrastructure and power supply in prescribed volt.

- 9.5. As per Rule 54 of the Indian Electricity Rules, 1956 and as per the Rights of the Electricity Consumers notified by Tamil Nadu Electricity Regulatory Commission it is the duty of the TANGEDCO to provide sufficient power supply without any fluctuation or low voltage. Suppose it is not rectified, as promised in TNERC guidelines, pay compensation in addition to solve the problem within the prescribed time-limit.
- 9.6. Further as per the Letter NO.8454/A/2010 dated 15.03.2010 of Govt. of TN, Personnel & Admn. Reforms Dept. & Chief Secretary Letter on GO MS. No.263 dated 04.11.97 time bound action has to be taken by the officers as per Citizen Charter on the public/consumer petitions as it is indispensable for life (Right to Live and Right to Shelter promised in the Constitution).
- 9.7. In Chamelli Singh Vs. State of UP AIR 1996 SC 1051 the Hon'ble SC observed that "In any organized Society, right to life as a human being is not insured by meeting only the animal need of man, it is secured when he is assured of all facilities to develop himself and is freed from restrictions which enables his growth. All human rights are designed to achieve this object.
- 9.8. In similar case it is observed that "Right to shelter includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, ELECTRICITY, sanitation and other shelter,

therefore it does not mean a mere right to roof over once head but right to the infrastructure necessary to enable them to live and develop as a human being.

- 9.9. In B.L.Wadehra Vs. UOI (1996) 2 SCC 594 it is ordered that non- availability of funds, inadequacy or inefficiency of staff, insufficiency of machinery etc., cannot be pleaded as a grounds for non- performing the statutory obligation.
- 9.10. The CGRF & TANGEDGO officers have failed to ascertain the willingness to avail compensation from the publics/members before passing the order by the CGRF. After passing the order the officers have met a few persons who are close to them (problem creators), obtained letter stating that they don't want any compensation. After passing the original speaking order approaching someone in our locality who is not having nexus with our representation is not legally acceptable stand. So each and everyone in our Ponvizha Nagar is entitled for the Compensation automatically as per the TNERC guidelines.
- 9.11. They have also furnished two letters dated 16.07.14 & 09.02.15(in the PGM) addressed to the SE regarding compensation which are proof that the officers are revealing all official secrets to the private individuals, having close nexus with them and they are showing favours to them by misusing the official capacity. These people are neither applicant nor co-applicants yet they are aware of the appeal no and present status which is proof for the above close nexus.
- 9.12. All the decisions were taken by the Additional Chief Engineer Shri.N.Anantha Krishnan on fixing the old transformer on 07.03.2014 and fixing of new transformer on 11.03.14 with the support of Shri, Kamaraj AE. It has come to notice through RTI reply that the the work was carried out as per his oral directions/orders of the ACE by their subordinates.

- 9.13. As per the records on 06.03.2014 the ACE/SE passed sanctioned order for new transformer to Ponvizha Nagar but he orally directed his subordinates to remove the old Kariampalayam Transformer and fix it in Ponvizha Nagar on 07.03.2014.
- 9.14. It was also confirmed by the officers that the old transformer was not installed for test purpose. From these action it appears that the ACE acted in contradictory-manner in record and in action for the same issue and so the previous ACE and the field AE Shri. Kamaraj are totally responsible for all these problems took place in our area. This area needed to be investigated in detailed by the TANGEDGO vigilance officers.
- 9.15. From the date of application and execution of work, they have met the previous SE/ ACE 4 times in his head office and in 4 times in the Public Grievance Meeting held at Mettupalayam, yet ACE failed to sanction fund and materials as per the work order, required for the execution of work as per the time limit fixed in TNERC Guidelines. Every time, during the Public Grievance Meeting, the SE/ ACE used to sent his AE out from the meeting hall and told same unbelievable stories to them (material not available, we will finish it immediately when the material is received etc.) for the past 11 months and failed to perform the work as per the TNERC guidelines and GO's in force.
- 9.16. A part of work is still kept pending intentionally, the same is not completed and TNERC time scheduled were not followed. Some of the houses are still connected to the old transformer and not yet diverted as planned already.
- 9.17. They 125 families need compensation from M/s.TANGEDGO for the deficiency in service, abnormal delay in performing work and for denied our legal rights promised in the TNERC Guidelines/EB Consumer Rights.

- 9.18. The officers have spoiled the human relationship among the people in our Ponvizha Nagar, peaceful and congenial atmosphere by created enmity in our area/locality to fulfill their needs by created Law & Order problem. They have have gone to the extent of taking revenge for not provided the money demanded for the installation of transformer in our locality, So the president and Secretary have faced the life threat, torture, ill-degraded treatment, defamation due to the misuse of power of the officials and illegal support extended to someone who is not relating to representation residing in our locality. So they need compensation of Rs.10 Lakhs for the unlawful action of the TANGEDGO Officers by misusing their office and authority thereby spoiled their name, fame, reputation and peace of our mind. We need compensation of Rs.25,000/- towards legal, documentation and travelling expenses so far they have incurred by them.
- 9.19. They Humbly Pray the Hon'ble Electricity Ombudsman to order for these three compensation and render justice to us. In similar issue in Appeal Petition No.18/2012 dated 30.08.12 relating to Tmt. K. Mallika Vs. SE Chengalpet, the Hon'ble Electricity Ombudsman sanctioned compensation to the aggrieved consumer. As the issue is identical and similar one, it appears that they are also entitled for the benefits as per the TNERC Guidelines.

10. Written argument of the Respondent:

The EE / Mettupalayam furnished his written argument after attending the hearing on 28.3.2015 vide his letter dated 7.4.2015. The arguments are furnished below:-

- (i) The Kuttaiyur SSI, 200 KVA / 22 KV was supplying to Ponvizha Nagar area before commissioning of the new transformer. The tail end voltage recorded on 19.11.2012 in transformer maintenance register is normal. Hence, there is no low voltage problem in the above area.
- (ii) The tailend regulation of the existing transformer was within the prescribed limit of 6%. Hence, it is proved that the voltage was normal.
- (iii) As per the letter received from some of the consumers of Ponvizha Nagar there is no low voltage in their area even before commissioning of the new transformer.
- (iv) No complaint was received from any other consumer of the same Kuttaiyur SSI whose service is far away when compared with the distance of Ponvizha Nagar Consumers. Hence, it is established that the area fed by the Kuttaiyur SS are without any low voltage problem.
- (v) The incoming voltage at Mettupalayam SS is 100 KV on 19.4.2013. When the tail end voltage of Kuttaiyur SS was recorded at 6.15 p.m. Hence, due to reduction in voltage at 110 KV level and due to temporary overload condition, the LT voltage was recorded as low. The above low voltage is not persistent always. The new transformer was erected only to reduce the inconvenience of the consumers, whenever there is reduction in voltage due to overload in the network. Hence, it is submitted that

the new transformer was erected not due to persistence of low voltage continuously.

- (vi) A new transformer was commissioned in Ponvizha Nagar for system improvement and to reduce the line loss. Further, as the Ponvizha Nagar area is an expanding residential area and to meet the future load growth only the estimate for erection of a new transformer was prepared sanctioned and commissioned.
- (vii) Further, as already explained in the counter, the rivalry between two sangams are the main reason for the petition.

11. Findings of the Electricity Ombudsman:

On a careful consideration of the arguments put forth by both the parties and the submission made by the Impleaded, I find the following are the issues to be decided.

- (i) Whether the prayer of the Appellant to pay compensation for the delay in erecting the Distribution Transformer to all the members of Ponvizha Nagar is acceptable?
- (ii) Whether the prayer of the Appellant to pay a compensation of 10 lakhs for the unlawful action of the TANGEDCO Officers for spoiling their names, reputation and peace of mind could be considered?
- (iii) Whether the prayer of the Appellant to pay a compensation of Rs.25000/- towards legal, documentation and travelling expenses so far they have incurred could be considered ?

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

12.1 In the case on hand, the Ponvizha Nagar Residents Association has given complaint about low voltage in their area on 17.4.2013. They have complained that the supply voltage is varying from 140 V to 180 V.

12.2 The Licensee had also measured the voltage at tail end as 174, 172 & 175 V on 19.4.2013 and proposed to erect a new transformer with a capacity of 100 KVA and the estimate under improvement was sanctioned by Chief Engineer/North/Coimbatore on 6.6.2013.

12.3 It is argued by the Respondent that the voltage recorded in the existing Kuttaiyur SS on 19.11.2012 is as below and hence argued that there is no low voltage complaint in Kuttaiyur SS 1.

Feeder	Phase Voltage		
	R.N.	Y.N	B.N
1	200	205	205
2	210	215	210
3	210	215	210
4	215	210	210
Transformer end	238	238	238

12.4 The respondent also argued that the tail end regulation worked out is less than 6% (ie) technically, the regulation is within the limits and hence argued that the voltage supplied is normal in that area. The Respondents also argued that the new transformer was erected only to improve the system network, to reduce the line loss and the meet the future load as the area is a developing area.

12.5 The respondent also argued that on the date of tail end voltage measurement the incoming 110 KV voltage at Mettupalayam is only 100 KV. Hence, the respondent argued that the low voltage recorded in the area is not persistent and the recording of low voltage was result of temporary overload in the transformer and due to reduction in 110 KV incoming voltage. The respondent further argued that the new transformer was erected only to overcome the low voltage when there is reduction in the incoming 110 KV voltage and during the overload condition and not due to persistence of low voltage.

12.6 The Respondent also argued that the areas which are fed by the same kuttaiyur SS and far away from the SS than the Ponvizha Nagar has not experienced any low voltage. Hence, argued that there is no low voltage complaint in any of the area supplied by the Kuttaiyur SS 1.

12.7 The Respondent also furnished letter, received from certain consumers that they have not experienced any low voltage even before the erection of Ponvizha Nagar SS in support of their argument of there is no low voltage complaint in Kuttaiyur SS I feed areas.

12.8 The Respondent argued that the incoming voltage at Mettupalayam SS is 100 KV instead of 110 KV at 18 Hrs on 19.4.2013 and hence argued that the low voltage may be due to reduction in incoming voltage also.

12.9 The Appellant in his written argument dt.15.4.2015 argued that the contention of the EE that there was no low voltage problem is only to escape from the issue as the Respondents never said that there is no low voltage in Ponvizha Nagar in any of their previous meetings.

12.10 On a scrutiny of the estimate sanctioned for erecting a new 100 KV transformer Ponvizha Nagar it is noted that the existing LT regulation of the feeder which was bifurcated is 5.79%. Hence, the regulation is satisfactory (ie) technically, the tail end voltage may be within the permissible limits. But, as per the tail end voltage measured on 19.4.2013 at 18.15 Hrs is Rph 174V, Y phase 172v and B phase 175 volt.

12.11 In the report accompanying the estimate, it was stated that to avoid overloading, low voltage complaints, to reduce line loss and to improve the consumer satisfaction new Distribution Transformer is proposed.

12.12 Hence, it is confirmed that one of the reasons for erection of the new transformer is low voltage.

12.13 As the transformer was erected to rectify the low voltage issue raised by the Appellant, the relevant regulation 14 and 15 of the Tamil Nadu Electricity Distribution Standards of Performance Regulations (hereinafter called DSOP Regulations) is extracted below:-

“14. Permissible Limits for Voltage and Frequency Variations

The limits of permissible variations in voltages at various levels have to be fixed on the basis of existing network, spare capacity etc., and can always be improved with system improvements, capacity generation and various other related factors. Hence, even though the ideal situations would be different, the

bandwidth of variations has to reflect the actual condition and has to be specified after periodical reviews. Accordingly, the Commission from time to time will order the permissible limits for voltage variations.

The frequency variations shall be governed by the National / State Grid Code and hence not specified under this regulation.

Provided that when the grid supply voltage is maintained at its permissible limits the Distribution Licensee shall ensure that voltage variation (for a minimum duration of at least seven continuous days) at the point of commencement of supply to consumer shall not vary from the declared voltage as below :

<i>Type of supply and declared voltage (1)</i>	<i>Variation maximum limit % (2)</i>	<i>Variation minimum limit % (3)</i>
<i>240 Volts single phase 50 Hz AC supply</i>	<i>6% of declared voltage</i>	<i>10% of declared voltage</i>
<i>415 Volts three phase 50 Hz AC supply</i>	<i>6% of declared voltage</i>	<i>10% of declared voltage</i>
<i>11000/22000 Volts three phase 50 Hz AC supply</i>	<i>6% of declared voltage</i>	<i>10% of declared voltage</i>

15. Voltage Complaints

On receipt of a voltage fluctuation complaint, the Licensee shall verify if the voltage fluctuation is exceeding the limits specified in regulation 14 and if confirmed, the Licensee shall undertake rectification works as per the following time schedule :

<i>S.No</i>	<i>Nature of Complaint</i>	<i>Time Schedule</i>
<i>1.</i>	<i>Where no expansion or enhancement of network is involved</i>	<i>48 hours</i>
<i>2.</i>	<i>Where up-gradation of LT network, transformers or installation of capacitors is involved</i>	<i>Within 60 days</i>
<i>3.</i>	<i>Involving upgradation of HT network”</i>	<i>Within 120 days”</i>

12.14 On a careful reading of the said regulation 14 of DSOP Regulations, it is noted that when the Grid voltage is maintained at its permissible limits, the Distribution licensee shall ensure that the voltage variation at the point of commencement of supply shall be 6% at maximum limit and 10% at the minimum limit. On receipt of complaint the licensee shall verify whether the voltage fluctuations exceeding the limits specified in Regulation 14 and if confirmed, the rectification works shall be completed within the time limit as stipulated in the table given in the Regulation 15.

12.15 As per the regulation, the phase voltage shall not be less than 216v. The voltage measured is only 172 volts to 175 volts. Even if we consider the incoming voltage as 100 KV on 19.4.2013 as informed by the Respondent, the LT voltage shall be around 218 v and after allowing 10% variation the voltage shall be 196v. But, the recorded voltage is only 172 volts to 175 volts.

Hence, it is held that the voltage recorded is less than the permissible limit fixed in the regulation 14 of DSOP Regulations.

12.16 The low voltage complaint was received on 17.4.2013, the transformer was commissioned on 7.3.2014. As per regulation 15 of the DSOP, the licensee shall complete the rectification works within 60 days as it involves erection of transformer. But, the licensee has taken more than 10 months to rectify the voltage complaint. Hence, it is held that there is delay in rectifying the low voltage complaint.

12.17 One of the argument purforth by the Respondent for the delay in erecting the transformer is non availability of material. As the arrangement of

material is the responsibility of the licensee, I am unable to accept the argument of the Respondent that compensation is not payable as the delay is due to non availability of certain materials.

12.18 The Respondent argued that the tail end LT regulation worked out is within the permissible limit. Hence, technically there cannot be any low voltage. However, the low voltage measured at tail end is less than the permitted levels which may be due to low incoming voltage or temporary overload etc.,

12.19 As the tail end regulation is within the permissible limits, the arguments of the respondent is technically acceptable but, it is a fact that the tail end voltage measured on 19.4.2013 at 18.15 hrs is less than the limit prescribed in the DSOP Regulations. Further, in a feeder all the consumer connected to that feeder cannot be under low voltage even if the tail ender is under low voltage. The consumers connected to the said feeder and are nearer to the transformer will have definitely better voltage than the tail end consumer even if the tail end regulation is poor. Here in this case the tail end regulation is satisfactory, but the tail end voltage recorded is beyond the permissible limit. Hence, I am of the view that all the consumers connected in the above feeder cannot have low voltage.(ie) some of the consumers may have received voltage within permissible limits.

12.20 In this case one Sangam (viz) Pon Vizha Nagar Kudieruppor Munnetra Nala Sangam is requesting compensation for delay in commissioning of the transformer and rectifying the low voltage problem without giving the list of its members who are seeking compensation and another sangam (viz) Pon Vizha

Nagar Kudieruppur Nala Sangam is telling that they are happy with the work done and their members do not want any compensation and furnished the list of consumers containing 65 members.

12.21 The licensee has informed that Ponvizha Nagar consumers connected to the above transformer is only 69. As per my observation given in para 12.19 above, all the consumers may not have experienced low voltage . Hence, all the consumers connected to that particular feeder could not be said to be eligible for compensation only those who have experienced low voltage are eligible for compensation and the compensation payable is Rs.50 per day of delay subject to a maximum of Rs.1000/- as stipulated in regulation 21 of DSOP Regulations.

12.22 Regarding payment of compensation the relevant regulation 22 of DSOP Regulation is extracted below :

“22. Procedure for Payment of Compensation

The claim for compensation shall be dealt with in the following manner

I. Automatic- This mode of payment requires the Licensee to pay the compensation amount to the affected consumer automatically, following the non-compliance to a particular standard in the next billing cycle through credit entry in the consumption bill

II. Upon claim: An aggrieved consumer has the right to claim the compensation for non-compliance of the standards if the Licensee fails to pay the compensation in the next billing period by representing to the designated employee of the Licensee.”

12.23 On a careful reading of the regulation, it is noted that the compensation for non compliance to a particular standard shall be made automatic by a credit entry in the CC bill and if the licensee fail to pay the compensation in the next billing period then the aggrieved consumer has to claim the compensation by representing to the designated employee of the licensee.

12.24 In the said regulation 22(ii), the word an aggrieved consumer is important it means as per the above regulation only the aggrieved consumer has to claim the compensation if the licensee fail to pay the compensation automatically.

12.25 In this case one Sangam requested for compensation and another Sangam informed that their members do not want any compensation and as per the regulation, the aggrieved consumers has to claim the compensation. Hence, I am of the view that the affected individual, consumers have to claim the compensation from the licensee, if the supply voltage at the point of supply of their service is beyond the permissible limits before erecting the new transformer.

13. Findings on second & Third issue :

13.1 The above two issue related to payment of compensation of Rs.10 lakhs for the unlawful action of the TANGEDCO officers for spoiling their names, fame, reputation and peace of mind and Rs.25000/- towards legal documentation and travelling expenses so far they have incurred.

13.2 The Electricity ombudsman is an appellate authority for the orders of CGRF. Hence, the prayers which were raised before the CGRF alone could be decided by the Electricity Ombudsman in the appeal.

13.3 It is noted that the above issue of claiming compensation of Rs.10 lakhs and Rs.25000/- were not raised before the CGRF. Hence, I am of the view that the Electricity Ombudsman cannot entertain the above prayers and issue orders.

14. Conclusion :

14.1 As per my observation in para 12.19, all the consumers of the above feeder cannot have experienced low voltage and only certain consumers alone have experienced low voltage. Hence, the consumers who are eligible for compensation can claim compensation by establishing that they were supplied with voltage beyond the permissible limits before erecting the new transformer.

14.2 In view of my findings in para 12, on first issue, the appellant is directed to advise his members who had experienced low voltage before erection of the new transformer to claim compensation from the licensee and the licensee is directed to consider the above claim based on merits.

14.3 With the above findings the A.P.No. 8 of 2015 is disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1)The Secretary,
Ponvizha Nagar Kudierupor Munnetra Nala Sangam,
4/1, Ponvizha Nagar,
Back Side Metro Higher Secondary School,
Mettupalayam-641 301.

2) The Superintending Engineer
Coimbatore Electricity Distribution Circle/North
Tatabed,
Coimbatore – 12.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Coimbatore Electricity Distribution Circle/North
Tatabed, Coimbatore – 12.

4) Executive Engineer,
Coimbatore EDC / North,
TANGEDCO,
Sirumugai Road,
Mettupalayam 641 301.

5) The Assistant Executive Engineer,
Coimbatore EDC / North,
TANGEDCO,
Co-operative Colony,
Mettupalayam 641 301.

6) The Assistant Engineer,
Coimbatore EDC / North,
TANGEDCO
Co-operative Colony,
Mettupalayam 641 301.

7) Thiru. G. Angamuthu,
Secretary
Ponvizha Nagar Kudierupor Nala Sangam,
Karamadai Road,
Mettupalayam 641 301.

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

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

10) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmipathy Salai,
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