



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 Web site : www.tneo.gov.in

BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.5 of 2016

Thiru R. Ramachandran,
New No.27, Old No.12, First Street,
Padmanabha Nagar,
Adyar,
Chennai 600 020.

.....Appellant
(Party-in-person)

Vs.

The Assistant Engineer,/ O & M / Adyar,
Chennai Electricity Distribution Circle/South,
TANGEDCO,
5th Street, Padmanabha Nagar,
Adyar,
Chennai 600 020.

.....Respondent
(Rep by Tmt. R. Revathi, AE/O&M/Adyar)

Date of hearing : 7.4.2016

Date of Order : 5.5.2016

The appeal petition dated 9.1.2016 filed by Thiru M. Ramachandran, Adyar, Chennai-20 was registered as appeal petition No.5 of 2016. The above appeal petition came up for hearing before the Electricity Ombudsman on 7.4.2016. Upon perusing the appeal petition, Counter Affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Petitioner:

The Appellant prayed for refund of the excessively billed amount in his S.C.No.201-017-310 & 201-017-60.

2. Brief history of the case:

2.1. The Appellant is the owner of the following Service Connections which are coming under the jurisdiction of the Respondent.

1. S.C.No.201-017-310 & 2. SC No. 201-017-60

2.2. The Appellant prayed for refund of the excess amount collected during 6/2015 billing period stating that the meter was defective in both the service connections.

2.3. The Appellant filed a petition dated 14.8.2015 before the CGRF of Chennai EDC / South for refund of the excess amount collected. The CGRF of Chennai EDC / South has dismissed the petition of the Appellant.

2.4. Aggrieved by the orders dated 30.12.2015 of CGRF of Chennai EDC / South the appellant filed this appeal petition before the Electricity Ombudsman.

3. Orders of CGRF:

The relevant para of the orders dated 30.12.2015 of CGRF / CEDC / South is extracted below:-

“ Findings and orders of the Forum :

By going through the ledger of the service connections of the petitioner, it is observed that, what TANGEDCO has mentioned seems to be acceptable.

Hence the question of refund does not arise.

Hence the petition is treated as closed and disposed off.’

4. Contentions of the Appellant furnished in the petition:

- 4.1. The meter was defective and it has been requested to the Assistant Engineer to change the meters as early in 2.5.2015 and 23.5.2015 letters. The reading was taken on wrong meter despite repeated requests.
- 4.2. In the petition filed before the CMD of TANGEDCO, the Appellant has putforth the following arguments.
- (i) He has paid Rs.6124/- for the services due to defective electronic meter installed at the above premises
 - (ii) Despite repeated request to AE/EE to change the defective meter, it has not been done by them and the meter reading was taken on 10th June and the billing was Rs.6124/- (viz. Rs.3714 + 2410) which he had paid promptly.
 - (iii) The refund petition has since been filed by him to the higher authorities on subsequent dates have not yielded any result.
 - (iv) In Hindu dated 13.9.2015, it has been stated that due to old / defective meters supplied by the EB, consumers like him have been put off to lot of financial loss for no fault of them.

5. Arguments put forth by the Respondent in the counter affidavit:

- 5.1. The Respondent reported that two nos. service having A/c No. S.C.No.201-017-310 & 201-017-60 are existing in the name of Thiru R.Ramachandran at D.No.12, Padmanabha Nagar, Adyar.
- 5.2. Existing high quality meters in that services were replaced with static meters on 3.7.2015. When entering the meter change details in computer in respect of a/c No. 201-017-60 it was wrongly entered as defective instead of normal category whereas the energy meter removed from that service was in good condition.
- 5.3. On verifying the consumer ledger pertaining to A/c. No.201-017-60, the bimonthly consumption is ranging from 480 units. In respect of A/c. No. 201-017-310, it is ranging from 220 units to 540 units.
- 5.4. Hence it is understood that the assessment made on 10.6.2015, as 740 units and 540 units are found to be normal and there is no necessity to refund any amount.

6. Rejoinder of the Appellant:

- 6.1. As early as in 2.5.2015 and 23.5.2015 and further to the personal requests / discussions made by him with the AE, Adyar to change the 'Old conventional meter' (wheel type) the Department has not taken any action or effort to change the meter as digital meter as per Rule.
- 6.2. The meter reading was taken on 10.6.2015 on the domestic line in the above residential premises, found to be in excess that showed in the billing system. Moreover, the house was locked for more than 22 days and

this has also been informed to the AE in writing in his letters referred to above.

- 6.3. The field inspector/Revenue inspector who verified the meter on his complaint has also totally agreed that the old conventional type meter (wheel type) was running very fast, though on trial basis the entire current/electricity system stopped/put off in the house during his visit. This was also confirmed by the second field staff who has been asked to verify by the divisional engineer's office on the matter.
- 6.4. The meter reading were taken on 10.6.2015 and recorded the same by the Department on the basis of the old conventional (wheel type) meter that has been there for more than 20 years old , and the department has never bothered to replace it by digital meters as per the department instructions/rule which has been violated by the department, deliberately.
- 6.5. As per the counter affidavit of AE, Adyar is correct then where is the question of changing to the Digital meter subsequently by them which itself shows that there is a gross negligence and the deficiency in consumer service by the department has ultimately put him to loss for Rs.6147/- excess billing paid by him.

7. Hearing held by the Electricity Ombudsman:

- 7.1. To enable the Appellant and the Respondent to put forth their arguments in person, a hearing was conducted before the Electricity Ombudsman on 7.4.2016.

- 7.2. Thiru R.Ramachandran, the Appellant herein has attended the hearing and put forth his arguments.
- 7.3. Tmt. R. Revathi, AE / O&M, Adyar the Respondent herein has attended the hearing and put forth her arguments.

8. Arguments put forth by the Appellant on the hearing date:

- 8.1. The Appellant reiterated the contents of the Appeal Petition.
- 8.2. The Appellant argued that he has made oral representation to the concerned Assistant Engineer to replace the defective meter and gave representation also on 2.5.2015 and 23.5.2015 on the same issue but the meter was not changed.
- 8.3. He also argued that the inaction of the Dept for which a consumer has to suffer for Rs.6147/-tantamounts to deficiency in service of the office concerned.
- 8.4. He also informed that both the staff of the licensee who came to the house for checking the meter have informed that the meter is running even when all the loads were switched off.
- 8.5. He argued that had the Assistant Engineer replaced the meter based on his request the bill for 6/2015 in both the services could be lesser than the amount charged. Therefore, he has requested for refund of such amount collected in excess as per rules in force.
- 8.6. He also informed that the house was under locked condition for 22 days during the said assessment period. Hence there was no usage for 22 days. The bill shall be less than the normal period. But, it was higher than

the normal usage. Therefore he argued that the meter is defective. However, he informed that he does not remember the exact dates on which the house was in locked condition and have no supporting documents to establish the above fact.

9. Arguments put forth by the Respondent:

- 9.1. Tmt. Revathi, Assistant Engineer / O & M, Adyar reiterated the contents of the counter.
- 9.2. The AE informed that the meters were checked by the staff based on the representation of the Appellant and found that the meters were working alright.
- 9.3. She informed that no letter informing that the house will be locked for 22 days was given to her.
- 9.4. Though in the computer entry, the reason for changing the meter in SC No.201-017-60 was noted as defective, it is not so. TANGEDCO is changing all the electro mechanical meter by a static meter in a phased manner. Hence both the meters of the Appellant were changed on 3.7.2015. She also informed that in the meter change register, condition of the meter was made as normal only She also furnished a copy of the relevant page of the meter change register on 28.4.2016 in support of the above argument.
- 9.5. She also argued as both the meters are alright, the consumptions recorded as per the meter reading of the respective services are to be treated as correct only.

9.6. She also argued that the consumption recorded during 6/2015 assessment period is conforming to the pattern of the respective service only.

10. Findings of the Electricity Ombudsman:

On a careful examination of the arguments put forth by the rival parties, the issues for consideration are:

- (i) Whether the meters which are installed in the services at the time 6/2015 assessment period is defective?
- (ii) Whether any relief could be given to the consumer?

11. Findings on the First issue:

11.1. The Appellant argued that he has a made a complaint to the Assistant Engineer / Adyar to change the meter on 2.5.2015 and 23.5.2015 in SC No.201-017-60 & 201-01-110m stating that they are defective. The meters were charged on 3.7.2015. As the meters were changed based on his request, he argued that the meter was defective only.

11.2. The Appellant also argued that two employees of the licensees have visited his house for checking the meter based on his complaint. The Field Inspector / Revenue Inspector has agreed that the meter is running very fast. All his electrical appliances / gadgets were put off and noted that the disc is rotating. The second field staff who has been asked to verify as per the direction of the Executive Engineer also confirmed the same. Hence, he argued that the meter is defective only.

- 11.3. The Respondent argued that the meter was changed on 3.7.2015 as per the programme of changing the old Electro Mechanical Meter by the static meter only and not due to defectiveness of the meter.
- 11.4. The Respondent also argued that the field staff who were deputed to check the meter have given report that the meter is in good condition only. But, she has not produced any report in this regard.
- 11.5. The Respondent also argued that the consumer was informed about the correctness of the meter orally.
- 11.6. The Respondent further informed that while entering reason for changing the meter in respect of SC No.201-017-60, in the meter change details in the computer it was wrongly entered as defective instead of normal.
- 11.7. The Respondent also argued that the consumption recorded during 6/2015 assessment period in both the services seem to be normal when compared with the consumption recorded before and after changing the meter. Therefore, the Respondent argued that the meter is not defective.
- 11.8. In this case on hand, there is no test result to establish that the meter is defective. As the meters in both the services are high quality meters, there is no provision to download the data for analyzing the performance. Hence, in the absence of any test results we have to analyse the consumption pattern of the services to arrive at a conclusion about the defectiveness of the meter in S.C.No.201-017-60 and 201-017-310. The consumption recorded in the said services before and after meter change are detailed below:

S.C.No.201-017-60		S.C.No.201-017-310	
Assessment Period	Consumption recorded in units	Assessment Period	Consumption recorded in units
4/2014	520	4/2014	230
6/2014	570	5/2014	390
8/2014	600	8/2014	340
10/2014	750	10/2014	290
12/2014	730	12/2014	200
2/2015	620	2/2015	290
4/2015	490	4/2015	390
6/2015	740	6/2015	550
8/2015	554	8/2015	585
10/2015	730	10/2015	340
12/2015	560	12/2015	400
2/2016	510	2/2016	550

11.9. **S.C.No.201-017-60**

On a careful analysis of the consumption recorded from 4/2014 to 2/2016, it is observed that the consumption varies from 490 units to 750 units and it is more than 500 units in all the assessment period except during 4/2015 wherein it was recorded as 490 units. The average consumption per assessment for the year 2015 is 616 units. Out of the above 12 assessment periods they have consumed more than 700 units during 10/14, 12/14, 6/15 & 10/15. Therefore, the 740 units recorded during 6/2015 could not be considered as exorbitant consumption.

11.10 **SC No.201-107-310**

On a careful analysis of the consumption recorded from 4/2014 to 2/2016, it is observed that the consumption varies from 230 units to 585 units per assessment period. The consumption has crossed 500 units during 6/2015, 8/2015 and 2/2016 only and mostly less than 400 units. The average consumption per assessment period for the year 2015 is 426

units. It is noted that the consumption for 8/2015 was recorded as 585 units & the consumption during 2/2016 was 550 units (ie) after changing the meter, the consumption recorded is more than 500 units in 8/2015 and 2/2016 assessment period. As there are comparable consumption in subsequent assessment periods and as the consumption of 550 units during 6/2015 is about 29% more than the average annual consumption of the year 2015, I am of the considered opinion that the consumption of 550 units during 6/2015 is not exorbitant. Hence, I am of the view that the meter in SC No.201-107-310 is not defective.

11.11 I would like to record that in the absence of any test results of the meter, I have arrived the above conclusion based on the analysis discussed above.

11.12 The another argument putforth by the Appellant is that the house was kept in locked condition for 22 days. He has stated that he has informed about the above fact also to the section office. The Appellant was not able to intimate the dates on which the house was in locked condition. He also stated that he did not have any documentary evidence in support of the above fact. The Respondent denied that any such, prior information was given to the section office.

11.13 But it is noted that in the letter dt.23.5.2015, addressed to Executive Engineer, the Appellant has indicated that he had also informed that the house has been in locked condition for 20 days (Instead of 22 days). The date from which the house was in locked condition was not indicated in the above letter also.

11.14 As the Appellant was unable to intimate the dates from which the house was in locked condition, it could not be confirmed whether the house locked period falls within the disputed period of assessment (ie) 6/2015 assessment. Further, the Appellant has also not produced any documentary evidence to establish that the house was in locked condition during 6/2015 assessment period. Hence, I am unable to consider the above argument of the Appellant.

12. Findings on the second issue :

12.1. As per my findings on the first issue, the meter installed in the SC No.201-017-310 and in SC No.201-017-60 are found to be in order. Hence, I am unable to give any relief to the consumer in respect of the above services.

13. Conclusion:

13.1. In view of my findings in para first and second issue, furnished in para 11& 12, above, I am unable to interfere with the orders of CGRF of Chennai EDC/South.

13.2. With the above findings, the A.P.No.5 of 2016 is finally disposed of by the Electricity Ombudsman. No costs.

(A. Dharmaraj)
Electricity Ombudsman

To
1) Thiru R. Ramachandran,
New No.27, Old No.12, First Street,
Padmanabhan Nagar,
Adyar,
Chennai 600 020.

2) The Assistant Engineer,/ O & M / Adyar,
Chennai Electricity Distribution Circle/South,
TANGEDCO,
5th Street, Padmanabha Nagar,
Adyar, Chennai 600 020.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Chennai Electricity Distribution Circle/South,
TANGEDCO,
110 KV SS Complex,
K.K. Nagar, Chennai -78.

4) The Chairman & Managing Director,
TANGEDCO,
NPKRR Maaligai,
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.](#)
Tamil Nadu Electricity Regulatory Commission
No.19A, Rukmini Lakshmi pathy Salai
Egmore,
Chennai – 600 008.