



## **TAMIL NADU ELECTRICITY OMBUDSMAN**

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

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

**Appeal Petition No.98 of 2015**

Thiru. V. Palanivel,  
S/o Vadivelu,  
No.48, Thirumanjanaveethi,  
Koranod,  
Mayiladuthurai 609 001.  
Nagapattinam Dist

. . . . . Appellant  
(Thiru. V. Sukumar, Advocate,  
& Thiru. V. Palanivelu)

Vs

1) The Chairman,  
(Superintending Engineer),  
Consumer Grievance Redressal Forum,  
Nagapattinam Electricity Distribution Circle,  
TANGEDCO,  
Sattaiyappar East Street,  
Nagapattinam – 611 011.

2) The Executive Engineer/Distribution,  
Mayiladuthurai,  
Nagapattinam Electricity Distribution Circle,  
TANGEDCO,  
No.11, Pattamangalam Street,  
Mayiladuthurai 609 001.

3) The Assistant Engineer/O&M,  
Thiruvizhandur,  
Nagapattinam Electricity Distribution Circle,  
TANGEDCO,  
Town Station Road,  
Mayiladuthurai – 609 001.

. . . . Respondents  
(Thiru. S. Sathyanarayanan, Executive Engineer,  
Mayiladuthurai, &  
Thiru. C. Ashokkumar, AE/O&M/Thiruvizhandur)

**Date of Hearing : 25.2.2016**

**Date of Order : 24.3.2016**

The petition dated nil filed by Thiru V. Palanivelu, S/o Vadivelu, Koranad, Mayiladuthurai was registered as appeal petition No.98 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 25.2.2016. Upon perusing the appeal petition, Counter Affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

**ORDER**

**1. The Appellant prayed for the following :**

- (a) The officials who have committed defective /deficiency in service and involved in unfair trade practice has to be punished.
- (b) Cost of correspondence made with the CGRF of Nagapattinam EDC and for making this appeal to this tribunal may be awarded for payment to the Appellant.
- (c) Detect the theft of energy in respect of SC No. at No.1, Nachimuthu Nagar, Koranod, Mayiladuthurai wherein Nachimuthu Nagar Kudiyiruppor Nala Sangam is functioning and levy appropriate penalty with effect from 3.10.2013, the date from which the society was

functioning as per the registration certificate issued by the District Registrar, Mayiladuuthurai.

(d) Revise the levy of commercial tariff in respect of SC No.521-014-711 for 12 months, based on the load factor.

**2. Arguments of the Appellant furnished in the Appeal Petition:**

2.1. The Appellant is one of the consumer with the TANGEDCO, Nagapattinam EDC vide his domestic service connection No.521-014-87. He filed the complaint against the opposite parties for their deficiency in their service as a service provider besides failure to levy appropriate charges in respect of a particular domestic service connection i.e. (1) 521-014-711 and (2) No.1 Nachimuthu Nagar which was used for other purpose which amounts to theft as per the provisions of section 135 (e) of Tamil Nadu Electricity Act.

2.2. In respect of his above service connection No.521-14-87 irregular assessment and excess levy has been made by the opposite parties and it was taken to the District Consumer Forum vide CC No.20 of 2014 and the Hon'ble District Forum has passed orders on 31.12.2014 imposing Rs.5000 as expenses towards the above case, but not inclined to impose penalty, though the deficiency in service has been specifically proved. In the above case an appeal has been filed on both sides and the matter is pending before the State Consumer Disputes Redressal Forum. In the above case, the Superintending Engineer is also one of the opposite party. In the final orders passed by the District Forum it was specifically observed that opposite parties have committed deficiency in service. Though the matter is pending before the State Commission, it is just and proper on the part of the Controlling officers to take disciplinary action against officials who committed irregularities and dereliction

in duty which amounts deficiency in service in view of the specific findings of the District Forum. He therefore, requested that suitable action may be taken against the officials who committed deficiency in their service until and unless such decision is ruled out by the appellant forum.

2.3. It is submitted that the District Registrar, Mayiladuthurai has furnished a copy of the documents filed by Nachimuthu Nagar Kudiyiruppor Nala Sangam Mayiladuthurai. In the authenticated copy of the Society Registration , the place and location of the Society is as follows :

No.1, Nachimuthu Nagar, Koranad, Mayiladuthurai. This has also been again confirmed by the District Registrar, Mayiladuthurai vide his letter dated 4.5.2015.

2.4. As the domestic service connection has been utilized for the purpose of commercial one i.e. other than the domestic purpose. He has sent a complaint to the 1<sup>st</sup> opposite party on 18.4.2015 seeking for certain information.

2.5. In reply to the above RTI application, the 1<sup>st</sup> opposite party furnished information vide his letter No.446/2015 dated 22.7.2015 to the effect that the 1<sup>st</sup> opposite party has detected the theft of energy in respect of the following service.

521-014-711 No.9, Nachimuthu Nagar, and furnished information stating that Rs.5180 has been levied.

2.6. With reference to his application dated 1.8.2015, the IInd opposite party has sent a letter No.433, dated 31.8.2015 in which it was replied as follows.

*“1. நாகை மின்பகிர்மான வட்டம், மயிலாடுதுறை கோட்டம், நகர் மேற்கு பிரிவிற்கு உட்பட்ட கதவு எண்.1, நாச்சிமுத்து நகரில் குடியிருப்போர் நல சங்கம் இயங்குவதற்கான ஆதாரங்கள் எதுவும் நேரிடை ஆய்வின்போது இல்லை. வீட்டில் குடியிருந்து வருகிறார்கள். வீட்டிற்கான பயன்பாடு மட்டுமே உள்ளது . கதவு எண்.1, நாச்சிமுத்து நகரில் மின் விதி மீறல் நடைபெறவில்லை.*

- 2.7. The president and Secretary of the Society has also filed form-5 with declaration that the society was functioning in the above address. Copy of form No.5 was also enclosed.
- 2.8. When authenticated Government records have been produced before the 1 and 2 opposite parties they have not accepted such authenticated documents but simply stated that there is no evidence on the date of their inspection. The assessor and the supervising authorities ought to have inspected the service during the misuse of the energy for other than the domestic purpose. It is therefore just and proper on the part of the 1<sup>st</sup> and 2<sup>nd</sup> opposite party to take action according to section 135 of the Tamil Nadu Electricity Act and to levy back assessment for 12 months besides penalty and compounding fees in respect of the domestic service connection in No.1, Nachimuthu Nagar, Koranad, Mayiladuthurai, otherwise there will be huge loss of revenue to the Tamil Nadu Electricity Board.
- 2.9. (i) In so far the service connection 521-014-711 is concerned the 2<sup>nd</sup> opposite party has furnished information vide letter dated 31.8.2015 as follows :
- Compounding Fees Rs.2000, Extra levy : 3180, Total Rs.5180/-
- (ii) A statement of Bill status in respect of the above service connection is taken from TANGEDCO as on 4.10.2015 was also enclosed. The following defects are pointed out.
- a) The amount is shown as balance to be remitted on 28.4.2015, the date of detection till this date. How the consumer is permitted allowed to do so.
- b) It is not known as to whether the tariff has been changed from IA to V or the consumer has changed its utilization and applied for IA again by remitting the required fees etc.,

c) The load capacity of the above service connection is 1.97 KW. The calculation of compounding fees for 12 months  $197 \times 0.9 \times 12 \times 365$  works out to huge usage of units and the amount leviable is nearly lakhs of rupees. While so a sum of Rs.5180 has been totally levied by the 1 and 2<sup>nd</sup> opposite parties resulting huge loss of revenue to Tamil Nadu Electricity Board. The assessment of penalty is not in accordance with the Tamil Nadu Electricity Act. Hence, it was requested to take action against 1 and 2 opposite parties for short levy of compounding fees and penalty.

2.10. Endorsement letter of the 1<sup>st</sup> respondent without placing the complaint before the CGRF(TNEB) and without making any enquiry and without providing any opportunity to the complainant is quite against the principles of Natural Justice and the endorsement letter dated 30.11.2015 is arbitrary.

2.11. SC No.521-014-711

a) The theft of energy was not detected by the Assessor prior to the complaint. Hence, it amounts to deficiency of service by the service provider.

b) The theft of energy has been detected on 25.4.2015 as per the letter of the Executive Engineer letter dt.31.8.2015, 12 months commercial tariff has not been calculated on the basis of load capacity of 1.97 KW, 12 months assessment works out to nearly more than one lakh whereas only a sum of Rs.3180/- has been levied without assigning any reason there for. This amounts to unfair trade practice by the service provider.

c) Bill status particulars drawn from the TANGEDCO reveals that though the load capacity is 1.97 KW, the reading was only 20 units for two months for all the three consequent two months i.e. from 7/15 to 11/2015, it is apparent that till the date of detection of theft the normal usage of energy as shown in the bill status is ranging

from 130 units to 320 units. While so, after the detection of theft, the usage of energy recorded as 20 units for two months is surprisingly disproportionate to the average usage and the reason for such amounts to serious doubt in recording the assessment. This amounts to huge loss to the TNEB.

d) Bill status as drawn from the TANGEDCO on 12.11.2015, in the column install amt/cheque amt/pending amt, a sum of Rs.370 and 5180 is shown as pending. While the dues to be paid are shown as NIL in the same statement, it is not known how the amount is shown in the pending column. This also deficiency in service in uploading correct data.

e) In a similar case of theft of energy, pertaining to service No.524-009-1975 the respondents have levied 12 months commercial tariff with reference to load factor, for the period from 25.9.08 to 24.9.09 irrespective of the fact that the said service was under IA only from 24.4.2009 and prior to that the service was under V category i.e. without any reduction of the period during which tariff V has been collected. In that case there was no evidence or proof for such detection of theft. Hence, it just and proper on the part of the respondent to levy the commercial tariff V for the past one year on the basis of load factor. Thus the respondent has committed unfair trade practice, defective and disparity and discriminative.

2.12. While detecting the theft of energy, the respondents have levied the charges without any such records or materials from the spot and levied commercial tariff in another case at Mannampandal (Keela Nachinadu) where the wooden doors are stored in a house as if they have used the energy for the purpose of carpentry work. While so it is not correct to discard the official authenticated records for detecting the theft of energy. This amounts to defective and unfair trade practice by the service provider besides heavy financial loss to the Electricity Board.

**3. Arguments of the Respondent furnished in the Counter :**

- 3.1. The word deficiency in service is denied. As per his statement he is the owner of the service No.521-014-87. He has not reported any deficiency in service regarding his service connection.
- 3.2. He has stated about the service No.521-014-711 which is not related to the petitioner. Also the petitioner sent some information regarding misuse of power in No.1 Nachimuthu Nagar as informer.
- 3.3. The fact in the information received from the petitioner was examined and found that the information are wrong. The Engineers of the TNEB acted as per the guidelines of TNERC. The Engineers cannot act as directed by the petitioner.
- 3.4. The petitioner wish to punish the owner of the service in No.1, Nachimuthu Nagar under theft of energy where there is no reason to book the service under theft of energy.
- 3.5. In respect of the petitioner's service connection No.521-014-87 appeal case is pending before the state consumer dispute Redressal forum. It is also stated by the petitioner that the appeal is filed by both parties. When there is a case pending before the state consumer dispute Redressal forum no one should comment about the dispute out side the forum.
- 3.6. The TNEB Engineers are acting as per the guidelines of TNERC, As such there is no other activities in the No,1, Nachimuthu Nagar and the service in the No.1, Nachimuthu Nagar is utilized for the Domestic purpose only.
- 3.7. The service in the No.1, Nachimuthu nagar cannot be booked under theft energy as directed by the petitioner. The TNEB Engineers are acting based on the field verification.

- 3.8. Regarding the service no.521-014-711 the TNEB Engineers acted as per the provisions and guidelines of the TNERC. The amount due from the above service is collected. Verified and found correct.
- 3.9. The petitioner in no way having right to direct the Superintending Engineer to punish the subordinate Engineers while the appeal case is pending with state consumer Redressal forum. In this regard it is felt that the petitioner is acting beyond his limit and against the court.
- 3.10. The representation of the consumer regarding the audit amount of Rs.12499/- was examined and the same amount was cancelled and intimated to the petitioner before filing the case in district consumer dispute Redressal forum.
- 3.11. The service No.521-014-711 is not pertaining to the petitioner.
- 3.12. The petitioner is not having any right to inspect the other man's service. The amount due to the board were collected and accounted. There is no deficiency in service to the petitioner. The petitioner need not work about the data uploading in other man's service.
- 3.13. The petitioner as an individual should not comment on the service which is not related to him. The action taken in service no.524-009-1975 which is not related to the petitioner during the period 2008-2009 was correct.
- 3.14. The petitioner can submit any grievance related to his service only. But, the petitioner as an individual giving wrong information about other man's service. Which causes wasting of TNEB officials time. Inturn causing unnecessary expenditure to the TNEB. The TNEB officials are taking action based on the field verifications. The TNEB officials cannot take any action

based on the papers which are having wrong information produced by the petitioner.

**4. 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 before the Electricity Ombudsman on 25.2.2016.
- 4.2. The Appellant Thiru V. Palanivelu, and Thiru.V. Sukumar, Advocate have attended the hearing and put forth their arguments.
- 4.3. Thiru S. Sathianarayanan, Executive Engineer / Mayiladuthurai Respondent-2 and Thiru. C. Ashokkumar, Assistant Engineer/O&M/Thiruvizhandur(i/c) Respondent-3 have attended the hearing on behalf of the Respondent and put forth their side arguments.

**5. Arguments of the Appellant :**

- 5.1. The Appellant reiterated the contents of the appeal petition.
- 5.2. The learned Advocate of the Appellant submitted the written submission (The written submission was not signed). The arguments covered in the above submission are furnished below :

**(1) complaint No.1. (Service No. 521-014-87) Thiruvizhandur Section)**

It is not disputed that Appeal filed by the Appellant/Complainant and the Respondents is pending before the State Consumer Redressal Forum with regard to the irregular and wrong assessment of consumption charges in respect of Service No. 521-014-87.

It is further submitted that as admitted by the Respondent in para D of the counter affidavit, that the excess levy of RS.12499/- has been cancelled subsequently, The cancellation of improper assessment" excess levy of consumption charges was made only on the basis of complaint made by the Appellant/Complainant. If correct consumption charge was levied, then there is no question of, any complaint before the District Consumer Disputes Redressal Commission, Nagapattinam by this Appellant/Complainant. The DCDRF categorically held that there was deficiency in service on the part of the Respondents and on that basis awarded the cost of the case. It is 'also submitted in as much as the DCDRF has made specific observations that there is deficiency in service as is evident from the reply affidavit in para D that the incorrect levy of charges has been cancelled subsequently, there is no question of justification in filing an appeal before the State Forum and the Appeal filed by the Respondent is only for formality to drag on the matter with a view to escape from any departmental disciplinary proceedings. Hence the Appellant/Complainant filed Complaint before the CGRF TNEB Nagapattinam seeking departmental action against the persons concerned.

(2) It is respectfully submitted that the Case C.C.No.20 of 2014 before the District Consumer Disputes Redressal Commission is NOT A THEFT CASE and it was a complaint made by the Appellant/Complainant for improper and irregular Assessment of Tax as is admitted by the Respondents in Counter affidavit in this case in Para D. So the reason assigned for the rejection of the Complaint is utterly without proper verification of the records.

(3) Complaint No.2: (S.C.No.521-014-711).

It is submitted that the reply of the respondent stating that the Appellant/Complainant is directing the TNEB Engineers to punish the owner of the Service No.521-014-711 for his ill willingness is not correct. From this it is implied that the Respondents are 'protecting the accused, since the Respondent themselves admitted that there was misuse of energy and the amount due from the Consumer has been collected. At the outset, it is submitted that the Appellant/Respondent has never asked to take action against the Consumer of the above Service. In the Complaint of the petitioner dated 18.4.2015 or in the Complaint dated 12.6.2015 (Ex.A.2 and Ex.A.3) the

Appellant /Complainant NEVER asked about the service Connection No. 521-014-711 In fact the 2nd respondent informed through his Lr.No.446/15 dated 22.7.2015 (Ex.A.4) SUO MOTU (மேல்முறையீட்டாளர் இந்த மின் இணைப்பு பற்றி எதுவும் தெரிவிக்காத நிலையில் தன்னிச்சையாக இந்த மின் இணைப்பு பற்றி தகவல் அளிக்கப்பட்டுள்ளது) that the 2<sup>nd</sup> respondent himself stated that he has charged Compounding Rs.,2000/- and extra levy of Rs.3180/- . from the above service. Because of such information furnished suo motu by the 2<sup>nd</sup> respondent, only thereafter, the Appellant/Petitioner persued the matter whether correct levy has been made in the case of theft vide complaint of the Appellant Petition dated 1.8.2015

(4) It is respectfully submitted that the Respondent replied that they are acted as per the provisions and guidelines of the TNERC. It is submitted that TNERC Notification is extract below.

Notification No. SC/705 Dt. 23.8.2007 published in Tamil Nadu Govt. Gazette Dt. 12.9.2007.

Where it is established that there is a case of theft of energy, the authorized officer shall assess the quantum of energy consumption for the past twelve months as per the assessment formula given in Form 8 in Appendix to this code and prepare provisional assessment order for the charges for such consumption at two times of the tariff applicable ( i.e. applicable tariff for the purpose for which the pilfered energy was used) and serve on the accused person under proper receipt. The authorized Officer may reduce the period for such billing, if it is established by the facts or documents submitted in the representation of the accused person or any such other evidence observed by the authorized officer. Wherever electronic meters are installed and the load curves are studied periodically, the period of theft could be limited to the exact period as could be determined scientifically.

(5) Once the misuse has been detected and compounding fees and extra levy has been made as admitted by the Respondent, such levy of fees should be in accordance with the norms of TNERC Notification extracted above and as was done in the case of CC.No. 6 of 2010 of DCDRF Nagapattinam (Ex.A.6) So, there is unfair trade practice by the Respondents.

(6) As per the Certified copy issued by the District Registrar, Mayiladuthurai Nachimuthu Kudiyirupoor Nala Sangam has been registered as No. 114 of 2013. and its jurisdiction is Mayiladuthurai Town( Ex.A.7) The Appellant / Petitioner is residing within the jurisdiction of Society and has properties at Nachimuthu Nagar also. Hence the above Society being a Public Welfare Society, the Appellant/Petitioner has got every right to question the proper function of the Society and . it cannot be stated that the Service connection is a third man service as alleged by the Respondents.

(7) While specific complaint has been made by the Appellant/Complainant, the Respondents have though stated that on various dates, they have inspected the area, no intimation was given to the Complainant so as to enable the Complainant to prove the complaint. It is further submitted that there is NO contra evidence such written statement of the owner of the service or written statement any of the members of the Society, or written letter from the Society Registering authority let in by the Respondents.

- 5.3. The Appellant also informed that his appeal petition in respect of SC No.521-014-87 is still pending with the State Commission and in the above appeal petition he has also prayed for taking action against the erred officials.
- 5.4. He also argued that though he has given a documentary evidence in support of the existence of Nachimuthu Kudiyirupoor Nala Sangam at No.1, Nachimuthu Nagar the licensees officers have ignored the documentary evidence but stating that only Domestic usage was found in the said house. This is not correct.
- 5.5. He also argued that the amount of penalty levied for the theft of energy detected in SC No.521-014-711 is very less and is not as per the TNERC rules.

**6. Arguments put forth by the Respondent on the hearing date:**

- 6.1. Thiru. Sathiyarayanan, EE/O&M/Mayiladuthurai reiterated the contents of the counter.
- 6.2. The EE also informed that in respect of the Appellant's service connection No.521-014-87, appeal case is pending with the State Consumer dispute Redressal forum. As the case is pending in the State Consumer Dispute Redressal Forum, he argued that further action could be taken only after the order is pronounced by the State Consumer Dispute Redressal Forum.
- 6.3. The EE argued that based on the petition of the Appellant the licensees officers have inspected the service available at No.1, Nachimuthu nagar and found that no office is available there and the usage is only for domestic purpose. Hence, the tariff of SC No.521-014-711 was not changed.
- 6.4. The EE also argued that the penal levy charged in SC No.521-014-711 is as per the regulation. He also explained the penalty was levied as per the formula given in form 8-A. Stipulated by the Commission and is correct.
- 6.5. The copies of following documents furnished by the Respondent were received on 29.2.2016.
  - (i) A copy of VAO's certificate dt.24.2.16 certifying that no office is available in No.1, Nachimuthu Nagar, Thirumanjanaveethi and
  - (ii) The letter dt.23.4.15 of Thirumathi A. Fathima Jinna stating that Kudiyiruppor Sangam, Nachimuthu Nagar is functioning in the first floor of her house.

**7. Written arguments of the Appellant :**

- 7.1 He has preferred an appeal against the decision communicated through the letter of the 1<sup>st</sup> respondent in his Lr.No.416/2015 dated 30.11.2015. The appeal was found fit for enquiry and it has been numbered as appeal No.98 of 2015.
- 7.2 In this connection, it is submitted that the counter affidavit filed by the respondent was also communicated to him and he has presented the written arguments.
- 7.3 In the counter affidavit, the respondent has not meet out the grounds of the appeal para by para but simply stated that the appellant cannot challenge the third party service connection.
- 7.4 In any event, the service connection relates to the public related society registered under the Tamil Nadu Societies Registration Act. As per TNERC Regulations, complaint should relate to a) defect or deficiency in electricity service provided by the licensee b) unfair or restrictive trade practices of licensee in providing electricity charges c) charging of a price in excess of the price fixed by the Commission for consumption of electricity and allied services.
- 7.5 In this connection, it is submitted that there is defective and deficiency in service sector because the tariff has not been properly charged in respect of service covered by the appeal and disparity in discrimination in levying the tax when there is theft of energy by way of use of the energy other than domestic service attracting the provisions of energy theft. It is therefore submitted that this appeal having taken on file, this Hon'ble Forum has to pass final orders after hearing the final arguments.
- 7.6 It is submitted that all the grounds of appeal has been supported by authenticated records issued by the District Registrar who is the Registrar of Societies. It is submitted that the District Registrar, Mayiladuthurai has specifically stated in his letter dated 6.11.2015 (para 7) to the effect that there was no change of address of

the society location. While, such is the fact, the respondent has stated that there was no such society as on their date of inspection in the month of April 2015. As per the records produced by him Nachimuthu Nagar Kudiyurupoor Nala Sangam was functioning at No.1, Nachimuthu Nagar, ever since 2.10.2013 as declared by the President and Society of the said Society.

## **8 Findings of the Electricity Ombudsman :**

8.1. I have heard the arguments of both sides. On a careful consideration of the issues raised by the appellant and the arguments put forth by both sides, the issue to be decided is whether Electricity Ombudsman has jurisdiction to entertain the above petition ?

8.2. There are three issues in this petitions and the findings are discussed in issue wise.

## **9. Findings on issue No.1 – SC No.521-014-87**

9.1 The Appellant prayed to take suitable action on the officials who committed deficiency in their service until and unless such decision is ruled out by the Appellant Forum, citing the orders passed by the Hon'ble District Consumer Disputes Redressal Forum on 31.12.2014.

9.2 Both the Appellant and the Respondents have agreed that appeal is pending in the State Consumer dispute Redressal Forum on the subject matter.

9.3 The Appellant also informed that their prayer of taking action against the officers of TANGEDCO for their deficiency in service is also covered in the said appeal petition.

9.4 In this regard, I would like to refer regulation 17(4)(d) of the Regulations for CGRF and Electricity Ombudsman. The said regulation is extracted below :

*“ 17(4)no complaint to Electricity Ombudsman shall lie unless ;*

- (a) xxx xxx xxx
- (b) xxx xxx xxxx
- (c) xxx xxx xxx

(d) *The complaint does not pertain to the same subject matter for which any proceedings before any court is pending or a decree or award or a final order has already been passed by any competent court; and .”*

9.5 On a careful reading of the said regulation 17(4)(d) of the Regulations for CGRF and Electricity Ombudsman, it is noted that Electricity Ombudsman shall not entertain a complaint if the complaints pertains to the same subject matter for which any proceedings before any Court is pending or decree or award of final order has already been passed by any Court.

9.6 As both the parties are agreed that an appeal is pending in the State Consumer Dispute Redressal Forum on the same subject matter, the matter is sub-judice. In view of the above, it is held that the Electricity Ombudsman cannot entertain the above complaint and pass any order as per regulation 17(4)(d) of the Regulations for CGRF and Electricity Ombudsman.

## **10. Findings on Second and Third issues :**

### **10.1 Issue -2**

The Appellant prayed to detect theft of energy in respect of the electricity service connection available at No.1, Nachimuthu Nagar, as Nachimuthu Nagar Kudiyiruppoor Nala Sangam is functioning in the said address from 3.10.2013 as per the registration certificate issued by the District Registrar, Mayiladuthurai.

## 10.2 Issue-3

(i) The Appellant prayed to revise the penal levy levied on SC No.521-014-711 for a back period of 12 months based on the sanctioned load.

(ii) The Appellant is seeking revision of penal levy made in SC No.521-014-711 wherein theft of energy was detected on 23.4.2015. The Appellant argued that a sum of Rs.3180/- alone was levied in the said service as extra levy. Had the licensee calculated the extra levy considering the connected load as 1.97kw for a back period of 12 months it would be more and hence, he argued that the said levy is to be revised.

10.3 On a careful study of the issues, it is noted that the subject matter covered in issue 2 and 3 are related to theft of energy. As the issues are related to theft of energy, I would like to refer regulation 5 of the Regulations for CGRF and Electricity Ombudsman which is extracted below :

*“ The forum shall take up any kind of grievances/complaints as defined in clause 2 (f) of these Regulations. However, the consumer's grievances concerned with*  
*(i) unauthorized use of electricity as detailed u/s 126 and*  
*(ii) offences and penalties as detailed u/s 135 to 141 of the Electricity Act 2003 are excluded from the purview of this forum. ”*

10.4 On a careful reading of the said regulation 5 of the Regulations for CGRF & Electricity Ombudsman, it is noted that the consumer grievance concerned with unauthorized use of Electricity as detailed under section 126 and the offences and penalties as detailed under section 135 to 141 of the Electricity Act 2003 are excluded from the purview of the forum.

10.5 It is to be noted that section 135 of the Electricity Act 2003 deals with theft of Electricity.

10.6 As the subject matter of issues 2 and 3 are relating to theft of energy, I am of the view that the grievances raised by the Appellant in issue 2 & 3 are excluded from the

purview of forum and Electricity Ombudsman. Therefore, the Electricity Ombudsman could not entertain the above issues also for issue of any order.

11. **Conclusion:**

11.1 In view of my findings on issue No.1, furnished in para 9 and findings on issue 2 & 3 furnished in para 10 above, the appeal petition No.98 of 2015 cannot be entertained by the Electricity Ombudsman for issue of order.

11.2 With the above findings, the A.P.No.98 of 2015 is finally disposed off by the Electricity Ombudsman. No costs.

**(A. Dharmaraj)**  
Electricity Ombudsman

To

1) Thiru. V. Palanivel,  
S/o Vadivelu,  
No.48, Thirumanjanaveethi,  
Koranod,  
Mayiladuthurai 609 001.  
Nagapattinam District.

2) The Chairman,  
(Superintending Engineer),  
Consumer Grievance Redressal Forum,  
Nagapattinam Electricity Distribution Circle,  
TANGEDCO,  
Sattaiyappar East Street, Nagapattinam – 611 011.

3) The Executive Engineer/Distribution,  
Mayiladuthurai,  
Nagapattinam Electricity Distribution Circle,  
TANGEDCO,  
No.11, Pattamangalam Street,  
Mayiladuthurai 609 001.

4) The Assistant Engineer/O&M,  
Thiruvizhandur,  
Nagapattinam Electricity Distribution Circle,  
TANGEDCO,  
Town Station Road, Mayiladuthurai – 609 001.

5) The Chairman & Managing Director,  
TANGEDCO,  
NPKR Maaligai,  
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.