



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.tnerc.gov.in

BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.76 of 2016

Thiru. C. Jeganathan,
S/o Sellappa Gounder,
283/10, Sembampalayam,
Villarasampatti,
Erode.

..... Appellant
(Thiru. C. Jeganathan)

Vs

1) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Erode Electricity Distribution Circle,
TANGEDCO,
948, E.V.N. Road,
Erode – 638 008.

2) The Executive Engineer/O&M,
Erode/Urban,
Erode Electricity Distribution Circle,
TANGEDCO,
948, E.V.N. Road,
Erode – 638 008.

3) The Asst. Executive Engineer/O&M,
Erode/West,
Erode Electricity Distribution Circle,
TANGEDCO,
948, E.V.N. Road,
Erode – 638 008.

4) The Assistant Engineer/O&M,
Nasiyanoor,
Erode Electricity Distribution Circle,
TANGEDCO,
SF No.4514, Thingalore Road,
Nasiyanoor- 638 107.

..... Respondents
(Thiru R. Chandrasekaran, AEE / Erode/West &
Thiru. Anbu Chezhiyan, AE/Nasiyanur)

Date of hearing : 14-12-2016

Date of order : 23-3-2017

The petition dated 12-10-2016 filed by Thiru C. Jeganathan, Villarasampatti, Erode was registered as Appeal petition No. 76 of 2016. The above appeal petition came up for hearing before the Electricity Ombudsman on 14-12-2016. Upon perusing the appeal petition, Counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

To direct the 4th Respondent to charge the electricity charges under Tariff IIIA2 instead of IIIB for the appellant's powerloom factory.

2. Brief History of the Case:

2.1 The Appellant obtained a service connection for its powerloom and the service connection No. is 007-001-1391. The sanctioned load of the service is 10 HP + 1000 watts. The service was effected under IIIA2. But, the same was changed to IIIB as per the letter dt.13.11.2016 of the Respondent-4.

2.2 The Appellant filed W.P.No.15108 of 2016, and W.P.No.15109 of 2016 in the High Court of Madras and as directed by the Hon'ble High Court of Madras, the Assistant Engineer/O&M, Nasiyanoor has issued an order on 5.7.2016 intimating the change of tariff from IIIA2 to IIIB.

2.3 Aggrieved by the order of the AE/Nasiyanoor, the Appellant filed petition before the CGRF of Erode EDC.

2.4 The CGRF of Erode EDC has issued its order on 1.9.2016 confirming the order issued by the Assistant Engineer/O&M, Nasiyanoor. Aggrieved by the order

of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

3. Orders of the CGRF :

The CGRF of Erode EDC issued its order on 1.9.2016 the relevant para of the order is extracted below :

“6.0 முடிவுரை.

மனுதாரரின் கோரிக்கை அதற்காக கழகத்தரப்பினரது அறிக்கை மற்றும் மன்றத்தில் சமர்ப்பிக்கப்பட்ட ஆவணங்கள் ஆகியவற்றை நன்கு கூர்ந்து பார்த்ததில் விசைத்தறிகளின் மின் இணைப்பு எண்.007-001-1207 மற்றும் 007-001-1391 அனுமதிக்கப்பட்ட மின் பளுவிற்கு மேல் மின் பளு பயன்படுத்தியதால் தமிழ்நாடு மின்சார ஒழுங்குமுறை ஆணையத்தின் மின் வழங்கல் தொகுப்பு பிரிவு 5(2)(i)(b) மற்றும் பிரிவு 7(5) ஆகியவற்றின் அடிப்படையிலும், தமிழ்நாடு மின்சார ஒழுங்குமுறை ஆணையத்தால் மின் கட்டண விகிதம் நிர்ணயிக்கப்பட்டு 21.6.2013 அன்று வழங்கப்பட்ட ஆணையின் அடிப்படையிலும் மேற்கண்ட மின்இணைப்பின் மின்கட்டண விகிதம் III(A)(2)லிருந்து வீதப்பட்டி எண்.III B ஆக மாற்றம் செய்து கணக்கீடு செய்யப்பட்டுள்ளது என இம்மன்றம் இறுதி உத்தரவு வழங்குகிறது.

4. Contentions of the Appellant furnished in the petition:

4.1 The order passed by the respondents are against law, unsustainable and not supported by valid reasons and hence liable to be set aside.

4.2 The Respondents passed the order without taking note of the fact that the rating of the motor mentioned in the name plate is referred to its output power value only. Hence, the respondent ought to have taken into consideration of the efficiency of the motors, for which the efficiency standards to be looked into. For efficiency standards, the respondents has to follow IS 325:1996 standards, which is referring IS 8789: 1996 standards. As per IS 8789:1996, the efficiency of the 0.5 H.P. motor is 64%. Hence, these motors are consuming input power of 0.58kW ($0.37/0.65=0.578kw$) i.e. one 0.5 HP motor would consume 0.578 KW. For 20 motors it consumers 11.6kw ($20 \times 0.58kw=11.6kw$). Additionally, for lighting purpose the appellant is permitted to use 1000 watts (1kw). Adding these with the motor consumption, the Appellant is permitted to use 12.6 kw($11.6kw +1kw$). Hence, the

input power of the motor will be more than the output power ie. the energy consumption of the motor is the aggregate sum of motor output and the efficiency loss. Hence, the appellant having installed 20 motors of 0.5 H.P. each would necessarily consume 11.6 kw +1000 watts for lighting purpose, which is within the permitted capacity.

4.3 The Respondents failed to consider that the appellant's factory was given the permitted capacity of 10 HP + 1000 watts for lighting purpose and not on the basis of 10 kw capacity.

4.4 The Respondents passed the impugned order without taking note of the IS 325 Standards followed by them and hence, the impugned order passed by the respondent is not sustainable in law. The Respondent passed impugned order based on the entries in the official records with regard to the permitted capacity of the appellant's factory as 10 kw +1000 watts instead of 10 HP + 1000 watts for lighting purpose as stated in the show cause notice which might have been changed behind the back of the appellant and without any notice to the appellant and hence the same is not sustainable in law.

4.5 The Respondents are not correct in holding that the appellant consumed in excess of 10 HP /7.46 kw i.e. in excess of power prescribed for Tariff III-A2 and the same was found in the static meter with MD recording facilities, which would follow the change in tariff from IIIA2 to IIIB is not correct.

4.6 The Appellant most humbly prays that this Hon'ble Appellate Authority may call for the records and set aside the impugned order dated 5.7.2016 passed by the 4th respondent vide his office proceedings No.Ka.No.U.Mi.Po/ E.pa/Nasi/ Ko.W.P.15109/2016 No.349/2016 with regard to his electricity service connection bearing No.007-001-1391 given to the Appellant's factory in R.S.No.283/10 of

Sembampalayam, Villarasampatti Villlage, Nasiyanur, Erode District is concerned which was confirmed by the 1st Respondent by his order dated 1.9.2016 and consequently direct the 4th respondent to levy electricity charges under tariff IIIA2 to the Appellant's factory and thus render justice.

5. Contentions of the Respondent furnished in the counter:

5.1 ஈரோடு, நகரியக்கோட்டம் ஈரோடு மேற்கு உபகோட்டம், நசியனூர் பிரிவைச் சார்ந்த மின்இணைப்பு எண்.007-001-1207ல் அனுமதிக்கப்பட்ட மின்பளு 10 HP+1000 kw மற்றும் மின்இணைப்பில் பொருத்தப்பட்டுள்ள மின் அளவியில் பதிவாகும். இதில் அதிக பட்ச மின் பளுவினை அடிப்படையாக கொண்டு தமிழ்நாடு மின்சார ஒழுங்குமுறை ஆணையம் மற்றும் தமிழ்நாடு மின்சார ஒழுங்குமுறை விதிமுறைகளின்படி வீதப்பட்டி எண்.IIIA(2) லிருந்து, IIIB ஆக மாற்றம் செய்து மின் கட்டணம் வசூல் செய்திட உதவி மின்பொறியாளர்/இபே/நசியனூர் அவர்களால் 5.7.2016 நாளிட்ட கடிதம் வாயிலாக உத்தரவு வழங்கப்பட்டது.

5.2 தமிழ்நாடு மின்சார ஒழுங்குமுறை ஆணையம் மற்றும் தமிழ்நாடு மின் உற்பத்தி மற்றும் மின்வழங்கல் விதிதொகுப்பு பிரிவு 5(2)(ii)(b)ன் படி எந்தவொரு மின்நுகர்வோருக்கும் அவரவரது தொழிற்சாலைக்கு வழங்கப்பட்டுள்ளதை விட குறைவாகவோ அல்லது அதிகமாகவோ காணப்பட்டால் அம்மின் இணைப்பில் பயன்படுத்தப்படும் அதிகபட்ச மின்பளுவை கணக்கீடு செய்வதற்கு உரிய மின்னளவி பொருத்தி அம்மின் அளவியில் பதிவாகும் அதிகபட்ச மின்பளுவை கணக்கில் கொண்டு அதற்குரிய மின்கட்டண விகிதத்தை நிர்ணயித்து அதன் படி மின்கட்டணம் வசூல் செய்யப்படும்.

5.3 மேலும், மின்இணைப்பில் இணைக்கப்பட்டுள்ள மோட்டார்களின் பெயர் பலகையில் குறிக்கப்பட்டுள்ள குதிரைத்திறன் அடிப்படையில் அம்மின் இணைப்பிற்குரிய மின்கட்டணம் கணக்கிடப்படுவதில்லை.

5.4 மின்இணைப்பு எண்.007-001-1207ற்கு அனுமதிக்கப்பட்டுள்ள மின்பளு 10.0 எச்.பி + 1000 வாட்ஸ் ஆகும். ஆனால், உதவி மின்பொறியாளர் /இபே/நசியனூர் அவர்களால் மின் நுகர்வோருக்கு அளிக்கப்பட்டுள்ள இறுதி உத்தரவில் மேற்கண்ட மின் இணைப்பின் அனுமதிக்கப்பட்ட மின்பளு 10 கி.வா. என்று கருத்தில் கொண்டு உத்தரவு வழங்கப்படவில்லை என்பது குறிப்பிடத்தக்கதாகும். மேலும், உதவி மின்பொறியாளர்/இபே/நசியனூர் அவர்களால் வழங்கப்பட்ட உத்தரவில் அனுமதிக்கப்பட்ட மின்பளுவைக் காட்டிலும் தொடர்ந்து 10 கிவாக்கு அதிகமாக பயன்படுத்தப்பட்டு வருகிறது என்றே குறிப்பிட்டுள்ளார் என்பதும் அவ்வத்தரவில் எந்தவொரு இடத்திலும் அனுமதிக்கப்பட்ட மின்பளு 10.0 கிவா எனக்கருத்தில் கொள்ளப்படவில்லை.

5.5 உதவி மின்பொறியாளர்/இபே/நசியனூர் அவர்கள் மின் நுகர்வோருக்கு 5.7.2016 அன்று வழங்கப்பட்ட உத்தரவில் மேற்படி மின் நுகர்வோர் பயன்படுத்தப்பட்டு வரும் மின்இணைப்பின் மின்கட்டண விகிதம் IIIA(2)லிருந்து வீதப்பட்டி எண்.IIIB ஆக மாற்றம் செய்து மின்கட்டண தொகை வசூலிக்க உகந்ததாக உள்ளது என்றும் மேல்முறையீட்டாளரது 27.9.2016 நாளிட்டு அளித்துள்ள மேல்முறையீட்டு மனுவில் தெரிவிக்கப்பட்டுள்ள விளக்கம் ஏற்படையதல்ல என்ற விவரமும் தெரிவிக்கப்பட்டுள்ளது.

5.6 எந்தவொரு மின்நுகர்வோரும் அவரவரது தொழிற்சாலைக்கு வழங்கப்பட்டுள்ள மின்இணைப்பில் பொருத்தப்பட்டுள்ள மின்பளு ஒப்பந்தம் செய்யப்பட்டுள்ளதை விட குறைவாகவோ அல்லது அதிகமாகவோ காணப்பட்டால் அம்மின் இணைப்பில் பயன்படுத்தப்படும் அதிகபட்ச மின்பளுவை கணக்கீடு செய்வதற்கு உரிய மின்அளவி (static meter with MD recording facilities) பொருத்தி, அம்மின் அளவியில் பதிவாகும் அதிகபட்ச மின்பளுவை (maximum demand) கணக்கில் கொண்டு அதற்குரிய மின்கட்டண விகிதம் நிர்ணயிக்கப்பட்டு அதன்படி மின்கட்டண வசூல் செய்யப்படும்.

5.7 எனவே, தமிழ்நாடு மின்சார ஒழுங்குமுறை ஆணையத்தின் மின் வழங்கல் விதித்தொகுப்பு பிரிவு 5(2)(ii)(b) மற்றும் பிரிவு 7(5) ஆகியவற்றின் அடிப்படையிலும், தமிழ்நாடு

மின்சார ஒழுங்குமுறை ஆணையத்தால் மின்கட்டண விகிதம் நிர்ணயிக்கப்பட்டு 21.6.2013 அன்று வழங்கப்பட்ட ஆணையின் அடிப்படையிலும் மேற்கண்ட மின்இணைப்பின் மின்கட்டண விகிதம் IIIA(2)லிருந்து வீதப்பட்டி எண்.IIIBஆக மாற்றம் செய்து கணக்கிடப்படுவது சரியானது.

5.8 எனவே, மின்நுகர்வோர் குறைதீர்க்கும் மன்றத்தில் சமர்ப்பிக்கப்பட்ட ஆவணங்களின்படியும் மற்றும் மின் கழக விதிமுறைகளின்படி தான் 1.9.2016 நாளிட்ட இறுதி உத்தரவு வழங்கப்பட்டுள்ளது.

6. Hearing held by the Electricity Ombudsman:

6.1 To enable the Appellant and the Respondent to putforth their arguments in person, a hearing was conducted before the Electricity Ombudsman on 14.12.2016.

6.2 Thiru Jeganathan, the Appellant herein has attended the hearing and putforth his arguments.

6.3 Thiru R. Chandrasekaran, Assistant Executive Engineer / Erode/West, the Respondent-3 herein and Thiru. Anbu Chezhiyan, Assistant Engineer/O&M/ Nasiyanur the Respondent-4 have attended the hearing and putforth their arguments.

7. Arguments putforth by the Appellant on the hearing date :

7.1 Thiru. Jeganathan, reiterated the contents of his appeal petition.

7.2 The Appellant argued that he is only utilising 20 nos of ½ HP motors in his service and the total capacity is only 10 HP. Further he argued that the rating mentioned in the motor is only output power. Therefore, the input power depends upon the efficiency of the motor. As per IS 8789:1996, the efficiency of the ½ HP motor is 64% only. The input power requirement is 11.66 kw. Further, he has been permitted to use 1000 watts for lighting. Hence, he argued that he can use upto 12.66 kw. As his recorded MD is 11.72 kw., he argued that the change of tariff from

IIIA2 to IIIB is not correct. The Appellant has also submitted his written arguments on the hearing date. The arguments furnished in the written arguments dt.14.12.2016 are furnished below :

(i) பல காலமாக அவர் ISI தரத்தினாலான 10 HP மோட்டார்களை பயன்படுத்தி அவரது விசைத்தறிகளை இயக்கி வருகிறார். இவ்வளவு காலம் மின்சார வாரியமானது அவர்களது மோட்டார்களை ISI விதிகளின்படி உள்ளனவா என்பதை ஆய்வு செய்து அதை 10 HPக்கு மேல் இருக்கும் பட்சத்தில் அபராதம் விதித்து வந்தது.

(ii) தற்பொழுது டிஜிட்டல் மீட்டர் பொருத்தப்பட்ட பிறகு அவரது ISI தரத்திலான மோட்டார்களை 10 HP யை விட அதிகம் எனக் கூறி அபராதம் விதிப்பதுடன் அவரது சலுகைவிலை மின்சாரமான டாரிப் 3(A)(2)லிருந்து சலுகை இல்லாத டேரிப் III-Bக்கு மாற்றம் செய்துள்ளது.

(iii) மின்சார வாரியம் ஆனது 10 HP மோட்டார்களை இயக்க 7.46 kw மட்டுமே கொடுக்கமுடியும் என கூறுகிறது. ஆனால், ISI வழிகாட்டுதலின்படி 10 HP மோட்டாரை முழுதிறனுடன் (100 சதவீதம் லோட்) இயக்க 7.46 kw போதுமானதாக இல்லை என கூறுகிறது.

(iv) அவர் 0.5 HP திறன்கொண்ட ISI தரத்திலான 20 மோட்டார்களை பயன்படுத்தி வருகிறார். அவை ISI விதிகளின்படி முழுதிறனில் (100 சதவீதம் லோட்) இயங்க தேவைப்படும் மின்சாரமானது IS 8789:1996 வழி காட்டுதலின்படி அவருடைய 0.5 HP, 4-pole, 3 phase மோட்டார்களானது 64 சதவீத செயல்திறன் (efficiency) கொண்டவை அவை முழுதிறனுடன் (100 சதவீத லோட்) இயங்க தேவைப்படும் மின்சாரம்

Required input power (kw) }
for his 64% efficiency motor } = (7.46/64) x 100 = 11.66 kw

(v) மேலும், அவருக்கு விளக்கு எரிக்க 1000 kw (1.kw) சேர்த்து மொத்தம் 12.66 kw வரை உபயோகிக்க அவருக்கு உரிமம் உள்ளது.

(vi) மேலும் அவரது மின்இணைப்பு எண்.007-001-1207 என்ற மின்இணைப்பில் அவர் அதிகபட்சமாக பயன்படுத்திய 11.36 kw மற்றும் 007-001-1391 என்ற மின்இணைப்பில் அவர் அதிகபட்சமாக பயன்படுத்திய 11.72 kw ஆகியவை 12.66 kw க்கும் குறைவானது என்பதால் அவர் எந்தவிமான விதிமீறலையும் மேற்கொள்ளவில்லை என உறுதியாக கூறுகிறார்.

8. Arguments of putforth by the Respondents on the hearing date :

8.1 The Respondent reiterated the contents of the counter affidavit.

8.2 The AEE/Erode argued that the recorded demand of the service connection has exceeded the sanctioned demand of 10 HP+ 1000 watts. As per regulation 5(2)(ii)(b) of the Supply Code the maximum demand recorded in the meter has to be considered for fixing the electricity charges.

8.3 He also argued that as per tariff order dt.21.6.2013 the change of tariff from III(A)(2) to III-B is correct since the recorded demand of the service connection is more than 10 HP.

8.4 He also informed that the sanctioned load of the service connection is 10 HP+ 1000 watts only.

9. Findings of the Electricity Ombudsman :

9.1 The Appellant in his appeal petition has mentioned only the SC No.007-001-1391. In the grounds for appeal also he has mentioned that he has filed his appeal petition with regards to SC No.007-001-1391 only. However, in the written submission made on the hearing date, the Appellant has mentioned both the service connection numbers.

9.2 The Respondent has furnished his counter referring SC No.007-001-1207 only.

9.3 The order of the CGRF dt.1.9.2016 pertains to both the SC No.007-001-1391 & SC No.007-001-1207.

9.4 As the subject matter of the both the service connections are same, and the appeal is against the order of CGRF dt.1.9.2016 which discuss both the service connections, the appeal is also considered as for both the services.

9.5 On a careful consideration of the submission made by the Appellant and the Respondents the following are considered as issues.

- (i) Who are all eligible to be categorised under Tariff III(A)(2) as per tariff order ?
- (ii) What is the criteria for categorisation of a service under tariff IIIB?
- (iii) Whether the request of the Appellant to be categorised as IIIA2 is acceptable?

10. Findings on the First issue :

10.1 To know the eligibility criteria of tariff IIIA2 we have to refer the tariff order SMT order No.9 of 2014 dt.11.12.2014 as the tariff change of the disputed service connection No.007-001-1391 was made on 12.2.2016. The relevant para 6.18 of the said tariff order dt.11.12.2014 is extracted below :

“6.18 Low Tension Tariff III-A (2) :

Tariff	Consumption slabs – Range in kWh and billing period	Commission Determined Tariff	
		Fixed Charges (Rupees per kW per month)	Energy Charges in Paise per kWh
Low Tension Tariff III-A (2)	(i) For consumer who consume up to 250 units per month (or) 500 units for two months		
	0 to 250 units per month or 0 to 500 units bimonthly	60	520
	ii) For consumers who consume 251 units and above per month (or) 501 units and above for two months		
	0 to 250 units per month or 0 to 500 units bimonthly		520
	251 to 500 units per month or 501 to 1000 units bimonthly		575

	501 to 750 units per month or 1001 to 1500 units bimonthly	60	575
	From 751 units and above per month or 1501 units and above bimonthly		575

**Category to be subsidised by the Government.*

- i. The connected load shall not exceed 10 HP under this category.*
- ii. The tariff is applicable to Power looms, Braided Cords Manufacturing and related ancillary tiny industries engaged in warping, twisting, and winding.”*

10.2 On a careful reading of the said para, it is noted that the tariff III(A)(2) is applicable to powerlooms. Braided cord manufacturing and related ancillary tiny industries engaged in warping, twisting and winding and the connected load shall not exceeded 10 HP.

11. Findings on the Second Issue :

11.1 To know the eligibility criteria for categorisation under LT tariff IIIB, para 6.19 of the Tariff order SMT order No.9 of 2014, dt.11.12.2014 has to be examined.

The said para 6.19 of the tariff order dt.11.12.2014 is extracted below :

6.19 Low Tension Tariff III-B:

Tariff	Commission Determined Tariff	
	Fixed Charges (Rupees per kW per month)	Energy Charges in Paise per kWh
Low Tension Tariff III-B	35	635

- i. This tariff is applicable to all industries not covered under LT Tariff III A (1) and IIIA(2). All industries covered under LT Tariff III A (1) and III A (2) shall also fall under this tariff category if the connected load of such industries exceeds 10 HP.*
- ii. This tariff is also applicable to Welding sets irrespective of its capacity. Supply to welding sets shall be charged 15% extra.*
- iii. This tariff is applicable to Information Technology services as defined in the ICT Policy 2008 of Government of Tamil Nadu and amended from time to time. The definition is reproduced below:*

“IT services are broadly defined as systems integration, processing services, information services outsourcing, packaged software support and installation, hardware support and installation.”

Information Technology Services includes:

a) Systems integration includes :

1) Network Management Services

2) Applications Integration

b) Processing services includes:

1) Outsourced Services in Banking, HR, finance, Technology and other areas

2) Outsourced Bank office support or Business transformation and Process Consulting Services.

c) Information Services Outsourcing includes:

1) Outsourced Global Information Support Services

2) Knowledge Process Outsourcing

3) Outsourced Global Contact Centre Operations

4) Outsourced Process Consulting Services.

d) Packaged Software Support and Installation includes:

1) Software Design and Development, Support and Maintenance

2) Application installation, support and maintenance

3) Application testing.

e) Hardware Support and Installation includes:

1) Technical and network operations support

2) Hardware installation, administration and management

3) Hardware infrastructure maintenance and support.

iv. The intending consumers applying for service connection under LT Tariff III B claiming to have established the industries engaged in the manufacture or production of goods shall produce certificate from the District Industries centre.”

11.2 On a careful reading the above para, it is noted that the services which are all coming under (i) to (iv) could be categorised as LT tariff IIIB.

11.3 In relevant to the case on hand, the applicable para is 6.19(i). As per the para 6.19(i), tariff IIIB is applicable to all industries not covered under LT tariff

IIIA(1) and IIIA2. Further all industries covered under tariff IIIA(1) and IIIA(2) shall also fall under this tariff if the connected load of such industries exceeds 10 HP. (ie) The Industries coming under III(A)(1) & III(A)(2) will also be categorised as III-B, if the connected load exceeds 10 H.P.

12. Findings on the Third Issue :

12.1 The Appellant argued that the sum of the capacity of the 20 nos motors installed in the disputed service connection is only 10 HP. The above rating is only an output power and the input power will be more than 10 HP. Therefore, he argued that the power drawn shall be more than 10 HP. As the efficiency of the motor is 64% the appellant argued that the power input will be 11.66 kw. The appellant has cited IS 8789-1996 for considering the efficiency as 64%.

12.2 Further, he argued that his sanctioned load is 10HP+1000 watts (for lighting) therefore, he argued that he is permitted to use upto 12.66kw. As the recorded demand in SC No. 007-001-1391 is 11.72 kw and in SC No. 007-001-1207 is 11.36kw, the Appellant argued that he has not violated any regulation and his service could be categorized as III-A(2).

12.3 The Respondent argued that as per regulation 5(2)(ii) b of the supply code, the licensee is permitted to collect the electricity charges based on the recorded demand in the static meter and also the sanctioned load could be enhanced to the level of the recorded demand.

12.4 The Respondent also argued that electricity charges are not collected based on the connected load of the service connection. He has cited Regulation 7(5) also in support of the above argument.

12.5 The Respondent further argued that the consumer has exceeded the permitted demand of 10HP. Hence, the sanctioned load was enhanced to the level of

the recorded demand. As it exceeded the 10HP(7.46 kw) level, the tariff was changed to LT tariff IIIB as per the tariff order.

12.6 As the Respondent has cited regulation 5(2)(ii) (b) of the Supply Code, the relevant regulation is extracted below:-

“5. Miscellaneous charges

xxx xxx xxxxx xxx

(2) Excess demand charge

xxx xxx xxxxx

(ii) In case of LT supply,

(b) For other categories of LT services with contracted demand equal to or less than 18.6 KW (25 HP), the excess demand charges shall not be applicable where the connected load is equal to or less than the contracted demand.

Note: For services with contracted demand less than or equal to 18.6 KW (25 HP), whenever the consumer’s connected load exceeds the contracted demand, the licensee shall install meters with demand recording facility and bring the consumer under the scope of excess demand chargeable category. After installation of the meter, if the recorded demand is in excess of contracted demand, the existing demand, shall, after intimation to the consumer, be revised to the level of recorded demand and all relevant charges applicable for extension of additional demand shall be included in the next bill. No excess demand charge is leviable till such time the licensee installs meter with demand recording facility and bring the consumer under the scope of excess demand chargeable category.”

12.7 On a careful reading of the said regulation, it is noted that whenever, the connected load exceeds the contracted demand in respect of the service connection with contract demand less than or equal to 18.6 kw / 25HP the licensee shall install meters with demand recording facility and bring the consumer under excess demand chargeable category. After installation of the meter with demand recording facility if the demand recorded exceeds the contracted demand, the contracted demand after intimation to the consumer shall be revised to the level of the recorded demand and all the relevant charges applicable for sanction of additional load shall be included in the next bill.

12.8 As per the above regulation, it is noted that the licensee is having every right to revise the sanctioned load to the level of recorded demand if meter with demand recording facility is installed in the service. As the meter installed in the service is

static meter, the demand recording facility is also available. Therefore, sanction of additional load to the level of recorded demand is as per regulation 5(2) (ii)(b) only.

12.9 The Respondent have changed the tariff to LT IIIB from LT III-A2 as the recorded demand is more than 7.46kw.

12.10 As per my finding on the first issue, the power loom industries with a connected load of 10HP has to be categorized under LT tariff III-A2 as per tariff order SMP Order No.9 of 2014 dt. 21.12.2014.

12.11 As per the above, the power loom industries with connected load of 10 HP are coming under LT tariff III-A2. The main criteria for adopting the said tariff is the connected load and not the contracted load (sanctioned load). Therefore, for tariff categorisation as III(A)(2), the connected load of the service connection is the main criteria and not the sanctioned load. In order to know what is the connected load I would like to refer regulation 2(d) of the Supply Code which gives the definition of connected load. Regulation 2(d) of Supply Code is extracted below:

“2. Definitions

xxx xxxx xxxx

(d) **“Connected Load**’ means the aggregate of the manufacturer’s rating of all equipments connected to the consumer’s installation and of all portable equipments and also the capacity of the power source required to test manufactured products and repaired equipment in the installation.

Explanation.— Where the rating is in terms of KVA, it shall be converted to KW by multiplying it by a power factor of 0.9 and where the rating is in terms of HP, it shall be converted to KW by multiplying it by a factor of 0.746.

xxx xxx xxxx ”

12.12 On a careful reading of the definition given above for the connected load, it means the aggregate of the manufacturers rating of all equipments connected to the consumer’s installation and of all portable equipments and also the capacity of the power source required to test the manufactured products and repaired equipment in the installation.

12.13 As per the above definition, the aggregate of the manufacturer's rating of the all equipments including the portable and testing equipments is the connected load of the service. Therefore, as per the tariff order, the connected load of the power loom shall not exceed the 10HP to be categorized under tariff III-A(2).

12.14 Hence, the Respondent are directed to calculate Aggregate of the connected loads of the disputed service connection based on the manufacturers rating available in all equipments available in the said service connection including portable & testing equipments if any and categorise the individual service under LT III-A(2) if the total connected load has not exceeded 10 HP.

12.15 The Respondent argued that the recorded demand is more than 7.46 kw. Therefore, the connected load shall be more than 10 HP.

12.16 The Appellant argued that the 10 HP is the output power. As per IS 8789:1996, the efficiency of low capacity motor is only 64%. Therefore, the input power is more than 7.46 kw and is 11.66kw. As he has not reached that load, he argued that the connected load is less than 10 HP only.

12.17 As the criteria for categorization under LT III A(2) is connected load, I am of the considered opinion that the licensee has to verify the connected load as defined in the supply code only to categorise the Appellant's service connection. However, based on the recorded demand if he is having any doubt over the manufacturer's rating of the motors installed, the consumer may be asked to test the equipments for its capacity at the Government laboratory or by any other agency accredited by Bureau of energy efficiency at the cost of consumer. [As there was no stipulation for testing the rating, the stipulation in regulation 5(3)(ii)(d) of Supply Code specified in respect of Agricultural service has been considered]. During the hearing the Appellant has also agreed for testing the motors to confirm the rating.

12.18 As per the information furnished in the CGRF order, only 14 motors are having name plate details and 6 motors are not having name plate details in respect of SC No. 007-001-1207 and name plate details is not available for 2 motors in respect of SC No. 007-001-1391. As manufacturers ratings are not available, the aggregate of the connected load cannot be decided. Hence, I am unable to assess the total connected load. Therefore, the Appellant is directed to arrange for the manufacturers rating for all their motors and the licensee shall arrive the aggregate of all connected load and if the connected load has not exceeded 10 HP, the service could be categorized as III-A(2) only and if it exceeds it has to be categorised as III-B only.

13. Conclusion:

13.1 In view of my findings in para 12, above, the Appellant is directed to arrange to furnish the manufacturers rating in respect of the equipments which are not having the rating to the Respondents and the Respondents shall arrive at the connected load of the services taking into account of the rated capacity of all connected loads and if the connected load is not more than 10 HP, the services are to be categorized under tariff III-A2 and if the connected load exceeds, 10HP then the services are to be categorized as III-B only. However, if the licensee is having doubt over the rated capacity marked in the name plate of the motor, it may require the consumer to confirm the capacity of motor by testing it at Govt Lab/Accredited Lab and then decide about the tariff categorisation.

13.2 With the above findings, the AP No. 76 of 2016 is finally disposed off by the Electricity Ombudsman. No Cost.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Thiru. C. Jeganathan,
S/o Sellappa Gounder,
283/10, Sembampalayam,
Villarasampatti,
Erode.

2) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Erode Electricity Distribution Circle,
TANGEDCO,
948, E.V.N. Road, Erode – 638 008.

3) The Executive Engineer/O&M,
Erode/Urban,
Erode Electricity Distribution Circle,
TANGEDCO,
948, E.V.N. Road, Erode – 638 008.

4) The Asst. Executive Engineer/O&M,
Erode/West,
Erode Electricity Distribution Circle,
TANGEDCO,
948, E.V.N. Road, Erode – 638 008.

5) The Assistant Engineer/O&M,
Nasiyanoor,
Erode Electricity Distribution Circle,
TANGEDCO,
SF No.4514, Thingalore Road,
Nasiyanoor- 638 107.

6) The Chairman & Managing Director,
TANGEDCO,
NPKRR Maaligai,
144, Anna Salai, Chennai -600 002.

7) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.

8) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.