



## **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](mailto:tnerc@nic.in) Web site : [www.tnerc.gov.in](http://www.tnerc.gov.in)

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

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

#### **Appeal Petition No.91 of 2016**

Thirumathi Shakila,  
No.2/41, Sri Perumal Nagar,  
1<sup>st</sup> Street, Nanmangalam,  
Chennai – 600 129.

..... Appellant  
(Rep by Thiru. G. Ramachandran)

Vs

The Assistant Engineer / O & M  
Kovilampakkam,  
Chennai Electricity Distribution Circle / South II,  
TANGEDCO,  
Sunnambu Kolathur Main Road,  
Kovilampakkam,  
Chennai – 600 117

..... Respondent  
(Rep by Thiru. Jeevarajan, AE/Kovilampakkam)

**Date of hearing : 9-2-2017**

**Date of order : 10-5-2017**

The petition dated 28.10.2016 filed by Thirumathi Shakila, Nanmangalam, Chennai – 129 was registered as Appeal petition No. 91 of 2016. The above appeal petition came up before the Electricity Ombudsman for hearing on 9-2-2017. Upon perusing the appeal petition, counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

## **ORDER**

### **1. Prayer of the Appellant:**

The consumption recorded for the period from 14.3.2015 to 9.9.2016 may be checked and reduce the consumption charges as per correct tariff rate.

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

2.1 The Appellant's premises is having a service connection bearing SC. No. 316-059-249.

2.2 The consumption recorded during 7/2016 & 9/2016 are 1300 units & 1700 units respectively.

2.3 The Appellant filed a petition before the Assistant Engineer, on 16.7.2016 and 23.7.2016 complaining about the exorbitant consumption of 1300 units recorded during 7/2016 assessment period and filed another petition to Executive Engineer / Tambaram & Superintending Engineer / Chennai Electricity Distribution Circle South in the same matter on 30.7.2016.

2.4 The Appellant filed a petition before the CGRF on 9.8.16 and the CGRF has issued its order on 3.10.2016. The Forum, has dismissed the petition.

2.5 Aggrieved over the orders of the Forum, the Appellant filed the appeal petition before the Electricity Ombudsman.

### **3. Orders of the Forum :**

The CGRF of Chennai Electricity Distribution Circle / South issued its Order on 3-10-2016. The relevant para of the order is extracted below:-

#### **"Findings and order of the Forum**

*The reply furnished by the respondent is found correct, on deciding the meter healthiness. Hence the forum disposes this petition."*

#### **4. Contentions of the Appellant:**

4.1 The contentions given in the petition filed before the Executive Engineer & Superintending Engineer / South are furnished below:-

(i) Our family is residing in the above said address as a Electricity consumer of your department from Sep 2005 with husband and wife along with one child. Earlier to 2015 March our residence was having ordinary meter. It has been damaged without our knowledge. At once, we reported our complaint over phone in march 2015 to the department.

(ii) After receiving the complaint two Electricity employees came to my house and fixed Digital Meter on 14/3/2015. After fixation of Digital Meter from March 2015 to 10<sup>th</sup> May 2016 our consumption is only 3200 unit. For this period we have paid Rs.10,987/- (Rupees ten thousand nine hundred Eighty Seven only).

(iii) At this juncture suddenly for the period from 11/05/2016 to 06/07/2016 for a period of 56 days, the consumption was recorded as 1300 unit and charged Rs.7148/- (Rupees Seven thousand one hundred Forty Eight only) The above charge is higher than the earlier paid payment of 6 terms.

(iv) We made a complaint on 16/07/2016. On the very next day 17/07/2016 two Electricity employees from department came to our house along with my complaint and checked the digital meter from 17/07/2016 to 22/07/2016 and noted that per day 7 or 8 unit as our consumption. For six days 48 units only is our consumption.

(v) For earlier period from 06/07/2016 to 16/07/2016 (for 11 days) our consumption was 1508 Unit (ie) the digital meter wrongly shows our consumption per day as 140 unit. Our 600 square feet small house how can

consume 1508 unit. The digital meter wrongly reported the consumption of unit due to error in the digital meter.

(vi) After attending the fault on 17/07/2016 by the employees of the Board the consumption from 17.7.16 to 22.7.16 recorded is 48 units. When 6 days consumption is only 48 unit how could the consumption for the period of 11 days be very high as 1508 units. At the time of attending the fault by your employee on 17/07/2016 recorded the meter reading unit as 6008 in my complaint copy. At present on 22/07/2016 meter is showing 6056 (48 unit only using for 6 days).

(vii) More over in our electricity post we only having electricity connection for the past 11 years. Just on the month of May 2016 a new park was opened near our house and connected heavy electrical light in the post. On that day onwards our meter may be very swiftly running and wrongly reported huge unit from the month of May 2016.

##### **5. Contentions of the Respondent furnished in the Counter:**

5.1 The appeal petition itself is not maintainable and it is liable to be dismissed in limine in as much as there is no infirmity or illegality in the action of the respondents.

5.2 An Electro Mechanical Meter was installed in the residence of the petitioner by the TANGEDCO for recording the electricity consumption but according to the petitioner it did not reflect the correct meter reading. Consequently, according to the petitioner, she was made to make excess payment to the department towards consumption charges and that the reading shown in the meter was faulty. It is her further contention that she is living in the above address along with her husband and a minor child and the electricity

consumption shown in the electricity meter is not proportionate to the electricity consumption by the family consisting of three members, including a minor child.

5.3 Immediately, on receipt of the complaint dated 16.07.2016 the Foreman attached to the office of the respondent was deputed to the residence of the petitioner on 17.07.2016 and he caused a physical verification of the meter reading. The Foreman also observed the meter reading in random viz., at peak hour as well as non-peak hours. In other words, the Foreman has observed the meter reading at various levels and subjected it to several tests. Thereafter, it was concluded by the Foreman that there is no fault that could be attributable in the reading of the digital meter and the reading shown in the digital meter is accurate and proper. This was intimated by the Foreman to the office of the respondent on 17.07.2016 itself in the evening and it was also made known to the petitioner.

5.4 The contention of the petitioner is that the Foreman or other officials of the department caused observation of the meter reading from 17.07.2016 to 22.07.2016 is untenable besides contrary to truth. The observation, as per the routine standards and prevailing practice, was made only for a single day on 17.07.2016.

5.5 It is submitted that in order to ensure that no stone is unturned in fulfilling the statutory obligation of the respondent, the respondent has send the petitioner meter to the Meter Relay Test Division at KK Nagar and being a static meter, the recorded data's are down loaded through Common Meter Reading Instrument (CMRI) and uploaded in the computer. After verifying all the parameters, the Meter Relay Test Division has given a report which shows the periodical consumption from the date of replacement of the static meter and found in order as well as meter is in good working condition.

5.6 It is submitted that the instant application has no merit. The petitioner has ventilated her grievance through various forums. The respondent department have subjected the

static meter to varies test and it was found to be functioning properly and it is in order. There is no slackness or negligence on the part of the respondent in not attending to the grievance of the petitioner then and there.

**6. Hearing held by Electricity Ombudsman:**

6.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was conducted on 9-2-2017.

6.2 Thiru G. Ramachandran, Husband of the Appellant has attended the hearing on behalf of the Appellant and putforth his arguments.

6.3 Thiru Jeevarajan, Assistant Engineer / Kovilampakkam the Respondent herein has attended the hearing and putforth his arguments.

**7. Arguments putforth by the Appellant:**

7.1 Thiru G. Ramachandran, reiterated the contents of his appeal petition.

7.2 The Appellant's representative furnished a written argument on the hearing date. The arguments furnished in the written arguments not covered in the appeal petition are furnished below:-

i) Suddenly for the period of 11/05/2016 to 06/07/2016 for the period of 56 days it denotes 1300 unit and Rs.7148/- (Rupees Seven thousand one hundred Forty Eight only) the above payment is higher than the earlier charges paid for 6 terms. In the impugned order dated 03.10.2016, the presiding officer has not applied his mind and delivered judgment to my adjudication area for the period of 11.05.2016 to 16.7.2016.

ii) And further submitted that from 06/07/2016 to 16/07/2016 for the 11 days our unit consumption is 1508 units. It means per day, 140 units for our house.

iii) I submit that the above 2 adjudication points were not discussed in the order and also not properly meter calculations relayed in the order.

iv) Moreover, Meter Relay Test report were not discussed and disclosed in the order. At this juncture, I have sent under RTA Act, on 01.11.2016, for the Check-up report after passing order for our clarification. They sent a reply on 03.12.2016. enclosing a Xerox copy of the Assistant Executive Engineer report dt. 26/09/2016.

v) I submit that at this circumstances, for clear and crystal answer for my adjudication area I read and relay the details as per the Download Data as per Consumer Ledger and as per online bill payment, which are furnished below : -

As per Download Data			As per Consumer Ledger			Bill History		
Date	Cum kwh	Cum Kvah	Date	Cum kwh	Cum Kvah	Date	Cum kwh	Cum Kvah
Current Reading (Nov.16)	6479.44	6696.77	08.11.16	6970	970	09.09.16	1570	8842
09.09.16	6377.89	6593.93	09.09.16	6070	0	06.07.16	1300	7148
06.07.16	5681.29	5888.22	06.07.16	4500	0	10.05.16	300	730
01.05.16	4945.48	5142.54	10.05.16	3200	0	10.03.16	300	730
01.03.16	4522.4	4710.58	10.03.16	2900	0	10.01.16	300	730
01.01.16	3998.8	4178.3	10.01.16	2600	0	10.11.15	320	790
01.11.15	3525.86	3699.39	10.11.15	2300	0	10.09.15	500	1330
01.09.15	2863.02	3015.81	10.09.15	1980	0	10.07.15	490	1300
01.07.15	1791.15	1886.13	10.07.15	1480	0	10.05.15	992	5377
01.05.15	825.24	867.76	10.05.15	990	0	13.03.15	660	3186
01.03.15	1.66	1.82	Meter Changed with (IR) 16.03.15	0	0			

vi) 1) Further submitted that as per the above report,

As per Online Reading Report :

Date : 10/05/2016 Units reading : 3200

As per Consumer Ledger

Date: 10/05/2016 Units reading : 3200

As per Respondent Download Data

Date : 01/05/2016 Units Reading :4945.48

There was the huge difference among the 3 reports : 4945 – 3200 = 1745 Units

2) As per Online Reading Report :

Date : 06/07/2016 Units reading : 4500

As per Consumer Ledger

Date " 06/07/2016 Units reading : 4500

As per Respondent Download Data

Date : 06/07/2016 Units Reading :5681.29

There was the huge difference among the 3 reports :  $5681 - 4500 = 1181$  Units.

(vi) I submitted that like these above difference and variations occurred in all the three reports for all the period from 10.05.2015 to 09.09.2016. Due to this error and fault of respondent side I lost my tariff concession rate of TNEB. Because of huge wrong reading report by the respondent I cannot enjoy the tariff concession.

7.3 The Appellant's representative also argued that the Respondent has not taken into account the Downloaded details to arrive at the correct billing.

7.4 The Appellant's representative also informed that he is agreeable for arriving the consumption charges based on the downloaded data for the period from 10.5.15 to 9.9.16.

#### **8. Argument putforth by the Respondent on the hearing date:**

8.1 The Assistant Engineer / Kovilampakkam reiterated the contents of the counter.

8.2 He argued that the meter is working alright as per the report of the Assistant Executive Engineer / MRT.

8.3 He also argued that the meter was under observation for one day only and not from 17.7.16 to 22.7.16 as stated by the Appellant.

8.4 He also agreed that there is difference between the recorded reading and the downloaded reading from 7/15 onwards (i.e) the recorded readings are lower than the downloaded reading from 7/15 to 9/16.



9. **Findings of the Electricity Ombudsman :**

9.1 On a careful examination of the rival submission, the issue before me is whether the CC charges levied for the period from 7/16 & 9/16 are correct ? whether the billing from 5/15 to 5/16 assessment periods are correct ?

9.2 The Appellant argued that the meter is defective as it shows abnormal consumption of 1300 units for the period from 11.5.2016 to 6.7.2016.

9.3 The Appellant also argued that the meter reading on 17.7.16 while inspection by the TANGEDCO employee is 6008 and the reading recorded on 22.7.16 is 6056. As only 48 units were consumed for 6 days, he argued that the consumption of 1508 units for 11 days (i.e. from 6.7.16 to 16.7.16) is abnormal and wrong.

9.4 The Appellant also argued that the reading recorded in the consumer ledger and the reading as per down loaded details are having vast variations.

9.5 The Respondent argued that the Assistant Executive Engineer / MRT after analysing the downloaded data has remarked that the performance of the meter is found to be in order. Therefore, he argued that the meter is in good condition only.

9.6 As the issue here is the abnormal billing, I would like to analyse the consumer ledger details and the downloaded details from the date of change of meter i.e. 16.3.15 to 9.9.16 which are extracted below :-

As per downloaded data	
Date	Cum kwh Reading
01.03.15	1.66
01.05.15	825.24
01.07.15	1791.15
01.09.15	2863.02
01.11.15	3525.86
01.01.16	3998.80
01.03.16	4522.40
01.05.16	4945.48
01.07.16	5681.29
09.09.16	6377.89

Consumer ledger	
Date	Cum kwh Reading
16.03.15	0
10.05.15	990
10.07.15	1480
10.09.15	1980
10.11.15	2300
10.01.16	2600
10.03.16	2900
10.05.16	3200
06.07.16	4500
09.09.16	6070

9.7 The down loaded detail gives the Kwh reading alone as on 1<sup>st</sup> of every odd month. The consumer ledger entry is on 10<sup>th</sup> of odd months upto 5/16, (i.e) the reading taken for assessment is 10<sup>th</sup> of every bimonthly upto 5/16, and reading was taken on 6.7.16 & 9.9.16 in subsequent bimonthly periods.

9.8 On a careful analysis and comparison of the downloaded data with the consumer ledger, it is noted that the reading noted on 10.5.15 in the consumer ledger is 990. The downloaded data reading as on 1.5.15 is 825.24. The meter was changed on 16.3.2015. Therefore, from 16.3.15, the consumption recorded is (825.24-1.66) 824 units. Hence, one day consumption is about 18 units. Therefore, the reading as on 10.5.15 could be 986 or say 990. The above entry of consumer ledger is tallying with the downloaded data. Therefore, it is held that upto 5/15 assessment period, the assessment done by the licensee is correct.

9.9 On 1.7.2015, the meter reading as per downloaded data is : 1791.15 kw.

The meter reading as per consumer ledger on 10.7.15 is 1480.00

It is observed from the above reading that the reading noted in the consumer ledger on 10.7.2015 is about 311 units less than the reading as on 1.7.2015 (ie) the later date reading noted by the employee of the licensee is less than the reading of the downloaded data as on 1.7.15.

9.10 As per the details furnished for 1.7.2015 & 10.7.2015, it is observed that the reading noted on 10.7.2015 in the consumer ledger is 311 units less than the reading as on 1.7.2015 noted from down loaded data. It establishes that the meter reading entered in the consumer ledger is wrong. Similarly, for 9/15, 11/15, 1/16, 3/16 assessment periods also, the consumer ledger readings are far less than the down loaded data reading as on the 1<sup>st</sup> day of the corresponding months as detailed below :

Sl.No.	Billing period	Downloaded data		Consumer ledger		Difference
		Date	reading	Date	reading	
1	2/15	1.9.15	2863	10.9.15	1980	883
2	11/15	1.11.15	3525	10.11.15	2300	1225
3	1/16	1.1.16	3998	10.1.16	2600	1398
4	3/16	1.3.16	4522	10.3.16	2900	1622

9.11 The entries made in the consumer ledger are the reading taken by the licensee's staff and uploaded in the computer (i.e) it is a manual entry.

9.12 As the down loaded datas are the details down loaded from the memory of the meter, it is a value recorded in the meter as on the pre-determined dates. It is not a manual entry but recorded automatically as per the software. Therefore, I am of the considered opinion, the downloaded datas are reliable.

9.13 The Appellant has disputed the consumption of 7/16 & 9/16 in the petition and also the assessments from 3/15 to 9/16 assessment periods. Therefore, I would like to work out the consumption based on downloaded Data, in respect of 7/16 & 9/16. The reading as on the dates of assessment are available. They are furnished below :-

<u>As per downloaded data</u>	<u>Date</u>	<u>Consumer ledger</u>
6.7.16 - 5681.29	6.7.16	4500
9.9.16 - 6377.89	9.9.16	6070

9.14 As the downloaded details are available on the date of assessment, the same could be taken as the reading as on the date of assessment and the consumption for 9/16 could be arrived as (6380 (6377.89) - 5680 (5681.29)) : 700 units.

9.15 Therefore, the consumption, for 9/2016 has to be taken as 700 units only.

9.16 Similarly, for 7/16 assessment, the 10/5/2015 reading has to be worked out from the following details :-

6.7.16	:	5681.29
1.5.16	:	4945.48
		-----
		735.81
		-----

or say 736 units for 67 days i.e. one day consumption =  $736 / 67 = 10.98$  or say 11 units

(To arrive at the reading as on 10.5.2016 we may add 11 units per day for 9 days to 1.5.2016 reading).

Reading as on 10.5.2016 : 4945.48 + 99

= 5044.48 or say 5040 (Rounded of to nearest zero)

consumption for 7/2016 : 5680 – 5040 : 640 units

9.17 As per my workings, based on downloaded data, the consumption for 7/2016 is 640 units & 9/2016 is 700 units. The consumer has been charged for 1300 units for 7/2016 & 1570 units for 9/2016. Therefore, the Respondent is directed to revise the bill for the above periods, and refund the excess amount collected or adjust the same in the future bills.

9.18 The Appellant has also prayed to check up the bill for the period from 14.3.15 to 9.9.2016. As per the findings in para 9.8, for 5/15 assessment the consumer ledger entry & downloaded entry are tallying (ie) upto 10.5.15 the assessment made is correct. Hence, the licensee is directed to revise the bills from 7/15 to 5/16 assessment periods based on the downloaded data and arrive at the amount to be collected for each bimonthly and refund or collect the balance amount duly issuing a notice as per rules and regulations.

## **10 OBSERVATION :**

10.1 On a careful analysis of the downloaded details with the consumer ledger, it is observed that the meter reading entered in the assessment dates are not tallying with the down loaded details and the licensee's employee has entered the reading which are less than the actual reading from 7/2015 onwards to 9/16 assessment period. The consumption recorded during 1/16, 3/16 & 5/16 were noted as 300 units for all the above periods. As the downloaded reading 10 days prior to the date of assessment is higher than the reading noted on the assessment date by the staff, it is suspected that the readings would have been recorded without seeing the meter upto 7/16 and the missed units were adjusted subsequently in 7/16 & 9/16 assessment periods. Because of the above adjustments high consumption was recorded during 7/16 & 9/16.

10.2 It is also noted that, the downloaded data are available with the Respondent from 26.9.16 onwards. The Respondent's counter was received at the Electricity Ombudsman's office on 10.1.17. The licensee's officer would have noted the difference in the readings between the consumer ledger and the downloaded data and furnished the counter accordingly. But he has only justified the billings already done. It implies that the Respondent is not willing to amend his position even after seeing the downloaded datas. The above attitude of the Respondent is noted with displeasure.

10.3 In view of my observation, the SE / CEDC / South-II is directed to take necessary action to avoid such occurrences in future.

**11. Conclusion:**

11.1 In view of my findings in para 9.17 the consumption for 7/2016 shall be taken as 640 units and consumption for 9/16 assessment period shall be taken as 700 units and the CC charges for the respective period shall be worked out accordingly. The excess CC charges collected for 7/2016 & 9/2016 shall be refunded or adjusted in future bills.

11.2 Further, the Respondent is also directed to revise the assessment for the period from 7/15 to 5/16 based on downloaded data and refund the excess amount if any collected or arrange to collect the difference in amount if any by issuing notice as per rules and regulations.

11.3 The directions given in para 11.1 & 11.2 shall be complied with 30 days from the date of receipt of this order and the compliance report shall be furnished within 45 days from the date of receipt of this order.

11.4 With the above findings, the AP No.91 of 2016 is finally disposed by the Electricity Ombudsman. No Costs.

**(A. Dharmaraj)**  
Electricity Ombudsman

To

1) Thirumathi Shakila,  
No.2/41, Sri Perumal Nagar,  
1<sup>st</sup> Street, Nanmangalam,  
Chennai – 600 129.

2) The Assistant Engineer / O & M  
Kovilampakkam,  
Chennai Electricity Distribution Circle / South II,  
TANGEDCO,  
Sunnambu Kolathur Main Road,  
Kovilampakkam,  
Chennai – 600 117.

3) The Chairman,  
(Superintending Engineer),  
Consumer Grievance Redressal Forum,  
Chennai Electricity Distribution Circle / South II,  
TANGEDCO,  
110 KV SS Complex, K.K. Nagar,  
Chennai 600 078.

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

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

6) 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.