



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. S. Devarajan Electricity Ombudsman

Appeal Petition No. 64 of 2017

M/s Harihar Alloys Private Ltd.,
No.6, Thomas Street
Race Course Road,
Kajamalai,
Trichy -20

. Appellant

(Rep by Thiru. A. Rajagopalan/Manager/Legal
Thiru. & K.Narasimhan, Advocate)

Vs

1) The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
TANGEDCO,
Mannarpuram,
Trichy 640 020.

2) The Chief Engineer,
Trichy Region,
TANGEDCO,
Mannarpuram, Trichy 640 020.

3) The Superintending Engineer,
Pudukottai Electricity Distribution Circle,
TANGEDCO,
Near old busstand, Pudukkottai -622 001.

. Respondents

(Rep by Thiru. R.M. Padmanaban, EE/General/Trichy EDC/Metro
Thiru. K. Anbuselvan, AEE/Thennur,
Thiru. H. Thirumavalavan, EE/General/Pudukkottai EDC,
Thiru. A. Selvam, Accts Supervisor/Pudukkottai EDC &
Thiru. R. Radha, AEE/Development/Trichy EDC/Metro)

Date of hearing : 18.1.2018

Date of Order : 24.05.2018

1. The Petition dt. 10.10.2017 filed by M/s Harihar Alloys Private Ltd., Trichy was registered as Appeal Petition No.64 of 2017. The above appeal petition came up for hearing before the Electricity Ombudsman on 18.1.2018. 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 Appellant prayed to quash the order of the Honble CGRF in Petition No.1/B of 2017-18.

2. Brief History of the case:

2.1 The Appellant states that the Appellant is in the business of manufacturing alloy steel casting and forgings and that the Appellant's company is classified as a High Tension Industry. The Appellant has a HT Service connection No.171 at the Appellant's manufacturing unit at S.F. No.421 & 671, Trichy Thuriyur Main Road, Musiri Taluk, Trichy District.

2.2 The Appellant requested the respondents to reduce the sanctioned demand from 1250 KVA to 950 KVA to its HT Service Connection No.171.

2.2 The respondents delayed the same for which the appellant was forced to pay excess demand charges claimed by the respondents.

2.3 Therefore the appellant approached the CGRF, Trichy with a prayer to direct the first respondent to give effect to the reduction in load from 21.06.2016. CGRF has issued its order on 28.08.2017. Aggrieved over the orders, the appellant filed this appeal petition before Ombudsman.

3. Orders of the CGRF :

3.1 The CGRF of Trichy Electricity Distribution Circle/Metro issued its order on 28.08.2017, the relevant portion of the order is extracted below :-

“ Forum Conclusion :

On enquiry in the forum on the both sides and as per the conclusion and members of forum, it is hereby ordered that prayer of the petitioner cannot be considered and the forum decides that the official procedure carried out for the reduction of demand from 1250 KVA, 900 KVA to a tune of 300 KVA in HTSC No.171 standing in the name of Harihar Alloys Private Ltd is in order and the TANGEDCO need not refund the amount paid by the consumer.

With these findings, the petition is disposed.”

4. Arguments of the Appellant furnished in the Appeal Petition:

4.1 Under the provisions of the Electricity Act 2003 and the Electricity supply code framed there under, the Respondents are the authorities empowered to reduce sanctioned demand of high tension industries.

4.2 Appellant is in the business of manufacturing alloy steel casting and forgings and that the Appellant's company is classified as a High Tension Industry. The Appellant has a HT Service connection No.171 at S.F. No.421 & 671, Trichy Thuriyur Main Road, Musiri Taluk, Trichy District, HT Service Connection No.123 at S.F. No.229/2 & 4B, Lakshmanampatti Village, Kulathur Taluk, Pudukottai District and HT Service connection No.121 at S.F. No.80 and 82 Vellore Village, Illupur Taluk, Viralimalai, Trichy. The Appellant states that they are paying an amount of over Rs.5.00 crores every year for the three units mentioned above and has been very regular in payments.

4.3 The Appellant states that following paucity of orders which had resulted in a conspicuous lack of demand due to which the Appellant had decided to reduce the sanctioned demand from 1250 KVA to 950 KVA to its HT Service Connection No.171.

- 4.4 The Appellant states that by their letter dated 21.05.2016 to the First Respondent requesting to reduce the sanctioned demand from 1250 KVA to 950 KVA. The respondent has inordinately taken a long time of five months for replying to a simple request for reduction in sanctioned demand.
- 4.5 The Appellant states that in response to their letter, the First Respondent sent a letter vide their Memo No.SE/TEDC /Try /AEE/DEV /AE F.HT.SC.171/D.251/ 15 dated 20.10.2016 stating that reduction of demand will be considered after the payment of arrears of Rs.3,48,30,690/- pertaining to HT SC No.111 was received. I humbly state that HT SC No.111 in respect of which there is an audit arrears of Rs.3,48,30,690/- is not a unit of Harihar Alloys (P) Ltd.
- 4.6 The appellant states that the first respondent has caused a Reply to the Complainant company vide their Lr.No.CP/CGRF/TEDC/M/TRY/AEE/Dev/AE/TA/Dev/F.HTSC 171/D354/16, dated 23.12.2016 and in the same it has been clearly and categorically stated that “The BOAB Audit Slip vide Slip No.26 was withdrawn by BOAB Audit Party on 31.10.2016”. In this connection it is stated that in as much as the BOAB Audit slip was withdrawn by the Audit party even on 31.10.2016. The factum of withdrawal of Audit objection has been informed only on 23.12.2016 after the representation of the complainant company dt.15.12.2016 (i.e. sweet lime of 53 days). The attitude of the first & second respondent in this regard is certainly amounts to deliberate and wilful and they have acted with an ulterior motive.
- 4.7 The Appellant states that the audit arrears belongs to HTSC No.111 of M/s.Sabari Industries (P) Ltd. and falls within the jurisdiction of Pudukottai Electricity Distribution Circle, the third respondent has issued a notice to M/s.Sabari Industries (P) Ltd on 05.05.2015 and M/s.Sabari Industries Pvt Limited have sent their reply on 22.05.2015. No notice was issued to the Appellant even at that time.

- 4.8 The Appellant humbly submits that the Respondents are aware that the arrears belong to M/s. Sabari Industries Private limited and not of the Appellant as billing had started in the name of M/s. Sabari Industries Private Limited from 31.12.2009 itself.
- 4.9 The Appellant states that they were totally taken aback by the letter dated 20.10.2016 as till that day they had not received any request for payment of audit arrears even from the Pudukottai EDC and for that matter the Pudukottai EDC had obliged their request for reduction of demand faster than the First Respondent in their HT SC No.121 and 123 under Pudukottai EDC.
- 4.10 The Appellant further states that it is a normal procedure for the Respondent to check whether there are any arrears before accepting name transfer application and changing the name and it is surprising to note that in the present case there has two successful name transfer and no question of arrear was raised at the time of name transfer and now all of a sudden the respondent states that there are arrears that too in the name of previous owners without issuing any proper notice to the present owner which is legally untenable and unsustainable.
- 4.11 The Appellant states that on receipt of the letter dated 20.10.2016, the Appellant had sent another letter dated 15.09.2015 wherein the Appellant had clearly explained that there were no arrears in any units of the Harihar Alloys (P) Ltd and the alleged HT SC No.111 is no way related to the Petitioner's company.
- 4.12 The Appellant states that the Appellant's company has not exceeded their demand beyond 950 KVA (90% of the reduced demand) requested by Appellant from 21.05.2016 onwards. However they were regularly charged under the original sanctioned demand due to which the appellant had to pay sum of Rs.6,20,065/- (Rupees six lakhs twenty thousand and sixty five only) which was claimed in excess by the First Respondent.

- 4.13 The Appellant states that the excess amount of Rs.6,20,065/- (Rupees six lakhs twenty thousand and sixty five only) based on the original sanctioned demand is completely illegal and should be set aside. The Appellant therefore approached the Hon'ble CGRF Trichy and filed a complaint before them on 06.03.2017 with a prayer to direct the First Respondent to give effect to the reduction in load from 21.06.2016 and refund the excess claimed in the bills of June 2016 to January 2017 along with an interest @ 18% p.a. from the date of collection of the amount.
- 4.14 The Appellant states that the Hon'ble CGRF vide its letter dated 18.03.2017 received by the Appellants on 20.03.2017 refused to register the complaint citing that the related case W.P. No.(M.D.) 18667 of 2015 & M.P. (M. D.) No.1 of 2015 was pending before the Hon'ble High Court.
- 4.15 The Appellant states that the Appellant sent reply on 28.04.2017 along with copy of order of Hon'ble High Court, Madurai Bench where it has been clearly mentioned that the case was being withdrawn with liberty to approach Hon'ble Consumer Forum for appropriate remedy.
- 4.16 The Appellant states that as complaint was not being registered by CGRF, Trichy as informed by the Respondent the Appellant withdrew the W.P. (M.D) 18667 of 2015 filed before Hon'ble High Court Madurai bench and approached the Respondent to register the complaint and finally complaint before CGRF was registered as Complaint No.01/B of 2017-2018.

5.0 Arguments of Respondent furnished in counter:

- 5.1 The CGRF/Metro/Trichy's order has been issued considering (as per TNERC Guidelines /TANGEDCO) instruction in force.
- 5.2 All the pending TANGEDCO dues can be recovered from any sister concern. By this rule, Chief Engineer/Distribution/Trichy has issued the order to recover the same.

- 5.3 Board of Directors of the Appellant's company and of M/s.Sabari Industries are same. Moreover under R&C implemented, transfer of demand /Energy were done, between these two industries during that tenure.
- 5.4 Application for reduction of 300 KVA demand from 1250 KVA to 950 KVA was registered on 29.11.2016. Previously application for reduction of 400 KVA demand from 1650 KVA to 1250 KVA was Registered on 01.09.2015. As per the procedure in vogue for the approval to process, the same was submitted to the Chief Engineer/ Distribution/Trichy. Only at the time of processing the reduction of demand application, pending audit arrears details was brought to the knowledge and notice for remittance of audit arrear was issued to the petitioner on 15.09.2015. Hence the procedure is not illegal and arbitrary against the principles of natural justice.
- 5.5 During processing the previous request of reduction of demand application registered on 01.09.2015, an audit arrear pending was known to this office. Due to the interim stay order for the period of four weeks issued by the High Court Madurai bench of Madras High Court on 13.10.2015, against the reduction of 400KVA demand from 1650KV to 1250KVA was effected on 17.11.2015. The petitioner applied for further reduction of 300 KVA demand from 1250 KVA to 950 KVA on 23.05.2016. Since, the pending arrear details are collected from the 3rd respondent, approval to process obtained from the Chief Engineer / Distribution/ Trichy, clarification requested to the Head Quarters and legal opinion obtained from the legal cell to sort out the issue before registration itself and its takes such time and there is specific intention for delay.
- 5.6 The date of payment of registration fees will only be considered as registered date as per TNERC rules in force. There is no delay in effecting the reduction of demand and hence there is no question for excess amount. All Open Access consumer have given undertaking to recover audit amount if will arise in future and as per this procedure, it is not a penalised one and if it is claimed later, it has to be paid.

5.7 Reason for not processing the application to effect the reduction of demand:

- i) TNERC's Distribution code 27- 1(3) (Provision incorporated vide Notification No.TNERC/DC/8-I/dated 22.11.2005 w.e.f. 07.12.2005)" Provided that the licensee will refuse to supply electricity to an intending consumer who had defaulted payment of dues to the licensee in respect of any other service connection in his name".
- ii) Memo. No. CE/Comml/EET/AEE.2/F. Consumers with arrears/D.28/13, dt.23.01.2014
"When the consumers having outstanding dues approach TANGEDCO for their various requests such as new, additional demand, dedicated feeder, etc. and if there is no order of stay by court against collection of outstanding amount from the consumers, action may be taken to realize the pending amount from the consumer before processing their request".
- iii) From the above it is clear that, routine procedure were carried out for processing the application and there is no intension to make delay in TANGEDCO side to effect the reduction of demand and there is no negligence in TANGEDCO service and all the process are done properly as per rules in vogue.
- iv) The reduction in demand charges can be made only from the actual date of effecting the reduction of demand.

5.8 The request of the petitioner "to effect the reduction of demand from 21.06.2016 instead of 09.01.2017 and refund of the excess claimed in the bills of from June-16 to January-17 along with an interest @ 18% p.a. from the date of collection of amount" should not be considered and the process adhered for the reduction of 300 KVA demand from 1250 KVA to 950 KVA to HT.SC.No.171 by the respondent (1) is in order & as per the regulations and instructions in force. As per TNERC regulation there is no time frame for effecting the reduction of demand and also the effecting of the reduction of demand for the petitioner was without any undue delay, the claim by the petitioner is groundless. Hence it is requested that the Appeal Petition.64/2017 shall be dismissed.

6. Rejoinder to the Counter Affidavit filed by the Respondent :

6.1 The Appellant submits that originally Harihar Power and Alloys Private Limited was registered under the Companies Act on 17.09.2003 and the said company has obtained HT SC No.111. After that M/s. Sabari Industries has taken over the company and they have effected changes in their name. Accordingly, the HT SC No.111 was also transferred in the name of M/s.Sabari Industries Ltd. Things being so, notice has been issued in the name of M/s.Harihar Alloys P Ltd. In this connection we wish to state that M/s.Harihar Alloys Pvt Ltd has originally been registered with Companies Act, even on 20.08.1995. Hence, it is submitted that M/s.Harihar Power & Alloys Pvt Ltd and M/s.Harihar Alloys Pvt Ltd are separate legal entities and Company functioning under different nomenclature.

6.2 In the meantime in this subject matter a Show Cause Notice has already been served on M/s.Sabari Industries Pvt Ltd even on 05.05.2015 and the same M/s.Sabari Industries Pvt Ltd has also replied suitably.

6.3 The Appellant states that as per norms the file should have been approved by Superintending Engineer himself as he has power to sanction upto 500 KVA. Therefore the Appellant states that there was no necessity to take approval from the Chief Engineer/ Distribution/ Trichy in the present case.

6.4 It is also submitted that the 3rd Respondent has effected reduction of load in HT SC No.121 and 123 within 32 days from the date of submission of application.

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 on 18.1.2018.

7.2 Thiru, A. Rajagopalan / Manager/Legal and K.Narasimhan, Advocate have attended the hearing and put forth their side arguments.

7.3 Thiru.R.M. Padmanaban, EE/General/Trichy EDC/Metro, Thiru.K.Anbuselvan, AEE/Thenur, H.Thirumavalavan, EE/General/Pudukottai EDC, Thiru. A.Selvam, Accts Supervisor/Pudukottai EDC & Thiru. R. Radha, AEE/Development / Trichy EDC/Metro have attended the hearing and put forth their side arguments.

8.0 Arguments putforth by the Appellant's Advocate on the hearing dates :

8.1 Appellant's representative Thiru K.Narasimhan, Advocate reiterated the contents of the Appeal petition.

8.2 The Appellant stated that they given an application on 21.05.2016 to the first respondent to reduce the sanctioned demand from 1250 KVA to 950 KVA to their HT Service Connection No.171. But, the Respondent had inordinately taken a long time of five months for replying to a simple request for reduction of sanctioned demand.

8.3 The First Respondent sent a letter dated 20.10.2016 stating that reduction of demand will be considered after the payment of arrears of Rs.3,48,30,690/- pertaining to HT SC No.111 of M/s.Sabari Industries of Pudukottai EDC which is not a unit of Harihar Alloys (P) Ltd.

8.4 Further the appellant stated that the first respondent has caused a Reply to the Complainant company vide their Lr.No.CP/CGRF/TEDC/M/TRY/AEE/Dev/ AE/TA/Dev/F.HTSC 171/D354/16, dated 23.12.2016 and in the same it has been clearly and categorically stated that "The BOAB Audit Slip No.26 was withdrawn by BOAB Audit Party on 31.10.2016". Therefore in as much as the BOAB Audit slip was withdrawn by the Audit party even on 31.10.2016. The factum of withdrawal of Audit objection has been informed only on 23.12.2016 after the representation of the complainant company dt.15.12.2016.

- 8.5 The Appellant argued that as per norms the Superintending Engineer himself has power to sanction upto 500 KVA and there was no necessity to take approval from the Chief Engineer/ Distribution/ Trichy in the present case. Further the Appellant argued that they never exceeded the reduced sanctioned demand. However they were regularly charged under the original sanctioned demand due to which the appellant had to pay sum of Rs.6,20,065/- (Rupees six lakhs twenty thousand and sixty five only) which was claimed in excess by the First Respondent is completely illegal and should be set aside.
- 8.6 The appellant requested to give effect to the reduction in load from 21.06.2016 and refund the excess claimed in the bills of June 2016 to January 2017 along with an interest @ 18% p.a. from the date of collection of the amount.
- 8.7 The Appellant further argued that Regulation 27(1)(3) is not applicable since defaulted payment of dues to the licensee in respect of the other service connection is not in their name but in the name of M/s. Sabari Industries Private Limited which is a separate legal entity.

9.0 Arguments put forth by the Respondent on the hearing dates:

- 9.1 The respondents have reiterated the contents of their counter affidavit. It is argued by them that all the pending TANGEDCO dues can be recovered from any sister concern.
- 9.2. Further they argued that there is no un-due delay on the part of respondents, only official routine procedure has been carried out. The HT application for the reduction of 300KVA demand from 1250 KVA to 950 KVA in HT.SC.No.171 was received on 21.05.2016. As per the procedure in vogue for the approval to process, the same was submitted to the Chief Engineer/Distribution/Trichy. Only at the time of processing the reduction of demand application, pending audit arrear details was brought to the knowledge and notice for remittance of audit arrear was issued to the petitioner. Hence the procedure is not illegal and arbitrary against the principles of natural justice.

9.3 Reduction of demand from 1250 KVA to 950 KV A to HT.SC.No.171 by the respondent (1) is in order & as per the regulations and instructions in force. As per TNERC regulation there is no time frame for effecting the reduction of demand.

10. Findings of the Electricity Ombudsman:

10.1 On a careful consideration of the arguments put forth by the Appellant and the Respondent, the following is the issue to be decided;

- i) whether the contentions of the respondent for effecting the reduction of demand from 09.01.2017 is correct?

11. Findings on the issue:

11.1 The Appellant argued that they have given letter dated 21.05.2016 to the First Respondent requesting to reduce the sanctioned demand from 1250 KVA to 950 KVA. Further in response to their letter, the First Respondent vide their Lr.No.SE/TEDC /Try / AEE/DEV /AE F.HT.SC.171/D.251/16 dated 20.10.2016 had stated that reduction of demand will be considered after the payment of arrears of Rs.3,48,30,690/- pertaining to HT SC No.111 of M/s.Sabari Industries Pvt Ltd.

11.2 Further, the appellant argued that the respondents have collected excess amount of Rs.6,20,065/- in the bills of June 16 to January 2017 (upto 08.01.2017) based on the original sanctioned demand without considering their request is completely illegal and should be set aside.

11.3 Respondents have stated that the application was registered on 29.11.2016. Previously application for reduction of 400 KVA demand from 1650 KVA to 1250KVA was registered on 01.09.2015. As per procedure in vogue for the approval to process, the same was submitted to the CED, Trichy. Only at the time of processing the reduction of demand application, pending audit arrear

details was brought to the knowledge and notice for remittance of audit arrear was issued to the petitioner on 15.09.2015. Hence the procedure is not illegal and arbitrary against the principles of natural justice.

- 11.4 The respondents have further argued that due to the interim stay order for the period of four weeks issued by the High Court Madurai bench of Madras High Court on 13.10.2015, the reduction of 400 KVA demand from 1650KVA to 1250 KVA was effected on 17.11.2015. The petitioner applied for further reduction of 300 KVA demand from 1250 KVA to 950 KVA on 23.05.2016. To sort out the issue before registration, the pending arrear details are collected from the 3rd respondent, approval to process the application was obtained from the CED, Trichy, clarification requested from the Head Quarters and legal opinion obtained from the legal cell and hence it took such time and there is no specific intention of delay.
- 11.5 Further TNERC's Distribution code 27(1)(3) "Provides that the licensee will refuse to supply electricity to an intending consumer who had defaulted in payment of dues to the licensee in respect of any other service connection in his name".
- 11.6 The Appellant argued that as per norms the Superintending Engineer himself has power to sanction upto 500 KVA and there was no necessity to take approval from the Chief Engineer/ Distribution/ Trichy in the present case. Further argued that Regulation 27(1)(3) is not applicable since defaulted payment of dues to the licensee in respect of the other service connection is not in their name but in the name of M/s. Sabari Industries Private Limited which is a separate legal entity.
- 11.7 Respondents argued that the reduction of demand from 1250 KVA to 950 KVA to HT.SC.No.171 is in order & as per the regulations and instructions in force. Further as per TNERC regulation there is no time frame for effecting the reduction of demand.

11.8 The respondents have stated that the reduction of demand from 1250 KVA to 950 KVA to HT.SC.No.171 is in order & as per regulation 27(1)(3) of TNE Distribution code. Appellant argued that regulation 27(1)(3) is not applicable since defaulted payment of dues to the licensee in respect of the other service connection is not in their name. The appellant and the respondents have different interpretation over Regulation 27(1)(3). Therefore, to have clarity, I would like to refer Regulation 27(1) of TNE Distribution code which is reproduced below:

“27. Requisitions for Supply of Energy:

(1) The provision regarding the duty of Licensee as detailed in section 43 of the Act to supply electricity on request is reproduced below:

*“(1) ******

Provided that the licensee will refuse to supply electricity to an intending consumer who had defaulted payment of dues to the licensee in respect of any other service connection in his name.”

11.9 On a careful reading of the above, it is noted that the above regulation prescribes the duty of Licensee as detailed in Section 43 of the Act to supply electricity on request. Under the above regulation the licensee shall refuse to supply electricity to an intending consumer who had defaulted payment of dues to the licensee in respect of any other service connection in his name. This provision is applicable for an intending consumer who requires supply of electricity.

11.10 In the case on hand, the appellant is an existing consumer and requires reduction in sanctioned demand for which there is separate provision in TNE Supply code. In this connection I would like to refer Regulation 5(2)(III)(iv) of TNE Supply code which is reproduced below:

” 5. Miscellaneous charges

(1) ****

(2) Excess demand charge:

(III)

(iv) No addition or reduction of load in case of LT service and no addition or reduction of demand in case of HT service, may be sanctioned unless the outstanding dues in the same service connection had been paid.”

11.11 On a careful reading of the above, it is noted that for the existing consumer, no addition or reduction of load in case of LT service and no addition or reduction of demand in case of HT service may be sanctioned unless the outstanding dues in the **same service connection had been paid.**

11.12 In the case on hand, there is no outstanding dues in the appellant’s HT Service Connection No.171 of Trichy EDC for which reduction of demand has been applied. Hence, I am of the opinion that there is no bar in sanctioning the reduction of demand for the appellant’s HT SC No.171 since there is no due outstanding for same service connection.

11.13 Further, the respondents have argued that as per TNERC regulation there is no time frame for effecting the reduction of demand. In this connection I would like to state that even though there is no time frame specified in the distribution standards of performance, the time frame for effecting new service connection involving no extension or improvement work can be taken i.e. preferably within a week but not exceeding 30 days.

11.14 On a careful consideration of the foregoing paras, I am of considered opinion that there is no bar for effecting reduction of demand for the appellant's HT SC No.171 since there is no due in the same service connection. Further the reduction of demand should have been effected within 30 days from the date of application. In the present case, the application was submitted on 21.05.2016, and the same was registered by the Respondent on 29.11.2016 and reduction in demand was effected on 09.01.2017

11.15 Therefore, as per findings in para 11.16 above, the respondents are directed to refund the excess demand charges collected from the Appellant's HT SC No.171 for the period from 21.06.2016 to 08.01.2017 with interest as applicable for security deposit till the date of payment or at the option of the consumer the same may be adjusted in the future current consumption charges of appellant's HT Service connection A/c. No.171.

12. Observation :

12.1 The application for reduction in demand has been submitted by the Appellant on 21.05.2016. But the Respondent took almost 193 days to register the application and further the reduction of demand was effected only on 09.01.2017 i.e. 233 days from the date of application which is abnormal. I am optimistic that the same will not occur in future.

12.2 The respondent should have registered the application for reduction of demand immediately on receipt but action can be taken to effect the request on complying the regulations. Refusal to register the application is regretted.

12.3 The contention of the respondent that there is no time frame specified in the TNERC Regulations for effecting the reduction of demand is not in good spirit and such attitude shall be avoided.

13. Conclusion :

13.1 In view of my findings in para 11 above, the respondents are directed to refund the excess demand charges collected from the Appellant's HT SC No.171 for the period from 21.06.2016 to 08.01.2017 with interest as applicable for security

deposit till the date of payment or at the option of the consumer the same may be adjusted in the future current consumption charges of appellant's HT Service connection A/c. No.171 within 30 days from the date of receipt of this order.

13.2 A compliance report in this regard shall be furnished within 45 days from the date of receipt of this order.

13.3 With the above findings the AP. No 64 of 2017 is finally disposed of by the Electricity Ombudsman. No Costs.

(S. Devarajan)
Electricity Ombudsman

To

1) M/s Harihar Alloys Private Ltd.,
1/43, Race Course Road,
Kajamalai,
Trichy .

2) The Superintending Engineer,
Trichy Electricity Distribution Circle/Metro,
TANGEDCO,
Mannarpuram,
Trichy 620 020.

3) The Chief Engineer,
Trichy Region,
TANGEDCO,
Mannarpuram, Trichy 620 020.

3) The Superintending Engineer,
Pudukottai Electricity Distribution Circle,
TANGEDCO,
Near old busstand, Pudukkottai -622 001.

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 please**
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.