

A consumer is the important visitor on our premises.
He is not dependent on us. We are dependent on him.
-Mahatma Gandhi



TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai
Present : Thiru. S. Devarajan, Electricity Ombudsman

A.P.No. 10 of 2022

The President,
M/s. Dyers Association of Tirupur,
No.7/4, Pethichettipuram,
2nd Street, Rayapuram Main Road,
Tirupur – 641 601.

..... Appellant
(Rep. by Thiru B.M. Boopathy)

Vs.

1. The Executive Engineer/O&M/ Tirupur,
Tirupur Electricity Distribution Circle,
TANGEDCO,
EB Office Campus, Kumarnagar,
Avinashi Road, Tirupur - 641603.

2. The Assistant Executive Engineer/Rayapuram,
Tirupur Electricity Distribution Circle,
TANGEDCO,
D.No.12, Amar Jyoti Garden,
Uthukuli Road, Tirupur-641601.

..... Respondent
(Thiru V.Shanmugasundaram, EE/O&M/Tirupur
Thiru Thyagarajan, AEE/Rayapuram)

Petition Received on: 11-01-2022

Date of hearing: 19-04-2022

Date of order: 22-04-2022

The Appeal Petition received on 11.01.2022 filed by The President, M/s. Dyers Association of Tirupur, No.7/4, Pethichettipuram, 2nd Street, Rayapuram Main Road, Tirupur – 641 601 was registered as Appeal Petition No. 10 of 2022. The above appeal petition came up for hearing before the Electricity Ombudsman on 19.04.2022. Upon perusing the Appeal Petition, Counter affidavit, written argument and the oral submission made on the hearing date from both the parties, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The Appellant has prayed for tariff change from VI to V in service connection No. 204-013-689.

2.0 Brief History of the case:

2.1 The Appellant has stated that he had submitted a petition to AEE and AE/Rayapuram, Tirupur for tariff change after the completion of work.

2.2 Since the grievance of the appellant has not been settled with the section office, the appellant has filed a petition with the CGRF of Tirupur EDC. The CGRF of Tirupur EDC has issued an order dated 12.11.2021. Aggrieved over the order, the appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Tirupur Electricity Distribution Circle have issued its order on 12.11.2021. The relevant portion of the order is extracted below :-

“Order of the Forum:

On hearing the petitioner statement and the licensee’s statement and in the TANGEDCO order dated 4-7-2020 there is no mention about obtaining completion certificate or exemption to the existing services which are tariff changed to VI for the purpose construction/Renovation. However in line with guidelines mentioned in the G.O.No.18/4-2-2019 changing of tariff VI to Tariff V (Commercial purpose) requires completion certificate. Hence the Tariff change could not be done for SC

No.204-013-689 only on production of completion certificate from competent authority.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments, a hearing was conducted on 19.04.2022 through video conferencing after adjournment on 17.03.2022 & 29.03.2022.

4.2 On behalf of the Appellant Thiru B.M. Boopathy and Thiru S.Dayaleswaran, Advocate have attended the hearing and put forth their arguments.

4.3 The Respondents Thiru V.Shanmugasundaram, EE/O&M/Tirupur and Thiru Thyagarajan, AEE/Rayapuram, Tirupur Electricity Distribution Circle have attended the hearing and put forth their arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing order. Further the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone are discussed hereunder.

5.0 Arguments of the Appellant :

5.1 விண்ணப்பிக்கப்பட்ட இடத்திற்குரிய முகவரிக்கு பெறப்பட்ட பணிகள் அனைத்தும் முடிவடைந்து விட்டதால், மாற்று பணிக்கு / மின் உபயோகத்திற்கு பயன்படுத்திட மின் இணைப்பு எண் 03/204-013-689 மின் விகிதம் மாற்றம் செய்ய கோரி சென்ற 20.09.2021 அன்று உதவி செயற்பொறியாளர் / உதவி பொறியாளர் அவர்கள் இ.ப. ராயபுரம் பிரிவு, திருப்பூர் மின் பகிர்மானம், திருப்பூர், பொறியாளர் அலுவலகத்தில் நேரில் சமர்ப்பிக்கப்பட்டு அம்மனுவிற்கு பதிலும் கிடைக்க பெற்றுள்ளதாக மேல்முறையீட்டாளர் தெரிவித்துள்ளார்.

5.2 அக்கடித பதிலில் குறிப்பிட்டுள்ள குறிப்பாணை எதனை குறிப்பிடுகின்றது என்கிற முழு விளக்கம் குறிப்பிடாமலும், அக்குறிப்பாணை எந்த தேதியில்

செயல்படுத்தப்படுகின்றது என்ற தகவலும் வழங்கிடவில்லை எனவும், உள்ளாட்சி அமைப்பு பணி நிறைவு சான்று எத்தனை மாடிகளுக்கு தேவைப்படுகின்றது எனவும், மற்றும் எத்தனை வீடுகள் கட்டியிருந்தால் தேவைப்படுகின்றது எனவும், அதற்கான உத்தரவு எந்த தேதியில் பிறப்பிக்கப்பட்டு எந்த தேதியில் இருந்து செயல்படுத்தப்படுகின்றது என்று குறிப்பிடவில்லை என மேல்முறையீட்டாளர் தெரிவித்துள்ளார்.

5.3 அண்மையில் நிர்வாகம் வெளியிடாத ஒரு குறிப்பாணை பற்றி தகவல் கிடைத்திட்டது. அக்குறிப்பாணையில் Memo.No.CE/Comml/SE/EE3/AEE2/F.15mts.ht/ FLM-CM/591/2021 dt. 21-8-2021.

2. In this connection, the following clarificatory instructions are issued to the field for better clarity:

1. If the height of the building as per the planning permission is 15 metres and below and there is no floor violation in the actual construction, the service connection may be effected to that building without any physical measurement of the building height.
2. If the height of the building is more than 15 metres as given in the planning permission / building plan approval, necessary approval from the Electrical Inspector in compliance with CEA (Measures relating to safety and Electric Supply) Regulations 2010 as amended, shall be obtained from the applicant before effecting service connection.
3. On the other aspects, the provisions contained in the Tamil Nadu Electricity Distribution Code, 2004 and/or Tamil Nadu Electricity Supply Code, 2004 and the relevant instructions issued shall be followed scrupulously without any deviation.

என குறிப்பிட்டுள்ள தகவல் அனைத்தும் தமிழ்நாடு தமிழ்மொழிக்கு பிறப்பிக்கப்பட்ட அரசாணையினை பின்பற்றவில்லை என்பதை அறியமுடியின்றது. அதாவது பிறப்பிக்கப்பட்ட குறிப்பாணை தமிழில் இல்லை என அறியமுடிகின்றது. ஆங்கிலம் கற்றவரிடம் கேட்டபோது வரிகை எண்-2.2 இல் குறிப்பிட்டுள்ளதில் மின்விகிதம் பற்றி குறிப்பிடவில்லை என கருதுகின்றதால் எந்த எந்த உத்தரவில் மின்விகிதம் பற்றி குறிப்பிட்டுள்ளது. அதனை குறிப்பிட்டு தெரிவித்திடாமல் மின்விகிதம் மாற்றம் செய்யாமல் இவ்வாறு கடிதத்தில் குறிப்பிட்டு தெரிவிப்பது

மின்இணைப்பு பெற்றிட்ட மின்நுகர்வோர்க்கு ஏற்படுத்தும் மன உளைச்சலாகும் என மேல்முறையீட்டாளர் தெரிவித்துள்ளார்.

5.4 ஆகையால் போதிய விவரங்கள் மின்நுகர்வோர்க்கு முன்னறிவிப்பாக தெரிவித்திடாமல் விண்ணப்பித்திட்ட பின்னர் தெரிவிப்பதால் பாதிப்பு ஏற்படுகின்றது. எனவே கோரும் மின்விகிதம் நிர்வாகத்திற்கு வருவாய் ஈட்டும் மின்விகிதமாகும். வருவாய் இழப்பினை ஏற்படுத்தும் மின்விகிதம் அல்ல என குறிப்பிட்டு தெரிவித்துக்கொண்டு மின்விகித மாற்றத்திற்குரிய தொகையினை ஏற்று மின்இணைப்பு எண் 03/204-013-689 மின்விகிதம் மாற்றம் செய்து தர உத்தரவு வழங்கிட வேண்டியும், விண்ணப்பித்திட்ட நாளிட்ட தேதியில் பதிவான மின்கணக்கிற்கு வரை பயன்படுத்திய தொகையினை செலுத்திடுவதற்கு துல்லியமாக குறித்து தருவதற்கு தாங்கள் தீர்வு உத்தரவு வழங்கிட வேண்டும் என மேல்முறையீட்டாளர் தெரிவித்துள்ளார்.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that the existing LT service connection No. 03/204-013-689 under Tariff V of Royapuram section in the name of M/s.Dyers Association of Tirupur has been effected on 6-8-2005. As per the consumer request dt. 4-2-2020, the existing tariff was converted into Tariff VI on 4-2-2020 for additional building construction and Renovation works.

6.2 The Respondent has stated that after completion of works, the consumer requested Tariff conversion of LT SC No. 03/204-013-689 from Tariff VI (Temporary supply) to Tariff V (Commercial) on 20-9-2021. On field Inspection it was found that New building was constructed and as per Memo No. CE/Comml/SE/Comml/EE3/AEE2/ F.Plg.Per/D139/2020 dt. 4-7-2020 states that for all buildings except Residential building upto 12.0 mtrs in height not exceeding 3 dwelling units or 750 sq.m. and all type of Industrial Buildings, the applicant or owner or power of Authority holder or Registered developers and any other persons who is asking supply shall submit a completion report to obtain completion certificate. Certificate that the building has been completed as per the approved

plan from the competent authority that has issued planning permission before getting service connection.

6.3 The Respondent has stated that based on the above instructions consumer was requested to obtain and submit the completion certificate. One receipt of the completion certificate from the competent authority, the Tariff will be changed to commercial Tariff.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard the arguments of both the appellant and the Respondent. Based on the arguments and the documents submitted by them, the following conclusion is arrived.

7.2 The Appellant has stated that the work has been completed and requested the Respondent to change the tariff from VI to V in his letter dated 20.09.2021. The Respondent has stated that the SC No. 204-013-689 under tariff V was changed to tariff VI on 4.2.2020 for additional building construction and renovation works. After completion of works the Appellant has requested change of Tariff from VI to V in his letter dated 20.09.2021. On field inspection by the Respondent it was found that new building has been constructed and directed the Appellant to submit completion certificate obtained from the competent authority that has issued planning permission before getting service connection based on the licensee's circular. Hence on receipt of completion certificate the tariff will be changed to V, contended the Respondent.

7.3 In this connection, I would like to refer the G.O. Ms. No. 18, Municipal Administration and Water Supply (MA1), 4th February 2019, Thai 21, Vilambi, Thiruvalluvar Aandu 2050, the relevant para pertaining to this case is given below:

"Part IV Completion Certificate

20. Application for Completion Certificate.— (1) For all buildings except residential building upto 12m in height not exceeding 3 dwelling units or 750

sq.m and all type of Industrial buildings, the Applicant or Owner or Power of Attorney Holder or Registered Developer and any other Person who is acquiring interest shall submit a completion report in Form 5 along with Form 6, 7 and 8 in Annexure - XIV, to obtain Completion Certificate, certifying that the building has been completed as per the approved plan, from the competent authority that has issued Planning Permit before getting service connections such as electric power connection, water supply sewerage connection. These service connections shall be given by the service provider to these buildings only after the production of the Completion Certificate.”

In view of the above, the contention of the Respondent that the completion certificate is required for change of tariff is acceptable to me since there is additional construction which is to be ensured as per the approved plan.

7.4 However during the hearing on 19.4.2022, the Appellant has stated that the building is under construction in 2nd floor, where as the Appeal petition has been filed against the CGRF order for change of Tariff stating thus the works have been completed which is contradictory. It is clearly seen that the Appeal Petition has been filed with wrong facts and hence the petition is dismissed.

8.0 Conclusion:

8.1 As per the conclusion arrived in para 7.0 above the Appeal Petition 10 of 2022 is dismissed.

8.2 With the above findings, the A.P. 10 of 2022 is finally disposed of. No costs.

(S. Devarajan)
Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”
“No Consumer, No Utility”

To
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