



THE TAMIL NADU ELECTRICITY REGULATORY COMMISSION
(Constituted under Section 82(1) of the Electricity Act, 2003)
(Central Act 36 of 2003)

PRESENT

Thiru S. Kabilan - Chairman

Thiru B. Jeyaraman - Member

and

Thiru R. Rajupandi - Member

**IN THE MATTER OF SHOW CAUSE NOTICE DATED 2-1-2009 ISSUED TO
THE CHIEF ELECTRICAL INSPECTOR TO GOVERNMENT**

The Commission after giving a reasonable opportunity to the Chief Electrical Inspector to Government to offer his explanation in regard to the show cause notice passes the following

ORDER DATED 22nd April 2009

1. Issue of show cause notice

In the above matter, the Commission issued a show cause notice dated 2-1-2009 to the Chief Electrical Inspector to Government (referred to as CEIG) for not complying with the directions of the Commission to present himself personally for a discussion on 23-12-2008 with reference to the amendments to the Distribution Code as suggested by him in his letter No.5358/CEIG/D3/2008 dated 8-9-2008.

2. Provisions of Sections 142 and 146 of Electricity Act 2003

“142. Punishment for non-compliance of directions by Appropriate Commission

In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any provisions of this Act or rules or regulations made thereunder, or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction.

146. Punishment for non-compliance of orders or directions.

Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:

Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121.”

3. Initiation of Suo motu proceedings

As per regulation 16 (1) of TNERC-Conduct of Business Regulations, 2004, the Commission may initiate any proceedings suo motu.

4. Reply of CEIG

In the letter dated 13-1-2009, the CEIG has interalia stated as follows:

“I am to state that I sincerely brought at the subject to the notice of the Commission with regard to the matters pertaining to the electrical safety to

the general public as per rule 63, 45 etc. of Indian Electricity Rules 1956 within the scope of Section 162 (1) of Electricity Act, 2003. I also appeared for the summon and make my personal appearance on 23-10-2008. Hence the intention was not against the spirit of the statutory provisions of Electricity Act, 2003 and Indian Electricity Rules, 1956.

However, I inferred that the subsequent letter issued by the Secretary was with regard to the discussion only in the office on the subject which was already apprised by me before the Commission. Further in view of my pre-occupation for a meeting in the Government Secretariat on the same day, I had to depute my second level officer and another senior official on 23-12-2008. There was no intention on my part to avoid a statutory required attendance.

However, I am to state that I shall make my personal appearance in future on such letters and appraise the subject relating to the electrical safety. Hence, I request that my absence for the meeting on 23-12-2008 may be condoned on the grounds of Section 168 of the Electricity Act, 2003.

In view of my above submissions, I pray the Commission to kindly to drop further proceedings on me and thus render justice.”

5. Findings of the Commission

The CEIG has lost sight of Section 185 (2) of the Electricity Act 2003 according to which the Indian Electricity Rules 1956 shall continue to be in force till regulations under Section 53 of the said Act have been made. Further, it is to be noted that as per regulation 27 (4) of the Tamil Nadu Electricity Distribution Code 2004, the CEIG may if he desires any change in the code send proposals in writing to the Code Review Panel specifying the reasons for such change and setting out the attendant circumstances. As required under the said regulation 27 (4), the CEIG may, if he feels any amendment to the code is necessary, send his proposal to the TNEB. The TNEB may follow the procedure indicated in the said regulation 27 (4) of the said Code.

With the above findings, the above matter is finally closed of.

Pronounced in the open court on the 22nd April 2009

**(Sd.....)
(R. RAJUPANDI)**

**(Sd.....)
(B.JEYARAMAN)**

**(Sd.....)
(S.KABILAN)**

Member

Member

Chairman

/ True Copy /

Assistant Secretary (i/c)
Tamil Nadu Electricity
Regulatory Commission