

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.K.Venugopal	Member
	and	
Thiru.S.Nagalsamy	Member

S.M.P. No. 1 of 2011

Dates of hearing : 17-6-2011, 11-7-2011 and 13-7-2011

Date of Order : 30-11-2011

Thiru.S. Sampathkumar
Superintending Engineer
Mettur Electricity Distribution Circle
TANGEDCO
Mettur.

.... Petitioner
(Party in Person)

Vs.

Nil

.... Respondent

S.M.P.No.1 of 2011 came up for final hearing before the Commission on 13-7-2011. Thiru.S.Sampathkumar, Superintending Engineer, Mettur appeared before the Commission. The Commission upon perusing the connected records and after hearing Thiru.S.Sampathkumar passes the following:-

ORDER

Initiation of S.M.P. No. 1 of 2011:-

1. The above S.M.P. No. 1 of 2011 was initiated by the Commission against the Chairman, Consumer Grievance Redressal Forum as there was a contravention of the stay order issued by the Commission on 29-10-2010 staying

the operation of the clarificatory letter dated 25-6-2010 issued by CFC/Rev of the TNEB. In the said letter dated 25-6-2010, the Chief Financial Controller/Revenue, TNEB stated that the quota demand will be allowed only based on the actual units adjusted and not based on the energy supplied / injected into the grid. The order of the stay granted by the Commission in M.P. No. 32 of 2010 and M.P. No. 41 of 2010 is extracted below:-

“Pending disposal of the petition M.P. No. 32 of 2010 and 41 of 2010 the letter No. CFC/Rev./FC/R/D.No. /10, dated 25-6-2010 of the Chief Financial Controller (Revenue) of the TNEB is stayed”

2. **Contravention of stay order by Chairman, Consumer Grievance Redressal Forum:-**

In letter No.SEM/AEE/PRO/CGRF/Petition No. 014/11, dated 14-2-2011, the Chairman, Consumer Grievance Redressal Forum, Mettur informed the Petitioner namely, M/s. Velatal Spinning Mills Pvt. Ltd., Tiruchencode, No. 380/1, Patharai, Pallipalayam Agraharam, Tiruchengodu T.K., Namakkal District that “the equivalent demand will be allowed only based on the actual units adjusted and not based on energy supplied / injected into the grid as per the clarification received from the Chief Financial Controller / Revenue in Letter No. CFC/Rev/FC/R/D.No. /10, dated 25-6-2010.

3. **Show Cause Notice dated 10-3-2011:-**

In the Show Cause Notice dated 10-3-2011, the Chairman, Consumer Grievance Redressal Forum, Mettur Electricity Distribution Circle has been

hereby directed to show cause by 21-3-2011 as to why appropriate proceeding should not be initiated against him under Sections 142 and 146 of the Electricity Act, 2003.

4. Reply by Chairperson of Consumer Grievance Redressal Forum, Mettur Dam to the Show Cause Notice dated 10-3-2011:-

In letter dated 8-4-2011, the Chairperson of Consumer Grievance Redressal Forum, Mettur Dam has inter-alia stated as follows:-

4.1. The order passed by the Tamil Nadu Electricity Regulatory Commission dated 29-10-2010 staying the clarificatory orders issued by the Chief Financial Controller Revenue / Chennai in letter dated 25-6-2010 in M.P. No. 32 of 2010 and 41 of 2010 was not brought to the notice of the Consumer Grievance Redressal Forum by the Petitioner, M/s. Velatal Spinning Mills in regard to their petition dated 1-4-2011 filed before the Consumer Grievance Redressal Forum, Mettur Dam.

4.2. The Petitioner has also not included any information of the Commission's interim order in M.P. No. 32 of 2010 and 41 of 2010 in their petition and they have not brought it to the knowledge of the Consumer Grievance Redressal Forum even during the hearing of his petition by the Forum.

4.3. Even if the consumer had pointed out about the stay given by the Tamil Nadu Electricity Regulatory Commission to Chief Financial Controller /

Revenue's letter dated 25-6-2010, in his petition or at Consumer Grievance Redressal Forum's hearing, the same would have been definitely acted upon by the Consumer Grievance Redressal Forum.

4.4. The rejection of the Petitioner's claim by the Consumer Grievance Redressal Forum, without reference to the stay granted by the Tamil Nadu Electricity Regulatory Commission, is neither willful nor wanton. It is only due to lack of awareness of the order of the Commission.

5. **Hearing on 17-6-2011:-**

Thiru.S.Sampathkumar, Superintending Engineer, Mettur Electricity Distribution Circle / Chairman, Consumer Grievance Redressal Forum, Mettur appeared in person pursuant to the summons issued to him. He submitted that he assumed charge as Superintending Engineer, Mettur on 24-1-2011 and that his office was not aware of the stay of the CFC's proceedings at the time of deciding the grievance of M/s. Velatal Spinning Mills. He also submitted that the CC bill of the Petitioner for October 2010 has been revised taking into consideration of the stay granted by the Commission and the difference amount has been adjusted in the March bill of the consumer. However, he tendered his unconditional apology and pleaded to purge him of the contempt. After hearing, the Commission passed the following order:-

"The Chief Financial Controller / Revenue is directed to appear in person before the Commission in the next sitting to explain whether the billing software was modified to give effect to the stay order of the Commission dated

29-10-2010. If the modification had been incorporated in the billing software the date of effect of modification should be intimated. The Superintending Engineer, Mettur will also appear along with the Chief Financial Controller". The case is posted to next sitting.

6. **Hearing held on 11-7-2011:-**

6.1. The Superintending Engineer, Mettur Electricity Distribution Circle submitted that he was not aware of the stay order communicated by the CFC, Revenue in November 2010. He was at that time working in the Ennore Thermal Power station and that he joined the Mettur Electricity Distribution Circle in January 2011 and therefore he had no opportunity to be informed of the stay order.

7. **Finding of the Commission:-**

7.1. Thiru S.Sampathkumar, Chairman of the Consumer Grievance Redressal Forum, Mettur and Superintending Engineer, Mettur Electricity Distribution Circle appeared before the Commission. He submitted that he assumed charge as SE, Mettur on 24-1-2011. He stated that he was not aware of the stay order passed by the Commission on 29-10-2010, which stayed the circular of CFC, Revenue dated 25-6-2010.

7.2. The case of M/s.Velatal Spinning Mills Limited was considered by the Consumer Grievance Redressal Forum, Mettur Electricity Distribution Circle on 18-12-2010. The CGRF passed the following order on 14-2-2011:

“TAMILNADU GENERATION & DISTRIBUTION CORPORATION LIMITED:

From
The Chairman,
Consumer Grievance Redressal
Forum,
Mettur Elecy.Distrn.Circle,
Mettur Dam -1.

To
The Managing Director,
M/s.Velatal Spinning Mills Pvt Ltd,
No.380/1Patharai,
Pallipalayam Agraharam,
Tiruchengodu TK,
Namakkal District.

Lr.No: SEM/AEE/PRO/CGRF/Petition.no.014/11, dt:14-2-1011

Sir,

Sub:Elecy – MEDC – M/s Velatal Spinning Mills Pvt Ltd reply for the
petition – Submission of – Reg.

Ref : 1) Petition No.014 / 2010, Dt.18.12.10
2) Lr No. CFC / Rev / FC / R / D.No. / 10 / dt 25.6.2010

The report for your petition received in the Consumer Grievance
Redressal meeting conducted on 18.12.2010, is as follows.

It is informed that **the equivalent demand will be allowed only based
on the actual units adjusted and not based on the energy supplied /
injected into the grid as per the clarification received from the Chief Financial
Controller / Revenue in the reference 2nd cited.**

Hence it is informed that the deemed demand (746.933 KVA) worked out
and billed for the adjusted units i.e. 89, 632 during the month of 10/2010 is in
order.

Yours faithfully,

Sd/---

Member 1,
Consumer Grievance Redressal Forum, Consumer
Forum, MEDC, Mettur Dam – 1.

Chairperson,
Grievance Redressal
MEDC, Mettur Dam – 1.

Member 2,
Consumer Grievance Redressal Forum,
MEDC, Mettur Dam – 1.”

7.3. The Commission stayed the circular of CFC, Revenue dated 25-6-2010 on 29-10-2010. M/s. Velatal Spinning Mills Ltd., submitted a petition before CGRF on 18-12-2010. The CGRF passed the order on 14-2-2011. Both these dates are subsequent to the stay order of the Commission. The Chairman, CGRF, Mettur pleaded that he was not aware of the stay order of the Commission passed on 29-10-2010. The CFC, Revenue has stated that the stay order was communicated in November 2010. The plea of the Chairman, CGRF of Mettur Electricity Distribution Circle is untenable. He should be deemed to have violated the stay order of the Commission and therefore punishment should be meted out to him under Section 142 of the Electricity Act 2003.

7.4. The Chairman of CGRF, Mettur Electricity Distribution Circle submitted that the current consumption bill of the Petitioner, M/s.Velatal Spinning Mills Ltd., for October 2010 has been revised subsequent to the issue of show cause notice taking into consideration the stay granted by the Commission and the difference amount has been adjusted in the March 2011 bill of the consumer. He tendered his unconditional apology and he pleaded for purging him of the contempt. The fact of subsequent correction in the bill does not absolve the Chairman, CGRF, Mettur of the fact of violating the stay order.

7.5. The Commission is constrained to take a serious view of the misdemeanour of the official, which has the effect of paying scant regard to the orders of the Commission. The misconduct calls for a serious punishment.

A fine of Rs.10,000 is imposed on the violator. The fine should be deposited within a period of 60 days of the order.

Appeal:-

8. An appeal under section 111 of the Electricity Act, 2003 against this order shall lie to the Appellate Tribunal for electricity within a period of 45 days.

(Sd.....)
(S. Nagalsamy)
Member

(Sd.....)
(K. Venugopal)
Member

(Sd.....)
(S.Kaliban)
Chairman

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission