

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
O.A.No.103 of 2020 (SZ)**

**Between**

S.Sakthivel,  
S/o.P.K.Subramaniam,  
P.K.S.Building, KattuvelayuthamMudali Street,  
Ward – 6, Tharamangalam Post,  
Salem District – 636 502.

... Applicant.

-Versus-

1. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Siva Tower, Post Box No.457, No.1/276,  
Meyyanur Main Road,  
Salem – 636 004.
2. The District Collector,  
Chairman, Salem Local Planning Authority,  
Collectorate,  
Room No.101, First Floor,  
Salem – 636 001.
3. The Superintending Engineer,  
TANGEDCO, Mettur Circle,  
Bhavani – Erode Road,  
Mettur – 636 401,  
Salem District.
4. N.Selvaraj,  
S/o.Late Natesan,  
KattuvelayuthamMudali Street,  
Tharamangalam – 636 502.  
Salem District.

... Respondents.

**REPLY FILED ON BEHALF OF THE RESPONDENT No.3**

I S SARAVANAKUMAR, S/o SUBBURU, aged about 47 years, having office at THARAMANGALAM do hereby solemnly affirm and sincerely state as follows:

  
**ASSISTANT EXECUTIVE ENGINEER,  
Operation and Maintenance,  
TANGEDCO (Subsidiary of TNEB Ltd.),  
THARAMANGALAM-636 502,  
SALEM (Dt).**

1. I submit that I am officiating ASSISTANT EXECUTIVE ENGINEER, OPERATION and MAINTENANCE, TANGEDCO, METTUR ELECTRICITY DISTRIBUTION CIRCLE as in Tamil Nadu Electricity Generation and Distribution Corporation Limited, the 3<sup>rd</sup> Respondent herein and as well acquainted with the facts and circumstances of the case from records. I am swearing this affidavit in my official capacity and on behalf of the 3<sup>rd</sup> Respondent as I am authorized to do so. I further reserve the right to file an additional reply statement by TANGEDCO at a later stage if necessary.

2. I humbly submit that I have read the contents of the above application and at the outset, I deny all the averments contained in this Application except those that are specifically admitted therein.

3. I humbly submit that the Tamil Nadu Electricity Board was formed on July 1, 1957, under section 54 of the Electricity (Supply) Act 1948 in the State of Tamil Nadu as a vertically integrated utility responsible for power generation, transmission, and distribution. The electricity network has since been extended to all villages and towns throughout the State. TNEB was restructured on 01.11.2010 into TNEB Limited; Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and Tamil Nadu Transmission Corporation Limited (TANTRANSCO).

4. I submit that as a distribution licensee, TANGEDCO is bound to provide electricity as the same has become a basic essential for life as well as business.

5. I submit that Section 43 of the Electricity Act, 2003 imposes the obligation on the part of TANGEDCO to provide Electricity and the same is extracted hereinbelow:

**Section 43. (Duty to supply on request):** --- (1) 1[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within

  
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one month after receipt of the application requiring such supply:

*Provided that where such supply requires extension of distribution mains or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:*

*Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.*

*1[Explanation.- For the purposes of this sub-section, "application" means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]*

*(2) It shall be the duty of every distribution licensee to provide if required, an electric plant or electric line for giving electric supply to the premises specified in sub-section (1):*

*Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.*

*(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.*

  
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Further, as per the Act, the only exception provided to TANGEDCO from providing the electricity is under Section 44 of the Act, which stipulates as follows:

**Section 44. (Exceptions from duty to supply electricity):**

*Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control.*

6. I submit that upon consideration of an application seeking electricity, the supply is to be effected as per the Tamil Nadu Electricity Regulatory Commission Tamil Nadu Distribution Code, 2004.

7. I submit that once in compliance with the above provisions an electricity service connection is granted TANGEDCO does not have the power to disconnect the same except under Sections 56 and 135 of the Act, 2003. **Section 56** speaks about **the disconnection of supply in default of payment** and **Section 135** speaks about **the theft of electricity**. Hence, as per the above provisions alone, TANGEDCO can disconnect the supply already granted for violations mentioned therein. This apart, the electricity supply granted will be disconnected for violation of any other law in force, and specifically directed to be disconnected for such violation.

8. I submit that the recovery of dues, intervals of billing, disconnection for non-payment, restoration of supply, tampering, distress, or damage to an electrical plant, electric lines, or meter and connected issues are regulated by the Tamil Nadu Electricity Supply Code, 2004. And as such the entire operation is regulated by the above Codes.

9. I submit that in so far as the present issue is concerned, I state that this Hon'ble Tribunal by order dated 31.05.2022, was pleased to pass the following direction to the answering respondent:



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"Further, the 3rd Respondent/TANGEDCO is directed to file a report as to whether there is any requirement of mentioning about the number of units that they are going to consume and also the number of power looms that they are going to install and operate while applying for electricity connection and if it is being increased, what is the nature of regulation that is being followed by the 3rd Respondent to book the persons who are increasing the load without getting necessary revised approval under the Electricity Act, 2003."

10. In this regard it is submitted as follows:

a. That as per the Tariff order approved by the Tamil Nadu Electricity Commission in T.P.No.1 of 2017 dated 11.08.2017, the tariff for power loom is categorized as follows:

**6.2.10. Low Tension Tariff III-A (2):**

Tariff	Consumption slabs - Range in kWh and billing period	Commission Determined Tariff	
		Fixed Charges (Rupees per kW per month)	Energy Charges in Paise per kWh
	(i) For consumer who consume up to 250 units per month (or) 500 units for two months		
Low Tension Tariff III-A (2)	0 to 250 units per month or 0 to 500 units bimonthly	60	520
	(ii) For consumers who consume 251 units and above per month (or) 501 units and above for two months		
	0 to 250 units per month or 0 to 500 units bimonthly	60	520
	251 to 500 units per month or 501 to 1000 units bimonthly		575
501 to 750 units per month or 1001 to 1500 units bimonthly	575		

  
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	From 751 units and above per month or 1501 units and above bimonthly		575
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**6.2.10.1** *The contracted load shall not exceed 12 kW under this category.*

**6.2.10.2** *The tariff is applicable to Power looms, Braided Cords Manufacturing and related ancillary tiny industries engaged in warping, twisting, and winding.*

b. That there are no limitations about the number of units going to be consumed by power loom consumer and as per the present Tariff order and as per Tamil Nadu Textile Policy, 750 units is provided free of cost bimonthly per service connection for power looms.

c. There are no limitations on the number of power looms that are going to be installed and operated as per TNERC Regulations. The supply is provided based on the demand of a particular consumer. In case the consumer consumes excess than what is provided to him, the same will be calculated as per Clause 5(2)(ii) of the Tamil Nadu Electricity Supply Code, which specifies as follows:

*"5. Miscellaneous Charges:*

*(2) Excess demand charge: Whenever, the consumer exceeds the sanctioned demand, excess demand charge shall be:*

*(ii) in case of LT supply,*

*(a) For domestic and agricultural category of service, the excess demand charges shall not be applicable;*

  
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(b) For other categories of LT services with contracted demand equal to or less than 18.6 KW (25 HP), the excess demand charges shall not be applicable where the connected load is equal to or less than the contracted demand.

**Note:** For services with contracted demand less than or equal to 18.6 KW (25 HP), whenever the consumer's connected load exceeds the contracted demand, the licensee shall install meters with demand recording facility and bring the consumer under the scope of excess demand chargeable category. After installation of the meter, if the recorded demand is in excess of contracted demand, the existing demand, shall, after intimation to the consumer, be revised to the level of recorded demand and all relevant charges applicable for extension of additional demand shall be included in the next bill. No excess demand charge is leviable till such time the licensee installs meter with demand recording facility and bring the consumer under the scope of excess demand chargeable category.

d. The term contracted demand is defined under Clause 2(f) of the supply code and the same is as follows:

(f) "Contracted Demand" means the demand specified in the agreement between the consumer and the Licensee engaged in the business of supplying electricity to him.

Hence, following the above provisions, action is being taken on the consumers who exceed the contracted demand, and charges are collected.

  
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e. It is submitted that there are consumers, who operate the power looms attached to their residence, in such cases, it is ensured that there are different connections between the power loom and residence. In the event, it is found that the power connection is misused or used for a purpose other than for which the usage of electricity was authorized, then action is being taken under Section 135 of the Electricity Act, 2003.

11. I state that as stated above, the electricity supply granted will be disconnected for violation of any other law in force, and specifically directed to be disconnected for such violation.

For the reasons stated above, I humbly pray that this Hon'ble Tribunal may be pleased to dismiss the above application and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at 04/08/2022 on this the day of August 2022



ASSISTANT EXECUTIVE ENGINEER,  
Operation and Maintenance,  
TANGEDCO (Subsidiary of TNEB Ltd.)  
THARAMANGALAM-636 502,  
SALEM (Dt).  
RESPONDENT

#### VERIFICATION

I, S SARAVANAKUMAR, Son of SUBBURU, aged 47 years, having an office at THARAMANGALAM as ASSISTANT EXECUTIVE ENGINEER, OPERATION and MAINTENANCE, TANGEDCO, METTUR ELECTRICITY DISTRIBUTION CIRCLE, do hereby verify that the contents of para 1 to 14 are true to the best of my knowledge and I have not suppressed any material fact.

Verified at 04/08/2022 on this the day of August 2022.



RESPONDENT  
ASSISTANT EXECUTIVE ENGINEER,  
Operation and Maintenance,  
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