

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

Order of the Commission dated this the 04th Day of March 2025

PRESENT:

Thiru. R.Manivannan Chairman
Thiru K.Venkatesan Member
and
Thiru B.Mohan Member (Legal)

P.R.C. No. 1 of 2025

Thiru.S.Neelakanta Pillai
F4, Plot No.144,
Lakshmi Nagar 6th Street,
Madipakkam,
Chennai – 600 091.

.... Petitioner

Vs

1. Tmt. K.Malarvizhi,
Director Finance,
Present and Predecessors
TANGEDCO,
Chennai – 600 002.
2. Tmt. K.Indirani,
Director Distribution,
Present and Predecessors
TANGEDCO,
Chennai – 600 002.
3. Tmt. B. Rajeswari,
Chief Financial Controller,
Regulatory Cell,
Present and Predecessors
TANGEDCO, Chennai – 600 002.

4. Shri Vishu Mahajan, I.A.S.,
Joint Managing Director,
Present and Predecessors
TANGEDCO,
Chennai – 600 002.

5. Thiru.C.Veeramani
Secretary,
Tamil Nadu Electricity Regulatory Commission
Guindy, Chennai – 600091.

..... Respondents

This matter coming up for hearing on 23.01.2025 for deciding the very maintainability of the petition in the presence of Thiru.S.Neelakanta Pillai, Party-in-Person, on consideration of the submissions made by the petitioner and on perusal of records, this Commission passes the following;-

ORDER

1. The petitioner has come forward with a complaint seeking appropriate action against the named officials of TANGEDCO and the Secretary of TNERC alleging specific violation and non-compliance of the orders of the Commission resorting to the provisions of Section 128, 142, 149, 150 of the Electricity Act and Regulation 54 of TNERC Conduct of Business Regulations, 2004.
2. The petitioner alleged that only 3 Lakhs service connections have been converted from domestic category to new category of common supply under Tariff ID as communicated by CFC / Regulatory Cell vide her Letter dated

01.07.2024 while the overall service connections under LT ID is in the order of 8 Lakhs thereby only 18.44 % of the total revenue realised under Tariff ID resulting in huge loss to the State Govt.

3. This petition has been taken on file as PRC to decide its maintainability.
4. The petitioner has alleged that the Commission approved anticipated revenue from tariff ID for the FY 2022-2023 at Rs.1497.8 Crores but as per the true-up petition for FY 2022-2023, the revenue from sale of power in Tariff ID category was approved only to extent of Rs.276.25 crores which is only 18.44% of the approved quantum. It is case of the petitioner that 5 lakhs Tariff IA consumers are yet to be billed under new category of Tariff ID and they are being allowed to enjoy the services in the old category of tariff schedule with Govt. subsidy and free hundred units per bi-month for years together. It is further the contention of the petitioner that this has led to additional burden of Rs.1221.55 crores for one year i.e., for the FY 2022-2023 to the Govt. of Tamil Nadu by way of loss funding. The petitioner has alleged irresponsibility on the part of the officials of TNPDC, bribery, corruption, misappropriation, and illegal internal management. Accusing the Director Finance, Director Distribution, CFC / Regulatory Cell, JMD / TANGEDCO of causing huge financial loss to the Electricity Board and GoTN, the petitioner sought action against them under Sections 128, 142, 149 and 150 of Electricity Act 2003. The petitioner has also added the Secretary of Commission for not exercising his powers conferred by Regulation 54 of Conduct of Business Regulations 2004.

5. Having considered the submission of the petitioner it is to be observed that the case presented by the petitioner, in our view, would not entirely fall within the purview of the powers of the Commission. The petitioner strenuously canvassed for the proposition that the Commission has ample powers to try the case of non-compliance of the orders of the Commission under Sections 142 of the Electricity Act 2003 and to order investigation under Section 128 of the Electricity Act 2003.

6. Be it noted that the Commission is not a constitutional court and its powers are hedged and circumscribed by the boundaries of Section 142. It is to be noted that the Section 142 stops short of levy of imposition of penalty and there is nothing in the said section which enables the Commission to consider the prayer of the petitioner.

7. A reading of the averments of the petitioner and the relief sought for would make it clear that they would not fall under section 86 of the Electricity Act 2003 in which the functions of the Commission have been set out. Further, as may be seen from ultimate purpose of section 128 of Electricity Act 2003 in its sub section (6) the intent and purpose of the said section is entirely different. Needless to say section 149 and 150 of the Electricity Act 2003 are criminal in nature and not within the jurisdiction of the Commission. Here again, neither the question as to whether due diligence had been exercised by a person charged with an offence under section 149 nor the question of abetment under section 150 can be a subject matter of proceedings before the Commission.

8. The present petition is also not maintainable under section 142 as it is too general in nature by clubbing various reliefs in prayer 1 to 5. Section 142, as may be seen from its language contemplates proceedings in a specific case of non-compliance and not in cases where there is an omnibus prayer clubbing all reliefs.

For all the above reasons, the petition is held not maintainable.

(Sd....)
Member (Legal)

(Sd....)
Member

(Sd....)
Chairman

/True Copy /

**Secretary
Tamil Nadu Electricity
Regulatory Commission**