

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

(Constituted under section 82 (1) of the Electricity Act, 2003)

(Central Act 36 of 2003)

PRESENT:-

Thiru.M.Chandrasekar Chairman

Dr.T.PrabhakaraRao Member

and

Thiru.K.Venkatasamy Member (Legal)

SuoMotu Proceedings No. 2 of 2020

Tamil Nadu Electricity Consumers Association

& others.

... Petitioners

Vs.

Tamil Nadu Generation and Distribution Corporation Limited

NPKRR Maaligai

No.144, Annasalai

Chennai – 600 002.

... Respondent

In the matter of charging of Minimum charges from HT consumers during the period of lock-down caused due to COVID 19.

Date of Order: 04-05-2020

ORDER

- 1) Government of Tamil nadu have notified, under its G.O.152, dt.23.03.2020, G.O.172 (Revenue & Disaster Management Department) dt.25.03.2020 and G.O.193 (Revenue & Disaster Management Department) dt.15.04.2020, the measure to

prevent and contain the spread of COVID 19, and declared the lock-down of Industrial establishments, Commercial and private establishments, etc., with some exceptions, for the period from 18.00 hrs of 24.03.2020 to 03.05.2020.

- 2) In view of the epidemic of the State, as notified by the Government of Tamil nadu, most of the industries were prevented from using of Power upto sanctioned demand, except the industries and other type of usages specifically mentioned under exception of respective Government Orders.
- 3) In this connection, many Consumer forums represented to levy the Minimum charges i.e., 20% of Demand charges, as per Regulation 6 of Tamil Nadu Electricity Supply Code,2004, during this lock-down period. On these representations, TANGEDCO has stated that, actual field condition of usage of demand would be different in any sector whether it covered under lock-down or excluded i.e., their recorded demand also might be more than 20% in any of the case.

Though TANGEDCO is in the position to adhere and charge the minimum charges subject to fulfillment of the provisions of regulation 6 (b) i.e., produce a certificate from the Labour Officer to that effect indicating the period of lockout or strike or temporary closure, it has requested the Commission to notify any other authority such as Revenue administration of respective jurisdiction for ensuring that the industry/establishment was under lock down.

Regulation 6 of TN Electricity Supply Code, 2004, states -

“6. Minimum Charges

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Provided that where the Licensee is prevented from supplying electricity owing to cyclone, floods, storms, fire, strike or lockout in the Licensees' establishment or other occurrences beyond the control of the Licensee, or if the consumer is prevented from consuming electricity either in whole or in part for similar reasons, the Licensee may recover from the consumer a minimum charge at twenty percent of the contracted demand or recorded demand whichever is higher besides charges for the actual consumption of electricity”

Provided further that where the consumer has been prevented from consuming electricity.—

(i) the consumer shall produce a certificate from the Labour Officer to that effect, indicating the period of lockout or strike or temporary closure and the date on which it was called off.

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XXXX”

- 4) Keeping all these in mind, Commission issues the following direction, to TANGEDCO, in respect of billing of HT Services –**

The G.O.s of the State of Tamil nadu - G.O.152, dt.23.03.2020, G.O.172 (Revenue & Disaster Management Department) dt.25.03.2020 and G.O.193 (Revenue & Disaster Management Department) dt.15.04.2020, have notified to close down all the activities such as industrial, commercial, education institutions, etc., to stay everybody at home, with some exceptions. The G.O.s are applicable throughout the State. Therefore,

- (a) i) In the case of HT consumers, whose recorded demand does not exceed the 20% of sanctioned demand during this lock-down period – those HT consumers are to be considered to fall within the *Proviso* of Regulation 6(b) and twenty percent of the contracted demand or**

recorded demand whichever is higher can be recovered besides the charges for the actual consumption of electricity. And the above charges are recoverable by the TANGEDCO in addition to the Transformer loss component in case the HT service is connected in LT side of the Transformer.

ii) Eventhough such HT services are required to be billed under regulation 6 (b) of the Supply Code, as stated in the provision (i) of 6(b) i.e., insisting of the certificate from Labour officer/any other revenue authority, by this time, is not at all required, since the LOCK-DOWN of all the sectors due to epidemic situation have been clearly explained in the above G.O.s 152, 172 and 193. Moreover, approaching of any authority of Revenue administration, as requested by TANGEDCO, is also impracticable, since those officials were made involved by State Government in prime task of containment measures of COVID-19.

The above direction to be adopted invariably, during this lock-down period caused due to COVID-19 in their respective area, in the billing of all HT consumers,without insisting of any representation by the HT consumer.

(b) Further, State Government vide above G.O.s, following the guidelines of Government of India, made exception for certain activities such as Government Hospitals, Government offices, TWAD Board, Pharmaceutical industries, Oil refining, Banks, etc., These services are allowed to function as usual considering its essentiality,

therefore the usage of electricity also will be quite normal i.e., more than 20%.

Considering the above circumstances, in the case of any HT consumer, who have been permitted to carry out their business, during this lock-down period – those HT consumers are to be billed under routine billing method as stated in the Tariff Order i.e., maximum Demand Charges for this period will be levied on the demand actually recorded in that month or 90% of the sanctioned demand whichever is higher, besides the charges for the actual consumption of electricity. Usual HT billing to be done, as if normal industrial/commercial/ other activities were carried on by the Consumer.

- (5) After the period specified under Para (1) above, wherever the Government of Tamilnadu adopts the partial lock-down due to COVID-19, TANGEDCO may accept the permission granted for functioning of such industry/activity by the designated authority (viz., District Collector, Corporation Commissioner, etc.,) as stipulated by the Government time to time; and the Minimum charges for such HT services may be decided based on the direction under Para 4 (a) or (b) as the case may be.

(Sd....)
(K.Venkatasamy)
Member (Legal)

(Sd....)
(Dr.T.PrabhakaraRao)
Member

(Sd....)
(M.Chandrasekar)
Chairman

/True Copy /

Secretary
Tamil Nadu Electricity Regulatory Commission