



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.71 of 2016

Tmt. B. Tholath Begum,
W/o S. Bakkar Ali,
Door No.8-A,
Chinna Kanmai Road,
Shanmuga Nagar,
Madurai – 625 009.

..... Appellant
(Thiru. M. Kannan, Advocate)

Vs

1) The Chairman,
Consumer Grievance Redressal Forum,
Madurai EDC/Metro,
TANGEDCO,
K.Pudur, Madurai – 625 007.

2) The Executive Engineer/ O & M/ South,
Madurai EDC/Metro,
TANGEDCO,
K.Pudur, Madurai – 625 007.

..... Respondent
(Thiru. N. Mohan, AEE/Distn/Kovil)

Date of hearing : 29-11-2016

Date of order : 21-2-2017

The petition filed by Tmt. B . Tholath Begum, W/o S. Bakkar Ali, Shanmuga Nagar, Madurai was registered as Appeal Petition No. 71 of 2016. The above appeal petition came up before the Electricity Ombudsman for hearing on 29-11-

2016. Upon perusing the Appeal Petition, Counter Affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

Order

1. Prayer of the Appellant:

The Appellant prayed that the Hon'ble Court may be pleased to set aside the impugned order of the 1st opposite party in D.No.493, dt.9.8.2016 and direct the 2nd opposite party to effect tariff change from tariff VI to Domestic tariff and also shift the meter board and place it inside the residential building and pass such further or other orders as the Hon'ble Court may deem fit and proper in the above facts and circumstances and thus render justice.

2. Brief History of the Case:

2.1 The Appellant obtained a service connection for construction of Building under tariff VI. The service connection No.05-036-001-2241 and the service was effected on 24.1.2014.

2.2 The Appellant filed a petition before the concerned . Asst. Exe. Engineer informing him about the completion of construction works and requested for a tariff change from VI to IA.

2.3 As the Building was more than 50 feet in high, the licensee sought for safety certificate from the Electrical Inspector to effect the tariff change.

2.4 The Appellant filed a complaint before the CGRF of Madurai EDC/Metro to effect tariff change and to shift the meter board.

2.5 The CGRF of Madurai EDC/Metro rejected his complaint vide its order dt.9.8.2016.

2.6 Aggrieved by the order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

3. Order of the CGRF:

The CGRF of Madurai Electricity Distribution Circle / Metro has issued its order on 9.8.2016. The relevant para of the Order of the CGRF is extracted below:-

“Findings No1:

As per CEA regulation 36 (2)

“Before making an application for commencement of supply or recommencement of supply after an installation has been disconnected for a period of 6 Months or more, the owner or occupier of a multi-storeyed building shall give not less than 30 days notice in writing to the Electrical Inspector specify therein the particulars of installation and the supply of electricity shall not be commenced or recommenced within this period, without the approval in writing of the Electrical Inspector”

Findings No 2:

The Judgement Order D.No:1/16,dated:2.1.16 of the CGRF/Madurai Metro issued to Thiru.Sekar .CGRF is mentioned by the petitioner and CGRF has the responsibility to clarify it..

Thiru.R.Sekar is already owning a service in a building and he requested some reduction of load in the service connection.

In this case, it is an existing live service and TANGEDCO need not call for certificate from Electrical Inspector. Hence the CGRF issued an order to TANGEDCO “To insist safety clearance certificate from Electrical Inspector only to those cases mentioned in CEA Regulation”..

Findings No 3:

Tariff change is to be done by Concerned officers of TANGEDCO after ascertaining the purpose of usage and it is their responsibility to check for the rules.

For example, A building Construction Tariff, cannot be changed in to a domestic Tariff on the requisition of a Consumer if the purpose of use is a industry ,OHT.... etc. Similarly ,there is a guide line to effect a new service connection or recommencement of supply to buildings more than 50 feet heights by CEA Also G.O(Ms.)No.59 dated 14.8.14 has delicated powers to Electrical Inspectors for drawing Scrutiny, Inspection and issue of permission to these type of buildings. (which are more than 15meters in height.)

Based on the above rules, TANGEDCO's technical wing also has issued instruction to insist the CEA condition. Since, CEA is the ultimate authority that guides all electrical licensee, TANGEDCO has no scope to overrule the above conditions.

Also, the petitioner's contention that "it is not a new service connection and only Tariff Change requested to a new building" itself is a paradoxical statement.

Based on the above facts, the CGRF directs the petitioner to furnish the safety certificate as insisted in CEA regulation to TANGEDCO either to get Tariff change or a new service connection to the building (more than 50 feet height).."

4. Contentions of the Appellant furnished in the appeal Petition:

4.1 A new service connection was obtained by him under tariff VI vide SE No.05-036-001-2241 for the construction purpose. She carryout the construction from the date of effecting of new service connection.

4.2 After the completion of the construction, she has sent a letter to the concerned Asst. Exe. Engineer regarding the completion of the construction and also for changing the tariff to TF IA on 5.2.2016. Whereas she has not received any reply from the concerned Asst. Engineer and Asst. Exe. Engineer.

4.3 On personal enquiry, she was told that her building is more than 50 feet in height and hence the TANGEDCO authorities have no power to change the tariff as per regulations. It was stated that she should obtain safety certificate from the Electrical Inspector as per the CEA Regulations.

4.4 Her building is only 53 feet in height. Further, even though her building is 53 feet in height she has obtained and utilised electricity service connection only for ground plus two floors coming to a height of 30 feet approximately. She has not utilised the electricity connection anywhere near threshold height of 50 feet or 15 meters. Hence, there is no bar for the TANGEDCO authorities for effecting the change of tariff.

4.5 In a similar case decided by the 1st opposite party in order dt.30.12.2015 in the matter pertaining to Thiru. R. Sekar No.9, Subburaman Street, Madurai, a similar change of tariff was permitted.

4.6 The impugned order of the 1st opposite party forum is unlawful and arbitrary.

4.7 The opposite parties failed to consider the fact that CEA Regulation No.36 is applicable only to a case of commencement or recommencement of electricity service connection and not to a case of tariff change and shifting of meters.

4.8 The opposite parties failed to consider the fact that the complainant has obtained only a single phase connection and utilised for domestic household purpose in G+2 floors measuring only 30 feet approximately and has not obtained and utilise the electricity service connection beyond the height prescribed by the Regulation No.36. Therefore there is no necessity for obtaining safety certificate from the Electrical inspector.

4.9 The opposite parties failed to consider the fact that taking into consideration of the category of supply given to the complainant premises, it cannot be used for the entire building measuring the beyond threshold height of 50 feet. Therefore, technically and logically it is perverse on the part of the opposite partes to apply a regulation issued by the CEA which involves a higher load and voltage of supply unlike that of the premises of the complainant.

4.10 The Regulation No.36(1) of the CEA (Measures relating to safety and electric supply) Regulations, 2010 mandates that the appropriate government shall notify the connected load and voltage of supply above which inspection is to be carried out by an Electrical Inspector for a multi-storied building of more than 15 meters height. The appropriate government namely the State of Tamil Nadu has not notified the load and voltage above which a safety certificate from the Electrical Inspector has to

be obtained. The G.O.Ms No.59 dated 14.8.2014 issued by the Energy (D2) Department merely provides for appointment of various grades of Electrical Inspectors. The said G.O. does not specify the minimum load and voltage of supply above which inspection is carried out . Regulation No.36 does not permit the appropriate government to insist upon inspection to be carried out by the Electrical Inspector for all buildings irrespective of the minimum load and voltage of supply. Therefore, G.O.Ms No.59 will not enable the opposite parties to insist upon the complainant for obtaining safety certificate under Regulation No.36 (2). Unless the appropriate Government fulfils the mandatory provisions under Regulation No.36(1) it cannot invoke Regulation No.36(2) and insist upon inspection by an Electrical Inspector.

4.11 The opposite parties failed to consider the fact that Regulation No.43(1) also insists that the appropriate Government should notify under clause (x) of Sub section (2) of section 176 and Sub section (1) of section 162 of the Act the voltage above which electrical installations will be required to be inspected by the Electrical Inspector. Admittedly the appropriate government has not specified the load and voltage above which inspection by an Electrical Inspector is necessary. In fact the CEA Regulation 2010 itself speaks only about safety provisions for electrical installations and apparatus of voltage exceeding 650 volts wherein inspection by the Electrical Inspector may be specified by giving the minimum voltage which can be inspected by the Electrical Inspector. Under Chapter V of the said Regulation which speaks about the safety provisions for electrical installations and apparatus of voltage not exceeding 650 volts there is no mention about the inspection by an Electrical Inspector. Therefore, the opposite parties cannot direct the complainant

to obtain safety certificate from the Electrical Inspector when admittedly her supply is only 240 volts (single phase).

4.11 The Central Electrical Authority (Measures relating to safety and Electric Supply) Regulations 2010 is a delegated legislation passed by the CEA under the powers conferred by section 177 of the Electricity Act 2003. The Regulation No.36 further sub delegates the power granted to the CEA to the appropriate Government. This is unlawful and against the settled principles of law that **delegatus non-potest delegare** (a delegate cannot further delegate) Even assuming that the CEA could confer a power upon the appropriate government to specify the connected load and voltage of supply above which inspection has to be carried by an Electrical Inspector for a multi storied building of more than 50 meters height, then the opposite parties cannot invoke regulation No.36(2) in the absence of such a notification by the appropriate government under Regulation No.36(1). Only in the event of the appropriate government mentioning the connected load and voltage of supply above which inspection could be carried out as per Regulation No.36(1), it will confer power upon the authorities to insist upon an inspection of an Electrical Inspector.

5. Contentions of the Respondent furnished in the Counter affidavit :

5.1 New service connection 036-001-2241 was effected on 24.1.2014 for construction of new building in a vacant site under TF VI in the name of Tmt. B. Thowlath Begum W/o S. Bakkar Ali in the address 8A, Shanmuga Nagar, Chinnakanmai, Madurai 9.

5.2 Since the unit consumption was high from the month of 9/2014 under TF VI the consumer paid the appropriate charges. The consumer has not given petition on the said date 5.2.2016. Instead of that Tmt. B. Thowlath Begum represented a

petition to EE/South/Metro/Madurai on 13.11.15 requesting the tariff change from VI to IA and meter board shifting for his SC No.036-001-2241. Based on the petition the site was inspected and found that the height of the building was 59 feet. Hence, a letter sent to consumer vide கடித எண்.செ.பொ/பகிர்/த/மது தொ.நு.உ./கோ.புகார் மனு/அ.எண்.426/16, நாள் 4.2.2016 insist to produce safety certificate and necessary approval for their new building from the concerned government authorities.

5.3 As per regulation below :

A) Section 177 of the Electricity Act 2003 (36 of 2003)

Notification No.CEI/1/59/CEA/EI/Dt.20 Sep 2010

B) Central Electrical Authority (Measures relating to the safety and electric supply) Regulations 2010 36(1) and 36(2).

C) Energy (D2) Department G.O.Ms No.59 dt.14.8.2014

D) Tamil Nadu Electricity Distribution Code Regulation 39(1)

E) CE/Comml/SE/Comml/EE3/AEE2/F.Doc/D.177/2016 dt.13.5.2016 any building which has more than 50 feet height, safety certificate and necessary approvals from concerned Government authorities to be produced to process any kind of application in TANGEDCO.

5.4 The SC No.036-001-2241 was effected on 24.1.2014 in a vacant site belonging to Tmt. B. Towlath Begum for construction of new building only. But the building was constructed more than 50 feet (59 feet) and hence the CEA Regulation 36 and Regulation mentioned in para 5.3 is applicable to this new building also.

5.5 The details of the CGRF case mentioned in the affidavit is as follows.

a) Thiru. R. Sankar who is the petitioner in the CGRF is already owning a service connection in the premises No9, subbraman Street, Madurai.

b) He has requested some reduction of load in his existing service connection.

c) The regulation 36(2) of CEA is a guidance for getting a new service to a multi storeyed building of height more than 15.25 meter and for getting a reconnection in the service connection which remains disconnected for more than 6 months.

d) This regulation is irrelevant to this referred issue and hence CGRF directed accordingly. The order passed out itself is a self explanatory one.

5.6 The EE/South/Metro/Madurai did not refuse to effect the TF change but simply directed to enclose the Electrical Inspector's approval along with TF change application. The CGRF also confirmed the fact that Electrical Inspector's approval is necessary to change the TF (ie) from building construction purpose (TF:VI) to the usage of multi-storeyed building (15.25 mtr) above (TF:IA).

5.7 The petitioner has put forth improvised and paradoxical statements regarding CEA Regulation and its delegatory powers. CEA Regulations are statutory and has to be followed by all licensees.

5.8 The petitioner is misinterpreting and bending the CEA Regulation to suit his needs. As per tariff order 1/13 dated 20.6.13 a temporary service connection is effected for building construction purpose and then the tariff will be changed to an appropriate one on the request of the consumer duly verifying the conditions of permanent tariff. In this case, the building construction tariff TF VI is requested to be converted to domestic tariff TF IA for the houses in the multi storeyed building of height more than 15.25 meters (ie) instead of applying for a new service connection which warrants an approval from Electrical Inspector, the petitioner wants to get the tariff converted. Though TF change is not unusual, the purpose of conversion in this case tends to deceive TANGEDCO and the other implementing agencies of CEA.

5.9 CEA Regulation 36(1) has been provided for the safety of the residents of the multi-storeyed building. It is unlawful to misinterpret the regulations and have their work done there by overruling the safety measures insisted by the Government.

5.10 CGRF has not issued any unlawful (or) arbitrary orders but conform to CEA safety regulation 36(1) for multi-storeyed building.

6. Hearing held by the Electricity Ombudsman :

6.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was held before the Electricity Ombudsman on 29-11-2016.

6.2 Thiru M. Kannan, Advocate has represented the Appellant and putforth his arguments.

6.3 Thiru N. Mohan, Asst. Executive Engineer/Distribution/Kovil, attended the hearing on behalf of the Respondent and putforth his side arguments.

7. Arguments putforth by the Appellant on the hearing date:

7.1 The Appellant reiterated the contents of the appeal petition.

7.2 The Advocate argued that the Appellant is requesting only change of tariff and not new service connection. Hence, the usage alone need to be verified for the change of tariff. The CEA Regulation is applicable only for the commencement of supply or recommencement. But, it is a case of tariff change after completion of construction.

7.3 The learned advocate argued that the electricity supply was used only ground plus two floor, which are within 30 feet only. Therefore, the CEA Regulation which is applicable for 50 feet or 15 meters height building could not be applied for the above building.

7.4 The learned advocate argued that as per CEA regulation 36 the voltage and the connected load above which inspection is to be carried out by an electrical inspector for a multi storeyed building of height more than 15 meters has to be notified by the Government. But, the government has not notified the load and voltage above which safety certificate is required from electrical inspector. The G.O.Ms. No. 59, dt.14.8.2014 issued by the energy department is only appointment of various grades of electrical inspectors. It does not specify the voltage and load above which the inspection of electrical inspector is necessary. As the State Government has not notified the load and the voltage level, the licensee cannot invoke regulation 36 and insist the safety certificate from the electrical inspector.

7.5 The learned advocate argued that Regulation 36 is coming under chapter IV which deals with General Condition relating to supply and use of electricity. But, regulation 40 & 43 under chapter V & VI are specific provision for voltage below 650v and above 650 volts respectively. In regulation 43, which is safety provision for voltage exceeding 650 volts, the regulation specify inspection by the electrical inspectors before commencement or recommencement after shut down for 6 months and above. Whereas in regulation 40, which deals with safety provisions for electrical installation not exceeding 650 volts, do not specify inspection by the electrical inspector. Therefore, the learned advocate argues on a conjoint reading of regulation 36, 40 & 43 of CEA (Measures relating to safety and electric supply) Regulation 2010, for voltage below 650 volts, inspection by electrical inspectors is not required for the multi-storeyed buildings of height more than 15 mtrs.

7.6 The learned advocate informed that the total height of the building 53 feet. But, the single phase supply obtained is being used for the G+2 floors of height 30 feet only and the supply is not utilised beyond the height prescribed in Regulation

36. Therefore, he argued that there is no need to obtain safety certificate from electrical inspector.

8. Arguments putforth by the Respondent:

8.1 Thiru N. Mohan, Asst. Executive Engineer/Distribution/Kovil, the Respondent herein has reiterated the contents of the appeal petition.

8.2 The AEE argued that the existing supply was given for construction. But, the Appellant is seeking tariff change to utilise the service for a building of 53 feet height. The effecting of permanent service to the building is considered as commencement of supply to the building. The temporary supply was given for the purpose of construction. But, permanent supply has to be given for the regular use of that premises.

8.3 As per regulation 39 of the Distribution Code, the temporary supply converted into permanent supply in accordance with the regulation in force. As building with height above 15 mtrs requires safety certificate from electrical inspectors as per CEA Regulation, the tariff change could be effected only if it satisfy the Regulation.

8.4 The AEE Also argued that the state government has issued instruction in G.O.Ms No.59, dt.14.8.14 detailing the authorities from whom the inspection report could be obtained.

8.5 In Boards circular dt.13.5.2016, instruction has been issued that any building which has more than 50 feet height, safety certificate and necessary approval from concerned Government authorities to be produced to effect service connection.

8.6 As per CEA's Regulation 36, any multi-storeyed building more than 15 mtrs in height inspection of the electrical inspector is necessary.

10. Findings of the Electricity Ombudsman:

10.1 On a careful consideration of the rival submission, I find the following as issue “whether inspection report of the Electrical Inspector is required for effecting tariff change in the Appellant’s Building which is more than 15 mtrs in height?”

10.2 The Appellant argued that she requires only a tariff change from tariff VI to IA. As supply for construction was already given under Tariff VI, the change of tariff does not come under the definition of commencement of supply (or) Recommencement. Therefore, the Appellant argued that Regulation 36 of CEA is not applicable to her case.

10.3 The Learned Advocate of the Appellant argued that on a conjoint reading of Regulation 36,40 & 43, it can be construed that the multi-storeyed building with supply voltage less than 650V does not require inspection report from Electrical Inspector.

10.4 The Learned Advocate also argued that as per Regulation 36, the concerned State Government has to notify the connected load and voltage above which the inspection of the Electrical Inspector is necessary for the multi-storeyed buildings of height more than 15 mtrs. But the State Government has not issued any notification to this effect. Hence, the licensee can not enforce Inspection Report by Electrical Inspector before commencement of supply.

10.5 The Learned Advocate also argued that the CEA (Measures relating to Safety and Electric Supply) Regulations 2010 is a delegated legislation passed by CEA under the powers conferred by Section 177 of the Electricity Act 2003. The sub-regulation 36 further sub delegate the powers to appropriate Government Officer is unlawful and the principle of law that **delegatus non-potest - delegare** (A delegate cannot further delegate)

10.6 The Respondent argued that as per Regulation 36 of the CEA (Measures Relating to Safety and Electric Supply) Regulations 2010, the inspection report of the Electrical Inspector is necessary for commencement of supply to a multi-storeyed buildings of height more than 15 meters.

10.7 In G.O.Ms.No.59 dated 14.8.14, the Government has specified that for voltage below 650V, the Drawing Scrutiny, Inspection and issue of permission is to be done by the Electrical Inspector. Hence, he argued that the inspection report of Electrical Inspector is necessary for commencement of supply to the building of the Appellant. As supply is already given under tariff VI, he argued that inspection report is required for commencement of permanent supply to the premises.

10.8 As both Appellant and Respondent are citing CEA (Measures Relating to Safety and Electric Supply) Regulations 2010, the Regulation 36,40 & 43 of the said Regulation are extracted below:-

36. Provisions for supply and use of electricity in multi-storied building more than 15 meters in height: -

(1) The connected load and voltage of supply above which inspection is to be carried out by an Electrical Inspector for a multi-storied building of more than fifteen meters height shall be notified by the Appropriate Government.

(2) Before making an application for commencement of supply or recommencement of supply after an installation has been disconnected for a period of six months or more, the owner or occupier of a multi-storied building shall give not less than thirty days notice in writing to the Electrical Inspector specify therein the particulars of installation and the supply of electricity shall not be commenced or recommenced within-this period, without the approval in writing of the Electrical Inspector.

(3) The supplier or owner of the installation shall provide at the point of commencement of supply; a suitable isolating device with cut-out or breaker to operate on all phases except neutral in the 3-phase, 4-wire circuit and fixed in a conspicuous position at not more than 1.70 meters above the ground so as to completely isolate the supply to the building in case of emergency.

(4) The owner or occupier of a multi-storied building shall ensure that electrical installations and works inside the building are carried out and maintained in such a manner as to prevent danger due to shock, and fire hazards, and the installation is carried out in accordance with the relevant codes of practice.

(5) No other service pipes and cables shall be taken along the ducts provided for laying power cables and all ducts provided for power cables and other services shall be provided with fire barrier at each floor crossing.

40. Test for resistance of insulation: -

(1) Where any electric supply line for use at voltages not exceeding 650 V has been disconnected from a system for the purpose of addition, alteration or repair, such electric supply line shall not be reconnected to the system until the supplier or the owner has applied the test prescribed under regulation 33.

(2) The provision under sub-regulation (1) shall not apply to overhead lines except overhead insulated cables, unless the Electrical Inspector otherwise directs in any particular case.

43. Approval by Electrical Inspector: -

(1) Voltage above' which electrical installations will be required to be inspected by the Electrical Inspector before commencement of supply or recommencement after shutdown for six months and above shall be as per the notification to be issued by the Appropriate Government, under clause (x) of sub-section(2) of section 176, and sub-section (1) of section 162 of the Act.

(2) Before making an application to the Electrical Inspector for permission to commence or recommence supply after an installation has been disconnected for six months and above at voltage exceeding 650 V to any person, the supplier shall ensure that electric supply lines or apparatus of voltage exceeding 650 V belonging to him are placed in position, properly joined and duly completed and examined and the supply of electricity shall not be commenced by the supplier for installations of voltage needing inspection under these regulations unless the provisions of regulations 12 to 29, 33 to 35, 44 to 51 and 55 to 77 have been complied with and the approval in writing of the Electrical Inspector has been obtained by him:

Provided that the supplier may energise the aforesaid electric supply lines or apparatus for the purpose of tests specified in regulation 46

(3) The owner of any installation of voltage exceeding 650 V shall, before making application to the Electrical Inspector for approval of his installation or additions

thereto, test every circuit of voltage exceeding 650 V or additions thereto, other than an overhead line, and satisfy him self that they withstand the application of the testing voltage set out in sub-regulation (1) of regulation 46 and shall duly record the results of such tests and forward them to the Electrical Inspector:

Provided that an Electrical Inspector may direct such owner to carry out such tests as he deems necessary or accept the manufacturer's certified tests in respect of any particular apparatus in place of the tests required by this regulation

(4) The owner of any installation of voltage exceeding 650 V who makes any addition or alteration to his installation shall not connect to the supply his apparatus or electric supply lines, comprising the said alterations or additions unless and until such alteration or addition has been approved in writing by the Electrical Inspector.”

10.9 On a careful reading of Regulation 36 (1), it is noted that for provision of supply and use of electricity in multi-storeyed building more than 15 meter in height, the connected load and the supply voltage above which inspection is to be carried out by an Electrical Inspector has to be notified by the Appropriate Government.

As per Regulation 36(2) the supply to the multi-storeyed buildings shall not be commenced or recommenced (if the supply has been disconnected for more than six months) without the approval of the Electrical Inspector.

10.10 On a careful conjoint reading of Regulation 36 (1) and 36(2), it is noted that the supply to a multi-storeyed building shall not commence without the approval of the Electrical Inspector in writing. However, the voltage and the load above which such approval is to be insisted has to be notified by the Appropriate Government.

10.11 To know the voltage and load above which the inspection of the Electrical Inspector is necessary, we have to refer G.O.(Ms.) No.59 of 14.8.2014. The said notification is extracted below:-

ABSTRACT

Electricity – The Electricity Act 2003 (Central Act 36 of 2003) Appointment of Chief Electrical Inspector and Electrical Inspectors – Decentralisation of Powers and Functions – Notified.

Energy (D2) Department

G.O.(Ms) No.59

Dated 14.08.2014
Thiruvalluvar Andu 2045
Aadi 29

Read :

1. D.O.(Ms) No. 40, Energy (B1) Dated 16.2.1995.
2. D.O.(Ms) No. 38, Energy (D2) Dated 28.5.2014.
3. From the Chief Electrical Inspectorate to Government letter No.162/CEIG/D1/EA 2003/2014, dated 25.6.2014.

ORDERS:

In the Government order first read above, orders were issued notifying the class of works as well as powers and functions to be performed by various cadres of the posts in the Electrical Inspectorate under section 36 of the Indian Electricity Act 1910 which was repealed subsequently by the Electricity Act, 2003 (Central Act 36 of 2003). In the Government order second read above, orders were issued notifying the jurisdiction of Electrical Inspectors of various cadres of the Electrical Inspectorate under (Sub-section (1) of section 162 of the said Electricity Act 2003.

2) *The Chief Electrical Inspector to Government in his letter 3rd read above has stated that the Indian Electricity Act 1910 was repealed by the Electricity Act 2003 and as per (sub section (4) of section 162 of the said Electricity Act 2003, powers and functions to be performed within such area or in respect of such class of works and electrical installation and subject to such restrictions among various cadres of the posts in the Electrical Inspectorate are to be prescribed by the Government. Accordingly, the Chief Electrical Inspector to Government has sent proposals for class of works powers and functions to be performed by various cadres of officials considering rationalised decentralisation measures for an effective enforcement and administration in the department taking into account of the following reasons.*

(i) *The number of HT installation in the State have increased significantly during the year 2009-2010. Hence, the number of periodic inspections to be carried out has also increased.*

(ii) *Even though the cadre strength of Assistant Electrical Inspector higher than that of Electrical Inspector, they have not been delegated independent responsibilities.*

(iv) *Decentralisation of class of works from the higher levels namely Chief Electrical Inspector to Government and Senior Electrical Inspector to lower levels will enable an effective administration.*

3) *The Government after careful consideration accept the proposal of the Chief Electrical Inspector to Government and issue orders regarding revised allocation of duties and responsibilities of the Chief Electrical Inspector to Government Senior Electrical Inspectors, Electrical Inspectors and Assistant Electrical Inspectors of the Inspectors of Electrical Inspectorate as specified in the Annexure and issue the following notification. The works manager, Government Central Press, Chennai 79 is requested to publish the notification append to this order in the Tamil Nadu Government Gazette , Extra ordinary, dated 14.8.2014*

APENDIX

NOTIFICATION

In exercise of the powers conferred by sub section (1) of section 162 of the Electricity Act 2003 (Central 36 of 2003) and in supersession of the Energy Department Notification No.II(2)/EGY/845/95 published at pages 241 to 243 of Part II Section 2 of the Tamil Nadu Government Gazette dated the 8th March 1995, the Governor of Tamil Nadu hereby appoints the Chief Electrical Inspector to Government, the Senior Electrical Inspectors, Electrical Inspectors and Assistant Electrical inspectors of the Tamil Nadu Electrical Inspectorate to be the Electrical Inspectors exercise the powers and perform the functions specified in column (3) to the (Table) of an Electrical Inspector under the said Act in respect of the class of works and electric installations specified in column(2) thereof, subject to the restrictions that the Assistant Electrical Inspectors. Electrical Inspectors and Senior Electrical Inspectors shall enforce full powers under the Central Electricity Authority(Measures relating to safety and electric supply) Regulations 30, except sub regulation (5) of regulation 30 of regulation (2) of regulation 34 and regulation 116.

(BY ORDERS OF THE GOVERNOR)

RAJESH LAKHONI
SECRETARY TO GOVERNMENT

xxx xxx xxx
xxx xxx xxxx “

10.11 On a careful reading of the said notification, it is noted that the above notification was issued by exercising the power conferred by sub section (1) of Section 162 of Electricity Act 2003. In the notification, the Government has appointed the Chief Electrical Inspector to Government, Senior Electrical Inspector, Electrical Inspector and Assistant Electrical Inspector to exercise the powers and perform the functions specified in column (3) of the Table of an Electrical Inspector under the said Act in respect of class or work and electric installations specified in column (2)

that of subject to the restrictions that the Assistant Electrical Inspector, Electrical Inspector and Senior Electrical Inspector shall enforce full powers under the CEA (Measures relating to Supply and Electric Supply) Regulations except sub Regulation (5) of Regulation 30, sub regulation (2) of regulation 34 and Regulation 116.

10.12 On a careful examination of the table enclosed with the above notification, it is noted that the multi-storeyed building of more than 15 meters height at the voltage upto 650 V has been given under sl.no.2 and voltage exceeding 650 V is given under SI.No.1. They are extracted below:-

The Table

<i>S.No.</i>	<i>Class of works and electric installations</i>	<i>Powers and functions (category of work)</i>	<i>Assistant Electrical Inspector</i>	<i>Electrical Inspector</i>	<i>Senior Electrical Inspector</i>	<i>Chief Electrical Inspectorate to Government</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>	<i>(7)</i>
1.	<i>New and addition and alterations in the Electrical Installations of voltage exceeding 650V including Multi-storeyed building of more than 15 metres in height at the voltage exceeding 650V.</i>	<i>Drawing scrutiny inspection and issue of permission</i>		<i>Drawing scrutiny, inspection and issue of permission upto 630 KVA installed Transformer capacity/stand alone Generating units/loads of voltage exceeding 650V</i>	<i>Drawing scrutiny inspection and issue of permission above 630KVA and upto 2500 KVA installed transformer capacity and alone generating units/loads of voltage exceeding 650V</i>	<i>Drawing scrutiny inspection and issue permission above 2500 KVA installed transformer capacity/stand alone generating units/ loads of voltage exceeding 650 V.</i>
		<i>Drawing scrutiny inspection and issue of permission</i>		<i>Drawing scrutiny, inspection and issue of permission of stand alone Generating units upto 650KVA and all loads of voltage upto 650V</i>	<i>Drawing scrutiny, inspection and issue of permission of stand alone Generating units upto 650KVA and all loads of voltage upto 650V</i>	

2.	<i>Multi storeyed building of more than 15 meters in height at the voltage upto 650 V</i>	<i>Drawing scrutiny inspection and issue of permission</i>		<i>Drawing scrutiny inspection and issue of permission of multi-storeyed buildings</i>		
XXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXXXXXXXXXX						

10.13 On a careful reading of the details given under sl.no.2, it is noted that the Electrical Inspector has to scrutiny the drawing inspection and issue of permission for the multi-storeyed building of more than 15 meters in height. In the above voltage level alone was given as upto 650V and , no load criteria was given.

10.14 In respect of exceeding 650Volts, category in sl.no.1 the table gives the load also. But, the load varies upwards from Electrical Inspector to Chief Electrical Inspector. In respect to periodical inspection also the capacity has been prescribed for various authorities. Therefore, I am of the view that the State Government has fixed the inspecting authority as Electrical Inspector for the multi-storeyed buildings of height more than 15 meters at the voltage level upto 650V irrespective of load.

10.15 In view of the observation in previous para, the argument of the Appellant that the State Government has not fixed the voltage and load, hence, it cannot be applicable to her multi-storeyed building with height more than 15 meters is not acceptable to me.

10.16 As the Appellant has cited Regulation 40 & 43 and argued that in respect of the installation exceeding 650 V, the regulation 43 specify, inspection by Electrical Inspectors, whereas no such provision in 40, which is for the installation of voltage not exceeding 650 volts. The said regulations are extracted below:

40. Test for resistance of insulation: -

(1) Where any electric supply line for use at voltages not exceeding 650 V has been disconnected from a system for the purpose of addition, alteration or repair, such electric supply line shall not be reconnected to the system until the supplier or the owner has applied the test prescribed under regulation 33.

(2) The provision under sub-regulation (1) shall not apply to overhead lines except overhead insulated cables, unless the Electrical Inspector otherwise directs in any particular case.

43. Approval by Electrical Inspector: -

(1) Voltage above' which electrical installations will be required to be inspected by the Electrical Inspector before commencement of supply or recommencement after shutdown for six months and above shall be as per the notification to be issued by the Appropriate Government, under clause (x) of sub-section(2) of section 176, and sub-section (1) of section 162 of the Act.

(2) Before making an application to the Electrical Inspector for permission to commence or recommence supply after an installation has been disconnected for six months and above at voltage exceeding 650 V to any person, the supplier shall ensure that electric supply lines or apparatus of voltage exceeding 650 V belonging to him are placed in position, properly joined and duly completed and examined and the supply of electricity shall not be commenced by the supplier for installations of voltage needing inspection under these regulations unless the provisions of regulations 12 to 29, 33 to 35, 44 to 51 and 55 to 77 have been complied with and the approval in writing of the Electrical Inspector has been obtained by him:

Provided that the supplier may energise the aforesaid electric supply lines or apparatus for the purpose of tests specified in regulation 46

(3) The owner of any installation of voltage exceeding 650 V shall, before making application to the Electrical Inspector for approval of his installation or additions thereto, test every circuit of voltage exceeding 650 V or additions thereto, other than an overhead line, and satisfy him self that they withstand the application of the testing voltage set out in sub-regulation (1) of regulation 46 and shall duly record the results of such tests and forward them to the Electrical Inspector:

Provided that an Electrical Inspector may direct such owner to carry out such tests as he deems necessary or accept the manufacturer's certified tests in respect of any particular apparatus in place of the tests required by this regulation

(4) The owner of any installation of voltage exceeding 650 V who makes any addition or alteration to his installation shall not connect to the supply his apparatus or electric

supply lines, comprising the said alterations or additions unless and until such alteration or addition has been approved in writing by the Electrical Inspector.”

10.17 On a careful reading of Regulation 40 & 43 above, it is noted that there is no specific inspection clause in Regulation 40 which deals with safety provisions for electrical installation and apparatus of voltage not exceeding 650 volts. The section deals with the supply line disconnected for the purpose of addition or alteration or repair. But in Regulation 43, it has been clearly stated that the voltage above which electrical installations will be required to be inspected by the Electrical Inspector before commencement of supply shall be as per the notification issued by the Appropriate Government.

10.18 Here, the Regulation once again indicated that the voltage above which inspection has to be carried out by the Electrical Inspector is to be fixed by the Appropriate Government only. The above Regulation 43 is General Provision for all the installations and apparatus using voltage more than 650 volts whereas Regulation 36 is a specific regulation for provision of supply and use of electricity in multi-storeyed building more than 15 meters in height. As the Regulation 36 is a specific provision for multi-storeyed building and height more than 15 meters, I am unable to accept the argument of the appellant that the Inspection of Electrical Inspector is necessary for the installation and apparatus of voltage exceeding 650 volts only on conjoint reading of Regulation 40 & 43.

10.19 As the State Government has specified that the multi-storeyed building of more than 15 meters height with electric installation upto 650 volts has to be inspected by the Electrical Inspector and issue permission in accordance with Regulation 36 of the CEA (Measures relating to Safety and Electric Supply

Regulations 2010, I am of the view that the Electrical Inspectors approval to commence supply for the Appellant's premises is necessary.

10.20 As the existing service was given for construction purpose and the constructed building is a multi-storeyed building of more than 15 meters in height the Appellant's argument that the change of tariff from VI to IA does not amount to commencement of supply is not acceptable to me. As the service for construction was effected for constructing the multi-story building, the said service cannot be considered as a service effected in a multi-storeyed building. Only after completion of the construction the building is considered as Multi-storeyed. Therefore, the Appellant's contention that change of tariff does not amount to commencement of supply is not tenable. Therefore, I am of the view that the Electrical Inspector has to inspect the installation and issue his approval before commencement of regular supply.

11. Conclusion:

11.1 In view of my findings in para 10 above, I am unable to interfere with the orders of CGRF of Madurai EDC / Metro.

11.2 With the above findings, AP 71 of 2016 is finally disposed of by the Electricity Ombudsman. No Cost.

(A. Dharmaraj)
Electricity Ombudsman

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2) The Chairman,
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3) The Executive Engineer/ O & M/ South,
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4) The Chairman & Managing Director,
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5) The Secretary
Tamil Nadu Electricity Regulatory Commission,
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6) The Assistant Director(Computer) – **For Hosting in the TNEO website**
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