



TAMIL NADU ELECTRICITY REGULATORY COMMISSION
4th floor, SIDCO Corporate office building, Thiruvika Industrial
Estate, Guindy, Chennai 600 032

Phone: 044-29535806 / 29535816 Fax: 044-29535893

email: tnerc@nic.in

Website: www.tnerc.gov.in

To
The Chairman cum Managing Director,
TANGEDCO
144, Anna Salai,
Chennai – 600 002.

Lr.no.TNERC/DT/DDT1/F.PMC Billing/D.Co.II-2/2021, Dt.15-05-2021

Sir,

Sub: TANGEDCO – COVID 19 Second wave – Restrictions and Lock Down imposed by Government of Tamil Nadu – Billing method to be followed during the lock down period by the Licensee – Approval sought for – Regarding.

Ref: 1. G.O.(Ms) No.361 dt.29-04-2021 (Revenue & Disaster Management (DM-IV) Department)
2. G.O.(Ms) No.364 dt.03-05-2021 (Revenue & Disaster Management (DM-IV) Department)
3. GoTN Press Release no.8 Dated 08-05-2021
4. Lr.no.TNERC/DT/DDT1/F.2nd PMC/D.437/2020, Dt.11-06-2020
5. TANGEDCO Press Release no.23, dt.10-05-2021
6. TANGEDCO's Lr.no.CFC/R/FC/R/DFC/R/F.PMC/D.307/2021, Dt.12-05-2021.

This is with reference to your letter 6th cited. I am directed to state that referring to the G.O.s of the Government of Tamil Nadu cited under (1) & (2) above and subsequent Press release dated 08-05-2021, wherein the Govt. of Tamil Nadu has imposed various restrictions and lock down measures in the State, TANGEDCO has expressed its difficulties in assessment of Low Tension services during such lock down period from 10-05-2021 to 24-05-2021.

(2.0) TANGEDCO suggested that, during the lock down situation wherein the consumer's premises is inaccessible for assessment, the LT consumers shall be assessed with the more realistic consumption instead of PMC method of billing. Those consumers whose assessment is to be taken during 10-05-2021 to 24-05-2021, may be billed based on the assessment taken during May'2019 since calculation of assessment based on March'2021 or the assessment based on corresponding May'2020 (Covid period) will not be appropriate.

(3.0) During the Covid-19 lockdown period from 23-03-2020 to 03-05-2020, the PMC billing as per Regulation 10, was contested through PIL wherein the Hon'ble High Court of Madras had ordered that the LT billing made was just and fair. Besides, the Hon'ble Supreme Court of India had dismissed the SLP (Nos.13214-13215/2020) filed on 20-01-2021 due to withdrawal of petition by the appellant. The Assessment during the aforesaid Summer period i.e., April / May 2020 was provisionally done by the TANGEDCO based on the previous assessment i.e., January 2020 / February 2020 (Winter season consumption) under PMC method. Though it was provisional, due to this lean time decision, many consumers were billed with lesser consumption during the provisional billing which has resulted the Bill shock to all of them while the actual assessment taken during the next billing and resulted a lot of criticism against the billing method. In order to avoid such a situation, it is opined that carrying out provisional assessment based on the consumption recorded during totally different season/condition to the consumer at large, even though it is temporary may not be meaningful. Thus, the cognizance of the aforesaid difficulties demonstrates the

requirement for certain deviation in regulation 10 instead of stringent application of PMC method as followed earlier.

(4.0) Considering the submissions of the TANGEDCO and the prevailing Pandemic COVID-19 in the State for the period of more than one year from March'2020 to till date, the Commission has to approach this consumers' billing issue as a special case instead of a normal case covered under Regulation 10 of the TNERC's Supply Code 2004.

(5.0) Section 61(d) of the Electricity Act 2003 empowers the Commission to "safeguard the consumers' interest and at the same time, recover the cost of electricity in a reasonable manner"; accordingly the Commission in exercise of its regulatory function, has to facilitate the distribution licensee for due recovery of its revenue and financial health.

(6.0) Under normal circumstances Regulation 10 is applied in the case of a consumer who has made the premises inaccessible and the billing is made based on previous assessment; but in the present condition where the pandemic continues for months/years together, we are forced to deviate from the application of PMC method of billing under Regulation 10 to these consumers at large in the State. The assessment of the consumption shall have to be arrived based on Consumer's consumption history which will be more realistic and represent the conditions of working / consumption is similar to those in the period covered by the billing.

(7.0) Regulation 26(3) which reads as below empowers the Commission to deal with such issues –

“(3) Where any dispute arises as to the application or interpretation of any provision of this Code, it shall be referred to the Commission whose decisions shall be final and binding on the parties concerned.”

Under the above provisions, the situation referred by the Licensee to the Commission in respect of assessment of LT services, the Commission felt that it is essential to interpret the Supply Code.

(8.0) Regulation 11 of the Supply Code provides certain methods to assess the consumption during meter defective period but it cannot be applied mutatis mutandis since the prevailing condition is very different during the pandemic. Taking average of four months assessment is not justifiable since there is a change of season from winter to summer accordingly the consumption varies. Considering the consumption during March and April 2020 is also not advisable since it was a lock-down period and the consumption was likely to be high. Therefore, it is fair and prudent to adopt the consumption during March-April 2019 for the assessment of the consumption during March-April 2021. Any change or adjustment of consumption will be effected in the succeeding bill either by addition of excess consumption in the next billing or refund of excess recovery through adjustment of excess billed amount in the subsequent three bill cycles.

(9.0) With the above direction, the Commission hereby approves and ratify the proposal of billing method submitted by the TANGEDCO. Further, TANGEDCO is directed to adopt such corresponding consumption assessed during 2019 as provisional assessment during the lock-down period as and when required during this

year. In the case of LT services for which no corresponding assessment is available in 2019, those LT services may be continued to be billed provisionally based on Regulation 10 of the Supply Code.

(10.0) Further, the TANGEDCO is directed to ensure the billing details/method reaches to all the consumers through SMS, email, etc., and also directed to display the proposed billing method in website/other modes for wide publication to the knowledge of public.

Sd/-
(S.Chinnarajalu)
Secretary