

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)

S.M.P. No.7 of 2014

ThiruRaguram
(petition received through
e-mail harijawas@gmail.com)

... Petitioner

Vs.

1. The Chief Financial Controller
Tariff Cell
TANGEDCO Ltd.
NPKRR Maaligai
No.144, Annasali
Chennai – 600 002.
2. The Chief Engineer
Planning and Resource Centre
TANGEDCO Ltd.
NPKRR Maaligai
No.144, Anna salai
Chennai – 600 002.

(ThiruM.Gopinathan
Standing Counsel for the Respondent)

Dates of hearing: 24-09-2019 and 05-11-2019

Date of Order: 10-12-2019

ORDER

1. The prayer of the petitioner is to clarify the following:-

As per the Tariff Order dated 20-06-2013 under LT Tariff III (A) 1 whether the Agricultural services registered under RSFS Scheme of Rs.50,000/- or else is eligible for availing the services under below category. If so whether the above amount or estimated cost has to be paid now or at the time of availing fee agricultural service.

2. **Facts of the Case:-**

A clarification was sought for as to whether agricultural services registered under RSFS Scheme (providing for Rs.50,000/- for eligibility to agricultural service connection) is also eligible for availing LT-III (A) 1 until the service connection is effected to a consumer.

3. A summon was issued to the Chief Financial Controller, Tariff Cell and Chief Engineer (Planning) of the TANGEDCO to appear before the Commission on 27-06-2014 at 2.30 p.m. in connection with the clarification sought for the petitioner in regard to agricultural services. However, the hearing did not take place on that day. The matter came to be listed thereafter on 24-09-2019. The petitioner was absent. The matter was adjourned to 05-11-2019 for further hearing.

4. A Clarification Petition was filed by the Chief Financial Controller / Tariff Cell and the Chief Engineer / Planning and Resource Centre on 05-11-2019 wherein it is stated as follows:-

- (i) The petitioner has sought clarification that as per the Tariff Order dated 20-06-2013 under LT Tariff III A (1) whether Agricultural services registered under RSFS Scheme of Rs.50,000/- or else is eligible for availing the services under below category. If so, whether the above amount or estimated cost has to be paid now or at the time of availing free agricultural service. It is reported that the TANGEDCO is waiting for clear working order from the Commission on this issue.
- (ii) TANGEDCO effects agriculture service connections based on the registration priority of application in Division level under normal scheme. The Revised Self-Financing Schemes (in short RSFS) viz. RSFS 10000, RSFS 25000 and RSFS 50000 are special priority schemes introduced by Government of Tamil Nadu. Based on the willingness and eligibility, the normal waiting applicant can opt for the above special priority scheme.
- (iii) In the Commission's Tariff Order T.P. No.1 of 2017 dated 11-08-2017 under clause 6.2.9.8 Low Tension Tariff III-A (1), it has been ordered as follows:-

“6.2.9.8 This tariff is also applicable for pumping of water/supply of water for the purpose of “agriculture and allied activities” as specified in LT Tariff IV provided that the applicant is unable to get supply under LT tariff IV as per the seniority maintained specifically for the purpose of providing supply to Agriculture under LT tariff IV. As and when such applicant becomes eligible to get regular supply under LT Tariff IV(Normal Category) as per the specific seniority maintained for that purpose by the licensee, the supply obtained under LT Tariff III-A(1) for the specific purpose mentioned in this sub clause shall be converted

into LT tariff IV(Normal Category). Thereafter, the terms and conditions of LT Tariff IV only will apply.”

- (iv) As per the above order, the agriculture applications registered under LT Tariff IV under normal category are only eligible for availing service connection under LT Tariff III-A (1) and as and when such applicant becomes eligible to get regular supply under LT Tariff IV (Normal Category), the above service availed under LT Tariff III-A (1) shall be converted into LT Tariff IV (Normal Category) only.
- (v) As per the Tariff Order, the agriculture applications opted under RSFS scheme are not eligible to avail service connection under LT Tariff III-A (1) and hence the prayer of the petitioner is not feasible of compliance.

5. Findings of the Commission:-

5.1. The short point for consideration by the Commission is to whether an applicant who has registered for agricultural service connection under preferential scheme of “RSFS Scheme” is eligible for getting immediate service connection for agricultural purpose to be charged at LT III A(1) rates which is applicable to tiny industries category. In this connection, we would like to extract the provision under clause 6.2.9.8 Low Tension Tariff III-A (1) of the Tariff Order No. 1 of 2017 dated 11-08-2017:-

“6.2.9.8 This tariff is also applicable for pumping of water/supply of water for the purpose of “agriculture and allied activities” as specified in LT Tariff IV provided that the applicant is unable to get supply under LT tariff IV as per the seniority maintained specifically for the purpose of providing supply to Agriculture under LT tariff IV. As and when such applicant becomes eligible to get regular supply under LT Tariff IV(Normal Category) as per the specific seniority maintained for that purpose by the licensee, the supply obtained under LT Tariff III-

A(1) for the specific purpose mentioned in this sub clause shall be converted into LT tariff IV(Normal Category). Thereafter, the terms and conditions of LT Tariff IV only will apply.”

5.2. A similar provision is also available in the Tariff Order which was issued in the year 2013 also. From the above provision of the Tariff Order, it is clear that an applicant who has registered for agricultural service connection under LT Tariff IV in the normal category is eligible for getting immediate supply which shall be charged under LT Tariff III-A (1) applicable to tiny industries category and as and when the applicant is eligible to get his regular supply under LT Tariff IV as per his seniority then the said service connection obtained under LT Tariff III–A (1) shall be converted into LT Tariff IV.

5.3. An applicant who has registered under the priority scheme of RSFS for agricultural service connection is also an agriculturalist seeking service connection for agricultural purpose only, though such applicant has opted for priority basis in getting agricultural service by paying an exorbitant amount of Rs.50,000/-. Merely because he has registered under the priority quota for agricultural service, he cannot be denied the benefit for service connection under LT Tariff III-A (1) till his seniority in the priority quota is reached and he should be treated on par with the applicants registered for agricultural service connection under normal category.

With the above clarification, this S.M.P. No.7 of 2014 is finally disposed of.

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

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

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

/True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission