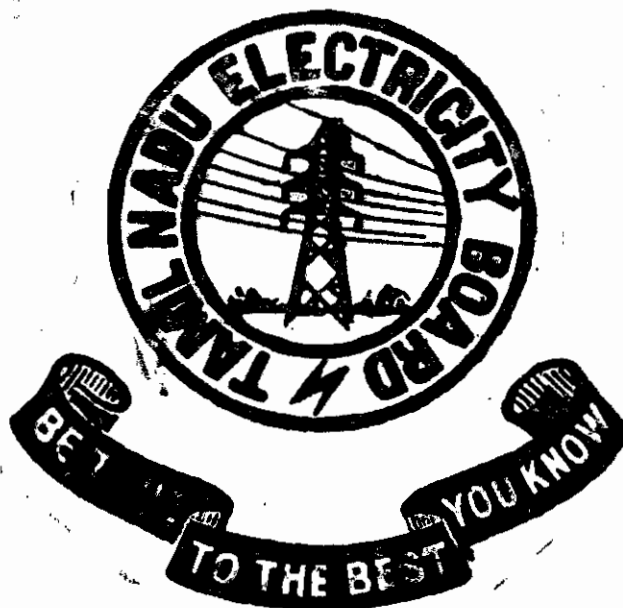


TAMIL NADU ELECTRICITY BOARD GAZETTE

Vol. XII

AUGUST 1993

No. 8



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News & Notes

PART-1

NEWS & NOTES

I. Generation Particulars:

The generation / relief figures for August '93 and for the period July - August 1993 were as follows:—

Sl. No.		August '93	July-August '93 In Million units)
1.	Ennore	203.986	390.436
2.	Tuticorin	336.490	759.650
3.	Mettur	425.770	873.690
	T.N.E.B. Thermal	966.246	2023.776
4.	Neyveli TS I	105.793	255.243
5.	Neyveli TS II	543.519	1114.362
6.	Kalpakkam	60.565	232.530
7.	Hydro Generation	557.197	1004.795
8.	Import from NTPC	58.711	48.985
9.	Net Export to Kerala	48.136	118.226
10.	Import from Manali & BHEL	0.216	0.676
11.	Narimanam GTS	3.731	8.959
12.	Windmills	12.403	24.548
	Net T.N.E.B. Consumption	2260.245	4595.648

The maximum grid demand and consumption during August '93 were 3703 MW on 5—8—1993 and 78.737 MU on 5—8—1993 respectively. The average grid consumption in August '93 was 72.911 MU per day.

II. Hydro Inflows:

The Hydro inflows during August '93 were 624 MU against 698 MU in August '92 and against the ten year average of 617 MU. The total inflows in July and August '93 were 1363 MU against 1822 MU during the same period last year and against the ten year average of 1412 MU.

III. Storage Position:

The storage position in various reservoirs as on 1-9-1993 when compared to the storage on 1-9-1992 was as follows:

Sl.No.	Group	Storage as on		Difference
		1-9-1993	1-9-'92	
(in Million Units)				
1.	Nilgiris	982.21	1481.55	(-) 499.34
2.	PAP	190.65	251.52	(-) 60.87
3.	Periyar	43.42	104.08	(-) 60.66
4.	Suriliyar	13.25	22.19	(-) 8.94
5.	Papanasam & Servalar	4.67	14.88	(-) 10.21
6.	Kodayar	105.31	153.52	(-) 48.21
Total excluding Mettur		1339.51	2027.74	(-) 688.23
Mettur		54.83	196.99	(-) 142.16
Total including Mettur		1394.34	2224.73	(-) 830.39

IV. Performance of Thermal Stations:**(i) Tuticorin (5 x 210 MW):**

The details of generation at Tuticorin during August 1993 were as follows:

Unit	Availability Factor (%)	Generation (MU)	Plant Load Factor(%)
I (210 MW)	91.95	130.44	84.77
II (210 MW)	72.61	101.24	64.80
III (210 MW)	—	—	—
IV (210 MW)	70.24	102.81	65.80
V (210 MW)	—	—	—
Station (1050 MW)	—	336.49	53.84

(a) Unit V generation not taken into account in the Station PLF.

(b) Unit III shut down from 16-7-1993 for annual maintenance works.

(ii) Ennore (2 x 60 MW + 3 x 110 MW):

In August '93, Ennore generated 203.966 MU with a PLF of 60.93% . The unitwise generation was as follows:

Unit	Availability Factor (%)	Generation (MU)	Plant Load Factor(%)
I (60 MW)	83.01	30.956	69.35
II (60 MW)	90.05	34.610	77.53
III (110 MW)	81.98	42.741	52.23
IV (110 MW)	77.66	46.472	56.78
V (110 MW)	81.19	49.207	60.13
Station (450 MW)	—	203.966	60.93

(iii) Mettur (4 x 210 MW):

The details of generation at Mettur during August '93, were as as follows:

Unit	Availability Factor (%)	Generation (MU)	Plant Load Factor(%)
I (210 MW)	0.44	0.40	0.26
II (210 MW)	100.00	147.45	94.37
III (210 MW)	100.00	149.19	95.49
IV (210 MW)	86.58	128.73	82.39
Station (840 MW)	—	425.77	68.13

(a) Unit I shut down from 1-8-1993 for annual maintenance works.

(iv) Coal Particulars:

Sl.No.	Particulars		Tuticorin	Ennore	Mettur
1.	Coal linkage	(in Lakhs Tonnes)	3.30	2.10	3.00
2.	Coal receipt	-do-	3.19	1.53	3.10
3.	Coal consumption	-do-	2.58	2.01	3.24
4.	Coal stock as on 31-8-93	-do-	1.21	0.08	0.88
5.	Coal consumption	(Kg/Unit)	0.77	0.99	0.723

(v) Auxiliary consumption and oil consumption during August '93

	Tuticorin	Ennore	Mettur
Auxiliary consumption (%)	8.20	12.8	8.57
Oil consumption (ML/Unit)	6.48	2.70	0.407

V. Training:

1. 19 Assistant Engineers attended the training programme on "Meter Relay Testing" conducted at Staff Training College/Madras from 2-8-'93 to 7-8-'93.
2. 23 Assistant Executive Engineers attended the Management Development Programme conducted at Staff Training College, Madras from 16-8-'93 to 28-8-'93.
3. 23 persons in the rank of Assistant Executive Engineers and Assistant Engineers attended the training programme on "Fire Prevention, Fire Fighting and First Aid" conducted at Staff Training College, Madras from 23-8-'93 to 28-8-'93.
4. 16 persons in the rank of Under Secretaries and Section Officers attended the training programme on "Organisational Effectiveness" conducted at Staff Training College, Madras from 10-8-'93 to 13-8-'93.
5. 20 Senior Officers deputed to attend the training programme on "ISO 9000" conducted by Anna University under the auspicious of Appadurai Chair of Power System on 6-8-'93 and 7-8-'93.
6. Director of Training attended the training programme on "Approaches to HRD interventions" conducted by Management Development Institute from 23-8-'93 to 26-8-'93 at Gurgaon.
7. One Chief Engineer attended the training programme on "Information Management Strategies for the nineties" conducted by Management Development Institute from 16-8-'93 to 18-8-'93 at New Delhi.
8. Deputy Chief Engineer attended the Workshop on "Managing Human Resources" conducted by Creative Communication and Management Centre on 23-8-'93 and 24-8-'93 at Hotel Park Sheraton, Madras.
9. One Chief Engineer attended the workshop on "Developing a total quality Culture" conducted by Creative Communication and Management Centre on 23-8-'93 and 24-8-'93 at Hotel Park Sheraton, Madras.
10. 27 Executive Engineers attended the training programme on "Executive Development Programme" conducted by Anna Institute of Management, Madras from 23-8-'93 to 27-8-'93.
11. 10 staff deputed for training programme on "Productivity Enhancement for Personal Secretaries" conducted by Anna Institute of Management from 9-8-'93 to 11-8-'93.
12. 8 R.W.E. staff deputed for the course on "Reliable Soldering Practices" conducted by The Centre of Reliability, Madras from 18-8-'93 to 20-8-'93.
13. Two Assistant Executive Engineers deputed for the course on "Reservoir Operation, Flood Control and Hydrologic data" conducted by Department of Continuing Education, Roorkee from 26-8-'93 to 2-9-'93.
14. One Executive Engineer deputed for the workshop on "Life Extension and uprating of Hydro Power Plants" conducted by M/s. Bharat Heavy Electricials Limited, Hyderabad on 31-8-'93.
15. Director/Coal deputed to Australia for the training course on "Coal Production Utilisation and Environment Protection" under UNDP PACE-E from 23-8-'93 to 1-10-'93.
16. One Assistant Executive Engineer/Electrical deputed to Denmark for the training course on "Danida Overseas Management 1993" from 31-8-'93 to 25-11-'93 by Danish Authority under Danida grants.

VI. Collection of Development Charges:

In B.P. (FB) No. 190, Technical Branch, dt. 25-8-'93, the Board has ordered that in respect of LT domestic and commercial tariffs, the following development charges may be collected:

LT	Domestic (LT I)	Single Phase	—	Rs. 300/- per service.
		Three Phase	—	Rs.1,000/- per service.
Commercial (LT IX)		Single Phase	—	Rs.300/- per service.
		Three Phase	—	Rs.500/- per kw.

VII. Collecting of Testing fees for Non Power Services

In Memo. No.SE/IEMC/EE3/AEE2/D 658/93, dt. 23-8-'93, it has been instructed to collect a testing fees of Rs.20/- per service for all non power services inspected under Rule 46 of I.E. Rules 1956.

The following are the details of posts created, upgraded and downgraded for the month of August 1993.

N.R. Sankaran,
Chief Engineer/Personnel.

POSTS CREATED

Sl. No.	Details of Board's Order	Name of the Circle	Name of the post	No. of post	Purpose for which the posts were created	Remarks
1.	Per. B.P.(Ch.) No.237 (Adm. Br.) Dated 3-8-1993.	Wind Energy Develop- ment Cell/ Madurai	AE/JE(EI.) Grade I	1	To attend operation works of the Kethanur 2 MW Wind Form Project	Upto 31-12-93 from the date of utilisation.
			T.A.II Grade	4		
2.	Per. B.P.(Ch.) No.241 (Adm. Br.) Dated 6-8-1993	Chief Engineer/ Research & Develop- ment	Instrument Mechanic I Grade	2	To attend the project work.	Upto 28-2-94 from the date of utilisation.
3.	Per. B.P.(Ch.) No.242 (Adm. Br.) Dated 6-8-1993	Chief Engineer/ Non Con- ventional Energy Sources.	Assistant O.H.	1 1	Supporting staff of C.E./ Non Con- ventional Energy Sources.	Upto 28-2-94 from the date of utilisation.
4.	Per. B.P.(Ch.) No.251 (Adm. Br.) Dated 18-8-1993.	North Madras Thermal Power Project.	E.E./Mechl. A.E.E./ Mechanical	1 1	For attending to the NMTTP works	Upto 31-1-94 from the date of utilisation.
			AE/JE (M) Grade I	2		
5.	Per. B.P.(Ch.) No.252 (Adm. Br.) Dated 19-8-1993.	Tuticorin Thermal Power Station	A.E.E./ Mechanical	1	To look after the transport works in TTPS	Upto 30-11-93 from the date of utilisation.
6.	Per. B.P.(Ch.) No.254 (Adm. Br.) Dated 19-8-1993.	Tuticorin Thermal - Power Station	E.E./Mechl. A.E.E./ Mechanical	1 1	For the reno- vation and modernisa- tion works under VIII Plan Phase-II Programme.	Upto 30-11-93 from the date of utilisation.
			AE/JE(EI./ Mechanical) Grade I	2		

1	2	3	4	5	6	7
7.	Per. B.P.(Ch.) No.176 (Sectt. Br.) Dated 19-8-1993.	Board Office Secretariat Branch	Section Officer Typist	3 3	Bifurcated the sections which are having 3 Assistants into 2 Assts.	One year from the date of utili- sation
8.	Per.B.P.(Ch.) No.264 (Adm. Br.) Dated 26-08-1993.	Madras Electricity Distribution Circle/ (North)	Accounts Supervisor Asst.(A/cs)	1 10	Consequent on the review of work load for Revenue Accounting staff as on 1-1-90	One year from the date of utilisation
9.	-do-	Madras Electricity Distribution Circle/ (Central)	Accounts Supervisor Asst.(A/cs)	2 7	-do-	-do-
10.	-do-	Madras Electricity Distribution Circle/ (South)	Accounts Supervisor Asst.(A/cs)	3 12	-do-	-do-
11.	-do-	Chengal- pattu MGR Electricity Distribution Circle	Accounts Supervisor Asst.(A/cs)	6 6	-do-	-do-
12.	-do-	Chidam- baranar Electricity Distribution Circle	Asst.(A/cs)	8	-do-	-do-
13.	-do-	Dindigul- Anna Electricity Distribution Circle	Asst.(A/cs)	7	-do-	-do-
14.	-do-	Nagapatti- nam Quaid- E- Milleth Electricity Distribution Circle	Asst.(A/cs)	4	-do-	-do-
15.	-do-	Thanjavur Electricity Distribution Circle	Accounts Supervisor Asst.(A/cs)	2 6	-do-	-do-

1	2	3	4	5	6	7
16.	Per. B.P.(Ch.) No.264 (Adm. Br.) Dated 26-08-1993.	Trichy Electricity Distribution Circle/ (South)	Accounts Supervisor Asst.(A/cs)	1 9	Consequent on the review of work load for Revenue Accounting staff as on 1-1-90	One year from the date of utilisation
17.	-do-	Trichy Electricity Distribution Circle (North)	Accounts Supervisor Asst.(A/cs)	2 14	-do-	-do-
18.	-do-	Puduk- kottai Electricity Distribution Circle	Asst.(A/cs)	2	-do-	-do-
19.	-do-	Periyar Electricity Distribution Circle	Accounts Supervisor Asst.(A/cs)	1 6	-do-	-do-
20.	-do-	Udumalpet Electricity Distribution Circle	Accounts Supervisor Asst.(A/cs)	1 5	-do-	-do-
21.	-do-	Mettur Electricity Distribution Circle	Accounts Supervisor Asst.(A/cs)	2 8	-do-	-do-
22.	-do-	Coimbatore Electricity Distribution Circle (South)	Accounts Supervisor Asst.(A/cs)	1 3	-do-	-do-
23.	-do-	Tirupathur Electricity Distribution Circle	Accounts Supervisor Asst.(A/cs)	1 4	-do-	-do-
24.	-do-	Cuddalore Electricity Distribution Circle	Accounts Supervisor Asst.(A/cs)	2 7	-do-	-do-
25.	-do-	Dharmapuri Electricity Distribution Circle	Asst.(A/cs)	13	-do-	-do-

1	2	3	4	5	6	7
26.	Per. B.P.(Ch.) No.180 (Sectt. Br.) Dated 27-08-1993	Board Office Sectt. Branch	Assistant	1	To attend to the work connected with prepara- tion and maintenance of Index in Vigilance Cell.	One year from the date of utilisation

Posts Abolished

Sl. No.	Details of Board's Order	Name of the Circle	Name of the post	No. of post	Purpose for which the posts were abolished	Remarks
1.	Memo. No. 071675/202/S1/ A3/93-1 Dated 01-08-1993.	Tuticorin Thermal Power Project	Accounts Supervisor Asst.(A/cs) Draughtsman	1 3 1	Consequent on the com- pletion of works in Civil Circle at TTPP upto certain level	With effect from 31-7-93
2.	Memo. No. 073595/209/S1/ A3/93-1 Dated 02-08-1993.	Tuticorin Thermal Power Project	E.E./Civil AEE/Civil AE/JE(Civil) Grade I	1 2 5	-do-	-do-
3.	Memo. No. 014650/10/S1/ A1/93-2 Dated 02-08-1993.	Hydro Project/ Masinagudi	AEE/Civil AE/JE(Civil) Grade 1	1 1	Due to clo- sure of Civil Division at Maravakandi	-do-
4.	Memo. No. 046894/107/S1/ A3/93-1 Dated 24-08-1993.	Tuticorin Thermal Power Project	Accounts Supervisor Asst.(A/cs) J.A.(A/cs) Typist Draughtsman Office Helper	3 12 3 9 10 5	Consequent on the com- pletion of certain works in T.T.P.P.	-do-
5.	Per. B.P.(Ch.) No.264 (Adm. Br.) Dated 26-08-1993.	Kanchee puram Electricity Distribution Circle	Accounts Supervisor Asst.(A/cs)	1 3	Consequent on the review of work Load for Revenue Accounting staff as on 01-01-1990.	-do-

1	2	3	4	5	6	7
6.	Per. B.P.(Ch.) No. 264 (Adm. Br.) Dated 26-08-1993	Coimbatore Electricity Distribution Circle/ (North)	Accounts Supervisor Asst.(A/cs)	4 1	Consequent on the review of work load for Revenue Accounting staff as on 01-01-1990.	with effect from 31-07-93.
7.	Per. B.P.(Ch.) No. 180 (Sectt. Br.) Dated 27-08-1993.	Board Office Secretariat Branch	Junior Asst.	1	Abolished consequent on creation of one post of Assistant in Vigilance Cell for attending Index works.	-do-

Posts Upgraded

Sl. No.	Details of Board's Order	Name of the Circle	Name of the post	No. of post	Purpose for which the posts were Upgraded	Remarks
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-Nil-

Posts Downgraded

Sl. No.	Details of Board's Order	Name of the Circle	Name of the post	No. of post	Purpose for which the posts were Downgraded	Remarks
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-Nil-

GENERAL ADMN. & SERVICES

PART—II

General Administration & Services

Tamil Nadu Electricity Board - Tuticorin Thermal Power Station Meritorious Productivity Reward of Government of India for the calendar year 1991 - Disbursement of the award amount - Ratification - Orders - Issued.

(Permanent) B.P. (FB) No. 162,

(Technical Branch)

Dated 28—7—1993,

Aadi 12, Srimuga,

Thiruvalluvar Aandu 2024.

Read:

- (i) From Government of India, Ministry of Energy Lr. No.6/2/91/OM dt: 26-3-93.
- (ii) From Government of India Lr. No.6/2/91/OM dt: 20-4-93.
- (iii) (Permanent) B.P. (Ch) No.117 (of Technical Branch) dt: 29-5-93.
- (iv) Item 8 of 672nd meeting of TNEB held on 16-7-93.

Proceedings:

Tamil Nadu Electricity Board after careful consideration approves and ratifies the action of Chairman/T.N.E.B. in having authorised (vide Ch. B.P. No. 117 dt: 29-5-93) the Chief Engineer/TTPS to distribute the reward amount of Rs.13.84 lakhs (Rupees Thirteen lakhs and eighty four thousand only) received from Government of India towards Meritorious Productivity Reward for TTPS for the year 1991 among the staff of Tuticorin Thermal Power Stations 'A' and 'B' and Tuticorin Thermal Power Project as per terms and conditions specified in Chairman's Board's proceeding referred above.

(By Order of the Board)

K.V. Manickam,
Chief Engineer/Thermal Design.

◆ ◆ ◆ ◆

Memo. No. 77391/P1/90-13, (Secretariat Branch), Dated the 3rd August, 1993.

Sub: Salary Saving Scheme - 1/8% of Commission payable by Life Insurance Corporation of India as Premia from Salary of employees of the Board paid to Life Insurance Corporation - Procedure - Further Instructions - Issued.

Ref: Board's Memo. No.77391/P1/90-11 (Sectt. Br.) dt. 24.4.93.

In continuation of the instructions issued in the reference cited, it is further instructed that to claim the 1/8% commission on the Premia paid to Life Insurance Corporation, the Premia deducted from the salaries of the employees of the Board should be sent to them along with the Life Insurance Corporation Demand Invoices or with a typed/ legible list with full particulars such as name of employees, Policy Numbers, Amount of Premium for each policy by 5th of succeeding months.

2. The Commission can be claimed twice in a financial year (Half-yearly claims) viz. first for April to September and the second for October to March next year.

A.K. Thiyagarajan,
Secretary.

Memo. No. 22097/P1/93-1, (Secretariat Branch), Dated the 4th August, 1993.

Sub: Travel abroad by State Government Officials - Issue of diplomatic/official passport - Instructions of Government of India - Communicated.

Ref: Government Lr. No. 23873/12/93-1 (PWD) dt. 18.3.93.

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A copy of Government letter cited is communicated to all Officers of Tamil Nadu Electricity Board for information.

Encl:

A.K. Thiyagarajan,
Secretary.

Copy of Letter No.23873/12/93-1, Dated 18.3.93 from Thiru R. Subramanian, M.A., Deputy Secretary to Government, Public Works Department, Fort St. George, Madras-600009 addressed to All Heads of Departments.

Sub: Travel abroad by State Government Officials - Issue of diplomatic/official passport - Instructions of Government of India - communicated.

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I am directed to state that the Government of India have instructed that the officials of the State Government wishing to travel abroad on Government work and applying for an official/diplomatic passport should have obtained the necessary deputation order from the State Government and political clearance from the concerned Territorial Division of the Ministry of External Affairs within whose jurisdiction the country where the Officer is travelling lies.

2. I am therefore to request you to comply with the above instructions of Government of India and to issue suitable instructions to your subordinates, that whenever they apply for an official/diplomatic passport to a passport office, the application should be accompanied by political clearance from the concerned Territorial Division of the Ministry of External Affairs. This Political clearance may be obtained through the Resident Commissioner of the State Government in New Delhi.

Yours faithfully,
Sd/x x x x x
for Deputy Secretary to Government.

(True Copy)

Memo. No. 27936/SPS/93-3, (Secretariat Branch), Dated the 6th August, 1993.

Sub: Sports - Meeting of T.N.E.B. Sports & Games Committee held on 28.7.93 - Certain Decision taken - Orders - Issued.

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In accordance with the recommendations of the Tamil Nadu Electricity Board Sports and Games Committee held on 28.7.93, the following orders are issued:-

I. PROVISION OF TRACKSUITS FOR TAMIL NADU ELECTRICITY BOARD TEAMS:

All the players of Tamil Nadu Electricity Board Teams including Coach in major games like Hockey, Foot Ball, Basket Ball, Volley Ball, Kabaddi, Cricket & Athletics etc. may be provided tracksuits (both Upper & Lower) once in Two years for regular use in the Coaching Camp/Combined practice and Tournaments.

II. MEDICAL EXPENSES FOR TAMIL NADU ELECTRICITY BOARD TEAMS:

The players of Tamil Nadu Electricity Board Teams when they sustain injury while playing for Tamil Nadu Electricity Board, in the Coaching Camp/Combined practice and Tournaments, the medical expenses towards Knee operation or any other treatment may be got reimbursed from the Board as in the case of other Board employees.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

* * * *

Holiday - Monday the 9th August, 1993 - Declared as holiday for the employees in the Offices of Tamil Nadu Electricity Board to mark the conclusion of the Golden Jubilee celebration of the 'Quit India Movement' Orders - Issued.

(Routine) B.P. (Ch.) No. 61,

(Secretariat Branch)

Dated 8-8-1993,

Aadi 23 Srimuga,

Thiruvalluvar Aandu 2024.

Read:

G.O. Ms. No.886 Public Miscellaneous Department dated 8.8.1993.

Proceedings:

The Tamil Nadu Electricity Board declares that Monday the 9th August, 1993 shall be a holiday for the employees in the Offices of the Tamil Nadu Electricity Board to mark the conclusion of the Golden Jubilee Celebration of the 'Quit India Movement'.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

Committees - Committee to discuss revision of scales of pay and allowances to employees of Board due from 1.12.92 and revision of work allocation and staff pattern in certain areas - Reconstitution - **Orders** Issued.

(Permanent) B.P. (Ch.) No. 172,

(Secretariat Branch)

Dated 10—8—1993,
Aadi 25 Srimuga,
Thiruvalluvar Aandu 2024.
Read:

(Permanent) B.P. (FB) No.37, S.B, dated 29.6.92.

Proceedings:

Consequent on the relief on superannuation of Thiru A.J. Rajendran, I.A. & A.S. Accounts Member on 31.7.93, the Tamil Nadu Electricity Board directs that the committee constituted in para 3 of the B.P. cited to represent the Board for holding discussions on revision of scales of pay and allowances to employees of Board due from 1.12.92 and revision of work allocation and staff pattern be reconstituted as follows:-

1. Member (Generation) .. (Chairman)
2. Member (Distribution)
3. Secretary .. (Convenor)
4. Chief Engineer/Personnel
5. Officer on Special Duty
6. Chief Financial Controller.

N. Haribhaskar,
Chairman.

* * * *

Establishment - Tamil Nadu Electricity Board - Standing Committee - Re-constituted - **Orders** - Issued.

(Permanent) B.P. (Ch.) No. 191,

(Secretariat Branch)

Dated 10—8—1993,
Aadi 25, Srimuga,
Thiruvalluvar Aandu 2024.
Read:

1. B.P. (Ch.) No. 460, Secretariat Branch, dated 22.09.1986.
2. U.O. No. SE/H(E)/EA/F. Stg. Committee/D.1/93 dated 29.07.93.

Proceedings:

In partial modification of the B.P. (1) cited above, the Standing Committee for Hydro Projects is re-constituted as follows:

Standing Committee for Hydro Projects:

- (a) Member (Generation)
- (b) Chief Engineer/Thermal Designs
- (c) Chief Engineer/Hydro Projects/Bhavani
- (d) Chief Engineer/Pykara Ultimate Stage Hydro Electric Project/Masinagudi
- (e) Chief Engineer/Hydro Generation
- (f) Chief Engineer/Civil Designs

(By Order of the Chairman)

K.V. Manickam,
Chief Engineer/Thermal Designs.

Memo. No. 75166/C1/92-1, (Secretariat Branch), Dated the 12th August, 1993.

Sub: Establishment - Revision of scales of pay as on 1.12.88 - Fixation of pay - opted to Come over to the revised scale of pay with effect from 1.12.88, 1.1.89, 1.4.89 & 1.7.89 - Clarification - orders - Issued.

Ref: i. (Permanent) B.P. (FB) No.57 (SB) dt. 5.8.89.
ii. Board's Memo. No.4657/C1/91-6 dt. 12.12.91.

.

In the Board's Memo. 2nd cited, orders were issued that even in the case of an employee opting to come over to the revised scales on the date of increment, pay fixation should be made only as per the Fitment table contained in (Permanent) B.P. (FB) No.57 (SB) dt. 5.8.89, notwithstanding the fact that the minimum benefit of Rs.200/- is not ensured, if the D.A. increase(s) allowed after 1.12.88 is taken into account.

2. It has been represented that consequent on the issue of above orders, fixation of pay in the revised scale of pay already made to certain employees on the date of option got reduced from a particular stage to a lower stage involving recoveries and hence it has been requested to permit them to exercise revised option to come over to the revised scale of pay 1988 from another date advantageous to them i.e. change from the increment date to 1.12.88.

3. After careful consideration, it is hereby ordered that the employee, covered by the instructions issued in the Board's Memo. cited to whom the already fixed pay got reduced consequent on the application of the instructions issued in the memo. second cited be permitted to exercise revised option to come over to the revised scales of pay 1988 with effect from another date, advantageous to them.

4. The option referred to above shall be exercised within a period of two months from the date of issue of this order.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

* * * * *

AMENDMENT No.1/93.

REGULATIONS - Tamil Nadu Electricity Board Employees' Travelling Allowance Regulations - Regulation 49 - Amendments - Issued.

(Permanent) B.P. (Ch.) No. 175

(Secretariat Branch)

Dated 13—8—1993,

Read:

(Per.) B.P. (Ch) No.57 (SB) dt.3—3—89

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Proceedings:

In exercise of the powers conferred by Section 79(c) of the Electricity (Supply) Act, 1948 (Central Act 54

of 1948, the Tamil Nadu Electricity Board hereby makes the following amendments to the Tamil Nadu Electricity Board Employees' Travelling Allowance Regulations:

AMENDMENT

In the Table in Regulation 49 of the said Regulations—

1. for the words "Chief Engineer" occurring in column (3) against Sl. No.1 the words "Superintending Engineer" shall be substituted.
2. for the words "Chief Engineer" in the Column (3) against Sl. No.3 - upto 110 K.V., the words "Superintending Engineer" shall be substituted.
3. for the words "Chief Engineer" occurring in two places in Column (3) against Sl. No.4 (i.e. upto 110 KV and 230 KV and above), the words "Superintending Engineer" shall be substituted.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

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Circular Memo. No.39587-SS1/93-1, (Vigilance Cell), dated 13.8.1993.

Sub: Vigilance Clearance for the employees of the Board Secretariat seeking voluntary retirement and employees who retire from service on Superannuation - Vigilance Clearance - Instructions - Issued.

Ref: U.O. Note No.34875-SS1/93-3 dt. 26.7.93.

An instance has come to notice wherein one Superintending Engineer sought vigilance clearance just a week before the date of relief of an employee on voluntary retirement. The abnormal delay in seeking the vigilance clearance is irregular. Such unnecessary administrative problems could easily be averted if only the report was sent **well in time**.

2. As per Regulation 17(G) of Tamil Nadu Electricity Board Service Regulations and as per the B.P. Ms. No.51 (SB) dt. 22.6.88 the employees of the Board seeking voluntary retirement should give notice of not less than three months.

3. **All the Chief Engineers and Superintending Engineers are requested to instruct their field officers and staff suitably in this regard to see that the applications of those Board employees seeking voluntary retirement are obtained well in time and the Vigilance Cell is addressed much in advance along with the service particulars/Bio-data particulars to the Vigilance Cell so that adequate time is given for the Vigilance Cell to verify the records and issue necessary clearance.**

P. Kalimuthu,
Inspector General of Police/Vigilance.

Memo. No. 078560/1330/Adm.5(2)/93-1, (Administrative Branch), Dated the 14th August, 1993.

Sub: Establishment - R.W.E. - Re-employment of **Drivers - Certain instructions - Issued.**

Ref: 1. This Branch Permanent B.P. Ch. No.185, dt. 28.6.93.

2. Board Office Secretariat Branch Memo. No.43528/H1/93-3, dt. 27.7.93.

3. Board Office Secretariat Branch Memo. No.45510/H1/93-3, dt. 5.8.93.

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In certain cases the Superintending Engineers are recommending the proposal for extension of service of Drivers retiring from Board's Service on attaining the age of superannuation stating that no suitable and efficient Driver is available to fill up the post for driving the Board's vehicles. The Superintending Engineers are informed that re-employment of Drivers should be avoided and if Drivers for certain officers are required such Driver may be redeployed from other areas.

(By Order of the Board)

N.R. Sankaran,
Chief Engineer (Personnel).

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Circular Memorandum No. 41015/SS1/93-1, (Vigilance Cell), Dated 16.8.93.

Sub: Tamil Nadu Electricity Board - Vigilance Cell - Rubber stamp of officers of Board being used for the purpose of Despatch - Avoidance - Instructions - Issued.

Ref: Circular Memo. No. 15212/SS2/82-1 dt. 23.8.82.

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Instructions were issued in Circular Memorandum No.15212/SS2/82-1 dated 23.8.82 (Copy enclosed) not to use rubber stamps of officers of the Board for other **purposes and such rubber stamps should be destroyed** and rubber stamps of officers of the Board should be in their safe custody to avoid possible misuse.

2. It is now observed that in many offices the rubber stamps of other officers of the Board are used in envelopes. This may lead to misuse. All the Chief Engineers and Superintending Engineers are requested to strictly adhere to the instructions issued in the reference cited. The rubber stamps of other officers now used should be arranged to be destroyed with immediate effect.

3. Receipt of this Memorandum may be acknowledged.

P. Kalimuthu,
Inspector General of Police/Vigilance.

Encl:

Copy of Circular Memorandum No. 15212/SS2/82-1, Dated 23.8.1982.

Sub: Tamil Nadu Electricity Board - Vigilance Cell - Rubber stamp of Inspector-General of Police and Chief Vigilance Officer, Tamil Nadu Electricity Board being used for purpose of Despatch - Avoidance - Instructions - Issued.

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It is observed that of late, communications to the Chief Vigilance Officer, Tamil Nadu Electricity Board are sent in envelopes on which official Rubber Stamps of the Chief Vigilance Officer is affixed. Rubber Stamps

of officers of the Board especially of those of Senior Officers should be under their safe custody to avoid any possible misuse. All Superintending Engineers are informed that with immediate effect, use of rubber stamp of the Inspector-General of Police and Chief Vigilance Officer/Tamil Nadu Electricity Board by designation on the envelopes should be discontinued.

2. Such of those Superintending Engineers who have the rubber stamps of the Chief Vigilance Officer may instruct their subordinate officers to destroy those rubber stamps immediately.

3. The receipt of this Memorandum may be acknowledged.

K.V. Subramaniam,
Inspector-General of Police and
Chief Vigilance Officer.

* * * *

Letter No. 48106/GC1/(1)/93-1, (Secretariat Branch), Dated the 16th August, 1993.

Sub: Grievance Petitions - Presented to the President of India, Prime Minister, Governor and Chief Minister of Tamil Nadu - Forwarded to Tamil Nadu Electricity Board and submission of reports - Avoidance delay in processing - Prompt action - requested.

Ref: From the C.M's Special Cell D.O. Lr. No.D.O. 14324/93-1, dt. 30.7.93.

I am to say that at present, petitions are presented to the Hon'ble President, Prime Minister, Governor and Chief Minister of Tamil Nadu by the general public to redress their grievances. These petitions are forwarded to the concerned field officers for detailed report or immediate action as the case may be. In many cases, only interim reports are received and final reports are not received even after considerable delay. In spite of repeated D.O. reminders final reports are not received in time. Further, I am to say that in most of the cases, replies received are vague or do not contain details. Now the Hon'ble Chief Minister desires that all such petitions from Chief Minister's Special Cell should be looked into with utmost care and speed and the pending petitions be watched till they are finally disposed off as the general public has submitted their grievances petitions to the highest authorities such as President, Vice President, Prime Minister, Governor, Chief Minister etc. in the hope that it would be redressed early.

2. I therefore request that all the Chief Engineers, Superintending Engineers and other officers of the Tamil Nadu Electricity Board to redress such grievances of the petitioners, immediately by giving top priority to the petitions and within a minimum period of time.

A.K. Thiyagarajan,
Secretary.

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Memorandum No. 46273/O & M Cell I(2)/93-1, (Secretariat Branch), Dated 16.8.93.

Sub: Tamil Nadu Electricity Board - All Staff sanction proposals including those covered under workload settlement entered with Unions - Routing of files through O & M Cell - Instructions - Reiterated.

Ref: i) Memo. No. 51658/O & M Cell/88-1, dt. 27.8.88.

ii) (Per.) B.P.(FB) No.14 (SB)/ dt. 25.2.91.

In the Board's Memo. first cited instructions were issued to all Branches of Board Office that all Staff proposals (except those covered under workload settlement) should in the first instance be routed through

O & M Cell which is a specialised agency to deal with such matters. Subsequently in the B.P. second cited it was ordered among other things that the staff proposals covered by workload settlement should also be submitted through O & M Cell to the Secretary and Chairman for approval. All the concerned are expected to follow these instructions strictly.

2. It is observed that inspite of the above instructions of late, some of the branches are submitting files on staff proposals directly to Chairman without routing through O & M Cell/Secretary. Invariably, such files do not contain full details and informations as are necessary to enable the Top Management to take right/uniform and correct decisions. This results in revision of decisions already taken by Top Management and creates embarrassing situations and requires corrective measures. It is viewed as an unhealthy practice and feared that it will ultimately lead to utter confusion in Personnel Management.

3. In order to achieve the desired level of functioning in Personnel Management, the instructions and orders issued in the references cited are hereby reiterated and that all the branches of Board Office are therefore advised that, in future all staff proposals including those covered under workload settlements entered with Unions should be routed through O & M Cell without omission.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

* * * *

Endorsement No.079755/G3/A2/101/93-1, (Administrative Branch), dated 17.08.1993.

Ref: From the Collector of Kamarajar District Lr. No.ROC. Agri./724/93, dt. 3.8.93
addressed to the CE(Personnel).

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Copy communicated.

Encl:

N.R. Sankaran,
Chief Engineer/Personnel.

Copy of Lr. No. ROC. Agri./724/93, dated 3.8.93 from Thiru K.N. Venkataramanan, I.A.S., Collector, Kamarajar District, Virudhunagar - 626003, Fax No. 04562/5174 addressed to the Chief Engineer (Personnel), Tamil Nadu Electricity Board, N.P.K.R.R. Maaligai, 8th floor, Western Wing, 800, Anna Salai, Madras - 600 002.

Sub: Fax Machine - Installation of FAX Machine at Collectorate - Kamarajar District -
Fax machine - Number - Requested - Reg.

Ref: G.O. Ms. No.(D) 72 Agri. (TNADP) Dept., dated 28.6.93.

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I wish to state that a FAX Machine has been installed in the camp office of the Collector of Kamarajar District, Virudhunagar and it is functioning from 27.7.1993.

THE FAX NUMBER IS 04562/5174

I request you to kindly inform your Fax Number for faster communication and also request you to send urgent messages to this office over fax.

K.N. Venkataramanan
Collector
Kamarajar District.

/True Copy/

Memo. (Permanent) No. 38236-N2/93-1, (Secretariat Branch), dated the 17th August, 1993.

Sub: Allowances - H.R.A.- Employees of Tamil Nadu Electricity Board working in Uthiramerur Town - Grant of House Rent Allowance at rates admissible for Chengalpattu Municipality (a Grade II Place) - orders - Issued.

- Ref: 1. Board's Memo. (Per.) No. 32297/N2/91-5, dated 24.12.92.
 2. Proceedings of the Collector of Chengalpattu M.G.R. District No. 109744/89-H1/ dated 4.8.92.
 3. From the CE/Distribution/Madras Region Lr. No.8125/700/A.II/93-1, dated 7.6.93.

In the Board's memo. first cited, orders were issued granting enhanced House Rent Allowance at the rates admissible to Chengalpattu Town, a Grade-II place to the employees of the Board working in the offices within Uthiramerur Panchayat Union. Now the Collector of Chengai M.G.R. District issued orders in the reference second cited granting enhanced House Rent Allowance (Chengalpattu Municipality rates) to the employees working in Uthiramerur Town also. The Chief Engineer/Madras Region has stated that the employees of the Board working in Uthiramerur Town have represented to grant enhanced House Rent Allowance as admissible for Chengalpattu Town.

2. Copy of the proceedings of the Collector of Chengalpattu M.G.R. District cited under reference (ii) above is enclosed. In pursuance of the orders issued in B.P. Ms. (Ch) No. 463 (SB) dated 24-9-86 read with Government Finance (Pay Cell-I) Department Letter No. 108768/PC-I/85-1, dated 17-9-86 communicated in Board's Endt. No. 66461/N2/86-1, dated 21-10-86, it is hereby ordered that the employees of the Board working in the offices of the Tamil Nadu Electricity Board falling within the Uthiramerur major panchayat limits (உத்திரமேரூர் பேரூராட்சி எல்லைக்குள்) be granted House Rent Allowance at the rates admissible for Chengalpattu Town, a Grade II Place.

3. The above orders shall be deemed to have come into force on 19-11-90.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

Encl:

நகல்.

செங்கல்பட்டு எம்.ஜி.ஆர். மாவட்டம் (இ) காஞ்சிபுரம் அவர்களின் நடவடிக்கை

முன்னிலை: கு. ஞானதேசிகன், இ.ஆ.ப.

ந.க.எண். 109744/89 எச்.1

நாள். 4.8.92

பொருள் : படிசூட்டி - வீட்டு வாடகைப் படி - செங்கல்பட்டு எம்.ஜி.ஆர் மாவட்டம் - செங்கல்பட்டு தரம் 2 என்ற நிலைக்கு உயர்த்தப்பட்டது - கிரேடு 2 வீட்டு வாடகைப்படி பெறத் தகுதி பெறும் ஊராட்சி ஒன்றியங்களின் விவரங்கள் அளித்தல் - உத்தரவு தொடர்பாக.

- பார்வை . 1. அரசு ஆணை நி.எண்.772/நிதி(படிசூட்டி) துறை, நாள் 22.8.86.
2. அரசு ஆணை எண்.1209/நிதி(படிசூட்டி) துறை, நாள் 19.11.90
3. காஞ்சிபுரம் மாவட்ட ஆட்சியரின் செயல்முறைகள் ந.க.எண்.109744/37/எச்-1/நாள் 27.3.91 மற்றும் 19.4.91.

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ஆணை.

பார்வையில் கண்ட அரசாணைகளின்படி பார்வை 3-ல் கண்ட செயல்முறை ஆணைகள் செங்கல்பட்டு எம்.ஜி.ஆர் மாவட்டம், செங்கல்பட்டு நகரம் கிரேடு 2 என்று வகைப்படுத்தப்பட்டதின்பேரில் இதன் நகர எல்லையைச் சுற்றிலும் 8 கி.மீ. தூரத்திற்கு கீழ்க்காணும் ஊராட்சி ஒன்றியங்களின் ஒருபகுதி வருவதால் கிரேடு 2 நகரத்திற்கு வழங்கப்படும் வீட்டு வாடகைப் படியைப் பெற கீழ்க்கண்ட ஊராட்சி ஒன்றியங்கள் உள்ள அனைத்து கிராமங்களும் தகுதியுடையவை என்று அறிவிக்கப்பட்டது.

1. உத்திரமேரூர் ஊராட்சி
2. மதுராந்தகம் ஊராட்சி
3. திருக்கழுக்குன்றம் ஊராட்சி

2) உத்திரமேரூர் பேரூராட்சி எல்லைக்குட்பட்ட பகுதி உத்திரமேரூர் ஊராட்சி எல்லைக்குள் அமைந்துள்ளதா என்ற ஐயப்பாட்டின்பேரில் உத்திரமேரூர் பேரூராட்சிப் பகுதியில் இயங்கிவரும் அரசு அலுவலகங்களில் பணிபுரியும் அலுவலர்களுக்கு பார்வை 3-ல் கண்ட இவ்வலுவலக செயல்முறை ஆணைகளில் ஆணையிடப்பட்ட செங்கல்பட்டு நகருக்கான வீட்டு வாடகைப்படி இதுவரை வழங்கப்படவில்லை என்று தெரிவிக்கப்பட்டது.

3) உத்திரமேரூர் மற்றும் அதனைச் சார்ந்த கிராமங்கள், பேரூராட்சி என வகைப்படுத்தப்பட்டிருப்பினும், அவை உத்திரமேரூர் ஊராட்சி ஒன்றிய எல்லைக்குட்பட்ட பகுதிதான் என மாவட்ட ஆட்சியரின் ஊரகப்பிரிவு பணியமைப்பில் தெரிவித்தபடி இவ்வலுவலக ந.க.எண்.109744/89 எச்.1, நாள் 27.3.91 மற்றும் 19.4.91-ல் கண்ட ஆணைகள் உத்திரமேரூர் பேரூராட்சி எல்லைக்குள் அமைந்துள்ள அரசு அலுவலர்களுக்குப் பொருந்தும் என்று அறிவிக்கப்படுகிறது.

ஓம்./

கு. ஞானதேசிகன்,
மாவட்ட ஆட்சித் தலைவர்.

Sub: Establishment - Certain allegations - Departmental action on Government references
Instructions - **Issued.**

1. **Whenever** the Director of Vigilance and **Anti-Corruption** trap and arrest any staff of Tamil Nadu Electricity Board, they send their report pointing out certain other lapses committed by the staff. Normally, Director of Vigilance and **Anti-Corruption** indicate that prosecution is the course of action for acceptance of bribe and disciplinary proceedings for other lapses.

2. It has come to notice that some of the Superintending Engineers contrary to the directions given by the Government/Director of Vigilance and **Anti-Corruption** included charge for the corruption also, without noticing that criminal case has been launched by the Government for the misconduct of demanded and accepted bribe, while framing charges for certain other lapses and irregularities, on the staff trapped and arrested.

3. In trapped cases, the physical witnesses whom the Director of Vigilance and **Anti-Corruption** taken for prosecution side will appear only in the criminal cases and the records seized by the Director of Vigilance and **Anti-Corruption** during trap will be produced in the Courts. If the departmental enquiry is conducted on all charges including bribe no physical witnesses/or records can be produced and there may not be way to the Enquiry Officer to conduct the enquiry properly.

4. The Superintending Engineers are therefore advised to follow the directions of the Government **Scrupulously** and make a note that the charge of acceptance of the bribe should not be included in the departmental action, where the Government (Director of Vigilance and **Anti-Corruption**) have taken steps to prosecute the employee for the bribe received they may have to take departmental action only for the other lapses pointed out by the Government.

5. The receipt of this may be acknowledged.

N.R. Sankaran,
Chief Engineer/Personnel.

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Memo. No. 41072/O&M Cell II(3)//92-1, (Secretariat Branch), Dated 18.8.93.

Sub: Tamil Nadu Electricity Board - Procedure to be followed in addressing the
Government - Instructions - Issued.

Ref: i. Secretariat Branch Memo. No.47377/O&M Cell(4)/92-1, dt. 23.9.92.

ii. From the Secretary to Govt., P.W.D. Lr. No.3072/V2/93-4, dt. 5.7.93.

In the reference second cited the Government in P.W.D. have requested that Tamil Nadu Electricity Board should address the Government from not below the rank of Secretary, Tamil Nadu Electricity Board.

2. In the above circumstances, it is hereby instructed that all officers from the Secretariat Branch, are to address the Government only from the level of the Secretary. All correspondence shall be approved and issued in the name of the Secretary and above in 'most immediate' and 'urgent' cases alone they may be approved for and on behalf of the Secretary and it should have the name and designation of the Secretary, Tamil Nadu Electricity Board. After issue, they should be submitted to Secretary.

A.K. Thiyagarajan,
Secretary.

Memo. No.63786/O&M Cell-II(4)/92-7, (Secretariat Branch), Dated the 18th August, 1993.

Sub: Tamil Nadu Electricity Board - Stationery - Purchase of Stationery items -
Verification - Instructions - Issued.

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During inspection in an Head Quarters Office the Member (Distribution) has come across a case of short supply of certain stationery items purchased from Kamadhenu Super Market, Madras. The short supply of the said stationery items were noticed, only at the time of opening the box in the office. Had the verification been made while taking delivery, shortage could have been avoided.

2. All Chief Engineers/Superintending Engineers are therefore informed that whenever stationery items are purchased, they should be checked then and there by the concerned to avoid shortages and requested to issue appropriate instructions to the concerned.

3. Receipt of this memo. may be acknowledged.

A.K. Thiyagarajan,
Secretary.

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Memo. No. 32828-O&M Cell-I(2)/93-3, (Secretariat Branch) Dated the 19th August, 1993.

Sub: Tamil Nadu Electricity Board - Shifting of Headquarters of Madras Development Circle/Under the control of Chief Engineer/Transmission functioning in VI Floor, NPKRR Maaligai to Basin Bridge Power House - Orders cancelled.

Ref: i. Board's Memo. No.30028-O&M Cell-I(2)/93-1, dt. 22.5.93.

ii. From the Chief Engineer/Civil Designs U.O. No. ACE(I)E4/A4/F.Accom/D. 649/93, Dt. 7.8.93.

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The orders issued in the reference first cited are hereby cancelled.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

Circular Memo. No.045350/71/Adm.4(1)/93-1, (Administrative Branch), Dated 3/19—8—93.

Sub: Forwarding of applications to Institutions for admission for studying part-time B.E. Degree/Diploma courses - Instructions issued.

Ref: Permanent B.P. (Ch.) No.308, Adm. Branch dt. 24.6.89.

. . . .

Further to this office instructions issued in B.P. cited under reference, the following instructions are issued.

2. It is to be stated that while forwarding the application for studying the part-time B.E. Degree/Diploma course, there is a certificate to be issued by the employer in the application stating that the applicant will not be transferred during the middle of the course. Hence certain Superintending Engineers are forwarding the applications without signing in the certificate prescribed in the application and certain Superintending Engineers are issuing a separate certificate in this regard. If such separate certificates are issued the applications are rejected by the Institutions.

3. The Chief Engineers/Superintending Engineers are therefore requested to sign the applications striking out the sentence therein i.e. "the applicant will not be transferred during the middle of the course".

(By Order of the Chairman)

N.R. Sankaran,
Chief Engineer(Personnel).

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Establishment - Board Office Secretariat Branch - Class II Service - Creation of one post of Private Secretary and up-gradation of one post of Personal Assistant to Chief Engineer/Chairman's Office as Private Secretary - Orders - Issued.

(Permanent) B.P. (FB) No. 96,

(Secretariat Branch)

Dated 20—8—1993,
Aavani 4, Srimuga,
Thiruvalluvar Aandu 2024.
Read:

(i) (Permanent) B.P. (FB) No. 55 (SB) dt. 9.10.92.

(ii) U.O. Note No.CH/CE/44522/93-1, dt. 23.7.93.

. . . .

Proceedings:

Sanction is accorded for the creation of one post of Private Secretary in the scale of pay of Rs.2120-80-2600-90-3290-100-3530 in Class II Service of the Tamil Nadu Electricity Board to assist the Chief Engineer/Planning-cum-Co-ordinator. The above post shall be continued as long as the post of Chief Engineer/Planning-cum-Co-ordinator continued.

2. It is also hereby ordered that one post of Personal Assistant to Chief Engineer/Chairman's Office in the scale of Rs.1210-35-1490-40-2050 in Class III Service sanctioned in the (Permanent) B.P. (FB) No.55 (SB) dt. 9.10.92 be upgraded as Private Secretary in the scale of Rs.20-80-2600-90-3230-100-3530 in Class II Service. The above upgraded post shall be continued as long as the post of Chief Engineer/Chairman's Office exists.

3. The incumbents of the post sanctioned in paras 1 & 2 above will be eligible to draw the Pay, Dearness Allowance, House Rent Allowance, City Compensatory Allowance and other allowances admissible under the orders in force.

4. The expenditure is debitable to Tamil Nadu Electricity Board Funds - Revenue Expenses - 75.Employees - Cost 75.1 Salaries-110 - Salaries Provincial.

(By Order of the Board)

A.K. Thiyagarajan,
Secretary.

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Memo. No. 6839-C1/93-1, (Secretariat Branch), Dated the 20th August, 1993.

Sub: Establishment - Tamil Nadu Electricity Board - Promotion of an employee covered by the Wage Revision settlement to an Officer category between 24.10.85 to 30.11.88 - Permitting option to come over to Revised Scale of Pay on the date of promotion - Orders - Issued.

Ref: 1. B.P. Ms.(FB) No.86 (SB) dt. 24.10.85.
2. B.P. Ms.(FB) No.87 (SB) dt. 24.10.85.
3. Board's Memo. No. 65889/R1/85-1, dt. 29.11.85.

In the B.P. first cited, the scales of pay and allowances of the workmen of the Board were revised with effect from 1.12.84 and in the B.P. second cited, the scales of pay and allowances of the Officers of the Board were revised with effect from 1.12.84. While fixing the pay in the revised scales both for workmen and Officers, Dearness Allowance at 608 points were merged with the basic pay. However, Dearness Allowance at 608 points for workmen was on the workers pattern and Dearness Allowance at 608 points for the Officers was on a different Government pattern applicable for Officers. For a particular basic pay, quantum of Dearness Allowance to be merged for workmen would be different from that to be merged for Officers.

2. The workmen and the Officers were permitted to exercise option to come over to the revised scale on the date of promotion, if such date falls between 1.12.84 and 21.10.85/24.10.85. Persons, who were workmen as on 1.12.84 and promoted as Officers on dates between 1.12.84 and 24.10.85 can have promotion pay fixation first and then Wage Revision pay fixation on the same date applying the principles as applicable for Officers.

3. It has been represented on behalf of the employees, who were workmen as on 1.12.84 and who had been promoted as Officers in between 24.10.85 and 30.11.88 that the gap between their pay on promotion and the pay of those who were on the same pay or slightly more pay as workmen on 1.12.84 and who had been promoted as Officers before 24.10.85 had been too wide with 4 to 5 increments gap and this is because of different formula of Dearness Allowance merger adapted in 1984 Wage Revision. To set right this to some extent, it has been represented that option may be given to those promoted from workmen category to Officers category between 24.10.85 and 30.11.88 for coming over to the revised scale of pay on the date of promotion. By this, such employees would not get Wage Revision arrears till the date of promotion but would get the advantage of pay fixation applying the Officers Wage Revision principle on the promotion date. It is stated that in many such cases, the Officers would retire within a short period and by the above pay fixation would get higher pension and Death-cum-Retirement Gratuity benefits. The representation has been made by the Tamil Nadu Electricity Board Finance and Accounts Officers Association.

4. The representation mentioned in para 3 above has been considered. Eventhough the representation has been made on behalf of the Officers of the Accounts side, in other cadres also, there will be persons who were workmen as on 1.12.84 and got promotion as Officers between 24.10.85 and 30.11.88 who would like to exercise similar option.

5. After careful consideration, the Tamil Nadu Electricity Board directs that the employees who were promoted and joined from workmen category to Officers category on dates between 24.10.85 and 30.11.88 be permitted to exercise option to remain in the pre(1984)revised scale of pay till the date of promotion and to come over to the Revised Scale of pay 1984 on the date of promotion. Fixation of pay in the Revised Scale of pay 1984 in the case of such optees shall be made in the promoted post on the date of promotion in accordance with the principles contained in the B.P. second cited. Option shall be exercised within 3 months from the date of this order and option once exercised is final. If no option is received within the prescribed time limit, the pay fixation already made will stand.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

* * * *

DELEGATION - Delegation of powers to Secretary, Tamil Nadu Electricity Board to accord approval for opening of Temporary Advance upto Rs.10,000/- at a time for specified purpose - Orders - Issued.

(Permanent) B.P. (FB) No. 97

(Secretariat Branch)

Dated 23—8—93,
Aavani 7, Srimuga,
Thiruvalluvar Aandu 2024.
Read:

B.P. Ms. (FB) No.57 (SB) dt. 9-7-87.

Proceedings:

The Tamil Nadu Electricity Board hereby delegates powers to the Secretary, Tamil Nadu Electricity Board to accord approval for opening of Temporary Advance Account upto Rs.10,000/- (Rupees Ten thousand only) at a time in the name of Public Relations Officer to meet the expenditure only on the specific items mentioned below:—

1. Arranging refreshments for the Board Meetings.
2. Purchasing of shawls for the retiring persons.
3. Purchasing of stationery items like pens required for the above Board Meetings.
4. Purchasing of Air/Rail tickets for the Chairman and any other unforeseen expenditure in Chairman's Office.

(By Order of the Board)

A.K. Thiyagarajan,
Secretary.

Memorandum (Permanent) No. 58298/E2/92-5, (Secretariat Branch) Dated the 23rd August, 1993.

Sub: Loans and Advances - Grant of Educational Advance to Board employees -
General clarification - Issued.

Ref: i. (Permanent) B.P. (Ch) No.284 (SB) dt. 31-10-89.

ii. From SE/GCC/Madras Lr. No. Adm.II/A2/FEA/D.561/92 dt. 2.9.92.

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In the B.P. cited, orders have been issued to enhance the pay limit from Rs.1,200/- to Rs.1,700/- for granting the Educational Advance for the purchase of Text Books etc., by the employees of the Board.

2. The Superintending Engineer/General Construction Circle Madras has raised a point for clarification as to whether the pay for granting of Educational Advance can include special pay, personal pay etc., drawn by the applicant. The matter has been examined in consultation with the Government.

3. The following clarification is issued for the point raised in para 2 above:—

“Eligibility for sanction of Education Advance is based on basic pay which includes personal pay and special pay drawn by the Employees of the Board”.

4. The receipt of this memorandum may be acknowledged.

A.K. Thiyagarajan,
Secretary.

* * * *

Memo. No. 47107-C2/93-1, (Secretariat Branch) Dated the 24th August, 1993.

Sub: Holidays - Tamil Nadu Electricity Board - National and Festival Holidays for 1993 -
Substituted holidays - Change in the date of festival - Ratified.

Ref: i. Superintending Engineer/Mettur Workshop Circle Letter No. SE/WS/Adm./A2/F8/PR
1219/92, dt. 9.12.92.

ii. Board's Memo. No.78127-C2/92-2, dt. 31.12.92.

iii. Superintending Engineer/Mettur Workshop Circle Letter No. SE/WS/Adm./A2/FB/PR
109/93, dt. 27.7.93.

In the Board's Memo. second cited a substituted holiday was declared on 3.8.93 for “Adiperukku” to the employees of Mettur Workshop Circle.

2. The Superintending Engineer/Mettur Workshop has now intimated in the letter third cited that the “Adiperukku” festival actually falls on 2.8.93 instead of on 3.8.93 as intimated by the Unions and hence requested to grant holiday on 2.8.93. The Superintending Engineer has therefore permitted the workmen to avail the Holiday on 2.8.93 instead of 3.8.93 in anticipation of the approval of the Board and requested to ratify the action. The action taken by the Superintending Engineer/Mettur Workshop Circle for having declared the holiday on 2.8.93 instead of 3.8.93 for Adiperukku is hereby ratified.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

குறிப்பாணை எண். 44781-கி2/93-2, (செயலகக் கிளை), நாள் 25 8-1993.

பொருள் : தமிழ்நாடு கடைகள் மற்றும் நிறுவனங்கள் சட்டம், 1947-தமிழ்நாடு மின்சார வாரிய அதிகாரத்திற்குட்பட்ட தமிழ்நாட்டிலுள்ள எல்லா நிறுவனங்களுக்கும் தமிழ்நாடு கடைகள் மற்றும் நிறுவனங்கள் சட்டத்தின் சில பிரிவுகளிலிருந்து 2-9-93 முதல் ஒரு ஆண்டுக்கு விதிவிலக்கு நீட்டித்து உத்தரவு-தொழிலாளர் துறை ஆணையரின் செயல்முறை நடவடிக்கைகள்-ஆணை நகல்-அனுப்பப்படுகிறது.

பார்வை : 3-8-93 நாளிட்ட தொழிலாளர் துறை ஆணையரின் செயல்முறை நடவடிக்கை எண். ச2, 49607/93.

பார்வையில் குறிப்பிட்டுள்ள 3-8-93 நாளிட்ட தொழிலாளர் துறை ஆணையரின் செயல்முறை நடவடிக்கை எண். ச2 49607/93 ஆணை நகல் ஒன்று தமிழ்நாடு மின்வாரிய தலைமைப் பொறியாளர்கள், தலைமைப் பொறியாளர்கள் (பகிர்மானம்), மேற்பார்வைப் பொறியாளர்கள் மற்றும் ஏனைய அலுவலர்களுக்கு தகவலுக்காகவும், பின்பற்றவும் அனுப்பப்படுகிறது. மேற் குறிப்பிடப்பட்டுள்ள ஆணையில் தமிழ்நாடு மின்சார வாரிய அதிகாரத்திற்குட்பட்ட தமிழ் நாட்டிலுள்ள எல்லா நிறுவனங்களுக்கும் தமிழ்நாடு கடைகள் மற்றும் நிறுவனங்கள் சட்டத்தின் சில பிரிவுகளிலிருந்து 2-9-93 முதல் ஓராண்டுக்கு விதிவிலக்கு நீட்டித்து உத்தரவு அளிக்கப்பட்டுள்ளது.

2. தலைமைப் பொறியாளர்கள்/தலைமைப் பொறியாளர்கள் (பகிர்மானம்), மேற்பார்வைப் பொறியாளர்கள் மற்றும் ஏனைய அலுவலர்கள் தொழிலாளர் துறை ஆணையரால் அவரது செயல்முறை நடவடிக்கைகள் ஆணையில் குறிப்பிட்டுள்ள நிபந்தனைகளை பின்பற்றாமாறு கேட்டுக் கொள்ளப்படுகிறார்கள்

எ. கே. தியாகராஜன்,
செயலர்.

நகல் :

சென்னை-6, தொழிலாளர் துறை ஆணையரின் செயல்முறை நடவடிக்கைகள்

முன்னிலை : நி. நா. ஆதிமூலம், இ. ஆ. ப.,
சுருக்கம்

தமிழ்நாடு கடைகள் மற்றும் நிறுவனங்கள் சட்டம், 1947 -தமிழ்நாடு மின்சார வாரிய அதிகாரத்திற்குட்பட்ட தமிழ்நாட்டிலுள்ள எல்லா நிறுவனங்களுக்கும் தமிழ்நாடு கடைகள் மற்றும் நிறுவனங்கள் சட்டத்தின் சில பிரிவுகளிலிருந்து 2-9-93 முதல் ஒரு ஆண்டுக்கு விதிவிலக்கு நீட்டித்து உத்தரவு அளிக்கப்படுகிறது.

ச2, 49607, 93

நாள் 3-8-93.

பார்வை : 26-7-93 நாளிட்ட சென்னை தமிழ்நாடு மின்சார வாரியச் செயலரின் கடித எண். 44781/கி2 93 -1.

ஆணை :

சென்னையிலுள்ள தமிழ்நாடு மின்சார வாரிய செயலாளர் பார்வையில் குறிப்பிட்டுள்ள தனது கடிதத்தில் தமிழ்நாட்டிலுள்ள தமிழ்நாடு மின்சார வாரியத்தின் அதிகாரத்திற்குட்பட்ட எல்லா நிறுவனங்களுக்கும் ஏற்கனவே வழங்கப்பட்ட விதிவிலக்கு காலத்தை 2-9-93 முதல் மேலும் ஓராண்டிற்கு நீட்டுவீத்து உத்தரவு வழங்குமாறு கோரியுள்ளார். மேற்கண்ட விதிவிலக்கு தொடர்பாக எவ்வித புகாரும் இல்வல்லவகத்தில் பெறப்படவில்லை.

எவாவே தமிழ்நாடு கடைகள் மற்றும் நிறுவனங்கள் சட்டப் பிரிவு 6ன் படியும் (தமிழ்நாடு சட்டம் 36 1947) 31-12-80 நாளிட்ட தொழிலாளர் மற்றும் வேலைவாய்ப்புத் துறை அரசாணை எண். 2943ன் அதிகாரத்தின்படியும், தமிழ்நாடு மின்சார வாரியத்தின் அதிகாரத்திற்குட்பட்ட தமிழ்நாட்டிலுள்ள எல்லா நிறுவனங்களுக்கும், தமிழ்நாடு கடைகள் மற்றும் நிறுவனங்கள் சட்டப் பிரிவுகள் 20, 21, 22, 23, 25, 31, 34, 41, 43, 50 மற்றும் 51ஐத் தவிர மற்ற எல்லா பிரிவுகளிலிருந்தும் கீழ்க்கண்ட நிபந்தனைகளுக்குட்பட்டு 2-9-93 முதல் மேலும் ஓராண்டிற்கு விதிவிலக்கு நீட்டிக்கப்படுகிறது.

நிபந்தனைகள் :

1. ஒவ்வொரு தொழிலாளிக்கும், ஒவ்வொரு நாளும் மிகை நேர வேலை உட்பட வேலை நேரம் ஆகியவைகளைக் கொண்ட வருகைப்பதிவேடும். பார்வையாளர் புத்தகமும், பராமரிக்கப்பட்டு அந்நிறுவன எல்லைக்குட்பட்ட தொழிலாளர் ஆய்வர்களுக்கு அன்வரது குறிப்புரைகளைப் பதிய காட்டப்பட வேண்டும்.
2. விடுப்பு நாளில் பணிபுரியும் தொழிலாளர்களுக்கு மாற்ற விடுப்பு அடுத்து வரும் வாரத்தில் அளிக்கப்பட வேண்டும்.
3. தொழிலாளர் ஆணையரின் முன்னனுமதியின்றி வாரியத்தின் விடுப்பு விதிகள் மற்றும் வேலை நேரம் ஆகியவற்றை மாற்றக் கூடாது.

ஒம் / நா. ஆதிமூலம்,
தொழிலாளர் ஆணையர்,
சென்னை-6.

(உண்மை நகல்)

Memorandum (Permanent) No. 11528/P1/92-4, (Secretariat Branch) Dated the 25th August, 1993.

Sub: Travelling Allowance - Monthly ceiling on drawal of Travelling Allowance - Extension to Superintending Engineers/Operation/Regions - Orders - Issued.

Ref: (Permanent) B.P. (FB) No.2 (SB) dt. 5-1-90.

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In continuation of the orders issued in the Board's Proceedings cited, the monthly ceiling limit on Travelling Allowance in respect of the Superintending Engineers/Operations shall be the same as fixed for the Superintending Engineers of the General Construction Circles mentioned in the Annexure to the Board's Proceedings cited.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

Holidays - Holiday for Meelad-Un-Nabi on 31.8.93 - Change in the date of Observance of Festival - Revised orders - Issued.

(Routine) B.P. (Ch.) No. 67, (Secretariat Branch)

Dated 25—8—1993,
Aavani 9, Srimuga,
Thiruvalluvar Aandu 2024.

Read:

(i) (Permanent) B.P. (Ch.) No. 230 (SB) dated 17.12.92.

(ii) G.O. Ms. No. 945 Public (Miscellaneous) Department, dated 25.8.93.

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Proceedings:

In the Board's Proceedings cited a holiday was declared on 30.8.93 for Meelad-Un-Nabi festival.

2. In the Government order cited, the Government have ordered that Tuesday the 31st August 1993 shall be a Public Holiday on account of Meelad-Un-Nabi.

3. The Tamil Nadu Electricity Board accordingly declares Tuesday, the 31st August 1993 as a holiday for Meelad-Un-Nabi to the employees of the Tamil Nadu Electricity Board. Monday the 30th August 1993 will be a working day.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

Memo. No. 70261/452/Adm. Br./1R2(A1)/93-1, Dated the 26th August, 1993.

Sub: Establishment - Regular Work Establishment - Conversion of Vehicle Helpers/Drivers as Helpers/Linemen - Certain clarification - Reg.

Ref: 1. (Permanent) B.P. (Ch.) No.174 (Adm. Branch) dt. 22-6-93.

2. From the Superintending Engineer/General Construction Circle/West/Coimbatore Lr. No. Adm.1/A1/F.Drivers/D. 435/93, dt. 14-7-93.

3.i. From the Superintending Engineer/Generation/Hydro Stations/Kundah Lr. No. SE/G/K/Adm.2/A.1/F. Conversion/R.888/93, dt. 21-7-93.

. . . .

The Superintending Engineer/General Construction Circle/West, Coimbatore has in his letter second cited requested clarification whether the Vehicle Helper/Driver of his circle on conversions as Helper/Lineman may be posted to the equivalent post, in Construction Circles itself and whether the conversion may be considered in phased manner as per seniority in the post of Driver after filling up of the vacancies of Drivers one by one as qualified Vehicle Helper are not available for promotion as Driver.

2. The Superintending Engineer/Generation/Hydro Stations/Kundah has requested clarification whether the willing Vehicle Helper/Driver of his circle can be considered for conversion as Helper/Lineman or equivalent post by giving them appropriate training in Generation Circle itself in maintenance areas counting them in regular post, as it is not possible to give them training in Construction Section and then to Distribution side in the Generation Circle.

3. It is clarified that the question of posting Vehicle Helper/Driver on conversion as Helper/Lineman in the equivalent post in General Construction Circle itself and the question of giving appropriate training to the Vehicle Helper/Driver in the maintenance work in Generation Circle itself do not arise and the Vehicle Helper/Lineman who opt for conversion as Helper/Lineman should be posted to Distribution Circle only (i.e. not in Project/Generation/General Construction Circle/Thermal Stations) as per the orders issued in the B.P. first cited.

4. The Superintending Engineers/Generation Circles/Project Circles/General Construction Circles/Thermal Stations are therefore requested to inform such of the workmen working under their control that they should give such options for conversion only to the Distribution Circle and not within the same Generation/Project/General Construction Circle/Thermal Stations and in view of this whether such persons still want to be converted as Helper/Lineman, since they have to move outside their present circle.

5. The options of Vehicle Helper/Driver for conversion as Helper/Lineman received from the employees working in Generation/Project/General Construction Circle/Thermal Stations may therefore be forwarded to the concerned Chief Engineers/Distribution who will only issue conversion and allotment orders as per the B.P. 1st cited.

N.R. Sankaran,
Chief Engineer(Personnel).

* * * *

AMENDMENT No.2/93.

REGULATION - Tamil Nadu Electricity Board Employees' Travelling Allowance Regulations - Daily Allowance Payment of Daily Allowance during the period of Tour/Training - Regulation 37 and 83 (a) - Amendment - Issued.

(Permanent) B.P. (FB) No. 99,

(Secretariat Branch)

Dated the 26th August 1993.

Read:

(Permanent) B.P. (FB) No.1 (SB) dt. 10-1-89.

Proceedings:

According to Regulations 37 of Tamil Nadu Electricity Board Employees' Travelling Allowance Regulations, an employee deputed for Tour shall draw Daily Allowance for continuous halt at the following rates:

- | | | |
|--|---|---------------------|
| i) For the first 30 days halt | : | Full rate |
| ii) For the halt beyond 30 days
not exceeding 90 days | : | Half rate |
| iii) For the halt beyond 90 days | : | No Daily Allowance. |

Provided that the halt beyond 30 consecutive days shall require the permission of the authorities specified under the above said Regulation.

2. According to Regulation 83 (a) of the Tamil Nadu Electricity Board Employees' Travelling Allowance Regulations, the Trainees shall be allowed to draw the following rates of Daily Allowance.

First 30 days	—	Full Daily Allowance
Next 60 days	—	3/4th Daily Allowance
Next 90 days	—	1/2 Daily Allowance

The trainees shall be allowed to claim Transfer Travelling Allowance during training period beyond 180 days. The trainee shall also be allowed to draw H.R.A. and C.C.A. at the rates admissible to the training place.

3. In supersession of the existing Regulation provisions mentioned in paras 1 and 2 above the Tamil Nadu Electricity Board directs that the following shall be the rates of Daily Allowance for Tours/Training.

Tour

Upto 60 days (continuous halts at any one place)	—	Full Daily Allowance
Exceeding 60 days	—	Transfer Travelling Allowance only

Exceeding 30 days prior permission to be obtained.

Training

Upto 90 days	—	Full Daily Allowance
Exceeding 90 days	—	No Daily Allowance. T.T.A. plus H.R.A. and C.C.A. rates admissible to the training centre.

Tour/Training

Free Boarding and Lodging	—	One-fourth Daily Allowance
Free Boarding	—	Half Daily Allowance
Free Lodging	—	Three-fourth Daily Allowance

4. Accordingly, in exercise of the powers conferred by section 79 (c) of the Electricity (Supply) Act, 1948, (Central Act 54 of 1948) the Tamil Nadu Electricity Board hereby makes the following amendments to Tamil Nadu Electricity Board Employees' Travelling Allowance Regulations.

AMENDMENTS

I. In the said Regulations, in Regulation 37, for the existing rates of Daily Allowance, the following rates shall be substituted.

- | | |
|--|--------------------------------------|
| i) Upto 60 days (Continous halts at any one place) | — Full Daily Allowance |
| ii) Exceeding 60 days | — Transfer Travelling Allowance only |
| iii) Free Boarding & Lodging | — One-fourth Daily Allowance |
| iv) Free Boarding | — Half Daily Allowance |
| v) Free Lodging | — Three-fourth Daily Allowance |

II. In the said Regulations, in Regulation 83, in sub-regulation (a), for the first paragraph, the following paragraph shall be substituted, namely:

“An employee deputed to undergo a course of training, may draw Travelling Allowance as on tour for the journeys to and from the training centre. Daily Allowance is admissible for the period of halt at training centre at the following rates:

- | | |
|--------------------------------|---|
| i) Upto 90 days | — Full Daily Allowance |
| ii) Exceeding 90 days | — No Daily Allowance. Transfer Travelling Allowance plus House Rent Allowance and City Compensatory Allowance to the Training Centre. |
| iii) Free Boarding and Lodging | — One-fourth Daily Allowance |
| iv) Free Boarding | — Half Daily Allowance |
| v) Free Lodging | — Three-fourth Daily Allowance. |

(By Order of the Board)

A.K. Thiagarajan,
Secretary.

* * * *

Endorsement No.X/IT/F.20B/197/93, Accounts Branch, dt. 26.8.93.

A copy of Government of Tamil Nadu Finance (Resources) Department Lr. No.10601/Res/93-3, dt. 22.7.93 is communicated to all the Branches of the Board for information and necessary action.

Encl: P.G. PADMANABHAN,
Chief Financial Controller.

Copy of Lr. No.10601/Res/93-3,dt. 22.7.93 from Thiru N. Narayanan, I.A.S., Secretary to Government, Finance (Resources) Department, Government of Tamil Nadu, addressed to All Departments of Secretariats, All heads Heads of Departments and All Collectors.

Sub: Income Tax - Evasion of payment of Income Tax Furnishing of information to Income Tax officials.

Ref: From the Government of India, Ministry of Finance, Department of Revenue, D.O.F.No.414/69/91-IT(Inv.I) dt.1.6.93.

* * * *

The Secretary, Department of Revenue, Ministry of Finance, Government of India has brought to the notice

of the Government of Tamil Nadu that payment of Income Tax is evaded in many cases. As a part of the effort to widen the tax base, the Government of India wants to identify persons whose incomes are taxable under the existing provisions of law, but are wilfully avoiding on evading tax.

The Income Tax Officials in each district may contact the State Government Officials of different departments, like Commercial Taxes, Public Works Department, Municipalities etc., to collect some information regarding aspects like local business activities, payments to contractors etc. All Collectors are requested to facilitate the flow of such information through periodical meetings between the Income Tax Officials and local State Government Officers.

The receipt of the letter may be acknowledged.

N. NARAYANAN,
Secretary to Government.

// true copy //

* * * *

Circular letter No. 61722/995/F.II/92-2, Audit Branch, Dated the 28th August, 1993.

Sub: Funds - General Provident Fund - Temporary Advance/Part-Final withdrawal -
Instructions - Issued.

- Ref: 1. Government Lr. No. 120983/Finance (Allowances)/92/dt. 30.11.92.
2. This Office Lr. No. 61722/995/F.II/92-1, dt. 6.1.93.
3. Government Lr. No. 1197/Finance (Allowances)/93, dt. 6.8.93.

I am to enclose a copy of Government letter under reference third cited for adherence. The receipt of the communication may be acknowledged to the Chief Internal Audit Officer/Board Office Audit Branch.

A.K. Thiyagarajan,
Secretary.

Encl:

Copy of Lr. No. 1197/Finance(Allowances)/93, dt. 06.08.93 from Thiru N. Narayanan, I.A.S., Secretary to Government, Finance (Allowances) Department, Fort St. George, Madras - 600 009 addressed to All Secretaries to Government and All Heads of Departments.

Sub: FUNDS - General Provident Fund - Temporary Advance/Part-Final withdrawal -
Instructions - Issued.

Ref: Lr. No. 120983/Finance(Allowances)/92, dt. 30.11.92.

In the reference cited it has been indicated that the provisions in the General Provident Fund Rules should be scrupulously followed and authorities competent to sanction advances from the General Provident Fund to various categories of Government employees should exercise utmost restraint while sanctioning temporary advance and that in no case temporary advance shall exceed 50% of the amount at credit. It has been represented that the provision for drawal of 75% of balance at credit under special circumstances be restored. The Government have examined this request and have decided to withdraw the restriction communicated in the letter cited.

2. The instructions relating to adherence strictly to rules as regards part-final withdrawals communicated in the same reference continue to be in operation.

N. NARAYANAN,
Secretary to Government.

Memo. No. 356/Adm. Br./IR1(3)/93-2, Dated the 28th August, 1993.

Sub: Tamil Nadu Electricity Board - Employees participated in Public Agitations -
Action to be taken - Stayed.

Ref: This Office Memo. No.356/Adm. Br./IR1(3)/93-1, dt. 4.6.93.

The orders issued in this Office Memo. cited are hereby cancelled.

(By Order of the Chairman)

N.R. Sankaran,
Chief Engineer/Personnel.

* * * *

Memo. No. 08962/61/S.2/A.1/93-8, (Administrative Branch). Dated the 30th August, 1993.

Sub: Establishment - Class I to IV Services - Provincial and Regular Work Establishment
category - Annual General Continuance for the year 1991-1993 - Authorisation
for drawal of Pay and Allowances for the month of August 1993 - Orders - Issued.

. . . .

Pending issue of orders for continuance of posts, Pay and Allowances for the month of August 1993 for the incumbents of the posts whose sanctions have expired from 01-03-1991 to 31-07-1993 in respect of Distribution Circles, Projects, Generations and other Offices concerned as indicated in the Annexure including those posts which stand abolished by specific order shall be claimed and admitted.

(By Order of the Chairman)

Encl:

N.R. Sankaran,
Chief Engineer/Personnel.

ANNEXURE

Sl. No.	Name of the Distribution Circle and Office	Provincial	R.W.E.
COIMBATORE REGION			
1.	Coimbatore E.D. Circle (South)	1,224	3,153
2.	Coimbatore E.D. Circle (North)	948	2,110
3.	Udumalpet E.D. Circle	902	2,214
4.	Periyar E.D. Circle	1,431	3,597
VELLORE REGION			
5.	Dharmapuri E.D. Circle	1,031	2,766
6.	Tiruvannamalai E.D. Circle	1,180	3,213
7.	Vellore Ambedkar E.D. Circle	894	2,016
8.	Villupuram E.D. Circle (Work Load Posts)	783	2,607

Sl. No.	Name of the Distribution Circle and Office	Provincial	R. W. E.
MADRAS REGION			
9.	Kancheepuram E.D. Circle	862	2,222
10.	Chengalpattu MGR E.D. Circle	759	1,807
11.	Madras E.D. Circle (South)	1,133	2,831
12.	Madras E.D. Circle (Central)	1,046	2,696
13.	Madras E.D. Circle (North)	1,147	2,610
MADURAI REGION			
14.	Madurai E.D. Circle	1,531	3,254
15.	Kamarajar E.D. Circle	981	1870
16.	Ramnad E.D. Circle	977	1,925
17.	Tirunelveli Kattabomman E.D. Circle	1,359	2,638
18.	Chidambaranar E.D. Circle	842	1,629
19.	Kanyakumari E.D. Circle	680	982
TRICHY REGION			
20.	Dindigul Anna E.D. Circle	1,003	2,486
21.	Trichy E.D. Circle (South)	1,082	2,620
22.	Trichy E.D. Circle (North)	1,107	2,584
23.	Nagapattinam Quaid-E-Milleth E.D. Circle	789	1,521
24.	Pudukottai E.D. Circle	520	1,325
PROJECTS			
25.	Hydro Project/Bhavani	151	58
26.	Mettur Thermal Power Station	837	562
27.	Basin Bridge Power House	57	53
28.	Tuticorin Thermal Power Station	997	914
29.	Tuticorin Thermal Power Project	406	74
30.	Protection & Communication/Madurai and Coimbatore	68	110
31.	Ennore Thermal Power Station	831	1,343
32.	Hydro Project/Pykara U.S.H.E. Project	133	44
33.	Coimbatore Water Supply Project	96	55
34.	Mettur Thermal Power Project	81	17
35.	Civil Maintenance Circle, Madurai	32	—
GENERATION			
36.	Generation Circle/Erode	259	458
37.	Generation Circle/Tirunelveli	325	918
38.	Generation Circle/Kundah	394	1,312
39.	Generation Circle/Kadambarai	282	571
HE. D. QUARTERS			
40.	Superintending Engineer/I.E.M.C.	9	—
41.	Superintending Engineer/Investigation	143	252
42.	Superintending Engineer/Mettur Workshop Circle	92	815
43.	Executive Engineer/Stores Inspection	14	—
44.	Administrative Branch	6	—
45.	Chief Internal Audit Officer	2	—
46.	Superintending Engineer/Design/TTPP	23	—
47.	Chief Engineer/(P & C), Madras	18	4
48.	Chief Engineer/O.S.D.	1	—
49.	Chief Engineer/(R & D)	1	—

ESTABLISHMENT - Tamil Nadu Electricity Board - Post of "Liaison Officer" in Board Office Secretariat Branch - Adhoc Rules - Issued.

(Permanent) B.P. (Ch.) No. 181, (Secretariat Branch)

Dated 30—8—1993,
Aavani 14, Srimuga,
Thiruvalluvar Aandu 2024.
Read:

- (i) (Permanent) B.P. (Ch.) No. 82 (SB) dt. 3.6.92.
(ii) (Permanent) B.P. (FB) No. 101 (SB) dt. 1.12.92.
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Proceedings:

In exercise of powers conferred by Section 79(c) and (k) of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948), the Tamil Nadu Electricity Board hereby makes the following Ad-hoc Rules.

2. These Ad-hoc Rules shall be deemed to have come into force from 1st December 1992.

AD-HOC RULES FOR THE POST OF "LIAISON OFFICER"

- (1) Short Title and Commencement:

These Rules shall be called as the Ad-hoc Rules for the post of "Liaison Officer" in the Board Office Secretariat Branch.

- (2) Applicability of provision in the Tamil Nadu Electricity Board Service Regulations:

The Regulations applicable to the holders of the post of Section Officer in category 2, Division I, Class II of Tamil Nadu Electricity Board Service in the Tamil Nadu Electricity Board Service Regulations shall be applicable to the holders of the post of "Liaison Officer", subject to the changes specifically contemplated in the following sub-rules.

- (3) Post of Liaison Officer to be distinct category from post of Section Officer:

The post of Liaison Officer shall be distinct one different from the post of Section Officer referred to in sub-rule (2) above.

- (4) Appointment:

Appointment to the post of "Liaison Officer" shall be made by promotion from the post of Assistant in Division VI-A, Class III of the Tamil Nadu Electricity Board Service, who are graduates of the Madras University or other Recognised Universities as per the Tamil Nadu Electricity Board Service Regulations.

- (5) Appointing Authority:

The Appointing Authority for the post of "Liaison Officer" shall be Chairman, Tamil Nadu Electricity Board.

- (6) Pay:

The scale of pay applicable to the post of Section Officer of the Board Office Secretariat Branch from time to time shall be applicable to "Liaison Officer" and the holder of the post of Liaison Officer shall be paid monthly pay in the above mentioned scale of pay.

(By Order of the Chairman)

A.K. Thiyagarajan,
Secretary.

ESTABLISHMENT - Tamil Nadu Electricity Board - Secretary to Board - Thiru A.K. Thiyagarajan - Relief Orders - Issued.

(Routine) B.P. (Ch.) No. 70,

(Secretariat Branch)

Dated 30—8—1993,
Aavani 14, Srimuga,
Thiruvalluvar Aandu 2024.
Read:

- (1) G.O. Rt. No. 4101 Public (Spl.A) Department dt. 8-11-91.
- (2) Permanent B.P. (Ch.) No. 285 (Secretariat Branch) dt. 12-11-91.
- (3) From the Government Public (Spl.A) Department D.O. Lr. No. 4294/93-1, dt. 27-8-93.

Proceedings:

Consequent on the superannuation of Thiru A.K. Thiyagarajan, Joint Secretary to Government on foreign service as Secretary to Board, he is relieved of his duties under the Board on 31.8.93 A.N.

2. Thiru A.K. Thiyagarajan, Secretary to the Board shall hand over charge to Thiru S. Chockalingam, Legal Adviser to the Board.

N. HARIBHASKAR,
Chairman.

Technical

PART—IV

Technical

CFC/Rev's Lr. No.CFC/Rev./E.Tax/Exemption/R. 404/93, Accounts Branch, dt. 4.8.93.

Sub: Electricity - Tamil Nadu Electricity (Taxation on consumption) Act 1962 - Exemption of self generated Electrical Energy by Paper, Textile, Chemical and Sugar Industries from levy of tax - Orders issued by the Government - Communicated.

Ref: G.O. Ms. No. 1134, Public Works (VI) Dept., dt. 30.7.93.

A copy of above G.O. exempting the units of paper, Textiles, Chemical and Sugar Industries from the levy of Electricity Tax which generate energy using their captive self-generating sets, for a further period of one year from 1.8.1993 is communicated for information and necessary action.

V. Jayaraman,
Chief Financial Controller/Revenue.

Copy of G.O. Ms. No. 1134, Public Works (VI) Department, Government of Tamil Nadu, dated 30.7.93.

Electricity - Tamil Nadu Electricity (Taxation on Consumption) Act, 1962 - Exemption of Self-Generated Electrical Energy by Paper, Textile, Chemical and Sugar Industries from levy of Tax - Orders Issued.

Read again:

- (1) G.O. Ms. No. 850, Public Works Department, dt. 20.5.88.
- (2) G.O. Ms. No. 851, Public Works Department, dt. 20.5.88.
- (3) G.O. Ms. No. 852, Public Works Department, dt. 20.5.88.
- (4) G.O. Ms. No. 1246, Public Works Department, dt. 1.8.88
- (v) G.O. Ms. No. 177, Public Works Department, dt. 24.1.90

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Order:

The Electricity Tax on the Consumption of Electricity from captive self-generating sets is levied under the Tamil Nadu Electricity (Taxation on Consumption) Act, 1962. In the Government orders read above, the Government issued orders exempting the units of Paper, Textile, Chemical and Sugar Industries which generate energy using their captive self-generating sets from levy of tax, irrespective of the fuel they use for a period of five years from 1.8.88 as a measure of incentive to the Industries in the State. The concession extended in the Government orders read above expires on 31.7.1993.

2. The Government have now decided to exempt the units of Paper, Textiles, Chemical and Sugar Industries which generate energy using their captive self-generating sets, from levy of tax, irrespective of the fuel they use for a further period of one year from 1.8.1993.

3. The following notification will be published in an extra ordinary issue of Tamil Nadu Government Gazette dt. 30.7.93.

4. This order issues with the concurrence of Finance Department vide its U.O. No. 90/DS(TVS)/93, dt. 30.7.1993.

Notification

In exercise of the powers conferred by sub section (1) of Section 13 of the Tamil Nadu Electricity (Taxation on Consumption) Act, 1962 (Tamil Nadu Act 4 of 1962) the Governor of Tamil Nadu hereby directs that the consumption of self-generated electrical energy from captive generators by the Paper, Textiles, Chemical and Sugar Industries be exempted from the electricity tax payable under the said Act, irrespective of the fuel they use for a further period of one year from 1.8.1993.

(By Order of the Governor)

V. Sundaram,
Secretary to Government.

* * * *

Circular Memo. No. SE/IEMC/EE3/AEE1/D 596/93, (Technical Branch) Dated the 7th August, 1993.

Sub: Electricity - Effecting of L.T. industrial services - Acceptance of line materials from consumers - Instructions issued - Regarding.

. . . .

There are representations from the Small Scale Industries Association in Coimbatore District that the delay in effecting of service connections to the industries is mainly due to non-availability of line materials and the Collector of Coimbatore District has also requested to consider the requests for acceptance of line materials from the consumers.

After detailed examination, it is decided to consider the above request. The Superintending Engineers of Distribution Circles may accept the line materials of standard quality (or) which conform to IS Specifications supplied by the consumers when these materials are not available with the Board. The amount towards the cost of materials supplied by the applicants may be credited to them at the "cost data" rate applicable, for the line materials on the date of purchase and refunded in the CC bills.

K. Nagarajan,
Member (Distribution).

* * * *

CE/MM's Lr. No. SE/MM-I/EES/A2/FS/D 219/93, (Technical Branch) Dated the 13th August, 1993.

Sub: Sale of M.S. Melting scrap of length below 60 cms and thickness 16mm - Fixation of sale price for 1993-1994 - Orders issued - Regarding.

Ref: Lr. No. 2.11.103 dt. 20.5.93 from the General Manager (W).

The Tamil Nadu Electricity Board accept the price of Rs.4,000/- per M.T. (Rupees Four thousand only per M.T.) Ex-T.N.E.B. stores offered by you for purchase of M.S. Melting scrap of length below

60 cms (2 feet) and thickness 16mm (5/8th inch) from Tamil Nadu Electricity Board during 1993-1994. The above price is for delivery ex-Central Stores of Circles exclusive of taxes and other charges towards handling, loading at stores, transport, unloading at destination point etc. At present T.N.G.S.T. is not applicable for sale of scrap from T.N.E.B. However, if T.N.G.S.T. becomes payable during the currency of the contract the same shall be charged extra to M/s. Tamil Nadu Steels Limited. Price accepted is valid upto 31.3.1994.

The cost of M.S. Melting Scrap including taxes, if any, and as applicable is payable in advance before lifting the materials.

The Superintending Engineers of Circles and Projects will contact you with the stock details of M.S. Melting Scrap, the Central Stores in which they are held, amount to be remitted etc., on hearing from them, you may arrange for lifting the materials after remitting the sale amount in advance.

Receipt of this letter may please be acknowledged.

M.S. Gnanamoorthy,
Chief Engineer/Materials Management.

* * * *

TENDERS - Exemption from payment of Earnest Money Deposit and Security Deposit available to Central Government Undertakings and Central and other State Government Departments etc. - Withdrawal of Exemption - Amendment No.11 to Tender Regulations 1991.

(Permanent) B.P. (FB) No. 25,

(Accounts Branch)

Dated 18-8-1993,
Aavani 2, Srimuga,
Thiruvalluvar Aandu 2024.
Read:

- (i) Permanent B.P. (FB) No. 17 Accounts Branch, dt. 5.8.1991.
- (ii) Minutes of the 667th Meeting of the Board held on 11.6.93 (Item No.28).
- (iii) Permanent B.P. (FB) No. 20 Accounts Branch, dt. 30.6.1993.

Proceedings:

The orders issued in B.P. dt. 30.6.1993 referred to above may be read as follows:

The Tamil Nadu Electricity Board, after careful consideration hereby orders that the following clauses of the Tamil Nadu Electricity Board Tender Regulations, 1991 be amended as follows:

Clause 11.6

Small Scale Industries registered within the State of Tamil Nadu are to produce their Registration Certificate showing the materials which they are permitted to manufacture and the period of validity of the certificate as proof of eligibility for exemption from payment of Earnest Money Deposit/Security Deposit. The registration should be valid for the entire period of currency of the contract.

Clause 12.1

The successful tenderer will have to pay a Security Deposit of 10% of the value of the Contract, inclusive of Earnest Money Deposit paid. Of this, 2% of the value of the Contract including amount remitted as Earnest Money Deposit has to be paid in cash and the balance by Bank Guarantee.

In the case of Tenderers who are exempted from the payment of Security Deposit like the undertakings/Corporations of Government of Tamil Nadu, Small Scale Industries registered in Tamil Nadu, an undertaking must be obtained before placing the order (including the Undertaking already given for Earnest

Money Deposit) agreeing to pay an amount not exceeding 10% (including the undertaking already given for Earnest Money Deposit) of the value of the contract in case of any breach or violation of the contract

13.1

Full exemption is given from payment of Earnest Money Deposit/Security Deposit to:

- i) Small Scale Industries registered within the State of Tamil Nadu.
- ii) Departments of the Government of Tamil Nadu and Undertakings and Corporations owned by Government of Tamil Nadu.
- iii) Labour Contract Co-operative Societies.

Note:

In respect of Labour Contract Co-operative Societies who are exempted from payment of Earnest Money Deposit/Security Deposit, only 90% of the bills are to be admitted initially and the Balance 10% is to be paid after satisfactory completion of contract.

Undertakings/Corporations and Departments of Central and other State Government Departments and Small Scale Units outside Tamil Nadu registered with National Small Industries Corporation shall have to pay Earnest Money Deposit and Security Deposit.

13.3. Deleted:

Clause 29.1 (ii)

Full exemption is given from payment of Earnest Money Deposit to Departments, Undertakings and Corporation owned by the Government of Tamil Nadu. These tenderers, however, should furnish an undertaking on non-judicial stamp paper of appropriate value to pay an amount equivalent to Earnest Money Deposit in case of non fulfilment of the conditions stipulated in tenders.

The Central and other State Government Departments, Undertakings and Corporations and Small Scale Units outside Tamil Nadu registered with National Small Industries Corporation shall have to pay Earnest Money Deposit.

(By Order of the Board)

N. HARIBHASKAR
Chairman.

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Circular Memo. No. SE/IEMC/EE3/AEE2/D 654/93, (Technical Branch), Dated the 21st August, 1993.

Sub: Electricity - Effecting of L.T. power service connection under under ground cable system - Acceptance of U.G. cables from consumers - Orders - Issued.

Ref: i. Circular Memo. No. Addl. CE/IEMC/EE3/AEE2/D 733/91, dt. 29.6.91.
ii. Lr. No. CED/MSR/EET/T1/F. Inl. SC/MEDC/N/D 1442/93, dt. 4.8.93.

The Chief Engineer/Distribution/Madras in the reference cited under reference (ii) has requested to issue general instructions to accept the U.G. cables supplied by the applicants of Industrial services also on par with non power services as per the circular memo. dt. 29.6.91 cited under reference (i).

After detailed examination it is decided to consider the above request, and the following instructions are issued in this regard.

1. The Superintending Engineers of Distribution Circles may accept the U.G. cable or jointing materials, which conform to IS specifications, supplied by the consumers for their service connections when these materials are not available with the Board.

2. The amount towards the cost of materials supplied by the applicants may be credited to them at the 'cost data' rate applicable for the cable and other items on the date of purchase and adjusted in the C.C. bills.

3. The cables to be supplied by the applicants are in respect of their service connections only and the main feeder cables are to be provided by the Board.

K. Nagarajan,
Member (Distribution).

* * * *

Circular Memo. No. SE/IEMC/EE3/AEE2/D 658/93/(Technical Branch) Dated the 23rd August, 1993.

Sub: Electricity - Inspection under Rule 46 of I.E. Rules 1956 - Inspection and Testing of Consumers Installation in L.T. services - Testing fees for non-power services - Orders issued - Reg.

Ref: Lr. No.CE/D/VLR/Accounts/A1/F.119/C 2743/91-5/dated 23-5-92 from CE/D/Vellore Region.

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The Chief Engineer/Distribution/Vellore Region in the letter cited has requested to intimate the rate of Testing fees in respect of inspections carried out under Rule 46 of I.E. Rules 1956 for service connections other than domestic and agricultural.

Based on the above letter, the Chief Engineers (Distribution) of all the other regions have been requested to furnish the rates of Testing fees that are being followed in their regions. From the reports received from the regions it is noticed that no uniform rates are being followed for the L.T. service connections other than domestic and agricultural.

The above matter has been examined and in order to have uniformity for all non power services, it is ordered that a uniform rate of Rs.20/- per service as testing fees for the inspection under Rule 46 of IE Rule 56 may be collected.

The above instructions will come into effect from 1-9-93 and for the services inspected on or after 1-9-93.

K. Nagarajan,
Member (Distribution).

B.S. 7 (AWB)

Motor Vehicles - Repairs to Board's Vehicles - Enhancement of powers of sanction of Chief Engineers for sanctioning repair - estimate of the vehicles of the Board from 40% to 50% over and above the cumulative ceiling limit - Orders - Issued.

(Permanent) B.P. (Ch.) No. 207,

(Technical Branch)

Dated 24—8—1993,

Aavani 8, Srimuga,

Thiruvalluvar Aandu 2024.

Read:

(i) Permanent B.P. (Ch) No.221 (Technical Branch) dated 23-11-89.

Proceedings:

The Tamil Nadu Electricity Board after careful consideration accords approval to enhance the existing powers of Chief Engineers for sanctioning the repair estimate of the Board's vehicles from 40% to 50% (i.e. an increase of 10%) over and above the cumulative ceiling limit stipulated in Permanent B.P. (Ch) No. 221, dt. 23-11-89 on account of the increase in the cost of automobile spares and labour charges for repairs to the Board's vehicles and except the above the B.P. remains unaltered.

(By Order of the Chairman)

M.S. Gnanamoorthy,
Chief Engineer,
Materials Management.

* * * *

Electricity - Collection of development charges from applicants for effecting power supply - Amendment - Regarding.

(Permanent) B.P. (FB) No. 190,

(Technical Branch)

Dated 25—8—1993,

Aavani 9, Srimuga

Thiruvalluvar Aandu 2024.

Read:

- (1) Permanent B.P. (FB) No. 136 (Technical Branch) dated 13-6-91.
- (2) Permanent B.P. (FB) No.267 (Technical Branch) dated 7-10-91.
- (3) Extract from the minutes of the 677th meeting of the T.N.E.B. held on 13-8-93 item no. 20.

Proceedings:

1. Collection of development charges were introduced in Tamil Nadu Electricity Board as per B.P. cited under reference 1.

2. Based on representations from small and poor consumers of domestic supply and petty shops that the development charges levied are high, while their consumption of energy is low, the development charges for domestic and commercial consumers has been revised in the B.P. cited (2) under reference in order to give relief to them.

3. However, during the implementation of these revised orders, doubts were raised whether single phase 2-5-5.0 amps may be taken as 2-5 amps meter and 5-10 amps meter may be taken as 5-0 amps.

4. Another practical difficulty arises when due to non-availability of lower capacity energy meters (which are actually required) higher capacity meters are being installed and consequently the intending consumer is required to pay higher amount towards development charges. It would therefore be rational to fix the development charges only on the type of service and not on the basis of rating of meters.

5. Taking this into account, T.N.E.B. directs that the development charges levied may be revised and accordingly issues an amendment to items I-1 and I-6 of the B.P. (FB) No. 267 (Technical Branch) dated 7-10-91 as indicated below:

Sl. No.	Tariff	Quantum of development charges
I LOW TENSION		
1.	Domestic (LT Tariff D)	
	a. Single Phase	Rs.300/ service
	b. Three Phase	Rs.1,000/ service
	Commercial (LT Tariff IX)	
	a. Single Phase	Rs.300/ service
	b. Three Phase	Rs.500/ per kw.

the revised rates shall come into force from the date of this B.P. The rates in respect of other items in para 2 of the B.P. cited (1) under reference shall remain unchanged.

(By Order of the Board)

R. Venkataraman,
Chief Engineer/Chairman's Office.

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TAMIL NADU ELECTRICITY BOARD

ANNEXURE TO T.N.E.B. GAZETTE AUGUST 1993

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CHAPTER 1
ANNEXURE TO T.N.E.B. GAZETTE JULY 1993

**Copy of TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED
BY AUTHORITY**

Madras, Monday, June 19, 1978
(Ani 5, Kalayukti (2009-Tiruvalluvar Aandu)

PART IV - Section 2
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislature received the assent of the President on the 13th June 1978 and is hereby published for general information:-

Act No: 29 of 1978

An Act to provide for the expeditious recovery of certain sums due to the Tamil Nadu Electricity Board.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth year of the Republic of India as follows:-

1. Short title and extent:- (1) This Act may be called the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978.
(2) It extends to the whole of the State of Tamil Nadu.
2. Definitions:- In this Act, unless the context otherwise requires,-
 - (1) "Board" means the Tamil Nadu Electricity Board constituted under Section 5 of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948);
 - (2) "dues" means any sum payable to the Board on account of
 - (i) consumption of electrical energy supplied; or
 - (ii) any remuneration, rent or other charges for hire, inspection, test, installation, connection, repairs, maintenance and removal of any electric meter, electric machinery, control gear, fittings, wires or apparatus for lighting, heating, cooling or motive power or for any other purpose for which electricity can or may be used, or any industrial or agricultural machine operated by electricity; or
 - (iii) price of any such goods as aforesaid taken on loan but not returned;
 - (3) "debtor" means a person by whom any dues are payable;
 - (4) "Prescribed authority" means any person or authority subject to the control of the Board ; authorised, whether by virtue of office or otherwise by the State Government, by notification, to perform the functions of the prescribed authority under this Act in and for such area, as may be specified in notification.
3. Bills to state the date by which payment are to be made and consequences of non-payment
Every bill for dues payable to the Board by a debtor shall be in the form prescribed by the Board shall specify conspicuously the date by which such dues are to be paid and shall be served in the manner as may be prescribed by rules.
 - (2) (a) If a debtor disputes his liability to pay the whole or part of the dues specified in the bill referred to in Sub-section (1), he may, within such time as may be prescribed, prefer an appeal to the appellate authority to be specified by the Board.
 - (b) The appellate authority shall, while deciding the appeal, follow such procedure as be prescribed by rules.
 - (c) The dues as determined by the appellate authority in the case of an appeal under this section, shall be paid by such date as may be specified by the appellate authority.

(3) If the dues as mentioned in the bill under sub-section(1) are not paid by the date specified in the bill, and in the case of an appeal under Sub-section(2), the dues as determined by the appellate authority are not paid by the date specified by such authority, the debtor shall be liable to pay in addition thereto such penalty which may be specified by the Board, and such dues and penalty shall be recoverable along with the costs incurred in making such recovery, in the manner hereinafter laid down in this Act.

(4) Notice of demand for dues and penalty not paid-If the dues as mentioned in the bill under Sub-section (1) of Section 3 are not paid by the date specified in the bill and in the case of an appeal under sub-section (2) of section 3, the dues as determined by the appellate authority are not paid by the date specified by such authority, the prescribed authority may at any time serve or cause to be served upon him a notice of demand in the prescribed form, stating the name of the debtor, the amount payable by him on account of the various dues, penalty and the costs of recovery.

Explanation-The sending of the notice by registered post shall be deemed to be sufficient service on the person concerned.

5. Suit to challenge liability to payment-Where a Notice of demand has been served on the debtor or his authorised agent under section 4, he may, if he denies his liability to pay the dues penalty or cost or any part of any of them, institute a suit within three months from the date of service of notice of demand, after depositing with the prescribed authority the aggregate amount specified in the notice of demand under protest in writing that he is not liable to pay the same. Subject to the result of such suit, the notice of demand shall be conclusive proof of the various dues, penalty and costs mentioned therein.

6. Recovery of dues, etc. if not paid-(1) If the aggregate amount of the various dues, penalty and costs mentioned in the notice of demand served under section 4 is not deposited with the prescribed authority within three months of the date of such service or such extended period as the Chairman of the Board may from time to time allow, the debtor shall be deemed to be in default in respect of such amount and the same shall without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue, notwithstanding anything to the contrary contained in any other law or instrument or agreement.

(2) For the purpose of recovery of the amount specified in Sub-section (1) as arrear of land revenue, the prescribed authority shall have all the powers of the Collector under the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864).

7. Power to make rules-(1) The State Government may make rules to carry out the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published;

(b) The notification issued under this Act shall, unless it is expressed to come into force on a particular day shall come into force on the day on which it is published.

(3) Every rule made and notification issued under this Act shall, as soon as possible, after it is made, or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session, in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both House agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect, only in such modified form or be no effect, as the case may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(By Order of the Governor)

S. Vadivelu,
Secretary to Govt. Law Department.

Copy of G.O.Ms.No.1464 (PWD) dt. 14.8.1979

(2) RULES-Tamil Nadu Electricity Board (Recovery of Dues) Rules, 1979-Issued.

Read:

From the Secretary, Tamil Nadu Electricity Board Letter No.657/J3/76-17 dt. 3.11.78.

ORDER:

The notification appended to this order will be published in the Tamil Nadu Government gazette extraordinary dt. 18th August, 1979.(18.8.79)

(By Order of the Governor)

B. Vijayaraghavan,
Commissioner and Secretary to Government.

APPENDIX

Notification

In exercise of the powers conferred by sub-section (1) of Section 7 read with clause (4) of section 2 and sub-section (1) and Clause (b) of sub-section (2) of section 3 and section 4 of the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978) the Governor of Tamil Nadu hereby make the following rules.

The rules hereby made shall come into force on and from the 18th August, 1979.

RULES

1. Short title: These rules may be called the Tamil Nadu Electricity Board (Recovery of Dues) Rules 1979.

2. Definition: In these rules, unless the context otherwise requires

- (a) The 'Act' means the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978).
- (b) 'Annexure' means an Annexure to these rules.
- (c) 'appellate authority' means an officer specified by the Tamil Nadu Electricity Board under clause (a) of sub-section (2) of Section 3 of the Act.
- (d) 'appeal' means an appeal to be filed within the time limit prescribed under rule 5.
- (e) 'Board' means the Tamil Nadu Electricity Board constituted under Section 5 of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948); and
- (f) 'Prescribed authority' means the persons or authority appointed under rule 3.

3. Person or authority to be prescribed authority: The Assistant Accounts Officers of the Revenue Branches of the Board shall exercise the powers and perform the functions of the prescribed authority in their respective jurisdictions in respect of Low Tension bills. The Superintending Engineers of the Board shall exercise the powers and perform the functions of the prescribed authority in their respective jurisdictions in respect of High Tension bills and other dues.

4. Procedure for serving the bill on consumers: The bill shall be served in person or by registered post with acknowledgement due to the address of the consumer indicated in the agreement which he executed with the Board. When the bill is not served in person and if he is not present the bill, the bill shall be served to the adult member of his family or to his authorised agent. If he or the adult member or his/her family or his authorised agent refuse to receive the bill, it shall be affixed in a conspicuous par

of his residence or of his last known residence or in someother conspicuous place of the locality, with the signature of atleast two literate residents of that locality.

Amendment

4. A. Amendment: Period within which payment shall be made:

"The dues speicified in the bill shall be paid within 30 days from the date of service of the bill.

5. Period within which an appeal has to be preferred: The appeal shall be perferred within thirty days from the date of service of the bill.

6. Procedure to be followed by the appellate authority : The procedure to be followed by the appel- late authority while deciding the appeal under clause (a) of Sub-Section (2) of section 3 of the Act, shall be as follows:-

(1) If an appeal is filed by a debtor against the decision of the prescribed authority, the appellate authority shall issue a notice by registered post with acknowledgement due to the prescribed authority, sending a carbon copy of the appeal filed by the debtor to show cause, within thirty days from the date of receipt of the notice as to why the appeal filed by the debtor should not be allowed, failing which the appeal shall be disposed of exparte.

(2) The appellate authority shall specify in the notice that he shall conduct an enquiry, in the presence of the debtor or his authorised agent or his counsel and the prescribed authority at the place and the time, as may be specified therein, regarding the liability of the debtor to pay the whole or part of the dues specified in the bill, with oral and documentary evidence and record his decision; and

(3) The decision of the appellate authority shall be communicated within thirty days from the date on which the enquiry was conducted to the debtor and the prescribed authority by registered post with acknowledgement due.

7. Form of notice of demand for dues and penalty not paid: a notice of demand under section 4 of the Act specified in Annexure shall be issued by registered post with acknowledgement due, stating the name of the debtor/defaulters, the amount payable by him on account of various dues, penalty and the costs of recovery.

B. Vijayaraghavan,
Commisioner and Secretary to Government.

ANNEXURE (See Rule 7)

Notice of Demand under Sec.4 of the Tamil Nadu Electricity Board
(Recovery of Dues) Act, 1978.

Tamil Nadu Act 29 of 1978)

.....Electricity Distn. Circle Station
Date.....

To
Thiru/Tmt.

Please take notice that a sum of Rs.....(Rupees.....
..... only) is due from you by way of consumption of electrical energy sup-
plied/remuneration, rent or other charges for hire etc./price of any goods taken on loan. You are, there-
fore, required to pay the amount specified in the following statement of account within fifteen days from
the date of receipt of this notice failing which action will be taken to recover the amount due under Sec-
tion 6 of the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978).

**Statement of Account showing particulars of dues to the
Board for S.C.No. Distn.**

Sl.No.	Description of the amount	Amount	
		Rs.	P.
	Total		
Total amount in words (Rs.)			

Prescribed Authority.

(True Copy)

Letter No.144131/642/Adm.Br./Tariff-1(2)/87-1, Dated:26.11.87.

Sub: ELECTRICITY - Tamil Nadu Electricity Board-Recovery of dues Rules 1979 - Amendment - Issued.

Ref: G.O.Ms.No.2146, P.W.D. dated : 30.10.87.

A copy of G.O. cited is enclosed for information and necessary action.

The receipt of this letter may be acknowledged to Personnel Officer/Tariff.

D.S.Nelson,
Member/Distribution.

Encl:

Copy of G.O.Ms.No.2146 PWD dated 30.10.87.

Rules-Tamil Nadu Electricity Board (Recovery of Dues) Rules 1979-Amendment - Issued.

Read:

G.O.Ms.No.1464, P.W.D. Dated 14.3.79

Read also:

Legislative Assembly, U.O.Note No.10310/82-7, dated 27.4.82

T.N.E.B. Lr.No.436/Adm.Br./T1(2)/83-4 dated 11.3.86 and 12.12.86

ORDER:

In order to avoid delay in collection of arrears of current consumption charges the Tamil Nadu Electricity Board (Recovery of Dues) Rules 1979 was framed by the Government empowering the Tamil Nadu Electricity Board to take necessary action in the matter. The committee on delegated Legislation in its III report (1980-82 VII Assembly) has recommended certain amendments to the Tamil Nadu Electricity Board (Recovery of dues) Rules 1979. The recommendations have been examined in detail in consultation with the Tamil Nadu Electricity Board, the Government after careful examination accept some of the recommendations made by the Committee on Delegated Legislation and issue the following amendments to the Tamil Nadu Electricity Board (Recovery of Dues) Rules 1979.

The following amendments will be published in the Tamil Nadu Government Gazette Extraordinary dated the 30th October, 1987.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 7 read with clause (4) of section 2 and sub-section (1) and clause (b) of sub-section (2) of section 3 and section 4 of the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978) the Governor of Tamil Nadu hereby makes the following amendment to the Tamil Nadu Electricity Board (Recovery of Dues) Rules 1979.

The rules hereby made shall come into force on and from the 30th October, 1987.

In the said rules

(1) after rule 4, the following rule shall be inserted, namely:

"4A period within which payment shall be made:

The dues specified in the bill shall be paid within thirty days from the date of service of the bill".

(2) In rules 6, for sub-rule (1) the following sub-rule shall be substituted, namely:

"(1) If an appeal is filed by a debtor against the decision of the prescribed authority, the appellate authority shall take the appeal on file and issue a notice, as expeditiously as possible, by registered post with acknowledgement due to the prescribed authority, sending a duly attested copy of the appeal filed by the debtor, to show cause, within thirty days from the date of receipt of the notice as to why the appeal filed by the debtor should not be allowed, failing which the appeal shall be disposed of ex-parte".

(By Order of the Governor)

/True copy /

P.S. Pandyan,
Commissioner and Secretary to Govt.

Tamil Nadu Act No. 11 of 1864

(The Tamil Nadu Revenue Recovery Act, 1864)**

(Received the assent of the Governor on the 5th May, 1864, and
of the Governor-General on the 20th June, 1864)

An act to consolidate the Laws for the Recovery of Arrears of Revenue in the Madras Presidency.

Whereas it is advisable that the laws relating to the (Preamble) collection of the public revenue should be consolidated and simplified: It is hereby enacted as follows:

1. The term "land holder" as used in this Act, shall be taken to comprise the following reasons: Interpretation clause.

Land Holder.

All persons holding under a Sanad-i-Milkiyat-i-istimrar, all other Zamindars, Shrotriyamdars, Jagirdars, Inamdars, and all persons farming the Land Revenue under and (the State Government). All holders of land under Ryotwar settlements, or in any way subject to the payment of revenue direct to & (the State Government).

* Short title "The Tamil Nadu Revenue Recovery Act 1864" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Act was extended to the merged State of Pudukkottai by section 3 of and the First Schedule to the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

** The Act was temporarily amended by the Madras Revenue Recovery (Temporary Amended) Act, 1922 (Madras Act IV of 1929). & the words "the Provincial Government" were substituted for the word "Government" by the antation order of 1937 and the work "State" was substituted for "Provincial" by the Adaptation order of 1950.

Public revenue due on land shall, for the purposes of this Act, be taken to include cesses or other dues payable to & (the State Government) on account of water supplied for irrigation.

PUBLIC REVENUE.

2. The land, the buildings upon it, and its products, shall be regarded as the security of the public revenue.	Security for revenue
3. Every land holder shall pay to the Collector or other officer empowered by him to receive it, the revenue due upon his land on or before the day on which it falls due, according to the kistbandi or other engagement, and where no particular day is fixed, then to local usage: Provided that, except where property is held under a Sanad-i-Milkiyat-i-istimrar or other similar instrument, it shall be lawful for the Board of Revenue, by notification published in the District Gazette, to alter and fix, from time to time the amount of the several kists or instalments, and the dates at which they shall respectively become payable.	Land holder when and to whom to pay Board of Revenue may alter amounts and date of payment
4. When the whole or portion of a kist shall not be so paid, the amount of the Kist or of its unpaid portion shall be deemed to be an arrear of revenue.	Arrear of revenue
5. Whenever revenue may be in arrear, it shall be lawful for the Collector, or other officer empowered by the Collector in that behalf, to proceed to recover the arrear together with interest and costs of process, by the sale of the defaulter's movable and *immovable property, or by execution against the person of the defaulter in the manner herein after provided.	Arrear of revenue how recovered*
6. If the defaulter hold under a Sanad - i - Milkiyat - i - istimrar or other similar instrument, the mode of recovering the arrear shall be in accordance with the terms of such Sanad . In the case of other defaulters, the Collector, or other officer empowered by the Collector in that behalf, may at his discretion, proceed to realise the arrear by the sale of either the moveable or immovable property of the defaulter, or of both.	Terms of sanad - i - Milkiyat - i - istimrar to be observed.
7. Arrears of revenue shall bear interest at the rate of 6 percent per annum.	Interest on arrears.
8. In the seizure and sale of movable property for arrears of revenue, the following rules shall be observed:	Rules for seizure and sale of movable property
<p>First: The Collector, or other officer empowered by the Collector in that behalf, shall furnish to the person employed to distrain the property of a defaulter, a demand in writing and signed with his name, specifying the name of the defaulter, the amount of the arrear for which the distress may be issued, and the date on which the arrear fell due. The person employed to distrain shall produce the writing which, if the arrear together with the batta due to him, under section 53 be not at once paid, shall be his authority for making the distress, and on the day on which the property may be distrained, shall deliver a copy of such writing to the defaulter endorsing thereon list or inventory of the property distrain and the name of the place of where it may be lodged or defaulter to be served with a copy.</p>	Demand in writing

* Under Section 65 of the Madras Court of Wards Act 1902 (Madras Act 1 of 1902) no immovable property under the superintendence of the Court of Wards shall be liable to Sale on account of arrears of land revenue, accruing while the estate is under such superintendence.

Writing to state that the distrained property will be sold

Second: The writing shall further set forth that the distrained property will be immediately brought to public sale, unless the amount, with interest, batta, and all the expenses of the distress be previously discharged.

Service when defaulter is absent

Third: When a defaulter may be absent, a copy of the writing, with the endorsement, shall be fixed or left at his usual place of residence, or on the premises where the property may have been distrained before the expiration of the third day, calculating from the day of the distress.

Procedure when defaulter neglects to pay after notice.

9. When the amount due shall not have been paid pursuant to the terms of the demand, and no arrangement for securing the same shall have been entered into to the satisfaction of Collector or other officer empowered by the Collector in that behalf, the distrainer shall transmit an inventory of the property distrained to the nearest public officer empowered to sell distrained property, under Act VII of 1839* in order that it may be publicly sold for the discharge of the arrear due, with interest, batta, and cost of distraint.

On tender of arrear and expenses prior to sale distress to be withdrawn

10. Where a defaulter may tender payment of the arrear demanded after his property may have been distrained, and prior to the day fixed for sale, together with payment of interest, batta, and all necessary expenses attending distress the distrainer shall receive the amount immediately upon the same being tendered, and shall forthwith release the property.

Distrained crops how dealt with

11. The distrainer attaching the crops or ungathered products of the land belonging to a defaulter, may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper places until sold. In the latter case, the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold. When crops or products belonging to a tenant shall have been sold, it shall be lawful of such tenant to deduct the value of the crops or products so sold from any rent which may be due by him, then or afterwards, to the defaulter, in respect of the land on which such crops or products have been grown. It shall also be lawful for a tenant whose crops are attached for an arrear of revenue to pay the arrear and deduct the amount in the aforesaid manner from any rent due by him, then or afterwards.

Tenant may pay arrears and terminate attachment.

Distrained cattle or goods not to be used.

12. The distrainer shall not work the bullocks or cattle, or make use of the goods or effects distrained he shall provide the necessary food for the cattle or livestock, the expense attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Recovery of loss from neglect in respect of distrained property.

13. Where property distrained may be stolen or lost or damaged by reason of the necessary precautions for its due preservation not having been taken, or from its having been improperly worked or made use of, the amount of such loss or damage shall be recoverable by summary proceeds by the Collector from the officer whose neglect or act occasioned the loss or damage, and the amount when recovered shall be paid to the person damnified.

Distress to be proportionate to the Arrear.

14. The distress levied shall not be excessive, that is the property distrained shall be as nearly as possible proportionate to the amount of the arrear.

* The Madras Rent and Revenue Sales Act, 1839.

15. Distress shall be made after sunrise and before sunset and not otherwise.

Time of Distress

16. Where a defaulter may make a fraudulent conveyance of property to prevent the distress for arrears, any Civil Court of competent jurisdiction, upon proof thereof shall summarily cause the property to be delivered upto the distrainer. The defaulter will further be liable to the penalties prescribed by section 424 of the Indian Penal Code.

Penalty for fraudulent conveyance of property to prevent distress.

(Central Act XLV of 1860)

17. Where any person, not being a defaulter or responsible for a defaulter, may claim a right to the property distrained and the distrainer may, notwithstanding, cause the same to be sold, such claimant. On proof of such right in any Civil Court of competent jurisdiction, and in the event of the distrainer being unable to prove the responsibility for the arrears revenue, on account of which the property may have been sold, shall recover from the distrainer the full value of such property, with interest at the rate of 6% per annum, costs and damages according to the circumstances of the case. But claims to crops upon the grounds or to gather products of the ground attached, in the possession of the defaulter, whether founded upon a previous sale mortgage, or otherwise, shall not bar the prior claim of revenue due from the ground upon which such crop or product may have been grown.

Claims to property distrained and sold. Revenue to be the first charge.

18. where it may be proved to the satisfaction of any Civil Court of competent jurisdiction that any person has forcibly or clandestinely taken away property once distrained, the Court may summarily cause such property to be restored to the distrainer. The offender will further be liable to the penalties prescribed by the Indian Penal Code.

Penalty for forcibly or clandestinely taking away distrained property.

(Central Act XLV of 1860)

19. It shall be lawful for the distrainer to force open any stable, cowhouse, granary, godown, outhouse, or other building, and he may also enter any dwelling house the outer door of which may be open, and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein; provided always that it shall not be lawful for such distrainer to break open or enter any apartment in such dwelling house appropriated for the zenana or residence of women, except as herein after provided.

What places distrainer may force open.

20. Where a distrainer may have reason to suppose that the property of a defaulter is lodged within a dwelling house, the outer door of which may be shut, or within any apartments appropriated to women, which, by the usage of the country, are considered private, such distrainer shall represent the same to the Officer in charge of the nearest Police Station. On such representation, the officer in charge of the said station shall send a police officer to the spot, in the presence of whom the distrainer may force open the outer door of such dwelling house, in like manner as he may break open the door of any room within the house except the zenana. The distrainer may also, in the presence of the police officer, after due notice given for the removal of women within a zenana, and after furnishing means for their removal in a suitable manner (if they be women of rank, who, according to the customs of the country/cannot appear in public), enter the zenana apartments for the purpose of distraining the defaulter's property deposited therein but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.

Powers of distrainer to force open doors in the presence of a Police Officer

**Punishment
for unlawful
entry**

21. Persons entering the apartments of women, or forcing open the outer door of dwelling houses, contrary to the provisions of this Act, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rupees 500, or to imprisonment of either description for any period not exceeding six months.

**Proclamation
of time of
sale, and of
property to
be sold**

22. The public officer, empowered under Act VII of 1839 to sell distrained property, shall cause to be affixed to the outer door of the defaulter's house, or on the premises where the property may have been distrained, a list of the property to be sold, with a notice specifying the place where, and the day and hour at which the distrained property will be sold and shall cause proclamation of the intended sale to be made by beat of drum in the village to which the lands on which the arrear has accrued may belong, and in such place or places the Collector or other officer empowered by the Collector in that behalf, may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of a period of fifteen days from the date on which the notice may be so affixed.

**Sale how con-
ducted**

23. At the appointed time, the property shall be put up in one or more lots, as the said officer may consider advisable and shall be disposed of to the highest bidder. Where the property may sell for more than the amount of arrear, the after deducting expenses of process and interest, shall be paid to the defaulter.

**Payment on
purchase of
distrained
property**

24. The property shall be paid for in ready money at the time of the sale, or as soon after as the officer holding the same shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for the same in full. Where the purchaser may fail in the payment of the purchase money, the property shall be resold, and the defaulting purchaser shall be liable for any loss arising as well as the expenses incurred, on the resale. Where the property may, on the second sale, sell for a higher price than the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.

**Re - sale in
case of
default**

**Demand to
be served
prior to at-
tachment of
land**

25. Before a Collector, or other Officer empowered by the Collector in that behalf, proceeds to attach the land of the defaulter, or buildings thereon, he shall cause a written demand to be served upon the defaulter, specifying the amount due, the estate or land in respect of which it is claimed, the name of the party in arrear, the batta due to the person who shall serve the demand, and the time allowed for payment which shall be fixed with reference to the distance from the land on which the arrear is due to the place at which the money is to be paid. Such demand shall be served by delivering a copy to the defaulter, or to some adult male member of his family at his usual place of abode, or to his authorised agent, or by affixing a copy thereof on some conspicuous part of his last known residence, or on some conspicuous part of the land about to be attached.

**Mode of ser-
vice.**

**Procedure
when default-
er neglects
to pay**

26. When the amount due shall not have been paid pursuant to the terms of the demand, and no arrangement for securing the same shall have been entered into the satisfaction of the Collector, or other officer empowered by the Collector in that behalf, he shall proceed to recover the arrears by the attachment and sale of the defaulter's land in the following manner.

**Mode of at-
tachment**

27. The attachment shall be effected by affixing a notice thereof to some conspicuous part of the land. The notice shall set forth that unless the arrear, with interest be paid within the date therein mentioned, the land will be brought to sale to in due course of law. The attachment shall be notified by public proclamation on the land, and by publication of the notice in the District Gazette.

28. It shall be lawful for the Collector, when attaching the land of a defaulter, or at any time during such attachment to assume the management of the property attached. In such case he shall appoint an agent with a proper establishment of officers to manage the property, and shall give the agent certificate of appointment with written instructions under his seal and signature, and the expenses of management shall be defrayed out of the income of the property; Provided always, that where the property may be too inconsiderable to admit of its being charged with the salary of an agent, it shall be committed to the care of such Revenue Officer as the Collector may select, who shall be subject to all the provisions herein contained in reference to agents.

Management of attached property when Revenue officer to take charge

29. Notice of the assumption of management shall forthwith be served on the defaulter in the manner described in section 25, and shall be notified by public proclamation on the land, and by publication in the District Gazette.

Notice of assumption of management

30. It shall be the duty of the agent, during the continuance of management under section 28, to collect the rents and profits due, or accruing due upon the estate, according to the engagements subsisting between the defaulter and the parties holding under him, or according to established usage where no specific engagements exist. The agent shall keep accounts of all his receipts and disbursements, and submit the same, and pay over the balance, to the Collector, or other Officer empowered by the Collector in that behalf, monthly, or whenever required, and the defaulter shall be at liberty to inspect the accounts at all reasonable times and to take copies of the same at his own expense with out fee.

Duties of agent

31. It shall be lawful for the defaulter to proceed by prosecution or suit against the agent, in respect of any crime or illegal act done by him to the injury of the defaulter or estate, and all tenants, or other persons holding by subordinate title, shall have the same remedies against him as they would have had against the defaulter if the act were done by the defaulter.

32. All engagements entered into between the landholder and his tenants, except such as are hereinafter mentioned should be binding upon the Collector during attachment, but all such engagements made collusively with a view to defeat or delay the effect of the attachment, and all leases of land at rate lower than the usual rates of assessment, and not made bonafide for the purpose of erecting factories or buildings or bringing waste land into cultivation, and all engagements made subsequently to attachment, shall be null and void against the Collector if he shall so declare subject, however to the right, of the parties to such agreement to bring a suit against the Collector in the ordinary tribunals to establish the same; and all charges or encumbrances upon such land shall be postponed to the payment of the public revenue.

Effect of existing agreements between landholder and tenants

33. All payments on account of rent or profits actually due made before public notice of assumption of management to or on behalf of any landholder by any person holding under him, shall be valid against the Collector, and all such payments made after public notice of such assumption or made before they were actually due, shall be null and void against the Collector, who shall be entitled to recover, as arrears of the full amount from the parties by whom it was paid, leaving them to sue the defaulter in the ordinary courts of law.

Payments by tenants

34. All sums received from the property attached after paying the expenses of attachment and management shall be carried to the credit of the defaulter in discharge of the arrears due, and interest thereon to the rate of six percent per annum and as soon as all arrears, interest, costs of attachment, expense of management shall have been liquidated, the attachment shall be withdrawn, and a full account rendered of all receipts and disbursements during its continuance.

Settlement on withdrawal of attachment

35. It shall be lawful for any person claiming an interest in land which has been, or is about to be, attached to obtain its release by paying the arrears, interest, and costs incurred and all such sums, if paid by tenant, may be deducted from any rent then or afterwards due by him to the defaulter; and if paid by a bonafide mortgagee or other encumbrancer upon estate. *(or by any person not being in possession thereof but bonafide claiming an interest therein adverse to the defaulter), shall be a charge upon the land, but shall only priority over other charges according to the date at which the payment was made. **(Such sums when paid by a bonafide mortgagee or other encumbrancer shall further constitute a debit from the defaulter).

**Procedure in
sale of the im-
movable
property**

36. In the sale of immovable property under this Act the following rules shall be observed:

Public auclon

First: The sale shall be by public auction to the highest bidder. The time and place of sale shall be fixed by the Collector of the District in which the property is situated or other officer empowered by the Collector in that behalf. The time may be either previous to or after the expiration of the fasli year.

**Notification
one month
before sale**

Second: Previous to the sale by the Collector, or other officer empowered by the Collector in that behalf, shall issue a notice thereof in English and in the language of the district specifying the name of the defaulter; the position and extent of land and of his buildings thereon; the amount of revenue assessed on the land, or upon its different sections; the proportion of the public revenue due during the remainder of the current fasli and the time, place, and conditions of sale. This notice shall be fixed up one month at least before the sale in the Collector's office and in the Taluk cutcherry, in the nearest police station-house, on some conspicuous part of the land.

**Deposit by
purchaser**

Third: A sum of money equal to fifteen percent of the price of the land shall be deposited by the purchaser in the hands of the Collector, or other Officer empowered by the Collector in that behalf, at the time of the purchase, and when the remainder of the purchase money may not be paid within thirty days, the money so deposited shall be liable to forfeit.

**Resale in
default of
payment**

Fourth: Where the purchaser may refuse or omit to deposit the said sum of money, or to complete the payment of the remaining purchase money, the property shall be resold at the expense and hazard of such purchaser, and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of public revenue. Where the lands may, on the second sale, sell for a higher price than at the first sale, difference or increase shall be the property of him on whose account the said first sale was made.

**Agents to
name prin-
cipals**

Fifth: All persons bidding at a sale may be required to state whether they are bidding on their own behalf or as agent and, in the latter case, to deposit a written authority signed by their principals. If such requisition be not complied with, their bids may be rejected.

* These words were substituted for the words "shall consist a debt from the defaulter to him and" by S.I. of Mad. Act of 1864.

** These words were added by *ibid*.

*36A. The provisions of the Third and Fourth clauses of section 36 shall not apply to cases where immovable property sold under this Act is purchased by the Government.

Certain provisions of Section 36 not to apply to case of purchase by Government.

37. It shall be competent to the defaulter or to any person acting on his behalf, or claiming an interest in the land, to tender the full amount of the arrears of revenue with the interest thereon, and all charges which have been incurred in demanding the arrears, or in attaching or managing the estate or in taking the steps necessary for sale, and there upon the sale shall be stayed.

Tender of arrears up to sunset on day before sale

Provided always that such tender must be made before sunset on the day previous to that appointed for the sale, and all sums** (paid under this or the next succeeding section) by any tenant, or bonafide mortgagee, or other encumbrancer £ (or any person bonafide claiming an interest in the estate adverse to the defaulter) may be recovered in the manner provided in section 35.

@ 37A. (1) any person owing or claiming an interest in immovable property sold under this Act may at any time within thirty days from the date of sale, deposit in the treasury of the taluk in which the immovable property is situated:

Application to set aside sale of immovable property on deposit

(a) a sum equal to five per centum of the purchase money,

(b) a sum equal to the arrear of revenue for which the immovable property was sold, together with interest thereon and the expenses of attachment, management and sale and other costs due in respect of such arrears, and may apply to the Collector to set aside the sale.

(2) If such deposit and application are made within thirty days from the date of sale, the Collector shall pass an order setting aside the sale, and shall repay to the purchaser the purchase money so far as it has been deposited, together with the five per centum deposited by the applicant:

Provided that if more persons than one have made deposit and application under this section, the application of the first depositor to the officer authorised to set aside the sale shall be accepted.

* This section was inserted by S.2 of the Madras Revenue Record and City Land Revenue (Amendment) Act, 1937 (Madras Act XIV of 1949).

The Madras Revenue Recovery Act, 1864, Should in its application to the State of Madras be read and construed as if section 36-A had formed part of that Act from its commencement vide Section 4(1), *ibid.* see also section 4(3), *ibid.*

** These words were substituted for the words "so paid" by S.2 of Mad. Act 1 of 1909.

£ These words were added by S.2 of Mad. Act 1 of 1897.

@ This section was inserted by S.3 of Mad. Act, 1 of 1909.

(3) If a person applies under section 38 to set aside the sale of immovable property, he shall not, unless he withdraws such application, be entitled to make an application under this section.

**Application
to set aside/
sale**

** 38 (1) At any time within thirty days from the date of the sale of immovable property, application may be made to the Collector to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it, but, except as otherwise is hereinafter provided no sale shall be set aside on the ground of any such irregularity or mistake unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

(2) If the application be allowed, the Collector shall set aside the sale and may direct a fresh one.

**Order
confirming
or setting
aside sale**

(3) On the expiration of thirty days from the date of the sale £ (If no application to have the sale set aside is made under section 37A or under clause (1) of this section) or if such application has been made and rejected, the Collector shall make an order confirming the sale; provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

**Refund of
deposit or
purchase
money when
sale set aside**

3 (a). No sale shall be set aside by the Collector under Section (2) or Sub-section (3) unless the purchaser has had a reasonable opportunity of making his representation vide amendment Act of 1967.

(4) Whenever the sale of any lands is not so confirmed is set aside, the deposit or the purchase money, as the case be, shall be returned to the purchaser.

**On confirma-
tion of sale
purchaser's
name to be
registered.**

(5) After the confirmation of any such sale, the Collector shall register the lands sold in the name of the person declared to be the purchaser and shall execute and grant a certificate of sale bearing his seal and signature to such purchaser.

**Certificate of
sale**

Such certificate shall state the property sold and the name of the purchaser and it shall be conclusive evidence of the purchaser in all Courts and Tribunals, where it may be necessary to prove the same; and no proof of the Collector's seal or signature shall be necessary, unless the authority whom it is produced shall have reason to doubt its genuine.

**Proclama-
tion of sale**

39. When lands may be purchased at Public sale the Collector or other Officer empowered by the Collector in the behalf shall publish in the villages, in which the land sold be situated, in the cutcherry of the taluk, in the head cutcherry of the District, and in the District Gazette, the name of the purchaser and the date of purchase, together with a declaration of the lawful succession of such purchaser to all the rights property of the former landholder in the said lands.

*. This section was substituted by S.I. of Mad. Act III of 1884.

£ These words were substituted for the words "if no such application is made" by S.4 of Mad.Act, 1 of 1909.

40. Where, notwithstanding such publication, any lawful purchaser of land may be resisted and prevented from obtaining possession of his purchased land, any Court of competent jurisdiction, on application and production of certificate provided for by section 38, shall cause the proper process be issued for the purpose of putting such purchaser in possession in the same manner as if the purchased lands had been decreed to the purchaser by a decision of the Court.

Delivery of possession

41. All contracts entered into by the defaulter with his tenants, and all payments to him by them shall be binding upon the purchaser to the same extent and under the same conditions as laid down in sections 32 and 33 of this Act.

Contracts and payments binding on purchaser

42. All lands brought to sale on account of arrears of revenue shall be sold free of all encumbrances, and if any balance shall be remain after liquidating the arrears with interest and the expenses of attachment and sale and other costs due in respect to such arrears, it shall be paid over to the defaulter unless such payment be prohibited by the injunction of a court of competent jurisdiction.

43. Arrears of rent which on the day of sale may be due to the defaulter from his under tenants shall, in the event of the sale, be recoverable by him after the sale by any process, except distraint, which might have been used by him for that purpose before the said sale.

44. It shall be lawful for the Collector, or other Officer empowered by the Collector in that behalf, to sell the whole or any portion of the land of a defaulter in discharge of arrears of revenue; provided always that, so far as may be practicable no larger section of the land shall be sold that may be sufficient to discharge the arrears with interest, and expenses if attached management and sale.

45. Where only a part of a landed estate held under a Sanad-i- milikiyat-i-istimar, or otherwise subject to the payment of a lump assessment, may be sold, the assessment upon such part shall be apportioned by the Collector previous to sale in manner following:-

The amount of revenue to be assessed on each division shall bear the same proportion to the actual value of such division as the total amount of the revenue of the whole estate may bear to the total actual value of the entire estate previous to such division.

To this end the Collector shall have power to demand from landholders and from the Karnams of villages accounts of the produce and of the charges attending the management of lands to be divided; such landholders and karnams shall furnish the said accounts when required for a period of not less than three years next proceeding the then current year; where the landholder may refuse or unreasonably delay to comply with such demand so as to prevent the assessment being fixed on such divided portions of land, the Collector shall proceed to sell the entire estate.

46. (Confirmation of apportionment by Board Rep. by the Madras Decentralisation Act 1914 (Mad. Act VIII of 1914).

47. When a defaulter tenders security, it shall be lawful for the Collector, or other officer empowered by the Collector in that behalf, to accept it and postpone the sale of the defaulted property upon such conditions and until such time as he may appoint; in the event of default being made in the performance of such conditions, the Collector or such officer may sell the property and proceed against the defaulter or against his security or both.

Debt not extinguished

48. When arrears of revenue, with interest and other charges as aforesaid cannot be liquidated by the sale of the property of the defaulter, or of his surety, and the Collector shall have reason to believe that the defaulter or his surety is wilfully withholding payment of the arrears, or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to cause the arrest and imprisonment of the defaulter; or his surety, not being a female, as herein mentioned; but no person shall be imprisoned on account of an arrear of revenue for a longer period than two years for a longer period than six months, if the arrear does not exceed Rs.500/- or for a longer period than three months, if the arrears does not exceed Rs.50/- provided that such imprisonment shall not extinguish the debt due to (the State Government) by the defaulter, or his surety.

Procedure in case of arrest.

49. The Collector shall issue his warrant for the arrest of the defaulter, or his surety, or both, not being females, which shall specify his or their name, the amount of revenue due and the date on which it become payable, and the warrant shall be sealed by the authority by whom it was issued. The Officer charged with the execution of the warrant shall there upon arrest the defaulter, or his surety, or both and convey him or them to the District goal, and deliver the warrant to the goaler, which shall be a sufficient authority to him to receive the prisoner or prisoners. A copy of such warrant shall be retained by the goaler, who shall forthwith despatch the original to the officer incharge of the goal.

Mode of enforcing payment by sureties

50. All the remedies prescribed by this Act in case of revenue defaulters may be employed against their sureties, and it shall be lawful for the Collector, or other officer empowered by the Collector in that behalf, to enforce the same, simultaneously with or either previously or subsequently to, their enforcement against the principal; so, nevertheless, that no more than the total sum in arrears, and interest with costs and charges, shall be realised from both.

Removal of crops may be prevented where revenue is payable in kind.

51. When land revenue is payable in kind, it shall be lawful for the Collector or other officer empowered by the Collector in that behalf to prevent the removal of the crops from the land until a division has been made, and the portion which belongs to (The State Government) has been set apart, unless the landholder furnishes such security as the Collector may deem satisfactory.

Similar process in case of other species of revenue, advances, fees, cesses etc.

52. All arrears of revenue other than land revenue due to (the State Government), all advances made by (the State Government) for cultivation or other purposes connected with the revenue, and all fees or other dues payable by any person to or on behalf of the village servants employed in revenue or police duties, and all cesses lawfully imposed upon land (and all sums due to the (State) Government, including compensation for any loss or damage sustained by them in consequence of a breach of contract) may be recovered in the same manner as arrears of land revenue under the provision of this Act, unless the recovery thereof shall have been or may hereafter be otherwise specially provided for.

52-A. Recovery of sums due to the Tamil Nadu Agro-Industries Corporation and other Corporations, etc. without prejudice to any other mode of recovery which is being taken or may be taken, all loans granted and all advances made to any person.

i. by the Tamil Nadu Agro-Industries Corporation Limited, Madras or

- ii. by such other Corporation (the shares of which have been contributed, under written or guaranteed by the State Government) as may be notified in this behalf by the State Government, in the Tamil Nadu Government Gazette, or
- iii. from out of the Amalgamated Tamil Nadu shares of the post War-services Re-construction Fund and the Special Fund for Re-construction and Rehabilitation of Exservicemen.

"together with interest on such loans and advances, and all sums due to the Corporations mentioned in clauses (i) and (ii) may be recovered in the same manner as arrears of land revenue under the provisions of this Act".

53. Persons employed in serving notices, or in other process under this Act, shall be entitled to batta at such rates as may, from time to time, be fixed by the Board of Revenue with the sanction of (the State Government), and published in the District Gazette. **Process servers to be paid batta**

54. The batta mentioned in the foregoing section, as well as interest, and costs and charges incurred under the authority of this Act, shall be recoverable from the defaulter and his sureties in the same manner as arrears of revenue. **Interest and charges recoverable as arrears**

55. Where property having been attached or distrained may be ordered to be put up for sale, and the sale may be countermanded, the proprietor shall, nevertheless, be responsible for expenses incurred in consequence of the attachment or distraint, in the same manner as if the sale had taken place; and in the event of such proprietor omitting to discharge the amount, it shall be recoverable by the process under which the original demand would have been recoverable. **Who to bear expense of countermanded sale Recovery thereof**

56. Every person making a payment of revenue shall be entitled to a receipt for the same, signed by the Collector or other officer empowered by the Collector in that behalf; such receipt shall state the name of the person making the payment and the subject-matter in respect of which it is paid, and, in case of land revenue, shall describe the land on which the assessment is due and the names of the persons entered in respect thereof in the settlement account. **Receipts for payment of revenue**

57. Where a defaulter or his surety may reside or hold property out of the district wherein default shall have been made, the Collector of the district in which such defaulter or surety resides or holds property shall on the written application of the Collector in whose district such default has been made, proceed in all respects against the defaulter and his surety, and his or their property in the same manner as if the default had been made in his own district. Every such application shall be signed and sealed by the Collector making it and shall be conclusive as to the amount due, and the party in arrear, in all proceedings against the Collector acting upon such application, or any person acting under his authority; and no proof of the seal, or signature or official character of the Collector making the application shall be required; provided always, that nothing herein contained shall affect the right of any party to sue in his own district the Collector who made the application. **Procedure where defaulter or surety resides out of district. Effect of collector's application Saving of right to sue applicant**

*(A Collector may delegate all or any of his powers and duties under this section to any sub-ordinate revenue officer not below the rank of Deputy Tahsildar).

* This paragraph was added by the Madras Decentralisation Act, 1914 (Madras Act, VIII of 1914).

** The words "The provincial Government" were substituted for the word "Government" by the Adaptation order of 1937 and the word "State" was substituted for "provincial" by the Adaptation order of 1950. (See Page 18 under from 58)

Cognizance of questions relating to the rate of revenue

58. No Court of Civil Judicature shall have authority to take into consideration or decide any question as to rate of land revenue payable to ******(the State Government) or as to the amount of assessment fixed, or to be hereafter fixed on the portions of a divided estate.

Suits by persons aggrieved by proceedings Limitation.

59. Nothing contained in this Act shall be held to prevent parties deeming themselves aggrieved by any proceeding under this Act, except as hereinbefore provided, from applying to the Civil Courts for redress; provided that Civil Court shall not take cognizance of any suit instituted by such parties for any such case of action, unless such suit be instituted within six months from the time at which cause of action arose.

Survival of suits against Collector Liability for predecessor's acts

60. No suit brought against any Collector by any person deeming himself aggrieved by anything done or purporting to be done under this Act, shall abate by reason of the departure from his district of the Collector against whom such suits, shall have been brought; but the suit shall be continued against the successors of such Collector in all respects as that it had been instituted against himself. A suit may be brought against any Collector in his official capacity on account of anything done or purporting to have been done under this Act by this predecessor, subject to the limitation prescribed in the preceding section; provided that no Collector shall be personally liable for any official act of his predecessor.

61.3 (

Regulations (4)

62.4 () Regulations I* and II** of 1803 shall be inoperative as respects arrears of revenue recoverable under this Act.

I & II of 1803 not to apply to arrears, saving of (Regulations X of 1831)

63. Nothing in this Act shall be held to bar the operation of the provisions of 5 (; Regulation X of 1831, in respect to the sale of lands of minors and other disqualified land holders.

Scope of Act

(S) 64. Nothing in this Act shall apply to the collection of land revenue within the limits of the Town of Madras, as defined by Section 12, Regulation II of 1802 @ of the Madras Code.

65. (Repeal of certain enactments) Repealed by Central Act XII of 1873.

66. (Commendment of Act) Repealed by Central Act XI of 1873.

3. This Section was repealed by Section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

4. The words and figures "Regulation XXVIII of 1802 and" were omitted from the section and the figures and words "XXVIII of and" from the marginal note by Section 4 of, and the Third Scheduled *ibid*

5. The words and figures "Regulation V of 1804 and of " were omitted by *ibid* from the section and the word "Regulation" was substituted for the word and figures "Regulations V of 1804 and " in the marginal Note.

* The Madras Board of Revenue Regulation, 1803

** The Madras Collector Regulations, 1803

@ The whole Regulation has been repealed by the Madras Civil Courts Act 1873 (Central Act III of 1873).

(S) Omitted by amendment Act of, 1967.

CHAPTER II IMPLIMENTATION

TAMIL NADU ELECTRICITY BOARD (RECOVERY OF DUES) ACT, 1978.

TAMIL NADU REVENUE RECOVERY ACT, 1864.

Introduction:

1. Prior to the formation of the State Electricity Board, dues from the defaulting consumers were recovered as per the provisions of the Madras State Revenue Recovery Act, 1864 with the assistance of the Revenue Department officials, since Electricity was dealt with by one of the wings of the Government namely Electricity Department. The dues were considered as "dues to the Government" and recovered as "an arrear of Land Revenue".

2. After the formation of the State Electricity Board in 1957, the dues from the consumers were recovered by instituting civil suits in the Courts as the Electricity Department became an autonomous Board vested with full powers to deal its matters independently. The character of the Government Department was completely lost and in its place a commercial organisation came into being. The Board had to necessarily take recourse to filing cases for recovery of dues in the various Civil Courts and the same was found to be time consuming. The Limitation Act was also a hurdle in realising the arrears and suits had to be filed within the period of 3 years.

3. In view of the difficulties experienced from 1957 to 1978, the Government of Tamil Nadu at the instance of the Tamil Nadu State Electricity Board passed an Act, Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978, which gave full powers to the Electricity Board officials to recover the dues by invoking the provisions of the Tamil Nadu Revenue Recovery Act of 1864. (Acts are furnished as CHAPTER -I (Pages 1 to 18)

4. Experience in the last 15 years from the date of introduction of the Tamil Nadu Electricity Board Recovery Dues Act of 1978, have shown that the dues from the consumers could be recovered expeditiously with in a short period of time without recourse to instituting civil suits. The provisions of Limitation Act have been superceeded by the provisions of Tamil Nadu Electricity Board (Recovery of Dues) Act of 1978 and now arrears could be recovered as an arrear of Land Revenue under Tamil Nadu Revenue Recovery Act of 1864 without instituting suits. The officers of the Electricity Board are vested with the full powers enjoyed by the Collector of a District including the powers of arresting the defaulters. (Section - 48 and 49 of Tamil Nadu Revenue Recovery Act of 1864).

5. Disconnected Services and its transfer to Outstanding Ledger:

As per Cl.13.06 of Terms and Conditions of Supply of Electricity, now in force, if a service connection remains disconnected for a period of three months, for non payment of dues to, the Board, the Board will issue a notice requiring the consumer to get supply resumed within 3 months, from the date of receipt of such a notice and intimating him that failure to avail supply within that period will result in termination of the agreement. After expiry of the notice period of 3 months, the agreement shall stand terminated. As per clause 13.07 of Terms and Conditions of Supply, the consumer shall be liable to pay the arrears of current consumption charges or any other sum due to the Board on the date of disconnection like monthly minimum charges/special guarantee and meter rent if any, upto the date of termination of agreement and BPSC/Interest upto the date of payment. As per Cl.13.11 of Terms and Conditions of Supply, if after termination of the agreement, the consumer comes forward with a request to provide supply to his premises, he will be treated as a new applicant for service connection.

The Disconnected services for more than 6 months are to be transferred to outstanding ledgers without exception for further action to proceed under RD/RR Acts before the arrears become ir-recoverable. All the cases brought to the O.L. should be entered into the Special Register prescribed (In 22 columns) under the R.D. Act and notice under Section 3 (1) of the R.D. Act should be issued immediately and follow up action taken promptly. The Executive Engineers/Deputy Financial Controllers/Accounts Officers concerned during their inspection of the Revenue Branches may invariably attend the

reconciliation of the disconnected services with Disconnection and Reconnection returns and their transfer to O.L. maintained by each Billing Assistant and ensure that the arrears in all Disconnected services are transferred to O.L. after observing the procedure prescribed for the same. In respect of Disconnected services over 6 months, if the arrears are within the Security Deposit available, accounts may be closed after issue of termination notices as per clause 13.06 of Terms and Conditions of Supply and after expiry of the notice period, the agreements are to be terminated and service lines are to be dismantled as per the instructions contained in the Terms and Conditions of Supply. Periodical and purposeful review have to be conducted by the Executive Engineer/Accounts Officer/ Deputy Financial Controller/Superintending Engineer, involving themselves with a view to realise the arrears without any loss to the Board.

5. a. Procedure for determination of arrears and transfer of arrears to Outstanding Ledger:

When a service is disconnected, if there is no response from the consumer within a period of three months, Board shall issue a three months notice requesting the consumer to resume supply on or before a particular date failing which the service will be terminated and the lines dismantled. Even after the service of this three months notice, if the consumer does not respond positively for resumption of the disconnected service then the Board shall terminate the service after a grace period of 10 days after the completion of the 3 months notice period.

(Clarifications to Terms and Conditions of Supply - B.P.112 Ch. (Per) Tech.Br. Dated 29.5.1989 (Cl.13.06).

On the date of termination of the agreement, the arrears have to be determined as below:-

i. Current consumption charges due till the date of disconnection of the service for non-payment or for any other reason.

ii. Add: Appropriate monthly minimum charges from the date of disconnection of the service till the date of termination of the agreement.

iii. Add: Belated payment surcharge/Interest till the date of termination of the agreement on the current consumption charges due.

iv. Deduct: Security Deposit available in the service plus interest on Security Deposit till the date of termination of the Agreement, Interest on Security Deposit is to be given only for full month period.

The nett amount arrived at as above shall be the dues in respect of RD/RR Acts.

The Security Deposit should be withdrawn from the Security Deposit Account by a transfer to Consumer Ledger and the nett arrears as indicated above should be arrived at. The nett arrears so arrived at as above shall be transferred by a journal entry to Outstanding Ledger. By this process, there will not be any debit or credit in the Consumer Ledger or also in the Security Deposit account. Based on the figures available in the Outstanding Ledger, Notice under Section 3 (1) of the R.D. Act is to be issued. Belated payment surcharge/ Interest will have to be worked out only for this amount, till the date of realisation.

6. Tamil Nadu Electricity Board (Recover of Dues) Act 1978 and its features:

Tamil Nadu Electricity Board (Recover of Dues) Act of 1978 is one of the beneficial, simplest Act containing Seven Sections and the Rules made thereunder also consists of seven rules. For the purpose of this Act, the prescribed officer or authority referred to the Assistant Accounts officer of a Revenue Branch in respect of Low Tension services and the Superintending Engineers of Distribution Circles in respect of High Tension service (Section 3). The "appellate authority" refers to the 'Executive Engineer of a Distribution in respect of Low Tension Services and Chief Engineer of a region in respect of High Tension Services.

7..The provisions of the R.D. Act are invoked as a 'last resort' and not as a 'first step' in collecting the dues. When a service is disconnected for non-payment of current consumption charges or any other

charges assessed and due have not been paid, notices are issued, to pay the dues within a specified time/period. If the dues are not paid within the time, the Board is empowered to include such dues in another live service or services of the same consumer in the same Distribution/other Distributions. Still, if the dues could not be recovered, as a last resort, another opportunity is given to the defaulting consumer in the form of a Demand Notice under Section 3 (1) of the R.D. Act. Mere issue of a Demand Notice is not adequate. The notice should be in the prescribed format No.1 giving full particulars and it should be ensured that the same is served on the consumer and his dated acknowledgement obtained. Service of the above notice is more important and a period of 30 days starts from the service of the notice. If the Demand notice could not be served on the consumer, the same can be served on the adult member of his family or his authorised agent. If the defaulting consumer or his authorised representative refuse to receive and acknowledge the demand notice, the notice can be affixed in a conspicuous place of his residence or his last known residence or where the service was effected or at some other common place of the locality, namely, Panchayat Office and in such case of affixure, the signature of two witnesses must be obtained in addition to the dated signature, who serves such notice by affixure. It is always better that such notices are served by a Registered Post with Acknowledgement provided full and complete postal addresses of the consumer is available. Only the notices have to be served in person where complete addresses are not available and returned by the postal authorities as "refused".

8. Appeal: The defaulting consumer is again given another opportunity to appeal in Format - II to the Appellate Authority namely - the Executive Engineer/Chief Engineer in respect of Low Tension/High Tension services respectively within 30 days of the service of the notice. If the appeal is not preferred within 30 days, the appeal will be rejected Summarily by the appellate authority. If the appeal is preferred within the time prescribed above, the appellate authority shall consider the appeal and issue a notice in Format - III as quick as possible by Registered post with Act Due. to the prescribed authority with a copy of the appeal filed by the Debtor, to show cause within 30 days from the date of receipt of the notice as to why the appeal should not be allowed, failing which the appeal shall be disposed as ex-parte. He will conduct an enquiry in the presence of the debtor/or his Agent and the prescribed authority at the place and time specified in the notice issued for the purpose and call further oral/and documentary evidence and record his final decision. If convinced, the appellate authority can reduce/revise /waive the arrears in full or in part within the powers delegated to him. His decision will be final and binding on the debtor. Such a decision has to be communicated in Format - IV to the debtor within 30 days of such an enquiry to the debtor and the prescribed authority by Registered post with Ack Due.

9. In spite of the above, if the debtor fails to pay the arrears within the time specified by the appellate authority if an appeal has been preferred by the debtor, or if no appeal has been preferred by the Debtor, then after the expiry of 30 days of the service of the section 3 (1) notice, the prescribed authority shall issue final demand notice under section 4 of the R.D. Act in format - V to the debtor indicating the full details of the amount payable on account of various dues, penalty and cost of recovery in the prescribed format. This demand notice is also served on the debtor or his authorised Agents as indicated in para - 7 as above.

10. Suit to challenge liability to payment:

Where a Notice of demand has been served, on the debtor or his authorised agent under Sec.4 of the RD Act, if he denies his liability to pay the dues, penalty or cost or any part of any of them, institute a suit within three months from the date of such service of notice of demand after depositing with the prescribed authority, the aggregate amount specified in the notice of demand 'under protest' in writing that he is not liable to pay the same. Subject to the result of such a suit, the notice of demand shall be a conclusive proof of the various dues, penalty and costs mentioned therein.

11. Recovery of Dues etc:

As per section 6 (l) of R.D. Act of 1978, if the aggregate amount of the various dues, penalty and costs mentioned in the notice of demand served under section 4 is not deposited with the prescribed authority within three months of the date of such service or such extended period as the Chairman of the Board may from time to time allow, the debtor shall be deemed to be in default in respect of such

amount and the same shall without prejudice to any other mode of recovery be recoverable as an arrear of land revenue notwithstanding anything to the contrary contained in any other law or instrument of agreement.

12. As per Section 6 (2) of the R.D. Act 1978, for the purpose of recovery of the amount specified in Sub - Section (1) as arrear of land revenue, the prescribed authority shall have all the powers of the Collector under the Tamil Nadu Revenue Recovery Act 1864 (Tamil Nadu Act 11 of 1864).

13. Under the above Act, the priority of the State debt cannot unless otherwise provided by a particular Statute, prevail as against as prior Secured Creditors such as a mortgage or a charge holder so as to completely efface his security and prejudice his rights as a Secured Creditor. As between an unsecured creditor and the State, the above doctrine of priority of State debts will ordinarily be attracted. But this rule cannot be automatically extended so as to extinguish the rights of the Secured Creditors and prefer State debts, if such a competition arises. In the ultimate analysis, therefore, it depends upon the language of a particular Statute and if a Statute says that the arrears of tax or cess or assessment etc., are "demand to be land revenue" or may be "recovered as land revenue", then by such operation of a friction, the sale which follows for the recovery of such arrears would be free from prior encumbrances. But, if such a similar sale is undertaken for recovery of tax, "as if it is a land revenue" or "in a like manner as for recovery of arrears of land revenue", then it would not be free from prior encumbrances".

In view of the above, the expression that "as an arrear of land revenue" has been adopted in section 6 (1) of the Tamil Nadu Electricity Board (Recovery of Dues) Act 1978 (Tamil Nadu Act 29 of 1978) Section 6 has to be given an interpretation as found in the above said decision. From the above decision, it is ascertained that though the Section 6 (1) of the Tamil Nadu Electricity Board R.D. Act of 1978 had over-riding powers of distraint/attachment of movables/immovables of the defaulters, but it cannot be implemented on the properties, which are pledged /mortgaged /hypothecated with Financial Institutions.

14. After the service of Notice Under Section 4 when the debtors have not preferred suits within the time of three months, and also not paid the dues, in such cases, immediate action shall be taken under the provisions of the Tamil Nadu R.R. Act of 1864 to distraint the properties of the such debtors. Before taking action under R.R. Act, the property details should be collected as prescribed in Format - VI and VII.

Tamil Nadu Revenue Recovery Act of 1864 and its features:

15. In cases where action under the R.R Act, its warranted, the Assistant Accounts officers/Superintending Engineers, who have been vested with all the powers of the Collector under Section 6 (1) of the Tamil Nadu Electricity Board (R.D.) 1978 Act may empower the field officers of the Board to distraint property of the defaulter by issue of a general order. (Use Formats - VIII, IX, X and XI wherever necessary).

16. The Assistant Accounts Officers of the Revenue Branches and the Superintending Engineers of Distribution Circles have been empowered to act as prescribed authority as per Section 3 of Tamil Nadu Electricity Board (Recovery of Dues) Rules 1979 and they have also been vested with the powers as that of the Collector of a District to recover the dues to the Board under the Tamil Nadu Recovery Act 1864 (Tamil Nadu Act 11 of 1864) as provided for under Section 6 (2) of Tamil Nadu Electricity Board (Recovery of Dues) Act of 1978 (Act 29 of 1978). Thus, the prescribed authority himself is competent to sell the distrained property and the mere fact that a public officer for selling distrained property has not been appointed will not prevent the prescribed authority in exercising the power himself and to set in motion the machinery under the R.R. Act for collection of the amount due to the Board. The Superintending Engineer/Assistant Accounts Officer can delegate the powers of selling the distrained property, to the field officers of the Board. For service of the various Notices under R.D. and R.R. Acts, the service of the field staff like Line Inspector, Lineman, Wireman, can be utilised by giving suitable instructions as laid down under Rule 4 of the Tamil Nadu Electricity Board (R.D.) Rules and they may be paid T.A. as per Board's T.A. Regulations.

17. Write off proposals:

As instructed in A.M.'s Lr.No.48/SO/(RR)/MS/83 - 4/Dated 7.2.1984, the arrears cannot be written off as irrecoverable simply because the whereabouts of the defaulter are not traceable or the amount involved is meagre. Even if the whereabouts of the defaulters are not traceable or he is evading receipt of notices etc. if it is found by enquiries that he owns properties like lands, buildings, etc., action shall be taken to attach them and to realise the dues by selling them by following the procedure laid down under the R.D. and R.R. Acts. Therefore, it is necessary that even in such cases, the formalities prescribed under the R.D. and R.R. Acts for issue of notices under Section 3 (1) and 4 should be observed and then action under R.R. Act initiated. Even in cases where the whereabouts of the defaulters are not traceable, the formalities under the R.D. Act by issue of notices under Section 3 (1) and 4 should be exhausted and it should be established by elaborate enquiries. By such enquiries if it is revealed that the defaulter owns no properties, write off proposals could be submitted by the Assistant Accounts Officer. Further, the Assistant Accounts Officer should furnish a certificate of irrecoverability of the dues, which is obtained from the Revenue authorities of the Government. Under the R.D. and R.R. Acts no monetary limit upto which action can be taken to realise the dues under the Acts has been fixed. Therefore, irrespective of the quantum of arrears involved in a case, action should be taken under the above Acts to realise the dues. If in any case, the arrears are written off without taking steps under this Act, for their recovery just because the amount involved is trivial, the Audit will also take objection stating that when powers are given to the Board officials under that Act, to realise the dues by taking coercive steps, those powers have not been utilised to its advantage.

18. Withdrawal of monthly Minimum Charges, etc.:

As instructed in A.M.'s Lr.No.48/SO/RR/MS/83-4 Dated 7.2.1984, the proposals for withdrawal of the M.M. charges etc., should not be sent to the higher authorities as a matter of course when there are arrears legally due like current consumption charges etc are pending collection. Arrears which are legally due should be collected in full and then only proposals for withdrawal of the penal charges, etc., which can be waived according to Rules and Board's instructions should be submitted.

19. Government and Local Bodies Arrears:

The arrears of the Government Departments and Local bodies should be collected immediately by addressing the higher officers of the Departments frequently and also by contacting them personally. Also refer to the instructions in BP.Ms.No.160/dated 28.11.79 for taking action.

In respect of Local Body arrears reference is also invited to Government letter No.56283/WsII/89-1/ Dated 31.8.89 to the Collectors. The Collector of the area may be contacted for issue of instructions for settling the dues from Local Bodies.

20. Suits filed by the Board against consumers for the recovery of the dues:

The Board has now taken a stand not to file suits for the recovery of its dues but to take action under the R.D. and R.R Acts. However, there are many suits already filed are pending at various stages i.e. still under hearing, decreed but execution petition yet to be filed, execution petitions filed and properties not yet sold by courts, suits dismissed and appeals to be filed after obtaining copies of judgements etc. In all such cases where the suits are still pending, the Assistant Accounts Officer/Superintending Engineer should ascertain the stage from the court or Government pleader, attend the court on the dates of hearing and see that the proceedings are effectively processed in consultation with the Government Pleaders or Standing Counsels. In respect of cases where decrees have been awarded in favour of the Board, the Assistant Accounts Officers/Superintending Engineers should gather the details of the properties owned by the debtor by making local enquiries and enquiries with the Revenue authorities and file execution petitions through the Government pleaders without delay and take the follow up action promptly. Under the Indian Limitation Act the time limit for filing execution petition is 12 years. During inspection it was seen by the Special Officer (RR) that execution petitions have not been filed by some of the Assistant Accounts Officers even after several years of award of decrees and in fact in some cases the time for filing execution petitions have been allowed to lapse. Such delay in filing

execution petitions may facilitate the consumers to transfer or dispose off their properties resulting in avoidable litigation and loss of revenue. Therefore, if there be any undue delay in filing execution petitions and in taking the follow up action promptly the Superintending Engineers should take suitable disciplinary action against the persons responsible.

21. Suits filed by consumers against the Board:

After issue and service of the notice under Section 4 of the R.D. Act if the consumer denies his liability to pay the dues he may institute a suit within three months from the date of service of the notice only after depositing with the Board the aggregate amount as laid down under Section 5. But it is seen that in some cases the consumers have rushed to the court and instituted suits soon after receipt of Section 3 (1) notice, without filing an appeal before the Executive Engineers and in many cases filed suits after receipt of Section 4 notices in either case without depositing the dues with the Board. The Courts have also admitted such suits and have also granted *ex parte* injunctions restraining the Board from taking steps to collect the dues till the disposal of the suits. In such cases, in accordance with the instructions already issued, the Assistant Accounts Officer/Superintending Engineer should take immediate steps to file an application in the court through the Government Pleader stating that the suit is not maintainable for the reasons that the consumer has not availed the remedy provided under section-3 (2) of the R.D. Act by filing an appeal before the Executive Engineer/Chief Engineer and that the aggregate amount of dues were not deposited with the Board, as stipulated in Section 5 of the R.D. Act. Further, in case where an *ex parte* injunction has been granted, an application to set aside the order of injunction through the Government Pleader may be arranged so that steps may be taken to collect the dues under the R.D. and R.R. Acts. In this connection, the instructions contained in the Circular Mémo.No.20118/VC7/81-26/(Sectt.Br.)/Dated 24.6.83 published at page 86 of the Tamil Nadu Electricity Board Gazette Volume II No.1 should be followed. It is also seen that in some cases of injunctions or interim stay orders granted by the Courts both in the suits filed by the Board and by the consumers, the courts have directed the consumers to make a deposit of certain amount with the Board or to pay the dues in certain instalments pending disposal of the suits. In such cases the Assistant Accounts Officer/Superintending Engineer should see that if the amount is not deposited or paid in accordance with the court orders on the due dates the matter be taken to the notice of the court immediately through the Government Pleader/Standing Counsel to vacate the injunction/stay so that the dues may be collected by instituting action under the R.D. and R.R. Acts. There should not be any delay in filing the counter affidavit in the suit after obtaining the approval of the competent authority. The suit should be defended effectively and diligently with the assistance of the Government Pleader/Standing Counsel. In case the suit is decided in favour of the debtor, steps should be taken to obtain certified copy of the judgement as early as possible and opinion of the Government Pleader obtained whether there is a case or not to file an appeal in the Higher Court and report submitted to the Superintending Engineers and follow up action taken promptly.

Further instructions issued in Board's Circular followed, which are annexed.

CHAPTER III - CIRCULARS

Annexure-1

Circular No.8897/LC2/89-1 Dated 10th February 1989.

Sub: Electricity dues - Recovery of enforcement of the provisions of Tamil Nadu Electricity Board (Recovery of Dues) Act 1978 (T.N.A.29 of 1978) - Regarding.

R.D. Act is a special Act which prevails overall other statutory provisions of law which are only of a general nature and it is well settled proposition of law that a special law prevails over a general law.

2. The salient provisions of the said Act may be well acquainted with by all Superintending Engineers/Executive Engineers/Assistant Engineers of the Distribution Circles so that the interests of the Board may be protected and adequately defended in civil courts.

- i. Section 2 of the Act deals with the definitions of important legal terms occurring in Act. As per clause (2), the definition of 'dues' will include any sum payable to the Board on account of, - (i) Consumption of electrical energy supplied;
- (ii). any remuneration, rent or other charges for hire, inspection etc., of any electrical meter, electrical machinery etc., and (iii) price of any such goods taken on loan but not returned.
- ii. As per Section 3, every bill for dues payable to the Board shall be in the prescribed form and served in the prescribed manner. If any person disputes his liability to pay the whole or any part of the dues specified in the bill may appeal to the appellate authority within the prescribed time.
- iii. As per Section 4, if the dues as mentioned in the bill under Sec.3(1) are not paid by the date specified in the bill and in the case of an appeal under Section 3 (2) the dues as determined by the appellate authority are not paid by the date specified by such authority, the prescribed authority may at any time serve or cause to be served upon the defaulter a notice of demand in the prescribed form, stating the name of the debtor, the amount payable by him on account of the various dues, penalty and the cost of recovery. The noticee in this regard shall be in the form prescribed in the Annexure to the Rules of the said Act.
- iv. As per Section 5, if the debtor to whom the notice under Section 4 is served denies his liability to pay the dues etc., he may institute a suit within three months from the date of service of notice of demand, after depositing with the prescribed authority the aggregate amount specified in the notice of demand 'under protest' in writing that he is not liable to pay the same and subject to the result of such suit, the notice of demand shall be conclusive proof of the various dues, penalty and costs mentioned therein;
- v. As per Section 6, if the aggregate amount of the various dues, penalty and costs mentioned in the notice of demand served under Section 4 is not deposited with the prescribed authority within three months of the date of such service or such extended period as the Chairman of the Board may from time to time allow, the debtor shall be deemed to be in default in respect of such amount and the same shall without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue notwithstanding anything to the contrary contained in any other law or instrument or agreement.

It is to be noted that it is not mandatory that the sums due should be recovered as arrears of land revenue. The expression, 'without prejudice to any other mode of recovery' occurring in Section 6 (1) would make it clear that the recovery of dues as an arrear of land revenue is not the only mode of recovery and that it may or may not be adopted by the authorities. It is not incumbent on the part of the authorities to have recourse to this method of recovery as prescribed. But the provisions of Section 3 to 5 referred to above are mandatory which have to be followed by all authorities in regard to collection of dues.

3. In order to protect the interest of the Board and in order to speedily recover the dues of the Board, it seems very essential and desirable that all authorities of the Board should follow the provisions of the said Act in regard to the recovery of the dues of the Board. The notice of demand

should be in the form prescribed under the said Act. If the said Act is strictly adhered to, then it would be very easy to protect the interest of the Board. In all civil suits filed by the consumers in the civil courts against the recovery of dues, the written statements should inter alia refer to the provisions of the said Act and state that the suit is not maintainable in law and the courts are not to entertain the suits unless the parties in the first instance comply with the provisions of Section 3 (2) and 5 of the Act and the appeal has to be filed in the first instance only to the appellate authority as specified in the Act instead of approaching the civil courts and that the parties should have paid the aggregate amount in full 'under protest' within the prescribed time under Act before the civil suits are filed before the civil courts and that the parties should have filed the suits within three months from the date of service of notice of demand, so far the said Act is not repealed or stayed by the operation of any order of the court or declared void by the competent court, the said Act has to be implemented by all authorities including the civil courts. If civil suits are instituted without following the provisions of the said Act, then such suits are liable to be dismissed inlimine by the civil courts. If any such suits are entertained by the civil courts, then such action of courts may be said to be contrary to the said Tamil Nadu Act and as such they can be set aside by way of appeal to the higher court. Section 3, 4 and 5 of the said Tamil Nadu Act operate as a limitation on the cognisance of civil suits by the civil courts within the meaning of section 9 of the Code of Civil Procedure 1908 (Central Act V of 1908). The period of limitation namely three months from the date of service of demand as set out in section 5 of the said Tamil Nadu Act will prevail over the general law of limitation. In this context, it may be stated that the said Tamil Nadu Act which has received the assent of the President on the 13th June 1978 will prevail over the Code of Civil Procedure, Limitation Act etc. by virtue of Art.254(2) of the Constitution. If any stay or injunction has been granted by the civil courts, then such stay or injunction shall be vacated by referring to the above provisions of the Act in the petitions to be filed before the courts.

4. All the Boards' authorities and all Boards' counsels and Government Pleaders who are conducting cases for the Board are requested to take into account the above factors and they are requested to refer to the above provisions of the Act in all affidavits, written statements, petitions, memo. of appeals etc., filed in courts briefing along with other grounds so that the interests of the Board are protected against vexatious litigation which hamper the speedy recovery of Board's dues.

(BY ORDER OF THE CHAIRMAN).

Circular Memo.No.38256/LC/89-1 (Secretariat Branch/Legal Cell) dated the 2nd June '89.

Sub: Electricity dues - Recovery of - Enforcement of the provisions of T.N.E.B. (Recovery of Dues) Act 1978 (T.N.A.29 of 1978) - Specific reference to the provisions of the said Act in the Written statements filed by the Board before courts of law in regard to suits relating to B.P.S.C. current consumption charges or other recovery of electricity dues - Regarding.

Ref: Circular No.8897-LC2/89-1/Sectt.Branch/Legal Cell/Dated 10.2.1989.

It is seen from the quarterly reports of court cases sent by Superintending Engineers to the Legal Cell that most of the suits relate to the recovery of BPSC charges or current consumption charges or other dues which arise on account of unauthorised use and consumption of electrical energy by way of malpractices committed by the consumers. All these dues fall within the definition of 'dues' in section 2 (2) (i) of the said Tamil Nadu Act 29 of 1978 and as such the provisions of the said Act which is a special enactment, would be applicable in preference to other laws such as C.P.C., Limitation Act, etc., which are only general laws. According to Sections 6 of the said Act, all amounts due to the Board as specified in the notice of demand served under Section 4 of the said Act shall without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue notwithstanding anything to the contrary contained in any other law or instrument or agreement. The general expression as contained in all written statements to the effect that the suit is not maintainable in law is not at all sufficient. The written statement should specifically refer to the various provisions of the said Act and then state that the suit is not maintainable in law and that the courts jurisdiction to entertain the suit will arise only when the parties should have paid the full amount due to the Board under protest.

In as much as the Written statements are prepared by the Board's advocates only on the basis of parawar remarks furnished by the Board's authorities to the Board's advocates in connection with the

court cases, it is essential on the part of Board's authorities to specifically mention the various provisions of the said Act in Section 2 to 5 in the parawar remarks and to state that the suit is not maintainable in law and has to be dismissed in limine.

For the sake of easy reference, a draft model parawar remarks has been prepared by the Legal Cell and annexed herein, may be followed with suitable modifications as the Board's authorities may deem fit.

The provisions of the said Act can be invoked only when the notice of demand is issued in the prescribed form as prescribed under the said Act. On the other hand, if the notice of demand is issued under the Terms and Conditions of Supply of Electricity, then the provisions of the said Act cannot be invoked. It is desirable that the notice of demand is issued in the form prescribed under the Tamil Nadu Act 29 of 1978 to protect the interests of Board.

ANNEXURE PART-A

DRAFT PARAWAR REMARKS IN REGARD TO THE CASE RELATING TO RECOVERY OF B.P.S.C. CHARGES.

1. The plaintiff is liable to pay the BPSC charges amounting to Rs. (Rupees Only) under the Terms and Conditions of Supply of Electricity issued by the Board and as applicable to him and as agreed to be paid to the Board as per the agreement executed by the plaintiff with the Board in pursuance of the provisions contained in the said Terms and Conditions of Supply of Electricity (Note: This is applicable only when there is an agreement executed by the plaintiff).

2. The said BPSC charges are dues payable to the Board within the meaning of section 2 (2) (i) of the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978) and as such the plaintiff is governed by the provisions of the said Tamil Nadu Act which are applicable to him.

3. The Plaintiff cannot question or dispute his liability for payment of aforesaid BPSC as it has been upheld by the Supreme Court in Adoni Spinning Factory Vs. Secretary, Andhra Pradesh Electricity Board, Hyderabad (AIR 1979 SC 1511) as well as by the High Court, Madras in the case of Tamil Nadu Vivasayigal Sangam Vs. Tamil Nadu Electricity Board (W.A.No.412 of 1988). The plaintiff is bound to pay the aforesaid BPSC as per the rulings of the Supreme Court as well as the High Court, Madras referred to above.

4. The plaintiff is bound by the provisions of the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978) which is a special law applicable for the purpose of expeditious recovery of sums due to the Board. The said law prevails over all other laws or agreements. Please see section 6 of the said Act.

5. The plaintiff should not have approached this Hon'ble Court in the first instance. He should have approached only the prescribed authority within the time prescribed under section 3 of the said Tamil Nadu Act 29 of 1978. The above statutory remedy available to the plaintiff which ought to have been availed by him has not been availed of by the plaintiff.

6. The plaintiff to whom the notice of demand in respect of the aforesaid BPSC charges is served under the said Tamil Nadu Act 29 of 1978 ought to have paid the amount in full under Section 5 of the Act before the institution of this suit before this Honourable Court. As the plaintiff has failed to follow the statutory requirement of the said section 5 of the said Act, his suit is not maintainable under the said Act which is a special Act and which prevails over all other laws, instrument or agreements.

7. In the above circumstances, this Hon'ble Court may be pleased to dismiss the suit in limine and instruct the plaintiff to comply with the provisions of the said Tamil Nadu Act 29 of 1978 in the first instance before instituting this suit.

8. Any other facts which the Board's authority desire may be mentioned here in addition to above paras.

PART-B

DRAFT PARA WAR REMARKS IN REGARD TO CASE RELATING TO THE RECOVERY OF CURRENT CONSUMPTION CHARGES.

1. Same as in para 1 of Part A above.
2. Same as in para 2 of Part A above.
3. Paras 3 to 7-same as in Paragraphs 4 to 8 of part A above.

PART-C

DRAFT PARA WAR REMARKS IN REGARD TO CASE RELATING RECOVERY OF SECURITY OR ADDITIONAL SECURITY.

1. Same as in Para 1 of Part A above.
2. Same as in Para 2 of Part A above

3. The Plaintiff cannot question his liability to pay the security or additional security as he had agreed to furnish it in cash for payment of energy bills at the time of entering the agreement. The Hon'ble Supreme Court in the case of Bisra Stonelime Company Limited, Vs. Orissa State Electricity Board (AIR 1976 Sc 127) has upheld the Board's power to demand security/additional security from the plaintiff who is a consumer and who has accepted the Terms and Conditions of Supply of the Board at the time of entering into the agreement. The plaintiff is bound to pay the aforesaid security/additional security as per the rulings of the Supreme Court referred to above.

- 4.same as in para 4 of part A above.
- 5.same as in para 5 of part A above.
- 6.same as in para 6 of part A above.
- 7.same as in para 7 of part A above.
- 8.same as in para 8 of part A above.

PART - D

DRAFT PARA WAR REMARKS IN REGARD TO CASE RELATING TO ASSESSMENT OF ELECTRICITY DUES CONSEQUENT UPON THEFT OF ELECTRICAL ENERGY OR OTHER MALPRACTICES.

1. The plaintiff has committed theft of electrical energy/unauthorised extension of service/or other malpractice (briefly explain the malpractice) in connection with his service No. for which assessment of dues due to the Board have been made in pursuance of the Terms and Conditions of Supply of Electricity of the Board which have been accepted by the plaintiff at the time of his entering into the agreement with the Board.

2. The amount of Rs. (Rupees only) which has been assessed to be due to the Board under the aforesaid Terms and Conditions of Supply of Electricity consequent upon the commitment of the theft of energy or other malpractice on the part of the plaintiff is a 'due' within the meaning of section 2(2) (ii) of the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978) and as such the plaintiff is governed by the provisions of the said Tamil Nadu Act which are applicable to him.

3. same as in para 4 of part A above.
4. same as in para 5 of part A above.
5. same as in para 6 of part A above.
6. same as in para 7 of part A above.
7. same as in para 8 of part A above.

A gist of the circulars issued by the Special Officer/Revenue Recovery is also annexed for ready reference:-

A.M.'s Letter NO.48/SO(RR)/MS/83-1/Dated the 20th June '83.

Sub: Arrears - various kinds of arrears due to the T.N.E.B. and recovery under the provisions of T.N.E.B. (R.D.) Act and the Revenue Recovery Act-Certain instructions issued.

i. The bill in the form prescribed under Section 3(1) of the R.D. Act should be served on the consumer as provided under Rule 4 so that he may file an appeal to the Executive Engineer/Chief Engineer as the case may be within 30days on receipt of the bill if he disputes his liability to pay the dues.

ii. If the dues as mentioned in the bill are not paid by the defaulter within the time allowed and if no appeal is filed, a demand notice in the form prescribed under Sec 4 read with Rule 7 should be sent to the defaulter by Registered Post with Ack. dues enabling him to institute his suit within 3 months from the date of service of the demand notice as provided under Sec. 5. In case where an appeal is filed and the amount is not paid in accordance with the directions of the Appellate authority, similar action should be taken. The demand notice prescribed under sec. 4 read with Rule 7 should be sent to the defaulter.

iii. If the dues as per the demand notice cited are not deposited with the Assistant Accounts Officer/Superintending Engineer and a suit is not filed within 3 months, from the date of service of the notice under Section 4, action under R.R. Act should be initiated without delay. In case a suit has been instituted in accordance with the provisions of the Act i.e. by depositing the aggregate amount with the Assistant Accounts Officer/Superintending Engineer within 3 months, action to recover the dues under the R.R. Act should be initiated after the decision of the suit is known. Where suits have been filed and admitted without depositing the aggregate amount with the Assistant Accounts Officer/Superintending Engineer a counter should be filed through the Advocate stating that the suit is not maintainable for the following reasons:-

- a. that the remedy as provided under section 3 of the R.D. Act by filing an appeal has not been exhausted by the defaulter before approaching the court for redressal.
- b. that no deposit of the aggregate amount has been made with the Board as contemplated under Section 5 of the R.D. Act.

The Assistant Accounts Officers and Accounts Officers should follow the above instructions and see that suitable action is taken effectively and promptly for the realisation of the arrears. The Superintending Engineers are requested to bring the above instructions to the notice of all the Assistant Accounts Officers and Accounts Officers and see that they are followed strictly and promptly.

A.M.'s Letter No.164/SO(RR)/MS/83-1/Dated 29th August'83.

Sub: Tamil Nadu Electricity Board (R.D.) Act 1978 and R.R. Act 1864. Recovery of dues-suits and writ petitions filed-certain instructions -issued.

"In regard to court cases, Chairman said that prompt action had not been taken by the Superintending Engineers to get the stay vacated. Superintending Engineers should take up this as their personal responsibility and see that cases are disposed of quickly by filing counters, expedition petition etc., Chairman said that in cases where the Superintending Engineers anticipate that the parties move higher courts if they fail in lower courts, they should take advance action by filing caveats in higher courts so that no ex-parte stay can be given by the courts in such cases without giving an opportunity to the Board.

Lr.No.3/S.O.(RR)/MS/83-3/dated 10th December 1983.

Sub: T.N.E.B.(R.D.) Act of 1978 and R.R. Act implementation for recovery of Electricity Dues-Certain clarifications-issued.

Point No.1

Under Sec.5 of the R.R. Act the Collector or the other officer empowered by the Collector in that behalf may proceed to recover the arrears together with the costs etc., by distraining and selling the defaulters movable/immovable property. As stated in Board's S.O.41(6) the Superintending Engineers/Assistant Accounts Officers who have been vested with all the powers of the Collector and Sec. 6 of the T.N.E.B. (RD) Act may empower the field officers of the Board, to distrain property of the defaulter by issue of a general order.

Point No.2

The Legal Cell of the Board has offered its opinion in this matter as follows:

"The Collector has been vested with all powers to sell the property of the defaulter under the provisions referred to in para-3 above. Under Sec.6 (2) of T.N. Act of 29 of 1978, the prescribed authority shall have all the powers of Collector under the Revenue Recovery Act. Thus, the prescribed authority himself is competent to sell the distrained property and the mere fact that a public officer for selling distrained property has not been appointed will not prevent the prescribed authority in exercising the power himself and to set in motion the machinery under the Revenue Recovery Act for collection of the amount due to the Board.

In this connection the attention is also invited to Board's Standing Order No.41(7), according to which the Collector may delegate the powers to conduct the sale of distrained property to his subordinate officers by issue of a general order. So the Superintending Engineer/Assistant Accounts Officer can delegate the powers of selling the distrained property to the field officers of the Board.

Point 3

For service of the various notices under the R.D. and R.R. Acts the service of the field staff like Line Inspector, Line-man can be utilised by giving suitable instructions as laid down under Rule 4 of the T.N.E.B. (RD) Rules, and they may be paid T.A. as per Board's T.A. Regulations. Therefore the question of payment of batta for service of notices will not arise. All the expenses actually incurred in connection with the distress such as the expenses in regard to dismantling of the machinery, in case of distraining the machinery, the transport of the distrained articles etc., will be recovered from the sale proceeds of the distrained articles. Hence no standard rates can be fixed.

A.M.'s Lr.No.48/SO/(RR)Ms/83-4 Dated the 7th Feb.1984 .

Sub: Arrears - Arrears due to Tamil Nadu Electricity Board on account of c.c. charges etc. - Recovery under R.D. & R.R. Acts - Progress of collection- Reviewed -Certain instructions issued.

1. Issue of notices under Sec. 3(1) and Sec.4 of the R.D. Act

Detailed instructions have already been issued regarding the issue of the notices under Sec. 3(1) of Sec.4 of the R.D. Act. In cases of arrears where the initial notice under Sec.3(1)of the R.D. Act has not so far been issued it should be issued at once and served (delivered) on the consumer and then notice under Sec.4 issued soon after the expiry of the Sec. 3 (1) notice time, if the arrears are not paid in full, or no appeal is preferred in accordance with the terms of the notice. If there is no response to the notice under Sec.4 from the consumer within three months from the date of service of the notice i.e. by not paying the dues in full or by filing a suit, then immediate action should be taken to collect the dues by distraining and selling the properties of the defaulter under the provisions of the R.R. Act to realise the dues. Only after the formalities of issue and service of the two notices prescribed under sec.3 (1) and 4 of the R.D. Act are strictly followed and exhausted, action under the R.R. Act can be taken. Therefore, there should not be any delay in the issue and proper service of the notices.

Further, as soon as a notice under Sec.4 is issued, the Asst. Accounts Officer should gather the details of the properties owned by the defaulter so that distraint proceedings may be taken to attach and sell them in case the dues are not paid in accordance with the notice.

The details of the properties owned by the defaulter may be gathered from the following sources:

- a. by making local enquiries
- b. by enquiries with the Revenue Authorities, Local Body and Sub - Registrar.
- c. In case of firms and companies, by making enquiries with the Commercial Tax Department, Income Tax Department and Registrar of Companies.
- d. By obtaining a copy of the balance sheet relating to the firm or company from anyone of the above departments and examining the details of the assets as furnished in it.

If the notice under Sec.4 is not complied with by the consumer i.e. by paying the full amount of arrears due within 3 months from the date of receipt of the notice or by instituting a suit in the court after depositing the amount due with the Board as laid down under Sec.4 and 5 of the R.D. Act, action should be taken immediately to realise the dues by distraining the properties of the defaulter under the R.R. Act as laid down under Sec.6 of the R.D. Act. Now that the Board has taken a stand that hereafter the suits will not be filed by the Board for the recovery of the dues from the consumers, the only course open to the Board to recover its dues is by taking coercive steps under the provisions of the R.D. and R.R. Acts. The amount of arrears involved in the disconnected cases is considerable and any delay or effectual action under the R.D. and R.R. Acts to recover the dues may entail in fruitless results and loss of revenue by write off. Therefore, there should not be any delay in the issue and also in the service of the various notices under the R.D. and R.R. Acts and in taking the coercive steps to realise the dues.

2. Service of notices:

The procedure for the service of the notices has been prescribed under Rule 4 of the R.D. Rules. The same procedure will apply to the service of the various notices prescribed under the R.R. Act also vide Sec.25 of the R.R. Act. Any improper service of the notices will vitiate the entire proceedings and the very success of the collection of dues by implementing the provisions of the R.D. and R.R. Acts depends upon the prompt and effective service of the various notices prescribed under the two Acts and Rules. Therefore, utmost care should be taken in the proper effective and speedy service of the notices. As no special staff is appointed for the service of the notices, the Executive Engineers who are the head of the Revenue Branches and are primarily responsible for the collection of all the dues of the Board, should take up the responsibility to see that the notices are not only issued by the Assistant Accounts Officers promptly but also served through the field staff as provided under R.4 of the R.D. Rules and the served copies of the notices are returned to the Assistant Accounts Officers without delay so that follow up action may be taken promptly by the Assistant Accounts Officer and by the Superintending Engineer.

3. Disposal of appeals by Executive Engineers:

By virtue of the powers conferred on the Board under Sec.3 (2) of the R.D. Act, the Board in B.P.Ms.No.94 (Adm.) dt. 28.2.80 has appointed the Executive Engineers and Chief Engineers as the appellate authorities in respect of L.T. bills and H.T. bills respectively in their respective jurisdiction. The procedure to be followed by the appellate authorities in the disposal of appeals has been set out in detail under Rule 6 of the R.D. Rules. The appellate authorities should see that the appeals preferred before them are disposed off without avoidable delay by following the procedure. Any delay will entitle delay in the collection of the dues. Therefore, the appeals should be disposed off as quickly as possible in order to collect the dues, if any, early as per the appellate orders by taking the follow up action under the R.D. Act i.e by issue of notice under Sec. 4 of the R.D. Act.

The powers of the appellate authorities, the form in which the appeal should be preferred and the form in which notice contemplated under R.6(1) and (2) to be issued to the prescribed authority and to

not been made clear. Generally, the appellate authority may confirm reduce or annul the quantum of dues specified in the order appealed against i.e. the bill issued under Sec.3(1) of the R.D. Act. A specimen form in which the appeal may be preferred by the consumer, the form in which the notice contemplated under R.6 (1) and (2) may be issued by the appellate authority and the form in which the appellate order may be issued are herewith communicated for the purpose of uniformity, convenience and guidance. (Pl. see pages 48 to 50 for formats.)

4. Suits filed by the Board against consumers for the recovery of the dues:

The Board has now taken a stand not to file suits for the recovery of its dues but to take action under the R.D. and R.R. Acts. However, there are many suits already filed are pending at various stages i.e. still under hearing, decreed, but execution petition yet to be filed, execution petitions filed and properties not yet sold by courts, suits dismissed and appeals to be filed after obtaining copies of judgements etc., In all cases where the suits filed are still pending, the Assistant Accounts Officer should ascertain the stage from the Court or Government Pleader, attend the court on the dates of hearing and see that the proceedings are effectively processed in consultation with the Government Pleaders or Standing Counsels. In respect of cases where decrees have been awarded in favour of the Board, the Assistant Accounts Officers should gather the details of the properties owned by the debtor by making local enquiries and enquiries with the Revenue Authorities and file execution petitions through the Government Pleaders without delay and take the follow up action promptly under the Indian Limitation Act and the time limit for filing execution petition is 12 years. It is seen that execution petitions have not been filed by some of the Assistant Accounts Officers even after several years of award of decrees and in fact in some cases the time for filing execution petitions have been allowed to lapse, resulting in loss of revenue to the Board. If there is undue delay in filing execution petitions, the consumers may transfer or dispose off their properties and will result in avoidable litigation and loss of revenue. Therefore, if there be any undue delay in filing execution petitions and in taking the follow up action promptly the Superintending Engineers should take suitable disciplinary action against the persons responsible.

5. Suits filed by consumers against the Board:

After issue and service of the notice under Sec. 4 of the R.D. Act if the consumer denies his liability to pay the dues he may institute a suit within three months from the date of service of the notice, only after depositing with the Board the aggregate amount as laid down under Sec.5. But, it is seen that in some cases the consumers have rushed to the court and instituted suits soon after receipt of Sec.3 (1) notice, without filing an appeal before the Executive Engineer and in many cases filed suits after receipt of Sec.4 notice, in either case without depositing the dues with the Board. The courts have also admitted such suits and have also granted ex parte injunctions refraining the Board from taking steps to collect the dues till the disposal of the suits. The Assistant Accounts Officer/Superintending Engineer should take immediate steps to file an application in the court through the Government Pleader stating that the suit is not maintainable for the reasons that the consumer has not availed the remedy provided under Sec.3 (2) of the R.D. Act by filing an appeal before the Executive Engineer/Chief Engineer and that the aggregate amount of dues were not deposited with the Board, as stipulated in Sec.5 of the R.D. Act. Further, in case where an ex parte injunction has been granted, an application to set aside the order of injunction should be filed under R.4 of the Order of C.P.C. 1908 immediately through the Government Pleader so that steps may be taken to collect the dues under the R.D. and R.R. Acts. In this connection the instructions contained in the circular Memo.No.20118/VC7/81-26 (Sectt.Branch) dt. 24.6.83 published at p.86 of the T.N.E.B. Gazette Vol.II No.1 should be followed. It was also seen that in some cases of injunctions or interim stay order granted by the Court, both in the suits filed by the Board and by the consumers, the courts have directed the consumer to make a deposit of certain amount with the Board or to pay the dues in certain instalments pending disposal of the suits. In such cases the Asst. Accounts Officer should see that if the amount is not deposited or paid in accordance with the court orders of the due dates the matter should be taken to the notice of the court immediately through the Government Pleader/Standing Counsel to vacate the injunction/stay so that the dues may be collected by instituting action under the R.D. and R.R. Acts. There should not be any delay in filing the counter affidavit in the suit after obtaining the approval of the competent authority, the suit should be defended effectively and

in favour of the debtor, steps should be taken to obtain certified copy of the judgment as early as possible, opinion of the Government Pleader should be obtained whether there is a case or not to file an appeal in the Higher court, and report should be submitted to the Superintending Engineer and the follow up action should be taken promptly.

6. Submission of write off proposals:

The arrears cannot be written off as irrecoverable simply because the whereabouts of the defaulters are not traceable or the amount involved is meagre. Even if the whereabouts of the defaulters are not traceable or he is evading receipt of notices etc., if it is found by enquiry that he owns properties like lands, building etc., action should be taken to attach them and to realise the dues by selling them by following the procedure laid down under the R.D. and R.R. Acts. Therefore, it is necessary even in such cases the formalities prescribed under the R.D. Act for issue of notices under Sec.3 (1) and 4 should be observed and then action under the R.R. Act taken. Even in cases where the whereabouts of the defaulters are not traceable, the formalities under the R.D. Act by issue of notices under Sec.3 (1) and 4 should be exhausted and it should be established by elaborate enquiries as stated in para 1 above that the defaulter owns no properties before write off proposals could be submitted by the Asst. Accounts Officer. Further the Asst.Accounts Officer/S.E. should furnish a certificate of irrecoverability of the dues under the R.D. and R.R. Acts. No monetary limit upto which action can be taken to realise the dues under the Acts has been prescribed. Therefore, irrespective of the quantum of arrears involved in a case, action should be taken under the above Acts to realise the dues. If in any case the arrears are written off without taking steps under the R.D. and R.R. Acts for their recovery just because the amount involved is trivial, the Audit will also take objection stating that when powers are given to the Board under the R.D. and R.R. Acts to realise its dues by taking coercive steps, these powers have not been utilised to its advantage.

7. Withdrawal of Monthly Minimum charges etc.

Proposals for withdrawal of the Monthly Minimum charges etc. should not be sent to the higher authorities as a matter of course when there are arrears legally due like c.c. charges etc., are pending collection. Arrears which are legally due should be collected in full and then only proposals for withdrawal of the penal charges etc., which can be waived according to Rules and Board's instructions should be followed.

8. Cases not brought to Outstanding Ledgers :

All cases of arrears relating to disconnected services pending over 6 months should be brought to the outstanding ledger without exception. So also, all the cases brought to the O.L. should be entered into the Special Register prescribed (in 22 colms) under the R.D. Act and notice under sec.3 (1) of the R.D. Act issued immediately and follow up action taken promptly. There should not be any omission in bringing any case of arrear relating to disconnected service pending over 6 months to the O.L. and to the Special Register and in taking action to issue the notices under the R.D. Act.

The concerned Executive Engineers should verify the two registers and satisfy themselves that all cases have been brought to the registers and suitable action has been taken. The Accounts Officer/Deputy Financial Controller should also verify the registers during their inspection of the Revenue Branches and see that suitable action is taken by the Assistant Accounts Officers in accordance with the above instructions.

Lr.No.3/SO/RR/Ms/83 - 5 dated 9th February 1984.

Sub: Tamil Nadu Electricity Board (R.D.) Act and R.R. Act - Recovery of dues - Suits filed by debtors - without depositing the aggregate amount of dues - Certain instructions.

Certain doubts have been raised on the following points in regard to the recovery of the arrears due to the Tamil Nadu Electricity Board under the provisions of the Tamil Nadu Electricity Board R.D. and R.R. Acts wherein suits have been filed by the debtors objecting to their liability to pay the dues.

1. Whether action under the R.D. and R.R. Acts can be taken to recover the dues in respect of cases where the debtors have filed suits disputing or challenging their liability to pay the dues wholly or partly as in several decisions of the High Court it has been held that no recovery proceedings under the R.R. Act can be taken for collections of disputed liability.
2. When the suits are pending questioning the quantum and also liability to pay the dues either incidentally or otherwise can a demand be made requiring the debtor to deposit the aggregate amount contemplated under Sec.5 of the R.D. Act as the matter is already taken cognisance by the court.
3. Whether in cases where suits have been filed prior to the issue of notices under the R.D. Act and injunctions refraining the Board from taking steps to collect the dues have been obtained, depositing of the aggregate amount contemplated under Sec.5 of the R.D. Act can be insisted.
4. Where a suit has been filed prior to issue of the demand notice under Sec.4 without depositing the aggregate amount of dues, whether notice under Sec.4 should be issued as it is a prerequisite condition for invoking Sec.5.
5. In cases where suits have been filed and injunction orders refraining the Board from taking steps to collect the dues till the disposal of the suit has also been obtained, what is the action to be taken.

It is true that in various judgements, the High Court has held that if there is no consensus between the defaulter and the Government and if the amount due is either disputed or challenged, proceedings under the R.R. Act cannot be taken. At the same time, the High Court has observed as follows in such cases where steps are taken by the revenue to collect the dues under the R.R. Act:

1. That the affected person should be given an opportunity to state his objections to the given demand and then it cannot be said that the affected party would still be entitled to invoke the doctrine of natural justice so as to avoid the liability to respect the demand raised.
2. If still the affected party feels that the demand is not justified and or cannot be collected by enforcing the provisions of the R.R. Act, it is for him to work out his rights in a Civil court, but it is not for him to interdict the State from having recourse to the provisions of the R.R. Act which is available to it in a case where the demand has been quantified and computed in the presence of the aggrieved party.

It is to get over this legal hurdle, the Government have made a provision under Sec.3 (1) of the R.D. Act for the issue of a bill for all dues payable to the Board by a debtor within 30 days of its receipt and in case of dispute of his liability to pay the whole or part of the dues specified in the bill, he may within that time (30 days from the date of receipt) prefer an appeal to the E.E./C.E. and thereafter the dues as determined by the appellate authority shall be paid by such date as may be specified by the Appellate Authority. The intention of providing such an opportunity is to quantify and compute the demand correctly by the Appellate Authority in the presence of the aggrieved party.

Further, under sec.4 of the R.D. Act the Government have made another provision for the issue of a second notice enabling the debtor to institute a suit within three months from the date of service of the notice after depositing with the Board the aggregate amount demanded in the notice under Sec.3 (1) if he denies his liability to pay the dues wholly or partly as provided under Sec.5 of the same Act. It may be seen from the above that the onus of going to the court shall be on the debtor. Further, according to Sec.6 of the R.D. Act, if the aggregate amount of the various dues as mentioned in the notice of demand is not deposited with the Board before the institution of a suit within three months from the date of service of the demand notice under Sec.4, the debtor shall be deemed to be in default in respect of such amount and the same shall be without prejudice to any other mode of recovery be recovered as an arrear of land revenue under the R.R. Act notwithstanding anything to the contrary contained in any other law or instrument or agreement.

In view of the above, it is clear that unless the aggregate amount of dues are deposited with the Board the suit is not maintainable and unless there is a specific injunction/stay orders from the court refraining the Board from taking steps to collect the dues, there is no bar in taking steps to realise the dues under the provisions of the R.R. Act by attaching the properties of the defaulter. In a case where there is an injunction order of the court, restraining the Board from taking steps to proceed to collect the dues under the R.R. Act, an application to set aside the order of injunction should be filed as laid down under R.4 of order 39 Civil Procedure Code 1908 and after vacation of the injunction, action should be taken to collect the dues under the R.R. Act.

The High Court has also observed that in a case where the principles of natural justice are remembered and the person against whom a demand is raised is called upon to state his objections to such a levy after a reasonable investigation and mutual discussion between the State and the Citizen the amount is arrived at or revised, then it cannot be said that the affected party would still be entitled to invoke the doctrine of natural justice so as to avoid the liability to respect the demand raised which demand has been quantified after discussion and negotiation. Further, if the matter is considered by the revenue officials (Board) after notice to the debtor and ultimately it is decided having regard to the practice available and the conditions of the contract between the parties and other circumstances, that the demand raised is legitimate, legal and enforceable and such a demand has been quantified and computed in the presence of the aggrieved party and if still the debtor feels that the record would not justify of the raising of the demand or the enforceability of the demand, then it is for him to work out his rights in a Civil Court, but it is not for him to interdict the State from having recourse to the provisions of the Revenue Recovery Act which is available to it in a case where a liquidated demand arises. It has also been observed that where either the liability or the quantum of the dues appear prima facie and a dispute is raised merely as a make-believe to circumvent the application of the R.R. Act, there cannot be any objection in invoking the provisions of the R.R. Act to realise the dues.

Further, in clause 18.13 of Terms and Conditions of Supply of Electricity now in force the Board's right in demanding the dues and the consumers liability to pay it has been clearly brought out. The amount claimed in the bills should be paid within the time allowed, irrespective of any decision to be taken regarding any dispute about the correctness or otherwise of the amount levied, demanded or charged by the Board and the Board will have a right in accordance with the law on the basis of the amount claimed in the bills, till it is proved or established, that the amount claimed is in excess of what was actually due. It is in the light of the above observation that the Government have made a provision under Sec.3 of R.D. Act for filing an appeal before the prescribed authority of the Board in order to quantify and compute the demand correctly in the presence of the aggrieved party and also a provision under Sec.5 of the R.D. Act that the aggregate amount demanded shall be deposited with the Board before a suit is filed under Sec.4. In making such a provision it is the intention of the Government that the collection of the dues though disputed, should not be postponed till it is decided by the court. Therefore, by merely disputing the demand by filing a suit the defaulter cannot make the proceedings under the R.D. and R.R. Acts infructuous. The above facts make clear that action under the R.D. and R.R. Acts can be proceeded even during the pendency of a suit if the aggregate amount of dues are not deposited with the Board and there is no injunction/stay order refraining the Board from taking steps to collect the dues till the disposal of the suit notwithstanding anything to the contrary contained in any other law or instrument or agreement as laid down in Sec.6 of the R.D. Act.

While taking action under the R.D. Act and R.R. Act in cases involving such issues the above facts may be brought to the notice of the G.P. or Standing Counsel and their opinion and advise may also be taken and acted to avoid any unnecessary litigation.

Lr.No.3/SO(RR)/Ms/83 dated 10th April, 1984.

Sub: Recovery of dues to the Board under the R.D. Act - Recovery of time barred debts - regarding.

The learned advocate has raised the following four points in his letter:

i. that the dues of the T.N.E.B. cannot be equated with the arrears due to Government.

- ii. that the R.D. & R.R. Act cannot be applied for recovery of time barred dues.
- iii. that the R.D. & R.R. Act cannot be applied for the recovery of the arrears due to Tamil Nadu Electricity Board as the High Court has held that quasi Government bodies cannot resort to R.R. Act.
- iv, that the Tamil Nadu Electricity Board (RD) Act may be amended to include time barred dues.

The views in the above points as blow:

(i) & (iii) the High Court in its judgment referred to by the learned advocate i.e 1981 II MLJ P.254 has struck down Sec.52-A of the R.R. Act which was introduced by an amendment Act 12 of 1972 stating that quasi Govt. bodies like Tamil Nadu Agro Industries Corporation Ltd., Madras and other institutions specifically mentioned in the Sec. cannot resort to R.R. Act, since the arrears cannot be equated with Land Revenue. The arrears due to Tamil Nadu Electricity Board are not recovered under this provision i.e. Sec.52-A of the R.R. Act but are recovered under Sec.52 of the R.R. Act. Besides the Board are empowered to exercise the provisions of the R.R. Act for the recovery of its dues under a separate enactment T.N.E.B. (Recovery of Dues) Act 1978. This position has already been clarified by the Board in its Memo.No. 356/CE/G/Adm.Br./52-79-23 dated 21.2.81. Further the Board of Revenue in its B.P.Ms.No.3306, dt. 10.11.39 i.e. long before the introduction of Sec.52-A which was held void has informed the Chief Engineer of Electricity that electric consumption charges due to Govt. may be recovered as arrears of land revenue under Sec.52 of the Tamil Nadu Revenue Recovery Act (Amendment Act 1938) (Act V of 1939).

ii) No time limit is applicable for the recovery of the dues of the Tamil Nadu Elec. Board under the provisions of the Tamil Nadu Electricity Board (RD) Act 1978 and the Tamil Nadu Revenue Recovery Act of 1864. Sec.6 of the Tamil Nadu Electricity Board (RD) Act of 1978 clearly spells out that the dues of the Tamil Nadu Electricity Board shall without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue notwithstanding anything to the contrary contained in any other law or instrument or agreement and this Act has received the assent of the President on 13.6.1978. Therefore, the law of Limitation has no relevance to the recovery under the Tamil Nadu Electricity Board (RD) Act and R.R. Act. The Government in their Letter No.88733/V2/77-78 dt.6.3.80 has clarified that the law of Limitation will apply to recover the dues of the Tamil Nadu Electricity Board through Civil Suits only and not by invoking the procedures as applicable under the Tamil Nadu Revenue Recovery Act by virtue of the powers given to the Tamil Nadu Electricity Board under the Tamil Nadu Electricity Board (RD) Act 1978, Further the Board (Legal Cell) in its memo.No.10376 - LC2/80 - 1 dt.27.4.80 has clarified that dues of the Tamil Nadu Electricity Board which have become time barred and cannot be recovered by filing civil suits may be recovered under the provisions of the Tamil Nadu Electricity Board (RD) Act irrespective of the fact whether the amount due became time barred prior to or after the coming into force of the Tamil Nadu Electricity Board (RD) Act of 1978.

(iv) In view of the above, it is considered no amendment to the Tamil Nadu Electricity Board (RD) Act is necessary.

Lr.No.48 SO/(RR)/Ms/83 dt. 10th April, 1984.

Sub: Arrears - Arrears due to Tamil Nadu Electricity Board on account of c.c. charges etc. - Recovery under R.D. & R.R. Act - Progress of collection - Reviewed - Certain instructions - issued.

Specimen Formats required under R.D./R.R. Acts are furnished as an Annexure - II.

1. Form in which the appeal may be preferred by the Consumer.
2. Form in which the notice contemplated under Rule 6(1) and (2) to be issued to the prescribed authority and to the debtor.
3. Form in which the orders to be issued by the appellate authority in addition to the above form.

In addition to the above forms the following two forms in which Register of Appeals (Format XII) and Register of Suits (Format XIII) should be maintained to watch the prompt disposal of appeals filed under Sec.3 (2) and Sec.4 of the Tamil Nadu Electricity Board (RD) Act are also annexed. All the Assistant Accounts Officers should open and maintain these registers. The Superintending Engineers are also requested to open the registers in respect of the H.T. services and maintain in their office.

The register should be examined by the Accounts Officer (Revenue) and by the Deputy Financial Controller during their visits to the Revenue Branches and the results reported to the Superintending Engineer for suitable actions. The registers should be placed before the Special Officer (Revenue Recovery) also whenever he takes up review of the arrear position of the Revenue Branches.

Lr.No.3/SO/ (RR)/MS/83 dated 14th June, 1984.

Sub: TAMIL NADU ELECTRICITY BOARD (RD) Act 1978 - Recovery of Dues - appeals preferred under Sec.3 (2) - certain instructions issued.

It has been observed that the letters or petitions received from the debtors with reference to the Sec.3 (1) notices either addressed to the Assistant Accounts Officer or Superintending Engineer objecting to their liability to pay the dues in full or in part are treated as a reply to the notice and no suitable action is taken on such letters or petitions. Sometimes the letters are simply filed and no reply is given to the debtor and sometimes a reference is made to the higher officers seeking instructions. Such letters addressed to the Assistant Accounts Officers are not placed before the Executive Engineers. This sort of action is not correct. Any reply to the Sec.3(1) notice objecting to the liability received from a debtor either addressed to the Assistant Accounts Officer or Executive Engineer should be treated as an 'appeal' preferred under Sec.3 (2) of the R.D. Act and it should be disposed of by the Executive Engineer/Chief Engineer in accordance with the procedure prescribed under Sec. 3(b) read with R.6 of the T.N.E.B. (RD) Rules.

No doubt, no form in which an appeal should be preferred by a debtor has been prescribed under the R.D. Act and Rules. Legally it can be preferred in any form by a debtor. But, for the purpose of convenience, uniformity and guidance, a form in which the appeal may be preferred by the Debtor has been prescribed and communicated to all the officers. Any debtor approaching the Asst. Accounts Officer, Executive Engineer and Superintending Engineer on receipt of a Sec.3 (1) notice and seek instruction in the matter of filing of an appeal should be instructed suitably and a specimen form in which the appeal may be preferred should be supplied to him. To achieve this end, sufficient number of forms of appeal may be stencilled and kept ready in each and every office of the Superintending Engineer and Executive Engineer. However, any appeal received not in the prescribed form should not be rejected for that reason alone. As soon as an appeal is received, it should be entered in the Register of Appeals and a notice contemplated under Rule 6(1) and (2) should be issued by the Executive Engineer/Chief Engineer and the appeal should be disposed of without delay in accordance with the procedure laid down under R.6 after conducting an enquiry and the decision communicated to the appellant and the prescribed authority within 30 days from the date on which the enquiry was conducted in accordance with the requirements of R.6 (3). The contentions raised in the appeal should be decided by the appellate authority himself without unnecessarily entering into correspondence with higher authorities or with the prescribed authority. Any delay in the disposal of appeal will entail delay in collection of the dues. Therefore, the appeals should be disposed of as quickly as possible in order to collect the dues, if any, early, as per the appellate orders by taking the follow up action initiated under the R.D. Act.

Lr.No.3/SO(RR)/MS/83-12 dated 11th July 1984.

Sub: TNEB (RD) Act and RR Act - Recovery of dues-Suits filed by debtors - certain clarifications issued.

The following further clarifications are issued in respect of the following points:

1. Whether parallel action under the Tamil Nadu Electricity Board (R.D.) Act and R.R. Act can be proceeded when a suit filed by the Debtor is pending in the Civil Court.

2. Whether in cases where suits were filed by the Board against the consumer for the recovery of dues and a decree has been obtained, action under the Revenue Recovery Act can be taken for the recovery of the dues as awarded by the court, instead of filing Execution petitions in the court.

3. Whether the suits already filed by the Board for the recovery of dues may be withdrawn and action under the R.D. and R.R. Act can be initiated.

4. Whether in cases where the consumer files a suit in the Civil Court without depositing the dues as laid down under section 5 of the R.D. Act, action under the Revenue Recovery Act can be proceeded to recover the dues by distraining, and selling the properties of the consumers.

5. Whether in cases where suits have been filed by the consumers if there are no stay or interim injunctive actions to recover the dues may be pursued under the Revenue Recovery Act.

The views expressed by the Legal Advisor of the Board on the above points are as follows:

1. Section 6(1) of the Tamil Nadu Electricity Board (Recovery of Dues) Act 1978 (T.N.A. 29 of 1978) provides that dues payable to the Board shall without prejudice to any other mode of recovery be recoverable as an arrear of land revenue notwithstanding anything to the contrary contained in any other law or instrument or agreement. The above provisions override of other laws in the matter of recovering Board's dues. It is significant to note the expression 'without prejudice to any other mode of recovery' occurring in the above provision. This shows that even though the Board invokes the machinery under the Tamil Nadu Act 29 of 1978 its right to recover the dues from the consumer by filing an civil suit is not barred. Under the Revenue Recovery Act, if the amount due is either disputed or challenged the proceedings under the said Act cannot be initiated. But the position with regard to the recovery of dues of the Board under the Recovery of Dues Act is quite different. Under the latter Act, even an amount under dispute can be recovered by initiating proceedings under the Act. Section 3(2) (a) of the Act contemplates a contingency where a debtor disputes his liabilities to pay the whole or part of the dues and the remedy has also been provided for resolving the dispute by way of appeal to the appellate authority. Therefore, the instructions governing the recovery of dues under the Revenue Recovery Act will not ipso facto apply to proceedings under the Recovery of Dues Act and the instructions in the G.O. referred to that only one remedy can be availed of at a time will not be applicable to the Board. Having regard to the above, it may be stated that a Civil suit filed by the Board from invoking the machinery under the Recovery of Dues Act. Nor will it amount to any contempt of court. Therefore, there is no legal objection to take action under the Recovery of Dues Act even while a suit filed by the Board is pending.

2. In cases where the suits filed by the Board have been decreed in favour of the Board expediency would require the execution proceedings are taken for the realisation of the decretal amount by attaching the properties of the judgement debtor. The Execution Proceedings are also simple and not time consuming as suits. Further, if the provisions of the Recovery of Dues Act is resorted to entire procedure from the issue of the bill under Sec.3 will have to be followed again. Attention is also invited to the judgement of the High Court of Madras in W.P. 2474 and 2505 of 1971 which is extracted below:

" After the demand is so determined by a Civil Court, there would be to resort to the Revenue Recovery Act because the process of the Civil Court itself would be available for the purpose of enforcing the demand".

In the circumstances Execution Proceedings may be taken in the Civil Court instead of proceeding under the Recovery of Dues Act.

3. The opinion expressed under item (i) above will hold for this item also. By withdrawing the cases the Board may have to forego the Court fees and other expenses incurred in connection with the filing of the suit. However, in cases where issues have not been framed in any such suit half the court fee paid is refundable. As the Recovery of the Dues Act provides for expeditious recovery of the sums due to the Board, there is no objection to withdraw the cases and proceed under the above Act unless the suit has

4. The opinion expressed by the legal Advisor in respect of item (1) will equally apply to this point also.

5. So long as there is no stay/interim injunction there is no objection to the Board initiating proceedings under the Recovery of Dues Act even though on the same matter suits have been filed against the Board by the consumer. The view expressed by the Special Officer in this regard is agreed to by the Legal Cell.

Lr.No.3/SO (RR) /Ms/83-7 dated the 7th March, 1985.

Sub: TAMIL NADU ELECTRICITY BOARD (RD) ACT AND R.R. ACT -Recovery of dues - Suits filed by debtors - Further clarification/- Issued.

Legal opinion of Thiru S. Ramalingam, Board's Standing Counsel

" The views expressed by the Legal Adviser is in order. However, if a debtor consumer files a Civil Suit after the receipt of the demand notice under Sec.3 (1) of the Tamil Nadu Electricity Board (Recovery of Dues) Act 1978 and obtains an injunction against the distraining of his properties, the same can be vacated after enlightening the provisions of the Act to the court by which the injunction order has been passed. Under Sec.5 of the Act, the consumer may institute a suit within three months from the date of service of the notice of demand after depositing with the prescribed authority the aggregate amount specified in the demand notice under protest in writing. In view of the above, it is clear that a civil suit can be instituted only after the payment of an aggregate amount of the notice of demand. In this connection, the counsel has also stated that the Board has to follow one uniform procedure for the recovery of its dues i.e. by invoking the provisions of R.D. Act and cannot proceed both under the R.D. Act or under Civil Procedure Code by filing a Civil suit. Thiru Mehaboob Sheriff who was District Judge and Additional Secretary in the Law Department and now practising as Advocate is of the opinion that the Board need not follow uniform procedure as expressed by Thiru S. Ramalingam and that the Board can follow any one of the said procedures according to the exigencies and that if the debtor consumer gets a decree in his favour, before issuing notice of demand the decreed amounts cannot be recovered under Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978".

It has been brought to the notice of the Special Officer (RR) by the Board's Legal Cell that some of the Officers of the Board have been seeking opinion of the Legal Cell whether in cases where the suits filed by the consumers and decided in their favour, the arrears can be recovered by invoking the provisions of the RD and RR Act. In the Civil Suit cited by the Superintending Engineer which was filed by the consumer against the Board objecting to his liability to pay the dues, the court had held decided the suit in favour of the consumer as the claim made by the Board was barred by limitation.

Similarly, in the case referred to the Board's Legal Adviser, the suit filed by the consumer in the court of the District Munsif was decreed in his favour and the appeals preferred by the Board in the High Courts were also dismissed by confirming the orders of the lower court.

That is to say that in cases where no suits have been filed by the Board for the recovery of the dues within a period of three years (Limitation period for filling a suit) action under the R.D. & R.R. Act may be taken as law of limitation has no relevance to the recovery under those Acts. Further in cases where suits filed by the consumers are dismissed or in cases where suits filed by the Board against the consumers for the recovery of the dues are decreed in its favour, action under the R.D. & R.R. Act may be taken to collect the dues, if dues cannot be recovered by any other mode of recovery. In cases where suits filed by the consumers is decided in their favour for whatever reason, the only course open to the Board is to take such a decision on appeal to the High Court and no steps can be invoked under the R.D. & R.R. Act as the demand itself has been struck down.

Lr.N.19/SO (RR) /Ms/85-3 dated the 3rd June, 1985.

Sub: TAMIL NADU ELECTRICITY BOARD (RD) Act and R.R. Act - Recovery of arrears - Execution of distraint orders - Clarification-Regarding.

The Accounts Supervisors of the Revenue Branches cannot be entrusted with the executive work like Field Officers as their official function is limited within four walls of the office and as such, they cannot act as in the case of Field Officers and that the task of distraining the properties of the defaulters should be implemented by the Field Officers only as they are in charge of O&M works and accustomed with field conditions.

The executive functions of distraining the properties, keeping them in his custody, selling them in auction etc., functions cannot be performed by the Account Supervisors who mainly attend clerical work and as already instructed by the Board, such functions should be attended to by the Assistant Engineer, Assistant Executive Engineer and Junior Engineers only.

Lr.No.199/SO (RR) /Ms/85-2 dated the 7th August, 1985.

Sub: TAMIL NADU ELECTRICITY BOARD (RD) Act & Tamil Nadu Revenue Recovery Act- Recovery of dues by attachment and sale of properties of the defaulters-Certain instructions-issued.

To distraint the properties of the consumers or issue of distraint orders under Format XI in form I empowering the Junior Engineers/Assistant Engineers to collect the dues by taking coercive action. On the other hand, the Assistant Accounts Officers are wasting their time in addressing the Tahsildars for all sorts of unnecessary details such as:

- i. Whereabouts of the defaulter.
- ii. Name and address of the legal heir of the defaulter.
- iii. Details of movable properties owned by the defaulter.
- iv. Details of immovable properties owned by the defaulter.

Such an action on the part of the Assistant Accounts Officers would clearly reveal that they have not properly understood the provisions of RR Act and the various instructions issued in the matter from time to time. It may be noted that the very purpose of bringing out a Special Act i.e. Tamil Nadu Electricity Board (RD) Act of 1978 for the recovery of the arrears due to the Tamil Nadu Electricity Board by empowering the officers of the Tamil Nadu Electricity Board to collect the dues by applying the R.R. Act and exercising all the powers of a Collector is to provide expeditious recovery of the dues. As such, there is no need to saddle the Revenue Authorities with this item of work by asking all sorts of details from them. In so far as the R.R. Act is concerned the "Prescribed Authorities" of the Tamil Nadu Electricity Board viz. the Assistant Accounts Officer in respect of L.T. arrears and the Superintending Engineer in respect of H.T. arrears have all the powers of Collector as well as that of the Tahsildar. Therefore, the Tahsildar should not be addressed for all sorts of details unless they are not available or could be gathered by the officers of the Tamil Nadu Electricity Board. The following instructions are issued in regard to the above four items.

(i) Distraintment & Sale of Movable Properties:

The Assistant Accounts Officers are under the impression that before the movable properties are distrained, the details of such properties need be gathered by addressing the Tahsildar or the field staff. Such an impression is erroneous. According to Sec.8 of the R.R. Act, the Assistant Accounts Officer as Prescribed Authority or the officer empowered by him should produce the Distraint order under Format XI in Form I issued by the Assistant Accounts Officer to the consumer. If the arrears are not paid at

once in full, it shall be his authority for making the distress and on the day on which the property is distrained, he should deliver a copy of the Distraint order with a copy of the inventory of the articles distrained in Form 2 to the consumer. Thereafter, a notice in Form 3 should be published in accordance with the instructions contained in the Revenue Board's Standing orders already communicated and the distrained properties should be sold in public auction with the least possible delay. Entering the house of the defaulter, without a distraint order in Format XI just to ascertain the details of the movable properties that can be distrained would amount to tress-pass punishable under the Indian Penal code. Further, such an action will be detrimental to the interest of the Board as it would only enable the defaulter to remove the articles so that nothing is available for distraintment. For small amount of arrears due say upto Rs.1,000/- as far as possible they should be recovered only by attachment of movable properties and immovables should not be proceeded against as the procedural formalities for attachment and sale of immovable properties are cumbersome and time consuming.

(ii) Immovable Properties: The details of the immovable properties owned by the defaulter can be gathered from various sources as below:

(a) If the defaulter is a Company Public or Private registered under the Companies Act, a copy of the latest Balance Sheet relating to the company may be obtained from the company or from the Commercial Tax Department/Income Tax Department or from the Registrar of Companies. The Balance Sheet would reveal the properties such as land, building, machinery, vehicles etc., owned by the company. Such properties owned by the Company only can be attached and sold for the recovery of the arrears due from the Company. under the R.R. Act. The properties owned by the Managing Director or Directors of the Company in their private capacity cannot be attached for the arrears due from the company.

(b) In regard to Firms i.e. partnership concerns, every partner is severally and jointly responsible for the payment of the dues of the firm. Therefore, there is no legal bar in proceeding to distraint/attach and sell the properties of any one of the available partners for the arrears due from the firm. The details of the landed properties owned by the defaulters can be ascertained from the Village Administrative Officer. There is no need to address the Thasidars. Similarly the details of the buildings if any owned by the defaulter can be ascertained from the Local Body i.e. Panchayat Board, Municipality or Corporation as the case may be. To get the details of such immovable properties, the Assistant Accounts Officers should depute the concerned Accounts Supervisor with a requisition in the Format VI and VII to meet the Village Administrative Officer or the Executive Officer/Commissioner and get the required details such as the survey number of the land and village, No. of the building and street, extent, boundaries, etc., Then with the details of the properties so gathered the concerned Sub-Registrar should be contacted in person and ascertained whether there are any encumbrances on the properties. If the property is free from encumbrances, so much of property which would fetch an amount equal to the arrears due should be attached and sold. If there are any encumbrance on the property, the attachment and sale of such property for the recovery of electricity dues can only be subject to the prior encumbrances. To obtain the encumbrance certificate, a requisition in the Form VII enclosed may be given to the Sub-Registrar.

(iii) Gathering of details in regard to the whereabouts of the defaulter.

The Tahsildar or the Police Officers should not be addressed on any account to ascertain the whereabouts of the defaulter. As far as possible the Assistant Accounts Officer himself should visit the residence or place of business of the defaulter and make discreet enquiries with the persons available there or with the neighbours about the whereabouts of the defaulter. The Assistant Accounts Officer may also depute the concerned Accounts Supervisor and gather the details with the assistance of the field staff. Whenever such enquiries are made by visiting the place of the defaulter, a note should be made in the relevant docket about the date of enquiry, names and relationship of persons who were contacted and enquired, result of such enquiry etc., without fail. The Executive Engineer/Assistant Accounts Officer should see that the claim for T.A. should not be allowed unless the docket contain the details of the visit. The same instructions in regard to the claims of T.A. will apply in regard to the visits made to meet the Village Administrative Officer, Local Body/Sub- Registrar's office to gather the details of the immovable properties owned by the defaulter and visits made to court or to meet the G.P. in con-

nection with prosecuting suits filed by the Board for the recovery of the dues or to defend the suits filed by the defaulter.

(iv) Gathering of the details of the legal heirs of the defaulter.

The details of the legal heirs of the defaulter will be necessary only when the defaulter is no more in order to proceed against the immovable properties inherited from the defaulter or dies during the course of such proceedings. If the defaulter is alive, the properties owned by the defaulter only can be distrained/attached and sold for the recovery of the dues. The self-earned properties of his sons or the properties of his wife/got as gift or Seedanam from her father cannot be distrained/attached. the same procedure as detailed under Item (1) above will apply in regard to gathering of details of legal heirs of the defaulter and the properties owned by them.

Lr.No.281/SO (RR) /Ms/85-5 dt. 30th December, 1985.

Sub: TAMIL NADU ELECTRICITY BOARD - Amount due under R.R. Act-Realisation of arrears by distraint action-B.P.S.C. has to be levied- instructions - reg.

Point 1: While recovering the electricity dues by distraining/attaching and selling the properties of the defaulter under the provisions of the R.R. Act whether 6% interest contemplated under Sec.6 & 7 of the R.R. Act is to be collected in addition to the arrears due from the defaulter.

Reply: Sec.7 of the Tamil Nadu Revenue Recovery Act 1864 was amended by Act 19/1981 as follows:

"Penalty shall be charged on all per Fasli year or part thereof" at the rate of 6%

The effect of the amendment is that for the word "interest" wherever occurs in the Rev. Recovery Act the word "penalty" has been substituted.

The penalty under the Revenue Recovery Act has to be levied only in cases where the penalty under the special Acts is not levied. In respect of electricity dues, the penalty like B.P.S.C., A.M. charges, M.M. charges, etc., are levied and collected under the Electricity Supply Act. Therefore, there is no need to levy the penalty contemplated under the R.R. Act in addition to the penalty levied under the Electricity supply Act.

Point 2: What is to be done of the excess amount that may remain with the Board after adjusting the sale proceeds of the distrained property towards the arrears due from the defaulter?

Reply: Regarding to this point, I invite your attention to Sec. 23 of the Tamil Nadu Revenue Recovery Act, according to which from out of the sale proceeds, if there is any excess is available after deducting the arrears due along with all expenses, penalty etc., that should be paid to the defaulter.

Point 3: Whether B.P.S.C. has to be levied up to the date of collection of the dues?

Reply: As already stated, in respect of Item No.2, in accordance with Sec.23 of the R.R. Act in addition to the arrears due, the penalty like B.P.S.C., A.M. charges etc., due up-to-date should also be collected to the date of full settlement and if anything remains over and above that it has to be refunded to the defaulter.

Point 4: Whether the distrained properties can be handed over to the parties concerned on full settlement of the dues along with the B.P.S.C. etc.,

Reply: According to Sec.8 to 15 of the R.R. Act, the property distrained should be as nearly as possible proportionate to the amount of arrears due. The distraint should be made after sun rise and before sun set. The distrained property should be kept in safe custody without giving room for theft, loss or damage. If there is any theft, loss or damage, the amount of such loss or damage will be recoverable by summary process from the officer whose neglect or act occasioned the loss or damage. Further, the dis-

trained property should not be made use of by distrainer or others in any manner. They should be notified for sale in Form 3 (Format XI) with the least possible delay. Where the defaulter may tender payment of the arrears demanded in full along with the penalty, expenses etc., due after his property may have been distrained and prior to the day fixed for sale the distrained property should be released forthwith.

Lr.No.3/SO (RR) /Ms/83 dated the 4th March 1986.

Sub: Recovery of Dues under R.R. Act - Service of Sec.4 notice etc. - Clarification - Reg.

The Assistant Accounts Officers and Executive Engineers have sought clarification on certain points in regard to the implementation of the R.D. & R.R. Acts. The views on the various points raised as below are clarified:

- | | |
|---|---|
| <p>1. Whether any expenses for having engaged the Board's vehicles and staff have to be recovered and if so at what rate?</p> | <p>The word "all expenses appearing in Sec.23 of RR Act would mean only the expenses incurred in connection with the distraintment of the properties such as dismantling of the machinery, transport charges for the same and incidental expenses, if any, incurred and will not include the expenses for having engaged the Board's vehicle and staff.</p> |
| <p>2. Whether the Junior Engineer, O&M, Rural II, Krishnagiri may be empowered by the Asst. Accounts Officers to be the public officer to sell the property in Public Auction as per Section 9 of the Madras Rent and Revenue Sales Act 1839.</p> | <p>Any officer of the Board working in the Revenue Branch can be empowered by the AAO/SE to distraint the movable property, to sell the property and to confirm the sale as prescribed under Sec.9 of the RR Act read with Board's Standing Orders No.41 (6) to 7 (a). The distraintment of movable properties may be made by the Asst. Accounts Officer himself or by the Junior Engineer/Assistant Engineer empowered by the Asst. Accounts Officer. The sale may be conducted by the A.E.E. & the confirmation of the sale may be done by the Executive Engineer of the Revenue Branch concerned.</p> |
| <p>3. Whether authority empowered to confirm the auction sale.</p> | |
| <p>4. Whether the distrained property may be brought to resale or setting aside the sale and countermand in case there is no bid either due to collusion among bidders or there is no bidders or otherwise there is unduly low price.</p> | <p>On the date of sale, if there are no bidders or there is collusion among the bidders or the bid fetched is a low price, the officer empowered to sell the property can adjourn the sale to some other date by recording the reasons. After conduct of the sale, the higher officer who can confirm the sale feels that the bid amount fetched in the sale is too low or there is some irregularity or illegality in the conduct of the sale or the purchaser fails to pay the full amount of bid, he can set side the sale and order a resale. In this connection, please see Sec. 24 of the R.R. Act.</p> |
| <p>5. If the distrained property (electric motor) is required for Board's use bidding may be done on behalf of the Board.</p> | <p>Inspite of conduct of the sale for 2 or 3 times, if there are no bidders or the amount of bid fetched is too low, question of purchasing the distrained property can be considered after obtaining suitable orders from the Board.</p> |

6. Regarding notice under Sec.4 most of the field officers (i.e. Delegated Officers) affixed some Sec.4 notices in the public notable places due to the reasons as addressee not available, legal heirs refused to receive the notice". Therefore to enlighten whether the Sec.4 notices affixed in the public place is sufficient to proceed further to distrain the property of the defaulters for recovery of the dues due to the Board.

In the circumstances stated, the service of Sec.4 notice by affixure in a conspicuous part of the consumer's residence or in same other conspicuous place of the locality with the signature of two literate residents of that locality as laid down under Rule 4 of the TNEB (RD) Rules 1979 is sufficient to proceed further under the RR Act to distrain the movable properties or to attach the immovable properties of the defaulters for the recovery of the dues.

7. According to Sec.8 to 15 of the R.R. Act, the properties distrained should be as nearly as possible proportionate to the amount of arrears due. In these cases, the lands are more than 2 acres and the normal rate for sale in the area is Rs.5,000/-.

According to the instructions under B.S.O. 41 (15) no section less than a registered revenue field bearing a distinct number should be attached and sold.

8. A sum of Rs.1,131/- is due from V.K. Balasubramanian, retired section officer towards shortages noticed while closing the work orders. Whether this amount can be recovered under the RD & RR Act.

Only the "dues" as defined under Sec.2 of the TNEB (RD) Act 1978 can be recovered by applying the RR Act. The shortages under work orders will not come under the above definition. So they cannot be recovered by taking action under the RD & RR Act.

TAMIL NADU ELECTRICITY BOARD ABSTRACT

Electricity - Payment of current consumption charges and old arrears by Government Departments-Certain orders-Issued.

B.P.Ms.No.160 (Administrative) dated 28th November 1979.

READ:

G.O.Ms.No.1487, PWD dt.9.10.1974

B.P.Ms.No.780 dt.21.6.77

G.O.Ms.No.787 P.W.D. dt. 30.4.1979

PROCEEDINGS

According to the existing provisions, no service connection to a Government building shall be disconnected for default in payment of current consumption charges without an intimation in writing to the Head of the office concerned. In actual practice service connections to Government Departments are not normally disconnected for non-payment of arrears though belated payment surcharge is levied for delayed payments. As a result, arrears of current consumption bills in respect of Government Departments have been steadily increasing. Government Departments do not also pay the current consumption bills regularly or make part payments leaving to unnecessary correspondence.

In order to ensure prompt payment of current consumption charges by the Government Departments, the Board after careful consideration issues the following orders:

- i. A consumer of a Department of Government be allowed 2 months further time from the due date for payment of current consumption bills subjects to levy of belated payment surcharge;
- ii. In case of default of payment of current consumption bills after the further time limit referred to in item (i) above, 7 days notice of disconnection shall be issued to the consumer and the supply shall be disconnected if the payment is not received before the expiry of notice period;
- iii. No part payment should be accepted.
- iv. After the normal due date of payment of current consumption bills, an intimation of non-payment should be sent to the Head of office by name by registered post with acknowledgement due.
- v. In respect of arrears pertaining to earlier periods, the Head of office concerned should be addressed by name by Registered post with acknowledgement due giving him 3 months time for payment of the entire arrears and informing him that the supply will be disconnected if the amount is not paid within the time stipulated. The supply in such cases should also be disconnected after issue of 7 days notice in the manner provided in item (ii) above.
- vi. Disconnection of supply will not however, apply to Government quarters where arrears are due from previous owners. In such cases, action should be taken for the recovery of arrears under the provisions of Revenue Recovery Act.

(BY ORDER OF THE BOARD)

Memo.No.DFC/Rev/X/AO/Rev.II/BPSC/C 84/86 dt. 12.2.87

Sub: Electricity - Levy of Belated payment surcharge.

Regarding levy of belated payment surcharge in the case of Low Tension Services and Surcharge in the case of High Tension Services, the following clarifications are issued:

1. For High Tension Services, the levy of Surcharge at 2% per mensum is not changed.

2. For Low Tension Services, for the period prior to 1.1.82 Belated Payment Surcharge at 2% per month per service, subject to a minimum of Re.1/- per month per service was leviable after the expiry of the last due date for payment i.e. Belated Payment Surcharge was leviable even during the Notice period.

For the period from 1.1.1982 (i.e. the date on which the Card Billing was introduced) to 8.4.1983, the Belated payment Surcharge is leviable at 2% per month, subject to a minimum of Re.1/- per service per month, and this is leviable from the date of expiry of the Notice period.

For the period from 9.4.1983 onwards, instead of Belated Payment Surcharge, interest is levied. Interest is levied at the rate of 1¹/₂% per month, subject to a minimum of Re.1/- per month per service. The interest is leviable after the expiry of the Notice period.

3. The amendment in B.P.Ms. (FB) No.64 (Adm.Br.) dt. 23.7.1986 was issued only to clarify the above position.

As per latest Terms and Conditions of Supply communicated in B.P.Ms. (FB) No.61 (Adm.Br.) dated 24.12.1988, which came into force on 1.2.1989, the levy of BPSC/Interest is as indicated below:

From 1.2.1989 in respect of H.T. Services, B.P.S.C. is to be levied at 2% per mensum and L.T. services interest at 1.5% per month. subject to a minimum of Re.1/- per assesment. For futher instructions in this connection, may be referred to Clause 19 and 20 of Terms and Conditions of Supply.

A.M.'s Lr.No.064897/89/CFC/R/X/RD.RR Act/89 dt. 8.11.89.

addressed to Chief Engineers with copies marked to Superintending Engineers of Distribution Circles.

Sub: Tamil Nadu Electricity Board - collection of amounts due from the consumers under RD/ R.R. Acts - Regarding.

In view of the present financial constraints it is quite essential that special efforts are to be made for collecting amounts due from the consumers to the Board. It is found from the review of the progress of collection under RD/RR Acts, that prompt and proper follow up action has not been taken to invoke the provisions of the Special Act to realise the arrears.

Further, as already instructed in various circulars by the Special Officer (RR) and subsequent reviews, prompt and proper follow up action should be taken in the Revenue Branches/Central Office by issuing notices, distraint orders etc., as per the provisions of the Act for all disconnected services for quick realisation of dues, and the officers VIZ. Executive Engineers and Assistant Accounts Officers should involve themselves personally in the implementation of the Act.

The Chief Engineers (Distribution) may also ensure that the Superintending Engineers make a review of all the arrears and take follow up action at their level every month in respect of H.T. services and the Executive Engineers review all the dues every month for L.T. services under their control so as to realise the maximum arrears. The results of such reviews and the realisation of the dues should be reported every month in Format No.XIX for the following categories:

1. (a) Amount due over Rs.5,000/- with No. of services.
(b) Amount due over Rs.1,000/- and below Rs. 5,000/- with number of services.
(c) Amount due below Rs.1,000/- with number of services.
 2. Additions during the month in each category.
 3. Total dues/each category.
 4. Amount realised during the month under each category.
 5. Balance due under each category.
-

CHAPTER IV - SPECIMEN FORMATS**ANNEXURE - II****FORMAT - I.**

BY REGD. POST WITH ACK. DUE:

FORM OF BILL UNDER SECTION 3(1) OF TNEB (RECOVERY OF DUES ACT, 1978).
(TAMIL NADU ACT 29 of 1978)

From
The Asst.Accounts Officer,
Office of the Executive Engineer,

To _____

Letter No.AAO/

/RA.

dt. _____

Sir,

Sub: ELECTRICITY-- Recovery of dues -- Demand Under Section 3(1) of T.N.E.B.
(Recovery of Dues) Act, 1978.

The amount specified below is due and payable by you by way of consumption of electrical energy supplied and other charges etc. A/C.No.

Sl. No.	Nature of the Claim.	Period to which the claim relates.	Amount
1.	2.	3.	4.
1.			
2.			
3.			

E. & O.E.

Total Rs.

(Rupees.....only)

Please take notice that you are liable to pay the said amount of Rs..... (Rupees.....
.....only) together with belated payment surcharge at ..
.....per month within thirty days from the date of service of this bill failing which
further proceedings will be taken against you for the recovery of the dues in accordance with the
provisions contained in the T.N.E.B. (Recovery of Dues) Act 1978.

If you dispute your liability to pay the whole or part of the amount specified in this bill within thirty days from the date of service of the bill, you may prefer an appeal to the Executive Engineer/.....

ElectricityDistributionCircle/.....

Asst. Accounts Officer.

ACKNOWLEDGEMENT

Received the Lr.No.

EE/O&M/AAO/

/RA/BA

/D.

dated.....

SIGNATURE OF THE CONSUMER.

FORMAT - II

**FORM PRESCRIBED UNDER THE TAMIL NADU ELECTRICITY BOARD
(RECOVERY OF DUES) RULES OF 1979.
FORM OF APPEAL UNDER RULE 3(2) (a).**

To
The E.E./C.E.....
theday of19

- 1) Name (s) of the appellant(s) and full address :
- 2) Period to which the arrears disputed relate :
- 3) Authority passing the order in dispute :
- 4) Date on which the order was communicated :
- 5) Address to which the notice may be sent to the appellant (s) :
- 6) Relief claimed in appeal on account of charges for consumption of electrical energy :
 - a) As determined by the authority against whose orders the appeal is preferred : Rs.
 - b) Amount disputed : Rs.
 - c) Any other relief claimed Rs.
- 7) Grounds of appeal :

(Signed)
Appellant(s)

N.B. - 1. The appeal should be in duplicate and should be accompanied by two copies of the order appealed against.

2. The appeal should be written in English and should set forth concisely and under distinct head the grounds of appeal without any arguments or narrative and such grounds should be numbered correctively.

FORMAT - IV.

Appeal Order No. E.E/C.E Dated

1. Name of the appellant :
2. Service no. and distribution :
3. Period to which the arrears relate. :
4. Authority passing the orders
appealed against (AAO/SE) :
5. Date on which the order in Col.4
was communicated. :
6. Date on which the appeal was
preferred. :
7. Address to which notice may be
'sent to the appellant. :
8. Nature of relief claimed in the appeal :
9. Date of hearing of the appeal :
10. Name of person who has appeared
and defended the appeal
(i.e.appellant, an authorised
representative or advocate).
11. Order.

E.E/C. Engineer (O&M)

FORMAT - V.**ANNEXURE**

(See Rule -7)

NOTICE OF DEMAND UNDER SECTION 4 OF THE TAMIL NADU ELECTRICITY BOARD
(RECOVERY OF DUES) ACT 1978 (TAMIL NADU ACT 29 OF 1978)

TAMIL NADU ELECTRICITY BOARD.

Circle :
Distribution Circle.

Station:.....
Date :

To _____

Please take notice that a sum of Rs..... (Rupees only) is due from you by way of consumption of electrical energy supplied. You are, therefore, required to pay the amount specified in the following statement of account within fifteen days from the date of receipt of this notice failing which action will be taken to recover the amount due under Section 6 of the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978).

Statement of Account showing particulars of dues to the Board for Service Connection No.

Sl. No.	Description of the amount.	Amount. Rs.P.
	Total	_____
	Total amount in words (Rupees..	_____

PRESCRIBED AUTHORITY.

FORMAT - VI

From
Thiru
Asst. Accounts Officer
.....Rev. Branch.

To

The Village Administrative Officer/
Executive Officer / Commissioner,
Panchayat Board / Municipality,
.....

Letter No.

Sir,

**Sub: Tamil Nadu Electricity Board (Recovery of Dues) Act 1978 and Revenue Recovery Act 1864 -- Recovery of Electricity Arrears due from Thiru.
By Attachment and sale of immovable properties - - Details of properties --
Requested.**

I am to inform you that Thiru/ M/S..... at No.
Street in Village/Town is in arrears of electricity dues to the extent of Rs..... for the
years..... The Government have brought out a Special Act known as the
T.N.E.B. (RD) Act in the year 1978 under which the Asst. Accounts Officers of the T.N.E.B. have been
empowered to collect the dues by exercising all the powers of a Collector by attaching and selling the
properties of the defaulter under the provisions of the Tamil Nadu Revenue Recovery Act, 1864.

He/They have not paid the dues inspite of repeated personal contacts and communications sent to
him/them. Therefore, it is proposed to recover the dues from the above said consumer by resorting to
action under the Revenue Recovery Act. I request you to furnish the details of the landed proper-
ties/buildings owned by the consumers with the following particulars:

- 1) Landed property :-
 - a) Village in which located.
 - b) Survey and Sub - division No.
 - c) Extent
Classification (Nanjai or Punjai)
 - e) Boundaries..
- 2) Buildings :
 - a) Door No. and ward No.
 - b) Name of Street/Road,
 - c) Extent
 - d) Boundaries
 - e) Property tax paid.

ASST.ACCOUNTS OFFICER.

Revenue Branch

FORMAT - VII.

From
Thiru.
Asst.Accounts Officer ,
.....Rev. Branch

To
The Sub - Registrar,

Letter No.....

Sir,

Sub : Tamil Nadu Electricity Board (Recovery of Dues) Act 1978 and Revenue Recovery Act 1864 -- Recovery of electricity arrears due from Thiru..... by attachment and sale of immovable properties - - Details of encumbrances on the properties -- Certificate -- Requested.

I am to inform you that Thiru / M/s..... at No..... Street in.....Village/Town is in arrears of Electricity dues to the extent of Rs..... for the years The Government have brought out a Special Act known as the T.N.E.B. (RD) Act in the year 1978 under which the Asst.Accounts Officers of the T.N.E.B. have been empowered to collect the dues by exercising all the powers of a Collector by attaching and selling the properties of the defaulter under the provisions of the Tamil Nadu Revenue Recovery Act ,1864.

He/they have not paid the dues inspite of repeated personal contacts and communications sent to him /them. Therefore, it is proposed to recover the dues from the above said consumer by resorting to action under the Revenue Recovery Act. I request you to issue a certificate of encumbrance on the landed properties/ buildings owned by the consumers as noted below as on today.

- 1) Landed property:
 - a) Village in which located
 - b) Survey and sub - division No.
 - c) Extent.
 - d) Classification (Nanjai or Punjai)
 - e) Boundaries.
- 2) Buildings:
 - a) Door No. and Ward No.
 - b) Name of Street/Road.
 - c) Extent.
 - d) Boundaries.
 - e) Property tax paid.

The fees for the encumbrance certificate is paid in cash.

ASST.ACCOUNTS OFFICER.

FORMAT - VIII

**PROCEEDINGS UNDER THE TAMIL NADU ELECTRICITY BOARD
(RD) ACT 1978.**

- 1) Area of officer who handles the case. :
- 2) Name of the defaulter :
- 3) Amounts of arrears due Rs :
- 4) Period to which the arrears relate :
- 5) Date of issue of notice under
Sec.3(1) read with Rule - 4 of
the T.N.E.B. (RD) Act of 1978. :
- 6) Date of Service. :
- 7) Date by which the time granted
(30 days) to file appeal expired
vide Rule - 5. :
- 8) (a) Whether the amount was paid in full. :
(b) Whether an appeal was filed and if
so the date on which the appeal
was filed.
- 9) Nature of disposal of the appeal
and the date of order with reference No. :
- 10) Nature of appellate order and the
date of Communication of the appellate
order to the defaulter :
- 11) Date by which the arrears as
determined by the appellate
authority should be paid :
- 12) Arrears due together with penalty
etc. as per appellate orders.
- 13) Date of issue of notice of demand
under sec.4 read with Rule - 7 by
registered post with acknowledgement due :
- 14) Date by which suit can be filed
under Sec.7 (three months from
the date of service of Rule 7 notice). :

- 15) Whether a suit under Sec.5
has been filed and if so give the
details of the suit. :
16. (a) Court in which filed :
- (b) date of filing :
- (c) Suit No. and year :
- (d) Date of hearing :
- 17) Result of the suit with date of order :
- 18) If no suit is filed within the
prescribed period (three months
from date of service of Rule - 4 notice)
Whether action under R.R. Act has
been initiated as per Rule - 6.

FORMAT - IX.**PROCEEDINGS UNDER THE R.R. ACT****Attachment of movables**

- 1) Date of issue of distraint Order
in Form 1. :
- 2) a) Date of service of Form -1

b) Date of expiry of the time
allowed in Form - 1. :
- 3) Date on which actual distraint
was made and inventory of
Articles distraint in Form - 2
served on the defaulter. :
- 4) Date on which report to Public Officer
suit for notifying sale of the
properties distrained. :
- 5) Date on which notice in Form - 3
issued for sale of the movable
distrained. :
- 6) Date on which sale conducted and
result. :
- 7) Date on which report for confirmation
of sale sent (to the Officer who is
immediately superior to the
officer who conducted the sale.)
- 8) Date of receipt of orders of
confirmation of sale. :
- 9) Date of communication of the order
to the higher bidder. :
- 10) Date of payment of balance of
amount by the highest bidder and
date of delivery of the articles. :

FORMAT-X
PROCEEDINGS UNDER THE R.R. ACT
Attachment of immovable.

- 1) Details of property proposed to be attached and sold.
- 2) a) Land or Building.
 - b) i) If land, state the name of Village, S.No., extent, classification and assessment and estimated value.
 - ii) If buildings, state the Door No. street, Village or Town in which located, extent, amount of property tax paid and estimated value.
- 2) (a) Name of the owner of the land or building. :
- (b) Whether the building is solely owned by the defaulter or joint property.
- 3) (a) Are there any encumbrances on the land / building. :
- (b) Has an encumbrance certificate been obtained from the Sub - Registrar in respect of the property.
- (c) Details of encumbrances if any.
- 4) (a) Date of issue of notice in form - 4. :
- (b) Date of service of notice in form - 4. :
- (c) Date of expiry of notice time' :
- 5) (a) Date of issue of notices in Form - 5 (The arrears shown in Form - 4 only should be shown in this notice). :
- (b) Date of service of the notices in Form - 5 :
 - (i) On the defaulter (if not possible by beat of tom tom in the Village). :
 - (ii) On all persons interested in the property. :
 - (iii) By affixture on some conspicuous part of the property :

- (iv) By sending a copy to the Civil Court in case the property is under Civil Court attachment. :

(Note : There should be clear 30 days interval between the date of publication in the District Gazette and the date of sale).

6. (a) Date of issue of notice in Form - 7 in English and in Tamil. :
- (b) Date of service of the notice :
- (i) On the defaulter :
- (ii) On all persons interested in the property. :
- (iii) By affixture on some Conspicuous part of the property.
- (iv) On the Notice Board of the Collector's office. :
- (v) On the Notice Board of the nearest Police Station. :
- (vi) On the Notice Board of the Tahsildar. :
- (vii) On the Notice Board of the Officer attaching and selling the property. :
- (viii) By sending a copy to the Civil Court in case the property is under Civil Court attachment. :

- 7) (a) Date of issue of notice in Form - 7A for publication in District Gazette. (The arrears shown in Form 4&5 only should be shown in this notice).

- (b) Date of publication of the notice in the District Gazette.

Note - 1 :- This notice should be published in the District Gazette atleast a fortnight before the date of the intended sale.

2. Notices in Form 5, 7 and 7A may be issued simultaneously and published as above to avoid delay.

8. Date of inspection of the property by the Office conducting the sale.

9. Date of conduct of the sale:

(Note: The Officer conducting the sale should himself read the notice and certify the fact in his report of the sale. The purchaser is required to deposit 15% of the purchase amount at the time of sale and the balance within 30 days from the date of sale).

- 10) Date on which report sent for confirmation of the sale.
- 11) Date of order of confirmation of sale and issue of certificate of sale in Form 8.
(This should be done on the expiration of 30 days from the date of sale.)
- 12) Date of communication of the order of confirmation and certificate of sale with seal
 - (a) To the Officer who conducted the sale,
 - (b) To the concerned Sub - Registrar
 - (c) To the concerned Tahsildar.
- 13) Date of proclamation of purchase of the property in Form - 10
 - (a) In the Village in which the property sold is situated
 - (b) In the Taluk Office
 - (c) In the Collector's Office
 - (d) In the Office of the Officer who conducted the sale
 - (e) In the District Gazette.
- 14) Date of delivery of the property to the purchaser.

PROCEDURE CHART OF THE REVENUE RECOVERY ACT II OF 1864

Process	When to be issued	By whom	Details to be noted	Mode of service/ publication
1.	2.	3.	4.	5.
Section I - Distraint and Sale of Moveable property.				
1. Demand in Form 1 (Sec.8) or (S.O.41 - 6)	Subject to suit under Sec.5 of the TNEB (RD) Act 29 of 1978 - three months after service of demand under Sec.4 of that Act or after such further time as Chairman of the Board may allow. (Sec.6 (1) of the TNEB (RD) Act 29 of 1978 & Sec.8 of (Act II of 1864)	AAO/SE or other officer empowered by him.	<ol style="list-style-type: none"> 1. Name of defaulter 2. Amount of arrears 3. Date on which arrears fell due 4. The person authorised to distraint 5. Batta due to process server 6. Interest rate and interest due to date. 7. It should also specify that of arrears, interest, batta and expenses of distress are not previously discharged, property distrained will be immediately brought to sale. 	As per Sec.8. But as per administrative instructions it may be served on the defaulter giving him a reasonable time to pay the dues.
2. Inventory of articles distrained in Form - 2. To be sent to "Public Officer" under Act VII of 1839 (Sec- 8&9 of Act . of 1864.	Immediately after distraint with a copy of demand in Form - 1.	AAO/SE or other officer empowered by him.	<ol style="list-style-type: none"> 1. Details of articles distrained. 2. Estimated value of each. 3. Amount of arrears due 4. Date of distress 5. Date in which form - 2 was given to defaulter. 6. Place at which the distrained property is lodged. 	<ol style="list-style-type: none"> 1. To be delivered to the defaulter in person with a copy of demand in Form 1 or 2. If defaulter is absent before the expiration of 3 days calculating from the date of distress to be affixed or left at his usual residence where the property was distrained along with a copy of demand in Form - 1.

1.	2.	3.	4.	5.
3. Sale notice in Form - 3 (There should be 15 clear days between date of service and date of sale) Sec.22 of Act II of 1864.	On receipt of form 2	AAO/SE or other officer empowered by him	<ol style="list-style-type: none"> 1. Name of defaulter 2. Place, date & time of sale 3. That sale will be to the highest bidder. 4. That sale will be subject to revision by higher authority. 5. Full purchase money to be collected immediately. 6. Delivery of articles will be made only after collection of full purchase money. 7. Failure to remit purchase money will entail resale at the expense of the purchaser. 	<ol style="list-style-type: none"> 1. Form 3 with list of property distrained to be affixed to the outdoor of the defaulter or the premises where the property was distrained. 2. Proclamation by tom tom in the village. 3. Any other place considered necessary by the AAO/SE to give the publicity.

Sec.II Attachment and sale of Immovable property

1. Demand in Form - 4 (Sec.25) B.S.O.41 (8)	Prior to the attachment of the property	By the AAO/SE or other officer empowered by him.	1. Name of defaulter	1. Copy to be delivered to the defaulter - personal service under ack.as far as possible (S.O. 41 - 8) or
			2. Amount due	2. Service on some ac.it male member of his family at his family at his usual place or abode (or)
			3. Time allowed for payment (time) to be fixed with ref.to distance of land from place for remittance.	3. On his authorised agent. If 1 to 3 are not possible
			4. Land in respect of which arrear is due (items which comprise the arrear)	1. By affixture in a conspicuous part of his last known residence.
			5. Batta due to be paid	2. By affixture in a conspicuous part of the property about to be attached.

1.	2.	3.	4.	5.
<p>2 Notice of attachment in form 5 (Sec.27) BSO 41 (8)</p>	<p>After expiry of the time specified in Form - 4</p>	<p>By the AAO/SE or other officer empowered</p>	<p>1. Fact of attachment to be specified. 2. To specify that unless the arrear with interest and expenses are paid within the date specified (Day prior to sale date) land will be brought to sale. Details of land/property attached.</p>	<p>1. By affixture in some conspicuous part of property attached and 2. By public proclamation on the land (by beat of tom - tom) and 3. By publication in the District Gazette and 4. (a) On the defaulter personally. (b) If it is not possible by beat of tom - tom in village and by affixture in chavadi or village temple or in place of public assembly. (Sec.27 & Note 1 under S.O.41 - (8))</p>
<p>3. Note of assumption of management in form - 6 management to be taken up only in exceptional cases BSO.41 (9)</p>	<p>At any time during attachment</p>	<p>By the AAO/SE</p>	<p>1. Name of agent. 2. Date of attachment of property.</p>	<p>5. By service on persons interested in the property. As in the case of Form - 4 and also by proclamation on land and in the District Gazette.</p>

1.	2.	3.	4.	5.
4. Notice of sale in form - 7 (Sec.36) BSO 41 (11)	Along with form 5 (there should be a clear interval of one month between date of service/publication and date of sale to be both in English and Tamil)	By the AAO/ SE	1. Date, time & place of sale 2. Name of defaulter 3. Position and extent of the land and the buildings on it. 4. Revenue assessed on the land or upon its sections. 5. Conditions of sale.	1. On the defaulter 2. On all persons interested in the property. 3. Notice Board of District Collector office. 4. Notice Board of the Taluk Office. 5. Notice Board of local police station. 6. Notice Board of the AAO/SE and 7. Conspicuous part of the property attached (sec.36 & SO 41 - 11)
5. Notice of sales of land in form 7 - A BSO 41 (11)	Along with Form 5 & 7 (atleast 15 days interval between date of publication and date of sale (SO.41 (11) After confirmation of sale and registry of property in the name of the purchaser.	By the AAO/ SE	Details as in Form 7 - A	In Tamil in the District Gazette.
6. Certificate of sale in form 8 (Sec.) 38 (b) BSO. 41 (13)	After confirmation of sale and registry of property in the name of the purchaser.	By the AAO/SE.		
7. Proclamation of purchaser of land in form 10 (Sec.39)	After issue of certificate of sale	By the AAO/SE.	1. Name & Address of purchaser. 2. Name & address of defaulter. 3. Purchase amount & date of purchase 4. Details of land as in form - 10.	1. In the village by beat of tom - tom and 2. In the taluk office Notice Board & 3. in the District Collector's office notice board & 4. In the District Gazette.

FORMAT - XII

REGISTER OF APPEALS FILED UNDER SECTION 3(2) OF THE T.N.E.B. (RD) ACT OF 1978

Sl.No.	Name of appellant & address	Sc.No. & Distn.	Details of the arrears disputed		Date of issue of the Sec. 3 (1) notice	Dt. of ack. of the Sec. 3 (1) notice by the consumer	Dt. by which appeal can be filed	Dt. of filing of the appeal	Dt. of orders passed by the E.E.
			C.C.charges BPSC, M.M. etc.	Year to which relate					
1.	2.	3.	4.	5.	7.	8.	9.	10.	11.

Nature of the appellate orders dismissed/ modified/ allowed	Amount and dt. by which arrears if any due are to be paid by the consumer/ as per the appellate orders	Amount and dt. of payment of the dues	If the dues are not paid, date of issue of Sec.4 notice.
12.	13.	14.	15.

FORMAT - XIII
REGISTER OF SUITS FILED UNDER SEC.4 OF THE T.N.E.B. (RD) ACT OF 1978

Sl. No.	Name of the appellant and address	Sc. No. & Distn.	Details of the arrears		Amount	Rs	Details of appeal (if any filed under Sec. 3 (2) - A.P. Result No.	Dt. of issue of notice under Sec. 4 of the R.D.Act	Dt. of ack.of Sec.4 notice by the consumer	Dt. by which a suit can be filed
			C.C.charges etc.	Year to which relate	Year					
1.	2.	3.	4.	5.	6.		7(a) 7 (b)	8.	9.	10

If no deposit is made

Details of injunction orders if any against taking steps to collect the dues.

Dt. of filing of the appeal, name of court & OS.No.& year	Dt. of deposit as per Sec.5 & amount deposited	Dt. of filing of affidavit opposing the main-tainability of the suit	Dt. of court orders on the affidavit	Nature of court orders	Dt. of injunction order	Dt. of filing petition for vaction	Dt. & nature of court orders	If court orders are adverse, any appeal filed
11.	12.	13. (a)	(b)	(c)	14 (a)	(b)	(c)	(d)

Details of final orders in the suit

Date of orders & O.S.No.	Nature of orders	If the decision is against the Board any appeal filed and the details
15 (a)	(b)	(16)

FORMAT - XIV

STATEMENT SHOWING THE DETAILS OF SUITS FILED BY THE BOARD FOR THE RECOVERY OF THE DUES ON ACCOUNT OF C.C.CHAR-
GES, ETC., AND ARE PENDING DISPOSAL IN THE REVENUE BRANCH OF
IN
ELECY. DISTN. CIRCLE.

Sl. No.	Name of the court in which the suit was filed	Dt. of filing of the suit	O.S. No. & year of the court	Name of the consumer & address	Details of arrears due such as c.c. charges etc.	Period to which the arrears relate	Amount of arrears due	Whether an interim injunction or stay order has been obtained & if so No. & dt. of the order	Nature of the injunction order such as permitted to pay in instt. etc.	9. (a)
1.		2.	3.	4.	5.	6.	7.	8.		9. (a)
Whether the injunction order has been obeyed; Steps taken to vacate the injunction order	If the injunction orders not obeyed nature of action taken by Board	Dt. of filing of counter affidavit by the consumer	present stage of the suit	If already decreed date of decree	Date on which execution petition filed and EP.No.	Stage of the execution petition	If no counter petition filed so far the reasons therefor	Remarks		
9. (b)	9. (c)	10.	11.	12.	13.	14.	15.			16.

FORMAT - XV

STATEMENT SHOWING THE DETAILS OF SUITS /W.P.s. FILED BY THE CONSUMERS AGAINST THE BOARD WHERE ACTION HAS BEEN
 INSTITUTED BY THE BOARD UNDER R.D. & R.R. ACTS, FOR THE RECOVERY OF THE DUES FROM THE CONSUMERS IN THE REVENUE
 BRANCH
 ELECTRICITY DISTRIBUTION CIRCLE.

No.	Name of the court in which the Suit/W.P. filed	Dt. of filing the Suit/W.P.	O.S./ W.P. No. & year of the court	Name of the consumer and address	Details of arrears due such as c.c. charges etc.	period to which the arrears relate	Amount of arrears due	Whether an interim injunction or stay order has been obtained & if so the No. & dt. of the order	Nature of the injunction stay order (such as permitted to pay in instalment, etc.)
		3.	4.	5.	6.	7.	8.	9.	9. (a)

Whether injunction by consumers have been obeyed the consumer	If the injunction stay orders not obeyed by the consumer nature of action taken by the Board	Dt. of filing of counter by the Board.	Present stage of the suit W.P.	Remarks
		10.	11.	12.
(b)	9. (c)			

FORMAT -XVI

STATEMENT SHOWING THE DEMAND, COLLECTION AND BALANCE UNDER ARREARS FOR WHICH ACTION UNDER THE R.D & R.R. ACTS IS TAKEN FOR THE MONTH OF _____ IN THE REVENUE BRANCH OF _____ ELECY. DISTIN. CIRCLE IN RESPECT OF H.T./L.T. CASES. Rs. in Lakhs

Sl.no.	Particulars	Over Rs.5000/-		Between Rs.1000 & Rs.5000		Below Rs.1000	
		No. of cases	Amount Rs.	Nos. of cases	Amount Rs.	No. of cases	Amount Rs.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Due for collection at the beginning of the month						
2.	Newly brought in during the month						
3.	Total due for collection						
4.	LESS AMOUNT ELIMINATED AS WITHDRAWN:						
	a) Upto the end of the previous month						
	b) In the month						
	c) Total (a) and (b)						
5.	Balance due for collection						
6.	Cases in which the arrears were collected						
	a) Upto the end of the previous month						
	b) In the month						
	c) Total (a) & (b)						
7.	Balance						
8.	Details for the Balance						
	a) <u>By issue of notices under Sec.3 of R.D. Act</u>						
	i) Notice time not yet expired						
	ii) Appeals filed by consumers and pending						
	iii) Notice time expired and Sec.4 notice to be issued						
	b) <u>By issue of notices under Sec.4 of the R.D. Act.</u>						
	i) Notice time not yet expired						
	ii) Suits filed by consumers and pending						

(1)	(2)	(3)	(4)	(5)
(iii)	Notice time expired and Form 1 under R.R. Act to be issued.			
9.	<u>Action under R.R. Act.</u>			
	i. Form 1 notice issued and time not yet expired. ii. Form 1 notice time expired but not yet distrained. iii. Cases in which movables distrained.			
10.	<u>Sale of movables.</u>			
	i) Form-3 Notice issued and time not yet expired ii) Notice time expired and sales conducted iii) Notice time expired but sales not conducted.			
11.	<u>Confirmation of Sales</u>			
	i) Report sent and orders awaited ii) Report not yet sent iii) Orders received and properties delivered iv) Orders received but properties not yet delivered.			
12.	<u>By attachment of immovables</u>			
	i. Form 4 notice issued and time not yet expired. ii. Time expired and form 5, 7 & 7A notices issued. iii. Time expired and Form 5, 7 & 8, 7A to be issued.			
13.	<u>Sale of Immovables</u>			
	i) Notice time not yet expired ii) Notice expired and sales conducted iii) Notice time expired but sales not conducted.			
14.	<u>Confirmation of Sales</u>			
	i) Report, sent and orders awaited ii) Report not yet sent iii) Orders received and sale certificate issued.			
Total				

FORMAT (XVII)

Explanatory statement I for the arrears shown as pending
realisation in Column-7 of the D.C.B
Statement-I as on..

	No.of cases	Amount Rs. in Lakhs.
1) Amount due from		
a) Govt. Departments		
b) Local Bodies		
c) Railways		
2) Suits & WPs filed by Board		
a) Covered by injunction orders		
b) Not -do-		
c) Decreed & E.P. filed		
d) Decreed & E.P. to be filed		
3) Suits & W.Ps. & filed by consumers		
a) Covered by Stay Order		
b) Not -do-		
4) a) Write off proposals submitted		
b) Write off proposals to be submitted		
5) a) Withdrawal proposals submitted		
b) -do- to be submitted		
6) By issue of notices under RD Act.		
a) Notice under Sec.3(l)		
b) Appeal before EE/CE/D		
c) Notice under Sec.4 time not expired		
d) -do- time expired		
7) Action under R.R. Act.		
a) Movable properties distrained		
b) Immovable -do- -do-		
8) Notice under RD. Act not yet issued.		
Total		

FORMAT-XVIII

EXPLANATORY STATEMENT ^{II} D.C.B.

Details showing the state at which the Section 3(1) and 4 Notices issued stand.

(Amount in lakhs)

Sl. No.	Details.	Over Rs. 5,000/-		Between Rs. 1000/- and Rs.5,000/-		Below Rs.1,000/-	
		Nos.	Amount	Nos.	Amount	Nos	Amount
1)	Notices not issued so far						
2)	Section 3(1) Notices issued during the month and not delivered to the party and acknowledgement received from the Asst./ junior Engineer.						
3)	Section 3 (1) notices delivered to the party but 30 days time not expired.						
4)	Appeals filed to the Executive Engineer with reference to Sec 3(1) notices and pending.						
5)	Section 3 (1) notices delivered to the party and 30 days time expired but Section 4 notices have not been issued.						
6)	Section 4 Notices issued and sent to the Assistant/junior Engineer but acknowledgement of the consumer not yet received from Assistant/junior Engineer.						
7)	Section 4 Notices delivered to the party but 3 months notice period not expired.						
8)	Section 4 notices delivered to the party and suit filed and pending.						
9)	Section 4 Notices time of 3 months expired no suit filed within 3 months, distraint order under RR. Act not yet issued.						
10)	Section 4 Notices period expired and distraint orders issued.						

11) a) Number of cases in which
action under R.D. Act is over
and action under R.R. Act is
due.

b) Number of cases in which distraint
orders not yet issued.

12) a) Number of cases in which movable
propertices have been distrained.

b) Number of cases in which immovable
properties notified for sale.

13) a) Cases covered by suits and writ
petitions.

b) Write off proposals submitted.

c) Withdrawal proposals submitted.

TOTAL

FORMAT - XIX (Monthly return)
Statement showing the Electricity dues to be collected in respect of D.C. (HT/LT) services under RD/RR.Acts
Progress of works for the month of.....(Rupees in lakhs)

Sl.No.	Description	At the beginning of the month		Added during the month		Total dues		Collection made during the month		Balance at the end of the month		Remarks
		No.of SCs	Amount Rs	No. of SCs.	Amount Rs	No.of SCs.	Amount Rs	No.of SCs.	Amount Rs	No.of SCs.	Amount Rs	
I. H.T. Service												
	(a) Arrears over Rs.5000/-											
	(b) Arrears between Rs.1000/- to Rs.5000/-											
	(c) Arrears below Rs.1000/-											
II. L.T. Services:												
	(a) Arrears over Rs.5000/-											
	(b) Arrears between Rs.1000/- to Rs.5000/-											
	(c) Arrears below Rs.1000/-											
Total												

SUPERINTENDING ENGINEER
.....Distn Circle