

ELECTRICITY CGRF
(Under The Electricity Act, 2003)
ANDAMAN & NICOBAR ISLANDS
PORT BLAIR

Before :

Shri. R. Ravichandar, Chairman,
Shri. Narayan Chandra Baroi, Member (Licensee)
Smt. Biji Thomas, Independent Member (JERC Nominated)

In the matter of :

Shri. Avijit Biswas, S/o Anukul Biswas, R/o Garacharama, Port Blair bearing
Consumer No. H3/6970 (Domestic).

.....Complainant

Versus

The Electricity Department, A & N Administration, Port Blair.

.....Respondent

Complaint No. : ANI/CGRF/273/23-24/05 dated 30/05/2023
Complaint : Excess Billing bearing Consumer No. H3/6970 (Domestic)
Date of Hearing : 15/06/2023 & 27/06/2023
Date of Order : 25/08/2023

ORDER

Background

The complainant Shri. Avijit Biswas, S/o Anukul Biswas, R/o Garacharama, Port Blair filed a complaint vide R.D. No. 38 dated 30/05/2023 regarding excess billing bearing Consumer No. H3/6970 (Domestic).

The complaint was forwarded on 30/05/2023 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer(HQ), Assistant Engineer-III, Electricity Department who represents the Respondent/Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 15/06/2023 at 10:30 a.m. in the Hearing Hall of the Electricity CGRF, A&N Islands, Horticulture Road, Haddo, Port Blair with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 15/06/2023 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer-III, Electricity Department filed his letter No. EL/AE/PP/1-12/22-23/243 dated 10/06/2023 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum on 12/06/2023, which is kept in case file (*Exbt.-1*).



Hearing on 15/06/2023

The Hearing was held on 15/06/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Avijit Biswas, Complainant.
- (ii) Shri. E.P. Shahnawaz, AE-III, Elect. Dept.
- (iii) Shri. A. Venkateswar Rao, MRCLC, Elect. Dept.

Statement of the Complainant

The complainant Shri. Avijit Biswas stated in his complaint letter dated 30/05/2023 that *"I am resident of Garacharama as tenant of Mr. Selvam bearing meter No. H3/6970. From (June 2022) last 12 months I got electricity bill of high amount and current month the bill amount is much higher than the last month.*

As I live in small rent room with minimum appliances. Even before I have given the complaint about the same issue in meter reading, but no actions have been taken against it".

The complainant enclosed the copy representation submitted to AE(Pattar Gudde), Electricity Department vide letters dated 10/05/2023 & 25/05/2023, electricity bills, ID proof as Aadhaar Card alongwith NOC from the owner of the consumer, which is kept in the case file.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-III on behalf of the Respondent/ Licensee(ED) in his written submission letter dated 10/06/2023 with enclosures has stated that *"the complainant namely Shri Avijit Biswas tenant of consumer Mr. Selvam R/o Garacharama having a smart meter under A/c no H3/6970 in Domestic category has lodged complaint to the forum regarding excess meter reading.*

In this regard the Junior Engineer (PP-1) has inspected the above complainant premises and found the Earthing wiring is in order and connected load found 4 KVA. The monthly energy consumption bill is being charged as per reading receiving through online in WBBS system. As on date 31/05/2023 the meter reading of the above said consumer meter under A/C No. H3/6970 is 6119 KWH.

The consumer ledger showing the meter details unit consumption and the payment details of the above said electric meter from January 2021 to April 2023 is enclosed herewith".

The Respondent/Licensee(ED) has submitted copies of meter reading books and consumer ledger, which is kept in the case file (Exbt.-2).

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Submission of the Complainant

The complainant states that he has raised a complaint of energy bill bearing consumer No. H3/6970 of high amount for last one year. In the month of 06/2022 electricity bill was very high compared to the previous months and accordingly I registered my complaint on 10/05/2023 and 25/05/2023 before the Respondent/Licensee (ED), but no action has been taken by the official. Further he states that he live in a small room with minimum appliances, and working as private worker with average salary. He leaves for his job at around 9 am in the morning and returns home late at night. His family lives in Hut Bay, whenever they visited Port Blair, they stay with the complainant and rest of the time my house is closed.

Hence, the complainant requested to verify the high consumption in his premises and excess amount paid by him may be adjusted in future bills.

Submission of the Respondent/Licensee(ED)

The Nodal Officer (CGRF) is absent ~~for~~ the Hearing. The Assistant Engineer-III, Elect. Dept., represents on behalf of the Respondent/Licensee (ED) and stated that the JE (PP-1) has inspected the complainant's premises and found the earthing wiring is in order and connected load is 4 KVA. The energy bill is charged as per reading recorded in the energy meter which was received through online in WBBS system.

Forum's Observation

The Forum observed that the Respondent/Licensee (ED) has not submitted the EESL report to the Forum.

The Forum observed that the complainant being the only bread winner of the house, is not able to bear with the highly charged electricity bills whether or not if it's his consumption.

The Forum going through the documents submitted by the Respondent/Licensee (ED) alongwith statement submitted by the complainant, the Forum directed the Respondent/Licensee (ED) to install a check meter for 10 days and submit the report alongwith EESL report, till the complaint is pending it be kept in abeyance. The next hearing was heard on 27/06/2023 at 10.30 am.

Hearing on 27/06/2023

The Hearing was held on 27/06/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Avijit Biswas, Complainant.
- (ii) Shri. E.P. Shahnawaz, AE-III, Elect. Dept.
- (iii) Shri. A. Venkateswar Rao, MRCLC, Elect. Dept.



Submission of the Respondent/Licensee(ED)

The Nodal Officer (CGRF) is absent ~~for~~ the Hearing. The Assistant Engineer-III, Elect. Dept., represents on behalf of the Respondent/Licensee (ED) stated that the check meter was installed for 10 days in the consumer premises and accordingly meter reading was taken every day in presence of the complainant and also EESL report was received, as directed by the Forum in the earlier hearing on 15.06.2023, which is submitted in the open Forum.

The Respondent/Licensee (ED) has submitted the check meter report with EESL report at the time of Hearing, which is kept in the case file **(Exbt.-3)**.

Forum's Observation

The Forum after going through the documents submitted by the Respondent i.e. EESL report alongwith check meter reports and found that the daily usage of the consumer is 3 units approx, while the complainant is not staying during the day hours at home, which is an average consumption. As the parallel check meter was installed to find the accuracy of the smart meter, and as such found there was a little discrepancy in both actual and check meters reading.

Hence, the Forum decided to direct both the complainant and the Respondent/Licensee (ED) to check the internal wiring, electrical equipment, earthing etc. through ~~your~~ inspection and submit a report within seven (7) working days, till then the complaint is kept in abeyance for final order vide Forum's letter No. ANI/CGRF/10-273/76 dated 28/06/2023, which is kept in case file **(Exbt.-4)**.

The Forum has received a letter dated 04/07/2023 from the complainant with a request to grant a one weeks time for submission of wiring, earthing and electrical equipment inspection report, as the licensed wireman was quite busy in other work, which is kept in case file **(Exbt.-5)**.

As per direction given by the Forum to the complainant, a letter vide R.D. No. 80 dated 05/07/2023 received from Shri. Santo Das on behalf of the complainants, said that "as per my inspection I found that earthing and neutral voltage is 9 v and phase and neutral voltage is 220 V. As per my knowledge the data provided I feel that wiring connection are proper". The certified wireman certificates/documents are enclosed, which is kept in case file **(Exbt.-6)**.

The Forum observed the reply of the complainant's letter dated 05/07/2023 **(Exbt.-6)**, wherein stated that the neutral to earth voltage is 9 volt, as per the norms, the permissible neutral to earth voltage is 0-1.5 volt. The same was informed to the complainant and the Respondent/Licensee (ED) vide Forum's letter No. ANI/CGRF/10-273/85 dated 10/07/2023 and directed to strengthen the existing earthing and verify the internal wiring or equipment

to reduce any leakage, and intimate to the Forum, which is kept in case file (Exbt.-7).

In response to the Forum's letter dated 10/07/2023 (Exbt.-7), the complainant's wireman informed that he has wrongly informed 9 volt instead of 0.9 volt. vide R.D. No. 89 dated 11/07/2023, which is kept in case file (Exbt.-8).

Statement of the Complainant

Further, in response to the Forum's letter dated 10/07/2023 (Exbt.-7), the complainant submitted an additional prayer for relief vide letter dated 11/07/2023 has stated that "I have inadvertently mentioned the voltage as 9 instead of 0.9 volt in my last letter, on which I have already submit correction letter to your good office. Further, it is submitted that, instead of several complaints/reminders the Electricity department has not been initiated any steps to solve my problems. The department has only send the meter reader for taking meter reading and fix the testing meter for one week instead of thoroughly checking of wiring. Sir, I am a private worker and earning Rs. 22000/- monthly and reside a rental house with minimum amenities and it is very difficult for me to pay Rs. 2000/- monthly.

Sir and as per the JERC:23/2018: "In exercise of the powers conferred under Section 181 read with Section 50, of the Electricity Act, 2003 (Act No. 36 of 2003) (hereafter referred to as 'The Act'), and all other powers enabling it in this behalf including sub-ordinate legislation, rules, resolutions, clarifications issued by the Government in terms of the Act relating to supply of electricity, the JERC for the State of Goa and Union Territories (UTS) hereby makes this "Electricity Supply Code" Regulations, 2018, hereinafter called the supply Code, 2018".

In accordance with 6.24 of Chapetr-1:

It shall be the duty of the meter reader to check the conduction of LEDs (light emitting devices) on electronic meters. Incase the E/L LED indicator provided on electronic meter is found to ne 'ON', the meter reader shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed. The meter reader shall also inform the concerned officials of the licensee about the leakage.

6.25: If the meter is inaccessible on two consecutive reading date as per cycle, a notice shall be issued to keep the meter accessible for reading on the date (at least 7 days after the date of notice) and time specified in the notice.

6.30: If the consumer desires to have a special reading taken, the same shall be arranged by the licensee and the charge, as approved by the commission shall be included in the next bill of the consumer.

6.31: Is shall be the licensee's responsibility to satisfy itself regarding the accuracy of the meter before it is installed and the licensee may test them for this purpose. The licensee shall conduct periodical inspection/testing and calibration of the meters as specified by the Central Electricity Authority



(Installation and Operational of Meters) Regulations, 2006 and as amended from time to time.

6.32: The licensee shall conduct periodical inspection/ testing of the meter as per the single phase meter once in every five years.

Note: In compliance to the above points the meter reader as well as the Electricity Department has never informed to me about this.

Chapert-8

8.63: In case the amount payable as determined by the appellate authority is less than the amount already deposited by the person, the excess amount will be refunded by the adjustment in the bills of the immediately succeeding months along with prevalent saving bank rate interest of State Bank of India from the date of such Excess deposit till the date of actual adjustment.

Note: The meter reader as well as Electricity Department fails to do his duties in accordance with JERC and due to which I have paid the excess amount to the Electricity Department.

In light of the above submission, it is my humble request to your good self that my case may kindly be considered in humanitarian ground and take appropriate action to resolve the problems in future and refund the excess payment made to Electricity Department since last one year instead of nominal/usual payment. The early action shall be highly obliged", which is kept in case file (Exbt. 9).

Based on the above said prayer of the complainant vide letter dated 11/07/2023, the Forum directed the Respondent/ Licensee (ED) vide letter No. ANI/CGRF/10-273/88 dated 13/07/2023 to submit the para-wise comments on or before 20/07/2023 positively, which is kept in case file (Exbt.-10).

Reply of the Respondent/Licensee (ED)

The Forum received the reply on behalf of the Respondent/Licensee (ED) in his written submission vide letter No. EL/AE(W/shop)/2-16/2023-24/90 dated 19.07.2023 against the additional prayer of the complainant's letter dated 11/07/2023 (Exbt.-9) stated that "during the month of January 2021 the Energy meter under A/c No. H3/6970 which is in the name of Shri. Selvam but use by the complainant was replaced by Smart meter and the taking of meter reading does not require manually and the same has been received through online in WRBS System in every month. Hence the meter reader did not visit the consumer premises.

The complaint No. ANI/CGRF/273/23-24/05 dt: 03/05/2023 lodged by Shri. Avijit Biswas, R/o Garacharama, Port Blair regarding excess billing of Energy meter bearing A/c No. H3/6970. In this regard a joint inspection team comprising of following officials of Electricity Department is formed to check wiring & earthing of the Complainant.

- 1) Shri. Shah Nawaz - AE-III(HQ)
- 2) Shri. Suresh Kumar - AE (W/Shop), Nodal Officer (CGRF)
- 3) Shri. K. Rajan - JE PP-I
- 4) Shri. Suresh Singh - LMMR, PP-I
- 5) Shri. Avijit Biswas - Complainant (Consumer No. H3/6970)

The wiring and earthing of the complainant's premises was checked by the inspection team and found the voltage between the neutral and earth was 16.4 volt. Hence, complainant has been advised to strengthen the existing earthing and verify the internal wiring and electrical equipment to reduce any leakage.

The meter daily report and power failure report from 01/04/2023 to 31/04/2023 in respect of consumer No. H3/6970 received from EESL is attached.

The report submitted by the AE-III(HQ) vide letter No. EL/AE/PP/1-12/22-23/345 dated 19/07/2023 is enclosed herewith for ready reference", which is kept in case file (Exbt.-11).

Forum's Observation

The Forum observed the reply of the Respondent/Licensee (ED) regarding installed parallel check meter to find the accuracy of the smart meter, as directed on Hearing dated 13/06/2023, and found there was a little discrepancy recorded in both actual and check meter.

The Forum going through the reply of the AE(W/Shop), Nodal Officer (CGRF) vide letter dated 19/07/2023 (Exbt.-11), wherein states "wiring and earthing of the complainant's premises was checked by the inspection team and found the voltage between the neutral and earth was 16.4 volt", and the Forum observed the voltage is very high, as per the norms of the permissible neutral to earth voltage i.e. 0-1.5 volt. Based on the reply of the Respondent/Licensee(ED) letter dated 19/07/2023, the Forum decided that the issue has been raised with EESL on account of smart meter, which was installed by EESL through the Respondent/Licensee (ED) in the month of January 2021 under the scheme of Central Aided Project (CAP). Hence, the Forum directed to AE(Workshop), Nodal Officer (CGRF), Electricity Department to provide all records/documents in connection with implementation of Smart Meter in Andaman and Nicobar Islands through EESL under the scheme of CAP vide Forum's letter No. ANI/CGRF/2-6/98 dated 20/07/2023, which is kept in case file (Exbt.-12).

The Respondent has submitted the 'Master Agreement' against the implementation of Smart Meter in Andaman and Nicobar Islands under the scheme of Central Aided Project (CAP) vide letter No. EL/AE(W/shop)/2-16/2023-24/116 dated 08/08/2023, which is kept in case file (Exbt.-13).

The Forum observed the reply of the AE-III (P/Pur) on behalf of the Respondent/Licensee (ED) vide letter No. EL/AE/PP/1-12/22-23/345 dated 19/07/2023 submitted that previously meter reader visited the premises of consumer for taking meter reading due to electronic and mechanical meter. Now, the smart meter was installed hence, the meter reader did not visit the complainant's premises and unable to check the condition of LED on smart meter, further, his site office is having more than 13000 nos. consumers at present.

The Assistant Engineer-III on behalf of the Respondent/Licensee (ED) reply is to mislead the Forum by giving reckless statement like his site office is having more than 13000 nos. consumers, in addition to smart meter installed, hence, meter reader does not take reading manually.

The Forum observed that in this instant case, the Respondent/Licensee (ED) has not been followed the **JERC Regulation No. 23/2018 (Electricity Supply Code) under Chapter 6 read as follows: -**

6.19 The Licensee shall monitor the consumption pattern of the consumer and get the meter checked wherever considered necessary to ensure that the meter is in proper working condition.

6.24 It shall be the duty of the meter reader to check the condition of LEDs (light emitting devices) on electronic meters. In case the E/L LED indicator provided on electronic meters is found to be 'ON', the meter reader shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed. The meter reader shall also inform the concerned officials of the Licensee about the leakage.

Further, as per G.S.R. 437 (E) dated 14.06.2023 amended the Rule of Electricity (Rights of Consumers) Rules, 2020 in Rule 5, Sub - Rule (5) read as "(5) All types of smart meters shall be read remotely at least once in a day and the other pre-payment meters shall be read by an **authorised representative of the distribution licensee at least once in every three months and the data regarding energy consumption shall be made available to the consumer, through website or mobile application or Short Message Service and the like, provided that the consumers having smart pre-payment meters shall also be given the data access for checking their consumption and balance amount atleast on daily basis**", which has to be implemented immediately while complaints are being filed in very high volume against smart meters readings.

The Forum is going through the "**Master Agreement**", which was executed on 16/12/2019 between the Electricity Department and the Energy Efficiency Service Ltd. (EESL) wherein various clause/points has been noted

by the Forum, which is yet to be implemented even after lapse of more than 3 ½ years due to which smart meter complaints are not rectified/resolved in time. Hence, the Forum is directed to implement both the DISCOM (Electricity Department) and EESL immediately as follows: -

1. *Sl. No. 4 (b) "To undertake its obligations as per Schedule V as per the Standards of Performance/SLA's defined in Schedule V-A".*
2. *Sl. No. 4 "DISCOM shall observe, undertake, comply with and perform, in addition to and not in derogation of its obligations elsewhere set out in this Agreement.
(a) To undertake its scope of responsibilities as described in Schedule VI.
(g) To provide necessary facilities and make necessary arrangements including space and infrastructure for training to its personnel related to the Project and make available its personnel to undergo training by EESL".*
3. *Sl. No. 5 (5.1) "EESL shall deploy such qualified and experienced personnel as may be required to carry out its Scope of Services".*
4. *Schedule II at Sl. No. 1.1. ".....Meter Data Management System (MDMS) collects data from the HES and validates and processes it and integrate with other IT applications such as Billing, Customer Case and Outage Management System etc.

IT infrastructure will manage remote meter operations such as scheduled & on demand reading, connection/disconnection, and firmware upgrade etc.

Sl. No. 1.2 (a) Meter data reading at configurable intervals.
(b) Time of day (TOD) / TOU metering
(c) Alarm/Event detection, notification and reporting.
(d) to (j)".*
5. *Sl. No. 2.2 (2) "Provides real time data feeds which can be leveraged for a real time decisions and actions to strategies Demand Side Management, Energy / Power Demand Forecasting.
(4) Enhancing consumer satisfaction level with better complaint management, faster restoration of outages and awareness for optimized consumption pattern.
(5) Improvement of the system stability, reliability and transparency.
(4) Optimization of O & M expenses".*
6. *Schedule V at (c) "To assist and provide information to DISCOMs, effective redressal to the Consumer grievances and Complaints*

- related to Smart Meter (AMI) Solution through web based portals in accordance with the Electricity Laws.*
- (i) EESL shall undertake Operation and Maintenance of AMI solution till the project period.*
 - (j) EESL shall undertake replacement of all the faulty meters at the consumer premises and other faculty equipment as covered under Smart Metering Project in implemented project area during the project period.*
 - (k) EESL shall provide training of the DISCOMs' personnel".*
7. *Schedule VI at "(a) DISCOM shall provide database of consumers and assets as well as periodic updation information.*
- (d) Shall support and facilitate EESL to execute a successful consumer awareness campaign in the project area.*
 - (i) EESL personnel shall comply with all applicable rules, regulations and requirements relating to visitors on the premises of DISCOMs.*
 - (l) DISCOM shall ensure that all Input Points are installed with Main Meters in line with the specifications as per the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 as amended from time to time, prior to the Effective Date.*
 - (o) DISCOM shall ensure quality Power Supply and shall take measures to control abnormal Electrical parameters in Electricity supply.*
 - (p) DISCOMs shall take corrective actions to remove / rectify exceptional cases (flagged by EESL).*
 - (r) DISCOM shall seek assistance of EESL in consumer complaints pertaining to smart metering to the Smart metering Implementation team for resolution as per regulatory guidelines. It is specifically agreed between the parties that all issued pertaining to Administrative and legal aspects shall be within the responsibilities of DISCOM. This includes, but not limited to issues pertaining to Billing discrepancies and revenue realization".*

The Forum observed that the facilities provided by EESL through the mobile app. for viewing the daily consumption and other parameters are not familiarized with the consumers. The Forum ~~directs~~ to take necessary steps by the Respondent/Licensee (ED) in consultation with EESL ^{to} render awareness to the general public about watching their daily consumption and other parameters through the mobile application with the help of social media, newspapers and awareness programs among public as per '**Master Agreement**' executed between the Respondent/Licensee (ED) with EESL on 16.12.2019.



The Forum also observed that the accuracy of existing meter tested by the department using parallel check meter is not a standard practice, which can be challenged in a court of law. Therefore, the accuracy of the meter to be tested in a 'National Accredited Board' (NAB) for testing and calibration laboratory or with a portable testing equipment should be provided to each site office for testing smart meters in presence of consumer after giving advance notice to witness the test, which is not implemented yet as per '**Master Agreement**' on 16.12.2019.

Hence, in the absence of any accredited testing laboratory in Andaman and Nicobar Islands, the Forum is directed to establish a meter testing laboratory or with a portable meter testing device for all site offices to avoid such litigation against smart meter in future, in consultation with EESL as per norms of '**Master Agreement**' on 16.12.2019.

The Forum further observed that the Respondent/Licensee (ED) are not trained with specific equipment to test the smart meter, collection of data, etc. as per norms of the '**Master Agreement**' on 16.12.2019.

The Forum observes that EESL is not providing prompt services in Andaman & Nicobar Islands, which hinders the better functioning of the Respondent/ Licensee(ED) against smart meter complaints. In many earlier complaints the Forum had already noted that many smart meters are not working due to display error, communication error etc., which needs to be replaced immediately, which has not been done so far. As per the '**Master Agreement**' dated 16.12.2019, the Respondent should take appropriate steps to implement all norms at the earliest, which has been already resulted in a delay of more than 3½ years.

The Forum observed that the Respondent/Licensee (ED) had done the accuracy test of the smart meter and found a discrepancy, since after the installation of smart meter. The wiring and earthing of the complainants premises was checked by the Respondent/Licensee (ED) inspection team and found that voltage between the neutral and earth was 16.4 volt. On verification of the report the Forum observed that there is an earth leakage in the premises, the same issue has been confirmed from the event reports submitted by EESL also.

The Forum further observed the **CEA Notification No. CEA-PS-16/1/2021-CEI Division dated 08.06.2023 under Chapter-III at Sl. No. 36** read as "**Leakage on consumer's premises. - (1) If the Electrical Inspector or the supplier has reasons to believe that there is leakage in the system of a consumer which is likely to affect injuriously the use of electricity by the consumer or by other persons, or which is likely to cause danger, he may give notice to the consumer in writing to inspect and test the consumer's installation.**



(2) If after such notice, the consumer fails to provide access to its installation for inspection and testing, or an insulation resistance of the consumer's installation is so low as to prevent safe use of electricity, the supplier may, and if directed so by the Electrical Inspector shall discontinue the supply of electricity to the installation but only after giving to the consumer forty eight hours notice in writing for disconnection of supply and shall not recommence the supply until he or the Electrical Inspector is satisfied that the cause of the leakage has been removed", which was not done in this instant case.

The Forum observed that due to negligence of Respondent/Licensee (ED) for partially implemented the **'Master Agreement' dated 16.12.2019**, the consumer has been suffering and harassed against smart meter complaints. The Respondent/Licensee (ED)'s official has not yet been trained by EESL. Presently, EESL is solely controlling and monitoring the Smart Meter and not timely providing the information of defect/error recorded in the Smart Meter to the Respondent/Licensee (ED), and accordingly, they have failed to serve notice to the consumer to rectify the error/defect, which have been recorded in the smart meter of the consumer premises. But, for this the complainant's consumer are not liable to suffer/harass and make payment on excess billing of the unutilized electricity.

The Forum observed that as per consumer ledger, EESL report and meter reading book bearing Consumer No. H3/6970 submitted by the Respondent/Licensee (ED) and found the voltage between the neutral and earth was 16.4 volt, which was recorded in the smart meter but the information was ^{not} informed to the complainant's consumer by the Respondent/Licensee (ED) through EESL who is presently fully monitoring the smart meter. Due to negligence of both the EESL and the Respondent/Licensee (ED) for non-implemented all norms as mentioned in the **'Master Agreement' dated 16.12.2019**, the bill was raised very high from 06/2022 onwards as per consumer ledger submitted by the Respondent/Licensee (ED).

The Forum observes that the complainant energy bill has been highly charged from 06/2022 onward bearing Consumer No. H3/6970 due to voltage between the neutral and earth recorded in the smart meter i.e. 16.4 volt and needs rectification. Further, the Respondent/Licensee (ED) should serve a notice to the complainant's consumer and directed to rectify the error under intimation to the Respondent/Licensee (ED) and accordingly, the Respondent/Licensee(ED) should conduct the test in consultation with EESL under **Clause of 6.34 of JERC Regulation No. 23/2018** read as "the Licensee shall have the right to test any meter and related apparatus if there is a reasonable doubt about accuracy of the meter. The consumer shall provide the Licensee necessary assistance in conduct of the test".



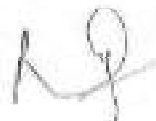
This Forum has come to the conclusion, that there is a little description found in the smart meter bearing consumer No. H3/6970 and the Forum is inclined to give benefit to the complainant in this instant case realizing the elements due to negligence of non-implementation of various clause/norms mentioned under '**Master Agreement**' dated 16.12.2019 which was executed between the EESL and the Electricity Department, due to which complainant's consumer are not liable to suffer/harass and make payment on excess billing of the unutilized electricity.

The Forum is inclined to give benefit to the complainant in this instant case realizing the elements and to compensation from 06/2022 to 08/2023 by the way of calculation. As per Consumer Ledger the smart meter was commissioned at the consumer premises for the month of January 2021. The energy meter is running full fledge till May 2022 and accordingly, the units were recorded at around 150 unit per month, thereafter, it more than doubled to around 300 to 350 units per month. Hence, the Forum has taken ~~xxxxxx~~ the maximum unit reading recorded in the month of January 2021 as 157 units, prior to the leakage of current at the consumer's premises ~~xxxx~~ bearing Consumer No. H3/6970.

Hence, the Forum is inclined to direct the Respondent/Licensee(ED) to revise the electricity bills bearing Consumer No. H3/6970 from June 2022 to August 2023 (15 months) considering the maximum consumption as 157 units approx. per month **or** the Respondent/Licensee (ED) should ^{verify} the records from EESL and find the leakage unit consumption of each day² from June 2022 to August 2023 (15 months), and the complainant has to pay the revised bills after receiving the finalized bill from the Respondent/Licensee (ED) as per JERC Regulations.

The Forum also observes that the consumer had come ahead with his grievances before the Respondent (ED) on 10/05/2023 and 25/05/2023 vide R.D. No. 344 dated 10/05/2023 and No. 508 dated 25/05/2023 respectively, bearing A/c No. H3/6970. Hence, he may be exempted^{from paying} the energy bills from May to August 2023^{on} **'late fee after due date'**, if so collected, the amount of late fee be adjusted in his future bill.

The Forum finds a little description in the energy meter of the complainant's bearing Consumer No. H3/6970 alongwith voltage between the neutral and earth recorded in the Smart Meter i.e. 16.4 volt is very high which needs to be rectified by the Complainant under intimation to the Respondent/Licensee and the same was elucidate through EESL. The Respondent/Licensee(ED) should replace the defect meter due discrepancy^{to a} found in the check meter installed in the consumer premises as per **JERC Regulations** and norms of the '**Master Agreement**' dated 16.12.2019.



The present smart meter is showing earth leakage between neutral and earth, therefore, considering the safety aspects the Respondent/Licensee (ED) may insist for installation of ELCB or RCCB to the complainant consumer also.

Hence,

It is Ordered:

After detailed deliberations, submissions and documents produced before the Forum, and on the basis of the observation so reached, the following Order is passed:-

1. The Respondent/Licensee (ED) is directed to revise the electricity bills bearing Consumer No. H3/6970 from June 2022 to August 2023 (15 months) considering the maximum consumption as 157 units approx. per month ~~or~~ the Respondent/Licensee (ED) should be verify the records from EESL and ascertain the leakage unit consumption of each day from June 2022 to August 2023 (15 months), and thus the excess amount so collected, if any, be adjusted in future bills of the complainant, due to a little discrepancy found in the smart meter as well as negligence from the part of the Licensee (ED).
2. The Respondent/licensee (ED) is directed to collect the payment '**late fee after due date**' from June 2022 to April 2023 and remaining months from May to August 2023 not to enforce '**late fee after due date**' due to matter is sub-judice before the Forum bearing Consumer No. H3/6970, ~~if so collected~~ (if any), the amount of late fee will be adjusted in his future bill.
3. The Respondent/Licensee (ED) is directed to revise the bill within five (5) working days and endorsed to the complainant consumer in respect of consumer No. H3/6970, as per JERC Regulation No. 23/2018 (Electricity Supply Code Regulations, 2018) under Clause 7.26.
4. The Complainant is directed to make the payment within 15 days after receipt of the revised bills so received from the Respondent/Licensee (ED) in respect of consumer No. H3/6970, as per JERC Regulation No. 23/2018.
5. The Respondent/Licensee(ED) is directed to issue a "**Circular**" to all authorized officer of Assistant Engineers ^{who} deal with consumer, that meter reader should visit for taking reading once in every 3 months and the data should be provided to the consumer through website/mobile application **as per G.S.R. 437(E) dated 16.04.2023, amended the Rule of Electricity (Rights of Consumers) Rules, 2020 in Rule 5, Sub - Rule (5).**

6. The Respondent/Licensee (ED) is directed to immediately implement all the norms/clause of the **'Master Agreement' dated 16.12.2019** as noted in the above Forum's Observation paras, which has already delayed for more than 3 ½ years.
7. The Respondent/Licensee (ED) is directed to serve notice to the complainant against the voltage leakage between the neutral and earth recorded in the Smart Meter bearing Consumer No. H3/6970, and, if not rectify the same in the prescribed time, the energy meter should be disconnect as per JERC Regulation.
8. The Respondent/Licensee(ED) should replace the defect meter as per **JERC Regulations** and norms of the **'Master Agreement'** dated 16.12.2019, due a little discrepancy found with check meter installed in the consumer premises.
9. The Complainant is directed to rectify the high voltage recorded between the neutral and earth in the Smart Meter and accordingly, informed the Respondent/Licensee (ED) as per JERC Regulation.
10. The Respondent/Licensee(ED) may insist the consumer for installation of ELCB or RCCB for providing new connection in future, considering the safety aspects also.
11. The Respondent/Licensee(ED) is directed to provide awareness in consultation with EESL for viewing daily consumption and other parameters through a mobile app., online website etc. as per norms/clauses of the **'Master Agreement' dated 16.12.2019**, immediately.
12. The Respondent/Licensee(ED) is also directed to establish a smart meter testing laboratory or a portable testing device for all site office to avoid litigation against smart meter complaints in future as per norms/clauses of the **'Master Agreement' dated 16.12.2019** immediately.
13. The Respondent/Licensee (ED) is directed to take appropriate steps as per norms/clauses of the **'Master Agreement' on 16.12.2019** to get training through EESL with specific equipment for testing the smart meter, collection of data, etc.
14. The Respondent/Licensee (ED) is directed to submit compliance report within 15 days from the date of issue of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1). The compliance report should clarify about the mode of adjustment of



excess billed amount (if any) and intimate to this Forum from time to time, say a quarterly report be submitted.

15. As per JERC Regulation No. 26/2019 under Chapter-IV of 27, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.
16. The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right, by availing the redressal within his jurisdiction.

"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot No. 55-56, Service Road, Udyog Vihar, Phase-IV, Sector-18, Gurugram - 122015 (Haryana). Phone - 0124-4684708, E-mail : ombudsman.jercuts@gov.in *within one month from the date of receipt of this order*".

[Annexure - IV Appeal Form can be collected from this Forum in any of the working days].

A certified copy of this Order be sent to the Superintending Engineer (Licensee/Respondent), Executive Engineer (HQ), Nodal Officer (CGRF), Assistant Engineer-III, Assistant Engineer (Works), Electricity Department, Complainant and the Electricity Ombudsman, JERC for the State of Goa & UTs, Gurugram, (Haryana).


(Biji Thomas)
Independent Member
Electricity CGRF


(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF


(R. Ravichandar)
Chairman
Electricity CGRF
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