

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 :

The Director, M/s Icy Spicy Foods Pvt. Ltd., Birdline, Port Blair bearing Consumer No. J/8006 (Hotel).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/270/23-24/02 dated 18/05/2023
Complaint : Change of category from Hotel to Industrial bearing A/c No. J/8006 (Hotel)
Date of Hearing : 30/05/2023
Date of Order : 31/07/2023

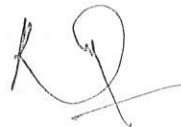
ORDER

Background

The complainant, Ms. Poonam Sonthalia, Director, M/s Icy Spicy Foods Pvt. Ltd., Birdline, Port Blair bearing Consumer No. J/8006 (Hotel), filed a complaint vide R.D. No. 24 dated 17/05/2023 regarding change of category from Hotel to Industrial Category and also adjust the excess amount paid by the consumer in future bills.

The complaint was forwarded on 18/05/2023 to the Assistant Engineer (Wks), Nodal Officer for CGRF, Executive Engineer(HQ) and Assistant Engineer-III, Electricity Department who represents the Respondent/Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 30/05/2023 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 30/05/2023 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/1-12/22-23/218 dated 29/05/2023 with enclosures submitted reply/comments on behalf of the



Licensee/Respondent (ED), which was received by the Forum on 29/05/2023, which is kept in case file **(Exbt.-1)**.

Hearing on 30/05/2023

The Hearing was held on 30/05/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. A Ganapathy, CGM (Authorized by Complainant).
- (ii) The AE (Wks.), Nodal Officer(CGRF), Elect. Dept. **(Absent)**
- (iii) Shri E.P. Shahnavaz, AE-III, Elect. Dept.
- (iv) Shri. K. Rajan, JE, Elect. Dept.
- (v) Shri. M.V. Rao, LMMR, Elect. Dept.

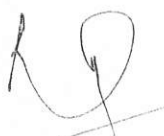
Statement of the Complainant

The complainant Ms. Poonam Sonthalia, Director, M/s Icy Spicy Foods Pvt. Ltd., Port Blair stated in his complaint letter dated 17/05/2023 that *"the Petitioner established its manufacturing unit at Bird Line in the name and style M/s Icy Spicy Foods Pvt. Ltd, and initially obtained an Electric Meter for power supply from Electricity Department in Commercial Category vide Consumer No. J/8006."*

That later on, the Petitioner, M/s Icy Spicy Foods Pvt. Ltd. Bird Line, South Andaman got registered its Manufacturing Unit at Bird Line, under Port Blair Tehsil, South Andaman District with the MSME (Udyog Aadhar) vide No. ANO1B0001185 and accordingly the said Manufacturing Unit classified as an Industry. (Copy of the Udyog Aadhar Acknowledgement enclosed and marked as Annexure 'A').

That in consideration to the registration of M/s Icy Spicy Foods Pvt. Ltd. at Bird Line, South Andaman with MSME, the Functional Manager (EI), District Industries Centre, Port Blair intimated the Electricity Department vide letter No. 5-15/DIC/05-06/Vol-VI/593 dated 18.08.2017 about Udyog Aadhar Acknowledgement bearing No. ANO1B0001158 dated 14.06.2017 that obtained by the M/s Icy Spicy Foods Ltd., Bird Line, Port Blair and requested to provide benefit of Industrial Tariff in power supply to such Industrial Unit as per eligibility. And accordingly, the Assistant Engineer (PL), I requested the Executive Engineer (HQ), Electricity Department, Port Blair vide letter No. EL/PL/101(b)/2017/4122 by intimating Industrial Category eligibility of M/s Icy Spicy Foods Pvt. Ltd. (Copy of the letter enclosed and marked as Annexure 'B').

That the Petitioner, M/s Icy Spicy Foods Pvt. Ltd. Bird Line, South Andaman having being registered its Manufacturing Unit at Bird Line under Port Blair Tehsil, South Andaman District, also applied for change in category of



existing Commercial Electric Meter for power supply to the Industrial Category to the competent authority of the Electricity Department.

That in consideration to the application so submitted by the Petitioner, M/s Icy Spicy Foods Pvt. Ltd. Bird Line, South Andaman, the Electricity Department changed category for Power Tariff and accordingly had been raising bill which being paid from time to time by the Petitioner.

That suddenly, amount of power consumption bill that had been raising by the Electricity Department against M/s Icy Spicy Foods Pvt. Ltd. Bird Line, South Andaman hiked in abnormal manner which became a concern for the Petitioner since almost double amount of bill emerged horrible.

That finding such abnormal power consumption bill amount, the Petitioner enquired officials of the Electricity Department and it revealed that the Electricity Department changed category of M/s Icy Spicy Foods Pvt. Ltd. Bird Line, Port Blair from Industrial Unit to Commercial Unit and resulting of which power consumption bill amount hiked up and the Petitioner had to pay the amount. The Petitioner having known about such change in category of power supply tariff, submitted a letter to the competent authority of Electricity Department but neither any action initiated by the Department not any official communication received from the office of the Electricity Department whereas the Electricity Department physically verified the fact through its Technical Staff. (Copy of the letter dated 30.03.2023 enclosed and marked as Annexure 'C').

That the Electricity Department neither informed the Petitioner, M/s Icy Spicy Foods Pvt. Ltd. Bird Line for such sudden change in category for Power Supply Tariff nor communicated any official letter. Such willful act in the part of the Electricity Department forced to sustain heavy loss to the Petitioner. (Copy of the both tariff bills enclosed and marked as Annexure 'D1' and 'D2').

That for the purpose of obtaining power supply to its Manufacturing Unit at Bird Line in the name and style Icy Spicy Foods Pvt. Ltd, the Petitioner, M/s Icy Spicy Foods Pvt. Ltd applied to the competent authority of Electricity Department with details documentary evidences along with the application.

PRAY FOR RELIEF

That the Petitioner, M/s Icy Spicy Foods Pvt. Ltd. Bird Line, Port Blair request to reinstate its category as Industrial Unit since M/s Icy Spicy Foods Pvt. Ltd. Bird Line is a Manufacturing establishment and duly registered with MSME.

That the Petitioner request for direction to the Electricity Department for refund of the excess amount that collected by raising bill willfully categorized M/s Icy Spicy Foods Pvt. Ltd. Bird Line as Commercial Unit from Industrial Unit or to adjust the entire excess amount with the power consumption bills that to be raised in coming months".



The complainant enclosed the representation submitted to EE(HQ), Electricity Department vide letter dated 30/03/2023, AE (Pl.), Electricity Department letter dated 13/09/2023, Electricity bill, MSME Registration alongwith FSSAI License, which is kept in the case file.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-III (P/Pur) on behalf of the Respondent/Licensee(ED) in the written submission letter dated 29/05/2023 has stated that *"the electric connection to the Director, M/S Icy Spicy Foods Pvt. Ltd, Birdline under A/C No. J/8006 was on Industrial Category Since January 2018 (Copy of Consumer's Ledger enclosed). Accordingly the bill was charged to Industrial tariff. But in pursuance to JERC Tariff order FY2022-23 dated 01.08.2022 the Superintending Engineer, Electricity Department, Port Blair forwarded a list of consumers of Hotel, resorts & restaurants vide Letter No. EL/PL/10-1/2022-4871 dated 14.10.2022 in which the consumer No. J/8006 placed in Hotel Category (Copy enclosed) resultantly the bill of aforesaid A/C no. is being charged to Hotel Tariff in WBBS system.*

The Respondent/Licensee (ED) has submitted copies of consumer ledger from January 2022 to March 2023, SE's letter dated 14/10/2022 alongwith its enclosures, which is kept in the case file.

Submission of the Complainant

The complainant is absent, whereas she has authorized Shri. A Ganapathy, CGM, M/s Icy Spicy Foods Pvt. Ltd., Bird Line for making submission on behalf of the complainant at the time of Hearing vide letter dated 25/05/2023, the Forum has accepted, and kept in the case file **(Exbt.-2)**.

Shri. A. Ganapathy authorized representative of complainant stated that the category was changed from Industrial to Hotel without prior notice bearing consumer No. J/8006. Further he submitted that only manufacturing work is running, and no restaurant or other commercial activities were done in the premises.

Submission of the Respondent (Licensee)

The Assistant Engineer-III, Elect. Dept., represents the Respondent/Licensee and submitted on behalf of the Respondent/Licensee (ED) and stated that as per SE's letter dated 14/10/2022 had followed the direction and accordingly changed the category from Industrial to Hotel for the Consumer No. J/8006, which is kept in the case file **(Exbt.-3)**.



Forum's Observation

In this instant case the Forum decided to inspect the premises of the complainant on 01/06/2023. The Forum visited the premises in presence of with both the complainant and the Respondent/Licensee(ED), and saw that the premise is running manufacturing unit activities only. The Forum confirmed that the manufacturing unit activities were only running on the said premises, bearing Consumer No. J/8006.

The Forum observed that the category from Industrial to Hotel changed/modified by the Respondent/Licensee(ED) was incorrect/wrong, which was forcefully imposed by the Licensee/Respondent(ED) to the consumer.

The Forum observed that in this instant case the Respondent/Licensee (ED) had not issued any prior '**Notice**' to the consumer against alteration/change of category, which is also a violation of JERC Regulation.

The Forum observed, that the consumer No. J/8006 had initially commenced as Industrial category as per JERC Regulation. Later, on the category was changed from Industrial to Hotel as per SE's direction issued vide letter No. AEL/PL/10-1/2022/4871 dated 14/10/2022. As per Consumer Ledger submitted by the Licensee/Respondent (ED) from 01/2018 to 03/2023 it clearly shows that from 10/2022 onwards, the category was changed from Industrial to Hotel, which is kept in case file (**Exbt.-4**).

Further, the Assistant Engineer-III, Elect. Deptt. on behalf of Respondent/Licensee (ED) has given the statement to the Forum that the complainant is running only manufacturing units activities in the said premises bearing consumer No. J/8006. Hence, the category which was imposed by the Respondent/Licensee (ED) is incorrect, which should be rectified from the month of June 2023 as inspected by Forum on 01/06/2023 in the consumer premises.

Further, it is observed that the Respondent/Licensee (ED) has to collect 'late fee after due date', since, the matter was not subjudiced with the Respondent/Licensee(ED) or the Forum. [As per Electricity Supply Code Regulations, 2018 under clause 7.25 read as "If no additional information is required from the consumer, the Licensee shall resolve the consumer's complaint and intimate the result to the consumer within 7 days of receipt of the complaint. In case, any additional information is required, the same shall be obtained, the issue resolved and result intimated to the consumer within 7 days of receipt of the additional information. However, if the consumer does not provide information on time, the Licensee shall not be held liable for the consequent delay". The Respondent/Licensee (ED) should be change the category from Hotel to Industrial Category from the month of June 2023 as inspected by Forum on 01/06/2023 in the consumer premises, and accordingly, bill should



be revised from June 2023 onwards, if any, bills issued by the Respondent/Licensee (ED) to the consumer.

The Forum also observes that the documents submitted by the complainant before the Forum (i.e. MSME & FSSAI), the Respondent/Licensee(ED) statement with site inspection, it is enough evidence to cover under Industrial Category bearing consumer No. J/8006.

If any, commercial activity is found in the later stage in the said premises, the department may take appropriate action accordingly.

Hence,

It is Ordered:

After detailed deliberations, submissions, site inspection, 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 instruct the Assistant Engineer (Wks.), Nodal Officer (CGRF), Electricity Department to follow the instruction/direction as and when given by the Forum in future.
2. The Respondent/Licensee (ED) is directed to issue a prior '**Notice**' before any alternation/change of the electric meter to the consumer as per JERC Regulation, which was not done in this instant case.
3. The Respondent/Licensee (ED) is directed to change the category from Hotel to Industrial from the month of June 2023 to the Consumer bearing No. J/8006 and accordingly, revise the bill from June 2023 onwards and collect the amount '**late fee before due date**', if any, bills issued by the Respondent/Licensee (ED) to the consumer.
4. The Respondent/Licensee (ED) is directed to take up the issue with JERC for issuing a addendum to the existing tariff order to include all the industrial and manufacturing activities in the Andaman and Nicobar Islands for clarity in the classification of consumers category for providing connection by the field officers.
5. The Complainant is directed to make the arrear payment within one month, if any, bills issued by the Respondent/Licensee (ED) prior to this Order.

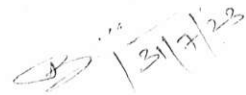


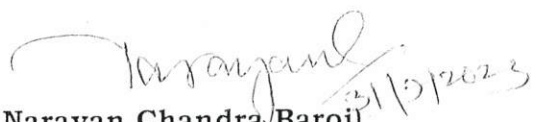
6. The Respondent/Licensee (ED) is directed to submit compliance report within 15 days from the date of issue of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1). The compliance report should show the change of category as Industrial to the bearing consumer No. J/8006.
7. As 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.
8. 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.

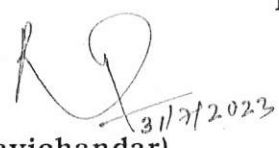
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot 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), Assistant Engineer-III, 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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