

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

Before :

Shri. R. Ravichandar, Chairman,
Smt. Biji Thomas, Independent Member (JERC Nominated)

In the matter of :

Shri. Naresh Chander Lal, Padma Shri Awardee, R/o House No. MB-3/20,
Gurudwara Line, Port Blair bearing Consumer No. D2/4306 (Domestic).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/281/23-24/13 dated 13/07/2023
Complaint : Excess Billing bearing Consumer No. D2/4306 (Domestic)
Date of Hearing : 25/07/2023
Date of Order : 31/07/2023

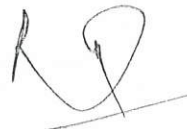
ORDER

Background

Shri. Naresh Chander Lal, Padma Shri Awardee, R/o House No. MB-3/20, Gurudwara Line, Port Blair filed a complaint vide R.D. No. 96 dated 13/07/2023 regarding excess billing bearing Consumer No. D2/4306 (Domestic).

The complaint was forwarded on 13/07/2023 to the Assistant Engineer (Workshop), Nodal Officer for CGRF, Executive Engineer(HQ), Assistant Engineer-I(HQ), Electricity Department who represents the Respondent/Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 25/07/2023 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 25/07/2023 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer(Workshop), Electricity Department filed his letter No. EL/AE(W/Shop)/2-16/2023-24/94 dated 20/07/2023 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum on 21/07/2023, which is kept in case file (**Exbt.-1**).



Hearing on 25/07/2023

The Hearing was held on 25/07/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Naresh Chander Lal, Padma Shri Awardee, Complainant.
- (ii) Shri. Shlok Lal, Assist. Complainant.
- (iii) Shri. Suresh Kumar, AE, Nodal Officer for CGRF, Elect. Dept.
- (iv) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (v) Shri. Aboobacker Siddique, JE, Elect. Dept.
- (vi) Shri. Padmanabhan, Meter Reader, Elect. Dept.

Statement of the Complainant

Complainant Shri. Naresh Chander Lal, Padma Shri Awardee stated in his complaint letter dated 13/07/2023 that *"my domestic meter bearing No. D2/4306 is faulty. In spite of my several request regarding changing of my meter, no any action has taken by Electricity Department till date, nor any reply has come to me till date.*

It is a domestic meter, and within five years we have not installed any more electrical house hold appliance, it in the same till date.

Earlier my electricity bill (domestic) was raised Rs. 1500/- to 2500/- but now a days it comes Rs. 10,000/- to 12,000/-. How it is possible Sir.

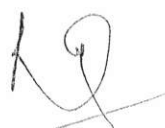
You are therefore requested to kindly look into the matter for proper justification please".

The complainant submitted Urja Pay online bill, which is kept in the case file **(Exbt.-2)**.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer(Workshop), Nodal Officer for CGRF, Electricity Department on behalf of the Respondent/ Licensee(ED) in his written submission letter dated 20/07/2023 has stated that *"the complaint lodged by Shri. Naresh Chander Lal, consumer bearing A/c No. D2/4306 residence of Gurudwara Line, Port Blair regarding no action by the Electricity Department in spite of several request for change of my domestic Meter bearing No. D2/4306. In this context the Assistant Engineer-I(HQ) has tested the consumer meter through EESL in the presence of complainant and the parallel meter was provided for testing in the presence of consumer and found minor disparity of per day unit consumption (copy enclosed)".*

The Respondent/Licensee(ED) has submitted copy of AE's letter No. EL/AE/SD-I/HQ/25-3/2023/224 dated 20/07/2023, EESL reports alongwith testing report with check meter, which is kept in the case file.



Submission of the Complainant

Complainant Shri. Naresh Chander Lal, Padma Shri Awardee submitted that I am the prominent person of these islands and we are only three (3) persons living in the house. In June 2023, the bill amount was reduced to Rs. 5,000/- and in earlier months it was very high upto Rs. 12,000/- per month. Further, he submitted that smart meter testing was done in his presence through check meter and found no discrepancy. Further, he arise question that the check meter was approved / certified by the department or any certificate issued to check smart meter, which was provided by EESL. The complainant has requested the Forum to further check his smart meter in any approved laboratory.

Submission of the Respondent (Licensee)

The AE-I(HQ) on behalf of Respondent/Licensee (ED) stated that as per the smart meter reading received from EESL through WBBS system and accordingly, the bill was raised. He further said that after installation of check meter with original smart meter no difference was found and there is no current leakage, earthing or any other error found in the consumer premises.

The Respondents/Licensees (EDs) further submitted that in most of the cases, after installation of smart meters, meter reader do not visit to take reading and they get meter reading data through EESL and accordingly, the bill raised.

Forum's Observation

The Forum observed that in most of the cases the Respondents/Licensees (EDs) do not visit the consumer's premises to take readings after installation of smart meters, but as per the amended Regulation, the meter reader should be visited once in every three months in the consumer premises for checking smart meter and accordingly, the date given to the consumer through the website/mobile application.

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 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 desires to take necessary steps by the Respondent/Licensee (ED) in consultation with EESL for aware 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 within 3 months.

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. Hence, in the absence of any accredited testing laboratory in Andaman and Nicobar Islands, the Forum is directed to establish a meter testing laboratory with a portable meter testing device for all site offices to avoid such litigation against smart meter complaints in future.

The present smart meter is measuring earth leakage to any in the wiring, earthing, electrical equipments available in the consumer premises and considering the safety aspects also the Respondent/Licensee (ED) may insist to the consumer for installation of ELCB or RCCB before providing new connection.

The Forum observed that as per consumer ledger, EESL report and meter reading book bearing Consumer No. D2/4306 submitted by the Respondent/Licensee (ED), there is no discrepancy, no any error found on the part of Respondent/Licensee (ED). The Forum accepts the plea of the complainant to further recheck the smart meter in any approved/certified laboratory.

This Forum has come to the conclusion, that there is no defect in the smart meter bearing consumer No. De/4306 and no obligation found on the party of Respondent/Licensee (ED), on the plea made by the complainant.

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 Case No. 281 is hereby closed with specific direction to the Respondent/Licensee (ED), which was noted in this instant case.



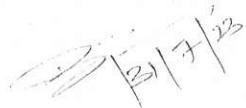
2. The Respondent/Licensee(ED) is directed to re-check smart meter through approved/certified laboratory in consultation with EESL in the presence of consumer through prior notice and report should be submitted to the complainant under intimation to the Forum. If found any error, accordingly the said meter should be replaced as per JERC Regulation.
3. The Respondent/Licensee(ED) is directed to issue a **"Circular"** to all authorized officer of Assistant Engineers deal with consumer that meter reader should be visited 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).**
4. The Respondent/Licensee(ED) is directed to provide awareness in consultation with EESL for viewing daily consumption and other parameters through a mobile app. within 3 months under intimation to the Forum.
5. 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.
6. The Respondent/Licensee(ED) may to insist to the consumer for installation of ELCB or RCCB for providing new connection in future considering the safety aspects also.
7. 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).
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), Nodal Officer (CGRF), 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


(R. Ravichandar)
Chairman
Electricity CGRF

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