

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 Manager, M/s Chettoor Oil Mills, Plot No. 318, Rangachang, Burmanallah,
Port Blair bearing Consumer No. J1/2599 (Commercial).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/271/23-24/03 dated 24/05/2023
Complaint : Change of category from Commercial to Industrial
bearing A/c No. J1/2599 (Commercial)
Date of Hearing : 08/06/2023
Date of Order : 04/08/2023

ORDER

Background

The complainant, Shri. Lijumon Joseph is the proprietor of Chettoor Oil Mills, Plot No. 318, Rangachang, Burmanallah, Port Blair bearing Consumer No. J1/2599 (Commercial), filed a complaint vide R.D. No. 28 dated 24/05/2023 regarding change of category from Commercial to Industrial Category.

The complaint was forwarded on 25/05/2023 to the Assistant Engineer (Wks), Nodal Officer (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 08/06/2023 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 08/06/2023 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/1-12/22-23/240 dated 09/06/2023 with enclosures 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 08/06/2023

The Hearing was held on 08/06/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Renold Joy, Manager (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.Venkat Rao, LMMR, Elect. Dept.

Statement of the Complainant

The complainant Shri. Lijumon Joseph, proprietor of M/s Chettoor Oil Mills, Burmanallah, Port Blair stated in his complaint letter dated 24/05/2023 that *"the commercial (Pvt.) (3ph) electric connection bearing Consumer No.J1/2599 has been provided to my Industry "Chettoor Oil Mills" standing on the land/Plot No.318, situated at Rangachang, Burmanallah, South Andaman in the name of the landlady Smti Lissy. Now I intend to convert the aforesaid electric meter connection as Industrial (Pvt.) (3Ph) connection. In this regard, I am enclosing herewith Industrial Certificates, MSME, Udyog Aadhaar, GST Registration Certificate, Lease Agreement, Aadhaar Card, Industry Photograph, Electricity Bill for your kind perusal. Representation to A. E Poothrupur dated 19/05/23 copy enclosed not received by the licence.*

It, therefore, requested your goodself that commercial (Pvt.) (3ph) electric connection bearing Consumer No.J1/2599 may kindly be converted as Industrial (Pvt.) (3Ph) connection at the earliest please. For which act of kindness I shall ever remain grateful to you".

The complainant enclosed the representation submitted to AE-III, Electricity Department vide letter dated 19/05/2023, Electricity bill, MSME and Udyam Registration certificates, which is kept in the case file **(Exbt.-2)**.

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 09/06/2023 has stated that *"the electric connection to Smti Lissy (User name M/S Chettoor Oil Mills) R/o Rangachang was provided during 9/2017 under A/C No. J1/2599 in commercial category as per the application of the Consumer and since then bill has been charging in commercial tariff. After lapsing near about 5 years the said consumer had submitted application dated 21.3.2022 seeking increasing the connected load due to adding machinery in the establishment of the user (Copy enclosed). In this regard inspection was carried out to assess the connected load and found it is 17 KVA. Accordingly consumer had deposited fresh security*

deposit to the tune of Rs. 91,800/- as per the then tariff in commercial category vide PB No. 002134051105023 dated 26.4.2022. During the process of depositing Security Deposit due to increase of connected load party did not inform to change the category from Commercial to Industrial", which is kept in the case file.

Submission of the Complainant

The complainant stated that we have not received any reply/response from the Respondent/Licensee (ED). We are only making copra and manufacturing, no sale or other commercial activities are carried out in the said premises. Initially we applied for commercial connection in 09/2017, later on 01/10/2021 we registered our firm as manufacturing unit in MSME and GST Registration. Hence, we approached to change the category from Commercial to Industrial, which kept in the case file **(Exbt.-2)**.

Submission of the Respondent (Licensee)

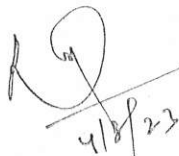
The Assistant Engineer-III, Elect. Dept., represents the Respondent/Licensee and submitted on behalf of the Respondent/Licensee (ED) and stated that the reply/comments is submitted on 09/06/2023, and specific direction be provided to redress this complaint.

Forum's Observation

The Forum observed that the Respondent/Licensee (ED) has not prolonged any submissions regarding the case on its part and the Respondent/Licensee (ED) has also not taken all these complaint so seriously. Hence, Forum decided to take up this issue separately and directed to submit reply / parawise comments on or before 13/06/2023 under intimation to the complainant also.

The Forum observed that the parawise comments/reply submitted by the Respondent/Licensee (ED) vide letter dated 09/06/2023 is not endorsed to the complainant consumer, which was earlier directed many orders and so noted seriously by the Forum. Further, it is also observed that the Respondent/ Licensee (ED) has not taken any action after receiving representation from the consumer on 19/05/2023 to change the category from commercial to industrial, which is also a violation of JERC Regulation.

The Forum observed, that the consumer No. J2/2599 had initially commenced as commercial category as per JERC Regulation. Later, he approached to the Respondent/Licensee (ED) to change the category from commercial to industrial as per documents so produced before the Forum, which is kept in case file.



In the open Forum, the Chairman and Members have decided that after receipt of the reply of the Respondent/Licensee (ED) on or before 13/06/2013, site inspection would be carried out at the consumer premises on the next day i.e. 14/06/2023. The Forum visited the premises in presence of both the complainant and the Respondent/Licensee(ED) and saw that the premise is running manufacturing unit activities only. The Forum confirmed that the process of manufacturing were only running in the said premises bearing Consumer No. J1/2599.

In addition, the Assistant Engineer-III, on behalf of Respondent/Licensee (ED) has also accepted in the site inspection that the complainant is carrying on the activities of manufacturing on consumer No. J2/2599, therefore, the category requested by the complainant is genuine and is to change from commercial to industrial category with immediate effect as per JERC Regulation.

The Forum also observes that the documents submitted by the complainant before the Forum (i.e. MSME, GST etc.) and onsite inspection with the Respondent/ License(ED), it is enough evidence to cover under Industrial Category bearing consumer No. J2/2599.

Hence, the Respondent/Licensee (ED) shall immediately provide the form for change of consumer category to the complainant ***i.e. Annexure VI of JERC Regulation No. 23/2018 (Electricity Supply Code 2018)***, and the complainant shall apply in the prescribed form alongwith supporting documents so as produced in the Forum accordingly. The Respondent/Licensee(ED) shall accept the form for change of category and simultaneously change the category from commercial to industrial after completion of all codal formalities as per JERC Regulation No. 23/2018.

Further, the Respondent/Licensee (ED) has not to collect '***late fee after due date***', since, the matter was subjudiced before the Respondent/Licensee(ED) and the Forum, if any energy bills is pending for the complainant bearing consumer No. J1/2599 prior to this order and accordingly, the complainant has to pay all pending bill within 10 days from the receipt of this order.

Further, if any, commercial activity is found in the later stage in the said premises, the department may take appropriate action accordingly against consumer No. J1/2599 as per JERC Regulation.

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 provide parawise comments/reply in the affidavit form from the authorized person (Nodal Officer for CGRF) on or before three (3) days before the Hearing positively and also endorsed to the complainant in the future complaints, which was not done in this instant case.
2. The Respondent/Licensee (ED) is directed to provide the prescribed form to the consumer for change of consumer category i.e. **Annexure VI of JERC Regulation No. 23/2018 (Electricity Supply Code 2018)**.
3. The Respondent/Licensee (ED) is directed not to collect '**late fee after due date**', since, the matter was subjudiced before the Respondent/Licensee(ED) or the Forum within 10 days, if any, energy bills is due against consumer bearing consumer No. J1/2599, prior to this order.
4. The Complainant is directed to pay all pending bills bearing Consumer No. J1/2599 within 10 days without late fee from the receipt of this order.
5. The complainant is directed to apply for change of consumer category in the prescribed form as **Annexure VI of JERC Regulation No. 23/2018 (Electricity Supply Code 2018)** alongwith supporting documents so produced before the Forum.
6. The complainant is directed to cooperate with the Respondent/Licensee (ED) whatsoever and complete all codal formalities immediately to change of category from Commercial to Industrial connection on time.
7. The Respondent/Licensee (ED) is directed to change the category from Commercial to Industrial after completion of all codal formalities bearing No. J1/2599 as per **JERC Regulation No. 23/2018 (Electricity Supply Code 2018) and JERC No. 06/2009 (SOP)**.
8. 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.
9. 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)**.

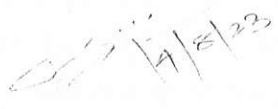

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10. As per **JERC Regulation No. 26/2019 under Chapter-IV of 27**, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under **Section 142 of the Electricity Act 2003**.
11. 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.

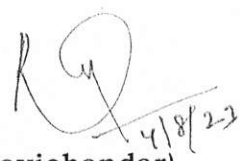
“The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot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