

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. G. Bullabhai, R/o Mazar Pahad, Chandini Chowk, Port Blair bearing
Consumer No. E1/3812 (Domestic).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/275/23-24/07 dated 13/06/2023
Complaint : Excess Billing bearing A/c No. E/3812 (Domestic)
Date of Hearing : 04/07/2023
Date of Order : 28/09/2023

ORDER

Background

The complainant Shri. G. Bullabhai, R/o Mazar Pahad, Chandini Chowk, Port Blair bearing Consumer No. E1/3812 (Domestic), filed a complaint vide R.D. No. 51 dated 13/06/2023 regarding excess billing for the April 2023.

The complaint was forwarded on 16/06/2023 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer(HQ), Assistant Engineer-II(HQ), Electricity Department who represents the Respondent/Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 04/07/2023 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 04/07/2023 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer-II, Electricity Department filed his letter No. EL/AE/SD-II/1-29/2023-24/179 dated 26/06/2023 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum on 27/06/2023, which is kept in case file (**Exbt.-1**).



Hearing on 04/07/2023

The Hearing was held on 04/07/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. G. Ravi (Authorized by the Complainant).
- (ii) Shri. Deepak Mondal, AE-II(HQ), Elect. Dept.
- (iii) Shri. Bankim Mitra, LMMR, Elect. Dept.

Statement of the Complainant

The complainant Shri. G. Bullabhai, R/o Mazar Pahad stated in his complaint letter dated 30/05/2023 that "find enclosed herewith bills for Electricity charges Rs.11,101 for of AC No. E1/3812 for the month of 4/2023 in respect of my house situated at Chandini Chowk, Mazar Pahad.

In this regard, it is to say that we have been facing abnormal billing from October, 2022, now it has come to Rs 11,101 for the month of April 2023.

In this regard, I have submitted a letter dated 30.05.2023 to the Assistant Engineer-II, Electricity Department to verify (Copy enclosed), context to which i have received a call from Assistant Engineer, Dairy Farm site office that they have verified the meter, whereas the fact is that no one from the electricity Department visited my home after the submission of my complaint.

It is kindly requested that necessary action may be taken to find out the reasons for such a huge amount of bill for Residential use which is not affordable".

The complainant enclosed the representation submitted to the AE-II, Elect. Dept., vide letter dated 30/05/2023, Electricity bill for the month of April 2023 and ID proof as Aadhaar Card, which is kept in the case file.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-II (HQ) on behalf of the Respondent/Licensee(ED) submitted his reply/parawise comments vide letter No. EL/AE/SD-II/1-29/2023-24/179 dated 26/06/2023 has stated that "Kind attention is invited to the letter cited under reference on the above subject. In this regard, it is to inform that on receipt of complaint letter dated 30/05/2023 from Shri. G. Bullabhai, R/o Mazar Pahad, the meter reader visited the consumer premises on 23/05/2023 and 02/06/2023. The photo of meter along with reading was taken in the presence of the applicant on 23/05/2023 with the meter reading displayed as 12075 and again a staff was deputed to check the meter reading on 02/06/2023 and the reading displayed was 12471 while



taking the photo of the meter. Hence, the statement made by the applicant that "no staff visited his house" is false and baseless. Copies of photograph taken on 23/05/2023 and 02/06/2023 are attached for ready reference.

Further, it is to submit that the meter readings of the above consumer are received online from EESL through SOVTECH. The copies of reading received in respect of the Consumer No. E1/3812 for last 05 months are attached herewith (05 pages) for ready reference.

As desired a copy of Consumer Ledger/Profile (01 page) and a copy of meter reading book (04 pages) both from w.e.f. April 2020 to till date is attached herewith (04 pages). As regards to EESL report, this Sub Division requested EESL by mail dated 22.06.2023 to furnish the report but till date no report has been received from EESL".

The Respondent/Licensee (ED) has submitted copies of Meter Reading Book, Consumer Ledger, EESL online monthly report (from January 2023 to May 2023), which is kept in the case file **(Exbt.-2)**.

Submission of the Complainant

The authorized representation of the complainant Shri. G. Ravi, S/o G. Bullabhai states that the house is very old and renovated 10 year ago and no alternation were made in the house for last 10 years. Further, he states that the electricity bill was abnormal from October 2022 to till date. Moreover, the electricity bill in the month of 04/2023 was much higher than the previous months and I immediately lodged my complaint with the Assistant Engineer-II, Electricity Department, Port Blair on 30/05/2023, but no action was taken. We are only two (2) persons living at home and electricity bill is increasing monthly without usage.

Hence, the complainant has requested to verify the high consumption in his premises and do needful at the earliest.

Submission of the Respondent (Licensee)

The Assistant Engineer (W/shöp), Nodal Officer (CGRF) on behalf of the Respondent/Licensee (ED) were absent on the Hearing. The Assistant Engineer-II(HQ) submitted that EESL monthly online reading were received from January 2023 to May 2023, while detailed smart meter report is awaited. Further, he said that earlier the meter display was not working and now the display is running ok. The energy bill is charged as per reading recorded in the smart meter which was received through online in WBBS system. Apart from this, after inspection by JE at the consumer premises, 396 units i.e. 44 units were consumed per day in 9 days.



Forum's Observation

The Forum noted the reply/para-wise submitted by the Respondent/Licensee (ED) wherein he submitted only 5 months of EESL online monthly readings of the smart meters whereas the Forum had directed to submit the smart meter detailed report from January 2021 till date vide letter dated 16/06/2023. The Respondent/Licensee (ED) has not seriously taken into account the instructions of the Forum before submitting the reply/para-wise comments.

The Forum observes the report with statement submitted by AE-II(HQ) whereas 396 units are consumed for 9 days i.e. 44 units per day, which is very high and indigestible under domestic connection. Hence, the Forum directs both the consumer and the Respondent/Licensee (ED) to check any leakage current leakage in the consumer premises bearing A/c No. E1/3812 (Domestic) and submit the report on or before 13/07/2023.

Due to non-submission of the report by the AE-II(HQ) as directed by the Forum during the Hearing on 04/07/2023, the bench decided to issue a letter with specific direction to the Respondent/Licensee (ED) vide Forum's letter dated 15/09/2023 and stated that *"to check the internal wiring to trace any earth leakage and directed to verify the consumption of the consumer, and to submit the above compliance report before the Forum on 13/07/2023 positively. There is a lapse of more than 2 months, the reply is yet to receive and the Respondent/Licensee (ED) has not taken any step so far which is viewed seriously, as the Forum has to issue Orders within 45 days as per JERC Regulation No. 26/2019. To make a fair order, the Forum decides to conduct a Hearing on 20/09/2023 at 11:30 AM in the Hearing hall of the Electricity CGRF building at Horticulture Road, Port Blair, failing which the Forum will take necessary action accordingly.*

Further, the Nodal Officer (CGRF) need to be attended in every Hearing positively. If you are unable to attend the Hearing, the same may intimate to the Superintending Engineer, Electricity Department well in advance, so the Competent Authority will authorize some other officer for the smooth functioning of Electricity CGRF, under intimation to this Forum". The copy is also endorsed to the SE, Nodal Officer (CGRF) and the consumer for information and necessary action", which is kept in the case file **(Exbt.-3)**.

Reply of the Respondent/Licensee (ED)

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer(W/shop), Nodal Officer (CGRF), Electricity Department filed his reply vide letter No. EL/AE(W/shop)/2-17/2023-24/165 dated 18/09/2023 on behalf of bench direction issued vide letter dated 15/09/2023 **(Exbt.-3)** and states that *"the complaint lodged by Shri. G. Bullabai, consumer bearing A/c No. E1/3812, R/o Mazad Pahar, Port Blair regarding - Excess billing. In this context self along with Junior Engineer (Shadipur), Lineman have tested the consumer internal*



wiring to trace any earth leakage in the presence of complainant on 16/09/2023. On inspection it was found that the voltage between neutral to earth was 10.3 Volts which is not permissible hence consumer has been asked to check all the electrical installation for current leakage more over while inspection it was observed that the terminal of Y phase at Meter cutout was found burnt and there was voltage difference in each phase. The concerned Junior Engineer (Shadipur) was directed to change the cutout and rectify the voltage difference.

The report submitted by the Assistant Engineer -II (HQ) vide letter no EL/AE-11/129/2023/403 dtd: 16/09/2023 is enclosed herewith for ready reference, which is kept in case file **(Exbt.-4)**.

Hearing on 20/09/2023

The Hearing was held on 20/09/2023 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Shri. G. Ravi (Authorized by the Complainant).
- (ii) Shri. Deepak Mondal, AE-II(HQ), Elect. Dept.
- (iii) Shri. Bankim Mitra, LMMR, Elect. Dept.

Submission of the Respondent (Licensee)

The Assistant Engineer (W/shop), Nodal Officer (CGRF) on behalf of the Respondent/Licensee (ED) were absent for the Hearing and accordingly he informed over phone there was an urgent call to meet the Director (Power), A&N Admn., therefore, he is unable to attend on time. The Forum accepted the plea of the Nodal Officer (CGRF) and continued the Hearing with the authorized officer of Assistant Engineer-II(HQ), Electricity Department.

The Assistant Engineer-II(HQ) states that he was on long leave, and thus delayed in filing the reply as per instructions given in the open Forum on 04/07/2023. Further, he submitted that smart meter detailed report was not yet received; On 16/09/2023 the JE (Shadipur) and Lineman inspected the consumer's internal wiring to trace any earth leakage in the presence of the complainant consumer and it was found that the voltage between neutral to earth was 10.3 volts, which is not permissible and also observed that the terminal of Y phase at Meter cutout was found burnt and there was voltage difference in each phase. Hence, the consumer may check all their electrical installations for current leakage in the premises and rectify them immediately. Further, he submitted that the meter reader has taken reading from 01/08/2023 to 16/09/2023 i.e. 13769 to 14277 respectively for 47 days, the recorded units consumption is 508 and the average consumption is 10.80 units per day.



Submission of the Complainant

The authorized representative of the complainant Shri. G. Ravi, S/o G. Bullabhai countered the statement of AE-II(HQ) that the meter reading was taken for 47 days i.e. from 01/08/2023 to 16/09/2023 i.e. 508, while there was no one in the house for more than 15 days and the recorded unit consumption is too high.

Forum's Observation

The Forum observes both the statements alongwith documents and found that the reply by the Respondent/Licensee (ED) does not contain sufficient documents as directed by the Forum. The Respondent/ Licensee (ED) failed to submit the detailed smart meter report of EESL, which shows negligence on the part of the Respondent/Licensee (ED). It is the duties and responsibilities of the Respondent/Licensee (ED) to provide the detailed report of smart meter readings to the Forum as well as to the consumer. No appropriate steps has been taken as per the norms / clause mentioned in the '**Master Agreement**' executed between the Respondent/Licensee (ED) and the EESL, on 16.12.2019 regarding providing of detailed report of smart meter.

The Forum observed the reply submitted by the Respondent/Licensee (ED) with insufficient documents after a lapse of more than two (2) months. The Respondent/Licensee (ED) failed to check the accuracy of the smart meter and also to provide the detailed report of smart meter through EESL. The accuracy of the smart meter of consumer No. E1/3812 is also under doubt.

The Forum going through the reply of the AE(W/Shop), Nodal Officer (CGRF) vide letter dated 18/09/2023 (**Exbt.-4**), and observed that the voltage between neutral to earth was 10.3 volts, which is very high as per the norms of the perishable neutral to earth voltage i.e. 0-1.5 volts. Further, a fuse unit of the Y phase was terminated and burned, due to unbalanced load in the three phase circuit in the premises and a leakage current of 4.7 A is observed. All these parameter were contributed to the excess consumption in the consumer premises. The Forum also observed that 01/2022 to 09/2022, the meter has not recorded any reading, the bill was generated by the Respondent/Licensee (ED) based on average consumption and bills generated seems to be in order of consumer ledger.

In this instant case, the Forum observed that the Respondent/Licensee (ED) has not 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.

8.8 The Authorized Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention any irregularity noticed (such as tampered meter, artificial means adopted for theft of energy).

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.

As per smart meter complaints of these Andaman and Nicobar Islands, the Respondent/Licensee (ED) had not taken appropriate steps as per the norms/clause of "**Master Agreement**", which was executed on 16/12/2019 between the Electricity Department and the Energy Efficiency Service Ltd. (EESL) even after lapse of more than 3 ½ years, smart meter complaints are not rectified/resolved in time. Hence, the Forum directs both the DISCOM (Electricity Department) and EESL to implement the term and condition of the **Master Agreement** immediately to avoid in future such litigation of smart meter.

The Forum also observed that the accuracy of the smart meter to be tested in a 'National Accredited Board' (NAB) or 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, due to which consumers are harass and paid excess amount against faulty meters.

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. Hence, the Respondent/Licensee (ED) should take alternative and appropriate steps to provide the detailed smart meter report timely to the consumer and the Forum against complaints as per the norms of '**Master Agreement**' on 16.12.2019.

The Forum observed that the Respondent/Licensee (ED) had not done any accuracy test of the smart meter whereas the wiring and earthing of the consumer premises was checked by the Respondent/Licensee (ED) in presence of the consumer and found that voltage between the neutral and earth was 10.4 volt and neutral current is 4.7 A (indicated unbalanced load), which has to be rectified by the consumer in consultation with the Respondent/Licensee(ED).

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 implementing the '**Master Agreement**' dated 16.12.2019, the consumer has been suffering and harassed against smart meter complaints. Further, it is the duty and responsibilities of the Respondent/Licensee (ED) to observe the smart meter and if any error is detected/recorded, accordingly, serve the notice to the consumer to rectify the error/defect as per Regulations, which has not been done in this instant case. But, for this the consumer are not liable to suffer/harass and make payment on excess billing of the unutilized electricity.

The Forum observed that as per inspection report of AE-II(HQ) submitted by the Respondent/Licensee (ED) bearing Consumer No. E1/3812 that found the neutral - earth was 10.3 volt and neutral - current is 4.7 A (indicates unbalanced load), but the same was not informed to the 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 10/2022 onwards as per consumer ledger submitted by the Respondent/Licensee (ED). The consumer ledger also shows that no bill has been paid by the consumer till date except 10/2022, which is a huge govt. revenue loss. The consumer is a defaulter of payment and the Respondent/Licensee (ED) failed to serve the notice as per Electricity Act 2003 and JERC Regulation.

In this instant case, the Forum observed the negligence of **the Respondent/Licensee (ED) for not following various clauses of Electricity Act 2003 and JERC Regulation No. 23/2018 (Electricity Supply Code)**, read as follows:

Electricity Act 2003

Disconnection of supply in default of payment as per

56. (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -

- (a) an amount equal to the sum claimed from him, or
- (b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months,

whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity:



JERC Regulation No. 23/2018 (Electricity Supply Code)

Billing in case of defective/stuck/stopped/burnt meter

7.12 In case of defective/stuck/stopped/burnt meter, the consumer shall be billed on the basis of higher of monthly consumption of corresponding month of the previous year and average monthly consumption of immediately preceding three months. These charges shall be leviable for a maximum period of three months only during which time the Licensee is expected to have replaced the defective meter.

7.13 In case, the Maximum Demand Indicator of the meter at the consumer's installation is found to be faulty or not recording at all (unless tampered), the Demand Charges shall be calculated based on maximum demand during corresponding months/billing cycle of previous year, when the meter was functional and recording correctly. In case, the recorded maximum demand of corresponding month/billing cycle of past year is also not available, the maximum demand shall be calculated based on the load factor as per the mechanism specified in Annexure XIX of the Supply Code, 2018.

Payment on Self-Assessment by the Consumer

7.19 In case of non-receipt of bill, the consumer may deposit self-assessed bill in the format prescribed in Annexure XII to this Supply Code, 2018 for the period for which bill has not been received, provided that it is not less than the average consumption during the billing cycle over the last six months. The excess/deficient payment so made by the consumer shall be adjusted in the next bill.

7.20 In case of dispute regarding levy of surcharges, the Licensee shall settle the dispute within one billing cycle from the date of protest by the consumer after giving him an opportunity of being heard.

Billing in case of Disputed Bills

7.24 On receipt of the complaint in case of disputed bills in person, the Licensee shall issue a written/electronic acknowledgment on the spot or within three days of receipt; if received by post and give a complaint number for reference.

7.25 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. Till the complaint on the bill is resolved, the consumer shall pay the amount based on average consumption of corresponding period of the previous year when the meter was functional. Amount so recovered shall be subject to final adjustment on resolution of the complaint.



7.26 If the complaint is found to be correct by the Licensee, a revised bill shall be issued within 5 working days of intimation of the same to the consumer. The consumer shall make the payment within 15 days after receipt of the revised bill. The consumer shall not be charged any late payment surcharge, if the payment is made by the revised due date.

7.27 If the complaint was found to be incorrect the consumer shall be notified and directed to make the payment as per the original bill immediately and the consumer shall be liable to pay late payment surcharge if the payment is made after the due date of the original bill.

7.28 Consumers, who intend to get the special meter reading conducted, shall pay the requisite fee for the same as approved by the Commission from time to time.

Payment of Bills

7.30 Consumer may pay the bill by cash (up to Rs. 5,000), Cheque, Demand Draft or Debit / Credit Card, banker's cheque, Electronic Clearing System, net banking, drop boxes, etc. Cheques and Demand Drafts shall be payable at any branch of a scheduled commercial bank that is a member of the clearing house for the area where the concerned Sub Divisional Office is located. The date of depositing of the cheque by the consumer, shall be deemed to be the date on which the payment is received in the Licensee's account.

7.31 The payment may be made

- (1) In person at the designated collection offices of the Licensee during specified times; or
- (2) By post or courier; or
- (3) by deposit in the drop-boxes maintained by the Licensee at designated locations; or
- (4) By bank transfer through the internet; or
- (5) By any other scheme accepted by the Licensee for acceptance of bill payment.

7.33 The Licensee may issue a disconnection notice in writing, as per Section 56 of the Act, to any consumer who defaults on his payment of dues, after giving him a notice period of 15 clear days to pay the dues.

In case a cheque is dishonoured, the Licensee shall inform the consumer and require him to pay the bill within 7 days in cash. The consumer shall be liable to pay the late payment surcharge, as applicable, as well as a charge on account of the dishonour of the cheque/non-realization of the draft. If there are two instances of dishonour of cheques/draft of a consumer in a financial year, the consumer shall be required to make all payments through net banking till the end of the following financial year. In addition, the Licensee may have the option to initiate action against the consumer as per the legal provisions of the Negotiable Instruments Act.



Late Payment Surcharge

7.38 Surcharge for delayed payment shall be levied as per the prevailing Tariff Order.

Instalment Facility

7.39 The Licensee may frame a scheme for providing facility of payment of bills in instalments for consumers who are for the time being under financial distress to continue the supply of electricity. Late payment surcharge shall however, be levied on the amount paid after the due date.

Temporary Disconnection

9.3 The supply may be disconnected temporarily in following cases:

(1) On non-payment of the Licensee's dues: The Licensee may issue a disconnection notice in writing, as per Section 56 of the Act, to any consumer who defaults on his payment of dues, after giving him a notice period of minimum 15 working days to pay the dues. Thereafter, the Licensee may disconnect the consumer's installation on expiry of the said notice period by removing the service line/meter as the Licensee may deem fit;

(3) If the wiring, apparatus, equipment or installation at the consumer's premises is found to be defective or there is leakage of electricity or if the consumer is found to have altered the position of the meter and related apparatus or if the consumer uses any apparatus or appliance or uses the energy in such manner as to endanger the service lines, equipment, electric supply mains and other works of the Licensee, or is found to be using it in any manner which unduly or improperly interferes with the efficient supply of energy to any other consumer;

(4) If at any time, the consumer is found to be using energy for a purpose other than for which it was intended / provided or tampers with the meter and/or other apparatus of the Licensee on his premises or extends/allows supply of energy to any other premises from his connection;

(5) If the consumer remains unavailable for meter reading for two or more billing cycle after factoring in advance payment for the period of absence, if any as per the provisions of this Supply Code, 2018.

9.4 The supply shall be disconnected after giving a notice period of minimum 15 days. The supply shall be disconnected only if the cause of the disconnection is not removed within the notice period.

9.5 The Licensee shall, after the connection is temporarily disconnected as per Regulations 9.3(2), 9.3(3) and 9.3(4), issue a notice to the consumer to remove the cause of disconnection within 45 days for domestic consumer and 15 days for consumer of other categories, respectively, failing which the supply shall be disconnected permanently.



The Forum also hereby directs the Respondent/Licensee (ED) to explore the possibility of remote disconnection facility available on the smart meter to be enabled on urgent basis in consultation with EESL for the timely disconnection of defaulted consumers.

The Forum is inclined to give benefit to the complainant in this instant case realizing the elements and to compensate for the month of April and May 2023 by the way of calculation after verify the records from EESL and find the leakage unit consumption of each day of April and May 2023 (2 months), and the complainant has to pay the revised bills after receiving the finalized bill from the Respondent/Licensee (ED) as per JERC Regulations No. 23/2018 (Electricity Supply Code) under clause of 7.25 and 7.26, with the consultation of complainant.

It is also noted that due to lack of smart meter detailed report for finding the accuracy of the smart meter, the Forum directs the Respondent/ Licensee (ED) to check the smart meter in consultation with the EESL and in the presence of the consumer, and if found defective, the same should be replaced immediately as per JERC Regulation No. 23/2018 (Electricity Supply Code) and JERC Regulation No. 06/2009 (Standard of Performance). Further, the Respondent/Licensee (ED) should serve the notice to the consumer to rectify the error/defect recorded at the time of inspection in the consumer premises as per JERC Regulation.

As per the report of the AE-II there is earth leakage between neutral and earth and the same was acknowledged by the complainant also, therefore, considering the safety aspects the Respondent/Licensee (ED) may insist for installation of ELCB or RCCB internal wiring of the premises.

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 check the smart meter in consultation with the EESL in the presence of the consumer, and if found defective, the same should be replaced immediately, as per JERC Regulation No. 23/2018 (Electricity Supply Code) and JERC Regulation No. 06/2009 (SOP).
2. The Respondent/Licensee (ED) failed to serve notice due to default in payment by the consumer for more than 11 months, which is a huge govt. revenue loss as negligence on the part of the Respondent/Licensee(ED), which is a violation of JERC Regulation No. 23/2018.



3. The Respondent/Licensee (ED) is also directed to take appropriate steps to enable remote disconnection facility on the smart meter in consultation with EESL for timely disconnection of defaulting consumers, which is not done in this instant case as per JERC Regulation No. 23/2018.
4. The Respondent/Licensee (ED) is directed to immediately take appropriate steps as per JERC Regulation No. 23/2018 under Clause 8.8 against **any irregularity noticed** in any smart meter should be served notice to the consumer, which has not done in this instant case.
5. The Respondent/Licensee (ED) is directed to revise the electricity bills bearing Consumer No. E1/3812 for the month of April and May 2023 (2 months) after verify the records from EESL and ascertain the leakage unit consumption of each day of 04/2023 and 05/2023, and thus the excess amount so collected, if any, be adjusted in future bills of the consumer **as per JERC Regulation No. 23/2018 (Electricity Supply Code Regulations, 2018) under Clause 7.25 and 7.26.**
6. The Respondent/licensee (ED) is directed not to enforce '**late fee after due date**' from 04/2023 to 05/2023, due to matter is sub-judice before the Respondent/Licensee (ED) on 31/05/2023 bearing Consumer No. E1/3812, if so collected (if any), the amount of late fee will be adjusted in his future bill.
7. The Respondent/Licensee (ED) is directed to serve notice to the consumer against the voltage leakage between the neutral and earth, neutral and current recorded at the time of inspection done by the Respondent/Licensee(ED) bearing Consumer No. E1/3812, and, if not rectify the same in the prescribed time, the energy meter should be disconnect as per JERC Regulation No. 23/2018 (Electricity Supply Code).
8. The Respondent/Licensee (ED) is directed to submit smart meter detailed reports of EESL in each complaint of excess/abnormal billing in future, which is not done in this case. Further, if not received the said report timely from EESL, necessary steps should be taken as per norms/clause of '**Master Agreement**' which was executed on 16/12/2019 between the Licensee (ED) and the EESL.
9. The Respondent/Licensee (ED) is directed to implement all the norms/clauses of the '**Master Agreement dated 16.12.2019** immediately, **which was earlier directed in the Forum's Order**



dated 25/08/2023 against complaint No. ANI/CGRF/273/23-24/05 dated 30/05/2023.

10. The Respondent/Licensee (ED) is directed to follow the JERC Regulation No. 23/2018 (Electricity Supply Code) and JERC Regulation No. 06/2009 (SOP) on receiving complaints from consumers as per norms/guidelines against excess billing, smart meter related complaints etc., which is not done in this instant case.
11. The Respondent/Licensee(ED) is directed to insist the consumer for installation of ELCB or RCCB for considering the safety aspect in the circuit of the internal wiring and to avoid accidents/current leakage.
12. The Respondent/Licensee(ED) is directed to provide awareness in consultation with EESL for viewing daily consumption, connected load, earthing and neutral leakage and other parameters through a mobile app., online website etc. as per norms/clauses of the ***'Master Agreement' dated 16.12.2019*** immediately.
13. 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, ***which was earlier directed in the Forum's Order dated 25/08/2023 against complaint No. ANI/CGRF/273/23-24/05 dated 30/05/2023.***
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). Further, from Sl. No. 1 to 13 of the above said direction copy is also submit alongwith compliance.
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.



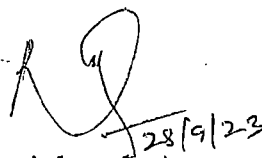
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot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