

ELECTRICITY CGRF
(Under The Electricity Act, 2003)
ANDAMAN & NICOBAR ISLANDS
SRI VIJAYA PURAM

Before:

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

In the matter of:

Shri. Ramesh Kr. Choubey, M/s Ramesh Ice Plant, R/o Babu Line, Sri Vijaya Puram, South Andaman.

.....Complainant

Versus

The Electricity Department, A & N Administration, Sri Vijaya Puram.

.....Respondent

Complaint No. : ANI/C.G. No. 36/2024 dated 14/10/2024.
Complaint : Category Change (Industrial to Commercial)
Date of Hearing : 30/10/2024
Date of Order : 05/11/2024

ORDER

Background

The complainant Shri. Ramesh Kr. Choubey, M/s Ramesh Ice Plant, R/o Babu Line, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 808 dated 14/10/2024 regarding Category change (Industrial).

The complaint was registered as ANI/C.G. No. 36/2024 and forwarded on 14/10/2024 vide letter No. ANI/CGRF/10-359/512 to the Nodal Officer (CGRF), Executive Engineer (HQ) and Assistant Engineer-I(HQ), Electricity Department for submitting reply/comments and attending the Hearing fixed on 30/10/2024 at 10:30 a.m. in the Hearing Hall of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Sri Vijayapuram with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 30/10/2024 at 10.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/573 dated 18/10/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 820 dated 21/10/2024 (the letter is kept in case file) (*Exbt. -1*).



Hearing on 30/10/2024

The Hearing was held on 30/10/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Ramesh Kumar Choubey, Complainant.
- (ii) Shri. Naveen Lall, AE-I, Elect. Dept.
- (iii) Shri. Aboobacker Siddique, JE, Elect. Dept.

Statement of the Complainant

The complainant Shri. Ramesh Kr. Choubey, M/s Ramesh Ice Plant, R/o Babu Line, Sri Vijaya Puram, South Andaman stated in his complaint letter dated 14.10.2024 that *"With due respect, I am to state that I am running a small ice cream manufacturing unit at Babulane, Aberdeen Village, Port Blair since last 40 years ago. Since the date of connection my electricity charges was billed under Industrial category. Further, I am to inform that I have already registered my ice cream unit under MSME Scheme vide Udyog Aadhar Certificate Number ANO1A0001898 (enclose). In the certificate it is clearly mentioned that my unit is registered as a manufacturing unit of diary products, ice cream, kulfi etc. and no sale of my manufacturing product is carried from my premises.*

It is to inform that I am very small ice cream manufacturer providing ice cream & kulfi to small vendor and such vendors sales my product mainly to the rural and poor community of this place.

However, electricity department vide notice dt .09.2024 have directed to reclassify my small unit under commercial category instead of Industrial. This may cause huge financial loss to myself considering a small unit. Sir, it is to inform that even under Industrial category I am generating very small profit margin and with proposed conversion under commercial category it shall not be possible to run this unit and may have to close my unit. If the unit is closed may lead to financial loss of myself including financial loss to the other small vendors depending on my manufacturing unit.

Therefore, it is requested to direct the department not to bill my unit under commercial category."

The complainant enclosed photocopies of notice received from AE-I, Elect. Dept., letter to AE-I(HQ), Electric bill, Udyog Aadhaar certificate, FSSAI license and Aadhaar Card as ID proof, which is kept in the case file **(Exbt. -2)**.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-I (HQ) submitted para-wise comments on behalf of the Respondent/Licensee (ED) vide letter No. EL/AE/SD-I/HQ/25-3/2024/656 dated 18/10/2024 stated that: -

"The Junior engineer, Aberdeen Bazaar site office vide his letter no. F.No. EL/JE/AB/1- 1/2024/622 dated 14.09.2024(Enclosed) in which he has mentioned that a consumer Shri. Ramesh Kr Choubey with Account No. D1/2414 is operating a small ice cream manufacturing unit categorized as Ice plant and billed under Industrial Category. The unit is functional for more than 30-40 years ago and since the date of connection it is billed under ' Industrial Category'. As per the Tariff Order dt. 13.06.2024, no clear direction regarding classification of Ice plant is provided. Further, it is learnt that Ice plant of other Site offices are billed under Commercial Category.

In response to the letter received from the Junior Engineer (A/ Bazar) site office this office issued notice to Shri Ramesh. Kr. Choubey Vide A/C No. D1/2414, Babu Line vide this office letter No. EL/AE/SD-I/HQ/24-10/2024/531 dated 16.09.2024 for reclassification in Commercial Category and directed to submit objection, if any within 30 days. No objection received by the consumer till date.

As directed by the Forum the following documents submitted as follows:

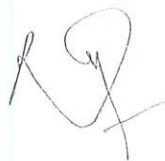
- 1) Copy of consumer profile of D1/2414 of Shri Ramesh. Kr. Choubey (Copy Enclosed)
- 2) Smart Meter monthly unit consumption report received from EESL. (Copy Enclosed).
- 3) For connected load, earthing and neutral details, meter testing report etc. a request has been sent to EESL vide mail dated 17.10.2024 (Copy Enclosed)
- 4) Ledger Sheet 01/2023 to till date. (Copy Enclosed)
- 5) Meter Reading Book 01/2023 to till date. (Copy Enclosed)."

The AE-I(HQ), Electricity Department enclosed photocopies of consumer profile, consumer's online reading, consumer ledger, meter reading record, monthly consumption data and peak demand data received from EESL, which is kept in the case file **(Exbt. -3)**.

Submission of the Complainant

Shri Ramesh Kumar Choubey, an operator of a small ice cream manufacturing unit located in Aberdeen Village, Port Blair, has brought forth a grievance. His business, which has served the local area for over 40 years, was originally categorized as Industrial for billing purposes. The unit is formally registered under the MSME Scheme, with documentation affirming its role as a manufacturing-only facility for ice cream and kulfi, excluding on-site sales. Shri Choubey supplies his products to vendors who sell primarily within rural communities.

Recently, he received a notice from the Electricity Department suggesting a reclassification of his billing to the Commercial category. Shri Choubey contends that this change would impose significant financial



hardship, potentially threatening the closure of his business and impacting the vendors who depend on his supplies. He appeals to the department to retain his Industrial classification to avoid these repercussions.

Submission of the Respondent (Licensee)

The Junior Engineer from the Aberdeen Bazaar site office reported on the case of Shri Ramesh Kumar Choubey, who holds Account No. D1/2414 and operates an ice cream manufacturing unit classified as an "Ice Plant" under the Industrial category. This classification has remained since the unit's initial connection approximately 30-40 years ago. However, the new Tariff Order issued on 13.06.2024 does not provide clear guidelines on ice plant classifications. It was found that similar units at other locations have been reclassified as Commercial.

Acting upon this, the site office issued a notice on 16.09.2024, informing Shri Choubey of the proposed reclassification and inviting objections within 30 days. To date, no objections have been received from the consumer. In compliance with the Forum's instruction, a series of documents has been submitted, including the complainant's consumer profile, unit consumption reports from the smart meter, and records of ledger and meter readings.

Forum's Observation

The complainant, Shri Ramesh Kumar Choubey, has been operating a small ice cream manufacturing unit at Babulane, Aberdeen Village, Port Blair, for over 40 years. Since the beginning, his electricity charges were categorized under the Industrial category. His unit is registered under the MSME Scheme, with Udyog Aadhar Certificate Number ANO1A0001898, which clearly states that the unit manufactures dairy products, ice cream, and kulfi, without any sales occurring on the premises. According to the complainant, his small business primarily supplies ice cream and kulfi to local vendors who sell these products to rural and economically disadvantaged communities.

In September 2024, the Electricity Department issued a notice proposing to reclassify the unit under the Commercial category instead of the existing Industrial one. The complainant argues that this change would impose a severe financial burden, jeopardizing the viability of his small-scale operation, which already operates on narrow profit margins. He asserts that reclassification could lead to the unit's closure, impacting not only his financial stability but also that of the small vendors relying on his products. Hence, he requests the department to continue billing his unit under the Industrial category.

The Junior Engineer of the Aberdeen Bazaar site office submitted a report on the complainant's case, specifically Account No. D1/2414, held by



Shri Ramesh Kr. Choubey. This report, dated 14.09.2024, notes that the complainant's small ice cream manufacturing unit, classified as an "Ice Plant," has been billed under the Industrial category since the initial connection, 30-40 years ago. However, the recent Tariff Order dated 13.06.2024 does not clearly specify the category classification for ice plants, leading to inconsistencies. It was found that similar ice plants in other site offices are billed under the Commercial category.

Following this report, the site office issued a notice on 16.09.2024 to Shri Choubey for reclassification under the Commercial category and invited any objections within a 30-day period but no objection received from the consumer till date. The consumer can file his objection to the respondent mean time. In compliance with the Forum's directive, several documents were provided, including the consumer profile, smart meter consumption reports, a request to EESL for additional technical details, and ledger and meter reading records.

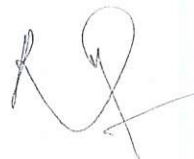
The Forum observed that the complainant's ice plant has been operational for over 30-40 years under the Industrial category. According to the new Tariff Order, ice candy is now classified under the Commercial category. The report from the department revealed that the complainant's meter stopped recording usage from November 2023. After the constitution of commission (JERC), the Electricity Department, A&N islands is regularly filing a detailed proposal for revision of tariff and recategorization in its jurisdiction and every year tariff petition are filed. The commission admit the petition and publish its abstract in newspapers for wide publicity. The commission conducted public hearings on the petitions in the A&N Islands. After duly considering the deliberations during the public hearing, written comments on the stake holders as per the provisions of Electricity Act 2003, the commission approved the retail tariff applicable to all consumers. For the reason stated above the Forum decided that the appeal of the consumer is dismissed with lack of jurisdiction. The Forum advised the complainant to bring the matter before the Joint Electricity Regulatory Commission (JERC) at the next public hearing to address his concerns and determine the appropriate classification.

Hence,

It is Ordered:

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

1. The Case is hereby dismissed due to lack of jurisdiction.

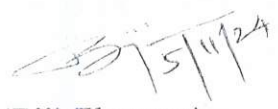


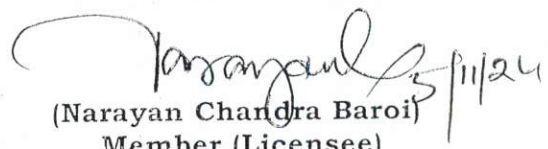
2. The complainant is advised to attend the next public hearing organized by JERC in connection with finalization of the tariff petition filed by the respondent and represents his objection regarding the classification.
3. The Respondent/Licensee (ED) is directed to submit **compliance report within 15 days** from the date of receipt of this order as per JERC Regulation No. 31/2024.
4. As per JERC Regulation No. 31/2024 under Chapter-III of 30, 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.
5. 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.

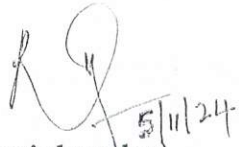
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Udyog Vihar, Phase, Sector-18, Gurugram - 122015 (Haryana). Phone - 0124-4684709, 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-I(HQ), Assistant Engineer (IT), 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

X X X