

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 (Independent Member)

In the matter of :

Smti. G. Rajeshwari, M/s Rajeshwari Ice Plant R/o Teylerabad, South Andaman bearing Consumer No. L3/4001 (Commercial).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/324/24-25/01 dated 22/04/2024
Complaint : Excess Billing bearing Consumer No. L3/4001 (Comm.)
Date of Hearing : 09/05/2024
Date of Interim Order : 10/05/2024



INTERIM ORDER

Background

Smti. G. Rajeshwari, M/s Rajeshwari Ice Plant R/o Teylerabad, South Andaman bearing Consumer No. L3/4001 (Commercial), filed a complaint vide R.D. No. 532 dated 22/04/2024 regarding excess billing bearing Consumer No. L3/4001 (Commercial).

The complaint was forwarded on 22/04/2024 to the Executive Engineer(SAD) and Assistant Engineer (Chouldhari), Electricity Department for submitting reply/comments and attending the Hearing fixed on 09/05/2024 at 10:30 a.m. in the Hearing Hall in the Office of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Port Blair with relevant documents to depose before the Forum. A copy of the said letter was also endorsed to the complainant for attending the Hearing on 09/05/2024 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) was represented by Assistant Engineer (Chouldhari), Electricity Department. He filed the reply vide letter No. EL/AE/CD/3-21/2024/23 dated 26/04/2024 with enclosures on behalf of the Respondent/Licensee (ED) (the letter is kept in case file) (**Exbt.-1**).

Hearing on 09/05/2024

The Hearing was held on 09/05/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Basudev Das, Complainant (Authorised).
- (ii) Shri Ramesh Chandar, Complainant (Authorised).
- (iii) Shri Suresh Kumar, NO, AE (Chouldhari), Elect. Dept.
- (iv) Shri. Suresh Lall, LMMR, Elect. Dept.

Statement of the Complainant

The complainant Smti. G. Rajeswari stated in her complaint letter dated 22/04/2024 that “ i) That the petitioner with an intention to run an ice plant at Teylerabad for earning exclusively his livelihood had commissioned his factory and had applied for electricity connection through online on 05-07-2023 to the Respondent, Electricity Department under A&N administration (hereafter called the Licensee). The petitioner had applied for the connection under Udyam as MSME

ii) That the petitioner commissioned the ice plant under the scheme of Govt. of India (PMMSY) seeking subsidy from the Department of Fisheries under A&N Administration and strictly adhered to the directions of the Department and completed the project within scheduled time.

iii) But the Electricity Department took a longer time to guide me properly for applying online and as such, finally it took a longer time to start the operation of the plant.

iv) That the licensee after processing the petitioner's application provided the connection after completing all codal formalities to the petitioner on 27-07-2023 under three-phase commercial category against consumer number L3/4001.

v) That after receipt of the electricity bill for the months of July and August 2023 with a last date for payment as 13-10-2023, the petitioner paid it on 08-12-2023 an amount of Rs. 1,66,581/-. Though the amount was of great shock for the petitioner since the full-fledged production was not even took off and was under trial and no sale was initiated. However, the payment was cleared.

vi) That, sir, thereafter the petitioner received bills for Rs. 9,47,450/- for the months of Sept, Oct, Nov, Dec 2023 and Jan 2024, with an average approximate amount of Rs. 2,25,000/- per month.

vii) That since there was no proper production from the unit and the petitioner had to pay the bank loan, she failed to pay the hefty amount of the bills generated by the licensee. The petitioner is unable to understand from which source he will pay to his employee, payment of stationeries, raw materials, and these electricity bills.



viii) That the petitioner, while discussing the issue with his fellow ice plant owners, came to know that the identical ice plants commissioned under the subsidy scheme of PMMSY within the premises of Industrial Estate, Dollygunj, A&N Administration, A&N Islands are being charged the industrial rate of tariff of which he was completely unaware of.

ix) That since the project of the petitioner was commissioned through the Department of Fisheries, A&N Administration, he met the Adhyaksh, Zilla Parishad and requested for change of rate of tariff as industrial rate for his project as well who had requested the Department of Fisheries to do the needful.

x) That the Department of Fisheries took up the matter with the Superintending Engineer, Electricity Department which bore no fruit.

xi) That the petitioner personally met the SE, Electricity Department twice in this regard, after the genuine request made by the Fisheries Department stating all the provisions of the scheme.

xii) That sir, to the surprise of the petitioner, the personnel of the licensee came to his plant premises and removed the energy meter cutout without any intimation to him and to add further shock, the licensee disconnected power supply line from the pole after three days of taking out the cutout.

xiii) That the petitioner made an appeal to help him in this regard to the Hon'ble Chief Secretary, A&N Administration on 29-01-2024, with copies to the Secretary, Fisheries, and Secretary Power, A&N Administration, which yielded no result.

xiv) Finding no further solution in this regard on 23-02-2024, the petitioner requested the Hon'ble Lieutenant Governor for a redressal in order to help me earn his livelihood.

xv) Having come to know from sources about the existence of this Hon'ble Electricity Consumers Grievances Redressal Forum, Andaman and Nicobar Islands, the petitioner has come forward to this quasi-judiciary platform to get his grievances redressed.

xvi) And as such, the petitioner submits the following prayers.

a) As a matter of interim relief to the petitioner, the licensee may kindly be directed to provide the electricity connection to him immediately in order to run his plant to earn his day-to-day livelihood till the final judgment of the complaint is delivered.

b) The licensee may kindly be directed to bring the Rajeshwari Ice plant, Teylerabad at par with other such plants commissioned under the Government of India's scheme by introducing industrial tariff rate, if not from the date of first supply of power, but positively from January 2024, when the petitioner had applied for change of category from commercial to industrial.



- c) The licensee may kindly be directed not to harass the consumer if he approaches any other government or constitutional platforms for redressal of his grievances, as has been done in this instant case. The licensee deliberately pulled out the energy meter cutout without any intimation to the petitioner, violating the Section 56 of the Electricity Act and 7.33 of the Electricity Supply Code.
- d) The licensee may please be directed to rectify the electricity bill from September 2023 till date as the billing is on excess side. The first bill after the connection provided on 27-07-2023 i.e. July part and Aug-2023 in full was Rs. 1,66,581/-. After that the bill went on gradually inflating from Rs. 2,53,340/- in the month of September 2023 to Rs. 3,02,625 in December 2023. This is a case of excess billing as well which may kindly be rectified and fresh rectified bills may kindly be provided for payment by the petitioner to licensee please. The petitioner is unable to understand from which source he will pay to his employee payment of stationeries, raw materials and these electricity bills.
- e) Further the licensee may also kindly be directed to accept the dues remaining to be paid by the petitioner by framing a scheme for providing facility of payment of bills in installments who is for the time being is under crucial financial distress following the Electricity Supply Code 7.39 of 2018. The petitioner will ever remain grateful to the Honourable Electricity Grievances Redressal Forum, A&N Islands for its early action to give respite to him who is striving hard to meet both the ends of his and his family together”.

The complainant enclosed the copy of representation submitted to the Hon'ble LG, Hon'ble Chief Secretary, SE, Elect. Dept., EE(HQ), Elect. Dept., MSME certificate, Payment receipt, Note issued by AE (CD) dated 10/02/2024, and ID proof as Aadhaar Card, which is kept in the case file.

Statement of the Respondent (Licensee)

The Assistant Engineer (Chouldhari) on behalf of the Respondent/ Licensee(ED) in his written statement letter dated 26/04/2024 has stated that:-

- 1) “The applicant applied for providing three-phase commercial NSC in online mode vide Application no. 15217 dt 05-07-2023 to the undersigned.
- 2) The said application was forwarded to JE (Sippighat) in the month of July 2023.

- 3) So, inspection report was forwarded by JE (Sippighat) and after verification the same may be returned to JE (Sippighat) site office for preparing estimate. The connection will be provided on 27-07-2023 as the Codal formalities are completed.
- 4) The first bill generated on commercial category on 08-07-2023 w.e.f September 2023 to January 2024.
- 5) The applicant does not paid energy charges to the site office.
- 6) Due to non-payment of energy bill, the connection was disconnected by the JE (Sippighat) on 25-01-2024.
- 7) After the disconnection, the applicant was apply the application for change the category from commercial to industrial with MSME certificate.
- 8) As per JERC regulation, the consumer either products Ice plant or selling the Ice to public. If the consumer production the Ice, then we can change the category from commercial to industrial and if production/selling Ice to public, so we cannot change to the consumer from commercial to industrial.
- 9) As the plant is completely closed due to non-availability of electricity, so JE (Sippighat) cannot be inspect the plant.
- 10) If the category is to be changed, first the consumer pay all outstanding dues, then only can change the category”.

The Respondent/Licensee(ED) has submitted copies of the Annexures on the above said statement alongwith applicant's application form, Note reg. outstanding dues, consumer ledger (from August 2023 to January 2024), which is kept in the case file.

Submission of the Complainant

The complainant has authorized Shri. Basudev Das & Shri. Ramesh Chander to appear and present in the hearing on 09-05-2024. The representative of the complainant stated that they had applied for category change from Commercial to Industrial after getting the MSME certificate on 16.02.2024 addressed to SE, Elect. Dept. But the department has not taken any action in this regard. He further requested to provide connection within 48 hours and agreed that as soon as the Respondent/ Licensee (ED) provides the fixed charges bill, he will make payment within 48 hours, otherwise the connection may be disconnected again.

The Respondent/Licensee (ED) submitted that the complainant has not paid the electricity bills from 09/2023 to 12/2023 and accordingly the complainant representative stated that due to disputes in the electricity bills he stopped to pay from 09/2023 to as on date till the case is redressed.



Submission of the Respondent/Licensee (ED)

The Respondent/Licensee (ED) in his written reply stated that due to non-payment of energy bills bearing A/c No. L3/4001, the 3 phase electric connection was disconnected on 25-01-2024. He further stated that after the consumer had applied for change of category from commercial to industrial, a notice was served to the consumer for payment of outstanding dues, but the same was not paid by the complainant.

Forum's Observation

The Complainant authorized Shri. Basudev Das and Shri. Ramesh Chander to represent on behalf of the complainant in the Forum. The Complainant requested for change of category from Commercial to Industrial, and also requested for reconnection to the plant. The plant was disconnected on 25-01-2024 due to non-payment of dues from 09/2023 to 12/2023, amounting to Rs. 9,47,450/-.

The Complainant submitted an application for change of category on 16-02-2024, addressed to SE, Electricity Department, Port Blair, but no action has been taken by the department to direct the complainant to act as per the JERC regulations.

Hence, the Forum decided to issue an interim order to provide the re-connection within 48 hours and prepare the fixed charges bill in terms of connected load of the plant and serve to the consumer. If the consumer did not pay the bill within 48 hours, the Respondent/ Licensee (ED) can disconnect the connection accordingly.

The remaining pending bills will be prepared after conducting accuracy test of the meter and issued to the consumer for payment. Meantime, the complainant may be asked to submit proper application form for the conversion and the decision for category change can be decided accordingly.

The Respondent/Licensee (ED) is directed to provide the electric connection within 48 hours, issue the fixed charges bill to the consumer for payment, if the consumer not paid the same within 48 hours the respondent have a liberty to disconnect the power supply.



The consumer will have to pay the pending electricity bills (only fixed charges) from September 2023 to till date within 48 hours of the receipt of the fixed charges bill.

The Respondent/Licensee (ED) is directed to put a parallel meter to check the accuracy of the existing meter and submit the observation to the forum within 15 days, also directed to prepare the arrear bill, if any, and serve to the consumer for payment.

The Consumer has to submit proper application form (in the prescribed format as given in Annexure VI to the Electricity supply code, 2018) for the change of category from commercial to industrial alongwith all relevant documents.

The Respondent/Licensee (ED) is directed to serve proper notice to the consumers before disconnection, which was not served, as seen in this instant case.

The Forum decided to pass an Interim Order for the Respondent to do the needful immediately, the Final Order will be kept pending till the above stated issues are solved.

Hence,

It is Interim Ordered:

After detailed deliberations, submissions and documents produced before the Forum, and on the basis of the observation so reached, the following Interim Order is passed:-

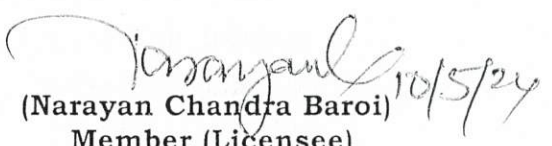
1. The Respondent/Licensee (ED) is directed to provide the re connection within 48 hours, issue the fixed charges bill to the consumer for payment, if the consumer is not paid the same with in 48 hours the respondent have an liberty to disconnect the power supply.
2. The Respondent/Licensee (ED) is directed to put a parallel meter to check the accuracy of the existing meter and submit the observation to the forum within in 15 days also directed to prepare the arrear bill and serve to the consumer for payment.

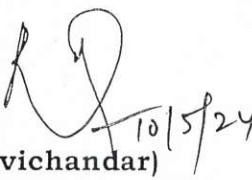


3. The Complainant will have to pay the pending electricity bills (only fixed charges) from September 2023 to till date within 48 hours of the receipt of the fixed charges bill.
4. The Complainant has to submit proper application form (in the prescribed format as given in Annexure VI to the Electricity supply code, 2018) for the change of category from commercial to industrial, alongwith all relevant documents.
5. 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.

A certified copy of this Order be sent to the Superintending Engineer (Ele.), Executive Engineer (SAD), Assistant Engineer(Chouldari), Electricity Department and the complainant for information and necessary action.


(Biji Thomas)
Independent Member
Electricity CGRF


(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF


(R. Ravichandar)
Chairman
Electricity CGRF