

ELECTRICITY CGRF
(Under The Electricity Act, 2003)
ANDAMAN & NICOBAR ADMINISTRATION
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. Kathiresan, R/o Bambooflat, South Andaman (*Suo-Motu cognizance of a YouTube video published on 19/08/2024 by Shri. Yamin, Reporter, News Andaman 24*7*).

.....Complainant

Versus

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

.....Respondent

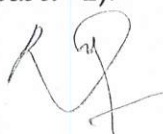
Complaint No. : ANI/CGRF/10-0/449 dated 22.08.2024.
Complaint : Excess billing bearing Consumer No. R/3078
Date of Hearing : 28/10/2024
Date of Review Order : 18/11/2024

ORDER

Background

Unaware of the existence of Consumer Grievance Redressal Forum, A&N Administration a resident of Bambooflat, South Andaman had approached a local news channel to vent their grievances of excess billing inspite of completion of inspection by the concerned site office. The news was published in the you tube channel viz. '*News Andaman 24*7*' dated 19th August 2024. The Forum took Suo-motu cognizance of it and sought further information in this regard from the Nodal Officer, CGRF of Electricity Department vide its letter No. ANI/CGRF/10-0/449 dated 22.08.2024. The Forum issued an order on 26.09.2024 passed in the matter of Shri. Kathiresan, R/o Bambooflat, Consumer No. R/3078 (Domestic).

The Respondent, the Electricity Department, submitted a review request to the CGRF in response to the order passed on 26.09.2024. The Respondent explained the challenges faced in segregating the consumption attributable to earth leakage and reverse current due to technical glitches in the billing system. They pointed out that the data provided by EESL was inconclusive and noted that the actual consumption recorded by the meter was significantly lower than the billed amounts. The Respondent requested the CGRF to reconsider the order, emphasizing that the department was unable to provide clear segregation of the disputed consumption and that the consumer's actual usage had decreased after re-letting the premises. (*Exbt. -1*).



Hearing on 28/10/2024

The Hearing was held on 28/10/2024 in the Hearing Hall, Electricity CGRF at 11:00 a.m. The following were present: -

- (i) Shri. K. Kathiresan, Complainant.
- (ii) Smti. Rizwana, Executive Engineer (SAD), Elect. Dept.
- (iii) Shri. Rajesh Singh, Assistant Engineer(F/Gunj), Elect. Dept.
- (iv) Shri. P.N. Choudhary, Junior Engineer (B/Flat), Elect. Dept.

Statement of the Respondent

The Executive Engineer (SA), Electricity Department on behalf of the Respondent/ Licensee (ED) in her review request submission vide letter No. EE/SA/Tech/2024-25/1-1(I)/3066 dated 18/10/2024 has stated that:

"Sir, Kind reference is invited to your good office order dtd. 26.09.2024 passed on the captioned matter with following directions:

- 1. The Suo motu case dated 22.08.2024 is hereby closed with specific directions to the Respondent/ Licensee (ED) for compliance.*
- 2. The Respondent/ Licensee (ED) is directed to recover the amount contributed due to the earth leakage and reverse current from EESL as per the master agreement and give relief to the consumer in connection with the excess bills for the month of May and June 2024.*
- 3. The Respondent/ Licensee (ED) is directed to revise the bill for the month of May and June 2024 of the consumer bearing consumer no. R/3078 as per the actual consumption after adjusting the consumption due to the earth leakage and reverse current and the same may be issued to the consumer for early payment.*
- 4. The Respondent (ED) is directed to ensure that in future all the events recorded in meters affecting badly to the consumer may be monitored and reported by EESL in the timeline prescribed as per the Master Agreement dated 16.12.2019 between the Licensee (ED) and the EESL.*
- 5. 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 under Clause 30(1) & (2). Further, from SI. No. 2 & 4 of the above said directions compliance should be provide with supporting documents, if any.*
- 6. 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.*
- 7. 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.*

That, in compliance to the said direction the Assistant Engineer, Ferrargunj issued a letter vide No. EL/AE/FG/3-20/2024-25/320 dtd. 03.10.2024. (Exhibit-1) addressed to M/s EESL seeking clarification on account of earth leakage and reverse current contribution towards the consumption recorded in r/o Consumer No. R/3078.



That, in response, M/s EESL furnished their reply vide Lr.No. EESL/SERC/A&N/SMNP/2024-25/018 dated 14.10.2024 (Exhibit-2), which upon perusal transpired that no specific comments were submitted by M/s EESL on the issue of actual consumption and segregation of Unit metered by earth leakage and reverse current in r/o Consumer No. R/3078 for the month of May and June 2024.

That, the Assistant Engineer in the absence of reply from M/s EESL has express his inability to ascertain the actual consumption of the consumer during that period for revision of the energy bill. The M/s EESL has also offered no comments in regard to the inference of reverse current showing 897.7 kwh in the metered tampered data furnished by their office while adjudicating the matter by the Ld. CGRF.

That, M/s EESL in their reply has submitted that due to compatibility issue in current billing system, M/s EESL Software has not integrated into MDM, which limits ability to conduct advanced data analytics including alarms and event data monitoring. It is evident from the statement furnished by M/s EESL that has denied to take any obligation on its shoulder on the pretext of the above technical glitch to intimate the department regarding such tampering events of the energy meter.

That, the Assistant Engineer, Ferrargunj has further submitted that consequent upon this incident the site office has monitored the current consumption of Consumer No. R/3078 for the month July, August & September 2024, which is tabulated below. –

Month	Meter Reading	Unit Consumption
April	563	9 Kwh
May	723	160 Kwh
June	1423	700 Kwh
July	1479	56 Kwh
August	1488	09 Kwh
September	1556	68 Kwh

It is pivotal to mention that, as per the gathered information the rental accommodation in question was re- let out by the owner w.e.f 10.08.2024 and the actual consumption recorded by the meter since then seems to be normal and no complaints in this regard as so far received from the Consumer.

The Assistant Engineer, Ferrargunj has also submitted that your Lordship in the said order has contributed the consumption occurred on account of earth leakage and reverse current being the reason for excess billing during the month of May & June 2024. However, the data of actual consumption transpires that the issue of earth leakage or reverse current was no prevalent in the successive month viz., August & September and as per the gathered information and understanding of the department no corrective action tor arresting such purported earth leakage or reverse current, was undertaken by the consumer.



Here, it is also significant to attract your kind attention to the details of the tampered data furnished by M/s EESL which captured 910.2 kwh towards earth leakage and 897.7 towards reverse current for the period from May'2024 to August'2024 while the actual consumption recorded by the meter for the said period is only 925kwh.

In view of above facts and ambiguous state of the data available in r/o the consumer it is not possible by the division to segregate the actual consumption of the consumer for that particular month. It is therefore vehemently requested to kindly review the order on the following accounts: -

1. The meter tampered data received from M/s EESL, depicts 910.3 Kwh consumption towards earth leakage and 897.7 towards reverse current for the period from May'2024 to August'24, while the actual consumption for the said period of 925 kWh, captured by the meter for the said period. Even on deducting 910.3 kwh from 925 kwh, the purported consumption of the consumer shall be 14.7 Kwh for a period of 04 months. Thus, the average monthly consumption works out to be 3.67 kwh,
2. The average monthly consumption of 4kwh is not in line with the load profile of the consumer. Furthermore, it needs to be examined that whether an average actual consumption of 4 units can contribute to an average leakage current of 227 kwh (910.3/4).
3. The method of adjustment of unit proposed by Ld. Forum is beyond the scope of WBBS billing, As two separate bills cannot be generated by software for a single consumer and moreover EESL is not a consumer of this department.
4. The meter installed in the premises of the consumer was found in working condition which was affirmed by M/s EESL in their letter dtd 14.10.2024 and was also ascertained by department by installation of check meter.
5. M/s EESL in its letter dated 14.10.2024 has clearly indicated that tampering of meter was done at site. Thus, the possibility of misuse/un-judicious use of electricity in the premises by the consumer on certain days during the month of May & June 2024 cannot be eliminated.
6. The consumption pattern has come down in the month of August and September 2024 after-re-let out of the premises, which needs to be examined in the light of the corrective measures if any adopted by the consumer.
7. Segregation of units attributable to actual consumption by the consumer and towards earth leakage / reverse current needs clarity as recovery of the charges on this account from either party without a clear record shall result in further complexity. As such, the issue be re-examine making EESL a party and clear segregation of unit or mechanism for segregation of unit may kindly be spelt out while reviewing the order.

In view of above submissions, it is vehemently requested that to arrive at a prudent decision in larger interest of the government and to avoid any loss to the public exchequer and future complications a favorable action to review the order is solicited from the Ld. CGRF."



The Respondent/Licensee (ED) has submitted the copy of letter addressed to the State Head, M/s EESL and Reply letter of the EESL, which is kept in the case file (**Exbt. -2**).

Submission of the Complainant

The complainant, Shri Kathiresan, residing in Bambooflat and holding Consumer No. R/3078, contended that the billing for May and June 2024 was excessively high due to earth leakage and reverse current, which he believes was not accurately represented. The complainant stated that his tenant had not used electricity as per the bill raised by the department. The complainant emphasized that the electricity consumption during the disputed period was abnormal and requested clarification on the meter readings, particularly the leakage and reverse current charges.

Submission of the Respondent (Licensee)

The Respondent clarified that the Assistant Engineer of Ferrargunj had issued a letter to M/s EESL seeking clarification regarding the earth leakage and reverse current charges for Consumer No. R/3078. However, the reply from EESL failed to address the actual consumption or the segregation of leakage and reverse current for May and June 2024. The Respondent expressed their inability to revise the bill due to the lack of specific data and highlighted that M/s EESL had cited technical issues preventing them from monitoring or reporting such events. Furthermore, the department noted that after re-letting the premises in August 2024, the actual consumption decreased, which further complicated the issue of leakage and reverse current.

Forum's Observation

The complainant, Shri Kathiresan, argued that the electricity bills for May and June 2024 were inflated due to factors beyond his control, including alleged earth leakage and reverse current. He emphasized that his tenant had not used the supply as per the bill issued by the department. The complainant pointed out that, despite his efforts to seek clarity on the issue, no appropriate action had been taken by the department to rectify the billing errors. He requested that the department take corrective measures in line with the forum's guidelines to ensure fairness and transparency in the billing process.

The Respondent, the Electricity Department, submitted a review request regarding the order passed on 26.09.2024. They clarified that M/s EESL had failed to provide adequate data on the earth leakage and reverse current for Consumer No. R/3078, hindering the department's ability to revise the bills. The Respondent noted that the meter installed at the consumer's premises was in working condition, as confirmed by EESL. Despite this, EESL did not take responsibility for the technical glitches that resulted in inaccurate readings. The department pointed out that the consumer's consumption decreased after the premises were re-let, which further complicated the matter of billing



adjustments. The Respondent requested the CGRF to review the decision, as the lack of clear data made it difficult to segregate the charges related to leakage and reverse current.

The Forum believes the high consumption may be due to faulty equipment or damaged wiring at the consumer's premises. The Forum observed that the department had not provided the requested split details of leakage consumption for the months of May, June, July, and August 2024. The Forum also noted that the department could not substantiate claims of meter tampering by the consumer. Based on the consumer's usage pattern and historical data, the Forum found discrepancies in the usage during the disputed period and suggested that the department should adjust the billing, accordingly, providing relief to the consumer as per the applicable regulations.

Forum's Directions

1. Relief to the Consumer: The Respondent is directed to provide relief to the consumer for the month of June 2024 by assessing the average consumption of the consumer in the previous months or the consumption in the corresponding period of the previous year, whichever is applicable, as per the JERC regulations.
2. Consideration of Consumption Pattern: The Forum has considered the consumer's previous consumption pattern and emphasized that the relief provided must align with the JERC regulations, given the absence of tampering evidence against the consumer.
3. The department should ensure that no further discrepancies occur in the consumer's future billing.

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 Review request regarding Suo motu case dated 18-10-2024 is hereby closed with specific directions to the Respondent/Licensee (ED) and the Complainant consumer for compliance.
2. The Respondent/Licensee (ED) is directed to revise the bill and provide one-time relief to the consumer bearing consumer no. R/3078 for the month of June 2024 by assessing the average consumption of the consumer in the previous months or the consumption in the corresponding period of the previous year, whichever applicable, as per the JERC regulations.

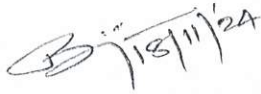


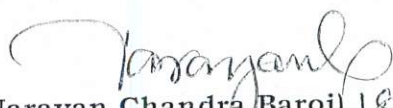
3. The Respondent (ED) is directed to ensure that in future all the events recorded in meters affecting badly to the consumer may be monitored and reported by EESL in the timeline prescribed as per the Master Agreement dated 16.12.2019 between the Licensee (ED) and the EESL.
4. The Forum Order dated 26/09/2024 are upheld to the extent.
5. The complainant is advised to install ELPD (Earth Leakage Protective Device) in the wiring to prevent any earth leakage, fire hazards and safety of equipment's in the premises.
6. The Respondent(ED) should insist ELPD in the wiring is mandatory provision for releasing a fresh connection in future.
7. 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 under Clause 30(1) & (2).
8. 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.
9. 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.

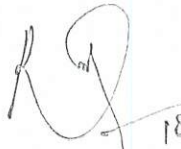
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot 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 (SAD), Nodal Officer (CGRF), Assistant Engineer (F/Gunj), 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) 18/11/2024
Member (Licensee)
Electricity CGRF


(R. Ravichandar) 18/11/24
Chairman
Electricity CGRF