

TIME BOUND
FORUM MATTER

अण्डमान तथा निकोबार द्वीप समूह
उपभोक्ता शिकायत निवारण फोरम
(विद्युत अधिनियम 2003 की धारा 42(5) के तहत स्थापित)
पोर्ट ब्लेयर/Port Blair - 744 101

Andaman & Nicobar Islands
CONSUMER GRIEVANCES REDRESSAL FORUM
Estd. Under Section 42(5) of the Electricity Act (2003)
Port Blair - 744 101

Email ID : cgrf.and@nic.in/andcgrf@rediffmail.com, Telephone & Fax No. 03192-244822

F. No. ANI/CGRF/10-296/229

Dated: 15/12/2023

To

The Director,
M/s Coral Reef Resort Pvt. Ltd.,
Garacharama,
Port Blair

- (Complainant)

The Assistant Engineer (P/Pur),
Electricity Department,
Port Blair,
South Andaman

- (Licensee's Authorised Officer)

Sub : Excess Billing bearing Consumer No. H3/3463 (Hotel) - reg.

Ref : Complaint No. ANI/CGRF/296/23-24/28 dated 25/08/2023.

Sir,

Enclosed please find herewith certified copy of the Order dated 14/12/2023 passed by the Electricity CGRF on the above complaint, for compliance and suitable action at your end.

Yours faithfully

Encl : Order Dated 14/12/2023

/ -
(R. Ravichandar)
Chairman
Electricity CGRF

Copy to: -

1. The Electricity Ombudsman, JERC, Gurugram, Haryana alongwith certified copy of Order dated 14/12/2023 for information.
2. The Superintending Engineer, Elect. Dept., Port Blair alongwith certified copy of Order dated 14/12/2023 for necessary action.
3. The Executive Engineer (HQ), Elect. Dept., Port Blair alongwith certified copy of Order dated 14/12/2023 for necessary action.
4. The Assistant Engineer (Workshop), Nodal Officer (CGRF), Elect. Dept. alongwith certified copy of Order dated 14/12/2023 for necessary action.
- ✓ 5. The Assistant Engineer (IT), Elect. Dept. alongwith certified copy of Order dated 14/12/2023 and directed to upload the same in the online website of the CGRF, A&N Islands under intimation to this Forum.
6. F. No. ANI/CGRF/0-3.


Chairman
Electricity CGRF
15/12/23

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 Director, M/s Coral Reef Resort Pvt. Ltd., Garacharama, Port Blair bearing
Consumer No. H3/3463 (Hotel).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/296/23-24/28 dated 25/08/2023
Complaint : Excess Billing bearing Consumer No. H3/3463 (Hotel).
Date of Hearing : 14/09/2023, 05/12/2023 & 08/12/2023
Date of Order : 14/12/2023

ORDER

Background

The complainant (Director) on behalf of the Firm, M/s Coral Reef Resort Pvt. Ltd., Garacharama, Port Blair filed a complaint vide R.D. No. 168 dated 25/08/2023 regarding excess billing bearing Consumer No. H3/3463 (Hotel).

The complaint was forwarded on 25/08/2023 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer(HQ), Assistant Engineer-III, Electricity Department who represents the Respondent/ Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 14/09/2023 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 14/09/2023 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer (P/Pur), Electricity Department filed his letter No. EL/AE/PP/1-12/22-23/465 dated 12/09/2023 submitted reply/comments on behalf of the Licensee/ Respondent (ED), which was received by the Forum on 12/09/2023, which is kept in case file (**Exbt.-1**).



Hearing on 14/09/2023

The Hearing was held on 14/09/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Ayush Kandoi, Authorized Representative of the Firm.
- (ii) Shri. E.P. Shahnawaz, AE(P/Pur), Elect. Dept.
- (iii) Shri. K. Rajan, JE, Elect. Dept.
- (iv) Shri. R. Raja, LMMR, Elect. Dept.

Statement of the Complainant

The complainant (Director) on behalf of the Firm stated in his complaint letter dated 25/08/2023 that "as per our electric meter reading bearing Consumer Account No. H3/3463 it is to notify that the Units Assessed in November 2022 was 20800 which accounts to Rs 3,02,400.00/-, whereas in December 2022 it was 22427 which accounts to Rs 3,25,992.00/-, in January 2023 it was 16867 which accounts to Rs 2,00,809.00/- which is completely incorrect & wrong as the start of the meter reading in the month of December 2022 was 1838 and even the end reading was 1838 which is not acceptable/justifiable.

It is also to furnish to your good self that the meter readings are continuously incorrect from the month of September 2022 itself till the Month of March 2023 as the unit rates calculated are not as per the actual unit's rates specified by the Electricity Department.

We are also enclosing the details of the units and rates which were charged for the mentioned months for your verification purpose so that necessary action can be taken up by your end. Therefore it is requested to your good self to kindly rectify the faults in Electric Meter and deduct the amount which were charged unnecessarily & adjust the amount in the upcoming bills".

The complainant enclosed the representation submitted to AE-III, Electricity Department vide letters dated 22/02/2023, electricity bills for the months of 12/2022, 01/2023 & 02/2023 alongwith ID proof as Aadhaar Card, which is kept in the case file (Exbt.-2).

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-III on behalf of the Respondent/ Licensee(ED) in his written submission letter dated 12/09/2023 with enclosures has stated that "as per our office records the 3 phase commercial electric connection provided on 07.05.2022 with connected load 139 KVA. Kindly find enclosed herewith the consumer profile, EESL online reading report and meter reading book from 05/2022 to till date".



The Respondent/Licensee(ED) has submitted copies of meter reading books, consumer ledger, monthly consumption data and peak demand data from July 2022 to August 2023, which is kept in the case file (**Exbt.-3**).

Submission of the Complainant

The Firm i.e. M/s Coral Reef Resort Pvt. Ltd., Port Blair has authorized Shri. Ayush Kandoi to represent on behalf of the complainant and states that he had filed a complaint regarding correction in electricity meter reading bearing consumer number H3/3463 on 22/02/2023 and no action has been taken by the department. The said Resort meter was replaced three (3) times without any prior notice. The energy meter was initially changed in the month of August 2022. The Resort installed a solar rooftop on 22/12/2022 in the said premises. Later in January and March 2023 my energy meter was further replaced without any prior intimation or notice.

The authorized representative of the complainant has requested the Forum to rectify the erroneous energy meter readings which was recorded by the Respondent (Electricity Department) w.e.f. September 2022 to March 2023.

Submission of the Respondent/Licensee(ED)

The Nodal Officer (CGRF) is absent during the Hearing. The Assistant Engineer-III, Elect. Dept., represents on behalf of the Respondent/Licensee (ED) and stated as per office records 3 phase commercial electric connection provided with connected load 139 KVA on 07/05/2022. Further, he said that the energy meter is faulty during these periods and the bills were prepared based on average consumption. The complaint recorded was not related to my tenure and the earlier posted AE-III and JE (P/Pur) had been transferred.

Forum's Observation

The Forum observed that the para-wise reply/comments submitted by the Respondent/Licensee (ED) are not in accordance with the complaint, also the EESL report was not presented before the Forum. During the Hearing the Respondent/Licensee (ED) failed to submit the correspondence letters for replacement of the smart meter three (3) times in August 2022, January 2023 and March 2023.

The Forum going through the documents submitted by the Respondent/Licensee (ED) alongwith statement submitted by the complainant, the Forum directed the Respondent/Licensee (ED) to submit the EESL report alongwith three (3) times replacement of smart meter with supporting documents on or before 21/09/2023 with proper acknowledgement of the consumer.



Reply of the Respondent/Licensee (ED)

As per direction given by the Forum during the Hearing on 14/09/2023, the Assistant Engineer-III, Electricity Department submitted reply on behalf of the Respondent/Licensee(ED) vide letter No. EL/AE/PP/1-12/23-24/493 dated 21/09/2023 with enclosures and stated that: -

- “1) The consumer was provided three phase commercial connection on 7/05/2022 with permissible of connected load 139 KVA for which security amount was deposited as per connected of 139 KVA. Hence Party obtained dedicated transformer 200 KVA. Now while physical verification was done, it is found that the connected load has increased. The load of the Resort has been increased without informing to the Dept.
- 2) The present connected load is found 319.357 KVA.
- 3) Solar Roof Top 40 KW has been installed by the consumer on 26/12/2022.
- 4) After physically inspecting the resort by JE (PP-I) with other officials of the Prothrapur Site Office for checking connected load 19/09/2023, the inspection report as submitted by JE (PP-I) is enclosed.
- 5) Consumer Ledger of H3/3463, Coral Reef Resort pvt ltd. commercial three phase showing the meter reading details, unit consumption and the payment details from May 2022 to August 2023.
- 6) EESL Online Meter Reading details showing average unit & meter status.
- 7) Billing details of the consumer no. H3/3463, Coral Reef Resort Pvt Ltd. commercial three phase for the month May 2022 to April 2023.
- 8) Room occupancy details enclosed.
- 9) In regards to complaint we submitted a letter concerned project head of EESL to rectification the problem copy enclosed”.

The Respondent/Licensee(ED) has submitted photocopies of smart meter inspection report, consumer ledger, No. of rooms occupied in the Resort from August 2022 to April 2023, Technical Feasibility Report, email addressed to the EESL dated 20/02/2023 alongwith JE's letter dated 25/11/2022, which is kept in the case file **(Exbt.-4)**.

Counter reply filed by the Complainant against the reply of AE(P/Pur)

The complainant has filed a counter reply vide dated 11/10/2023 against the reply of the AE-III's letter dated 21/09/2023 and stated that “we had received the copy of the same at our office on the 21st of September 2023. After going through the report, we had found lot of the reports/details furnished by the visiting officer wrong and hence prepared a reply for the same.

1. **REPLY TO PARA 1 & 2 FROM JE REPORT** - As per the Junior Engineer after their physical verification, it was found that our connected load has somehow increased from 139 KVA to 319.35 KVA. For your information sir, initially while applying for the 3-phase connection, we had demanded 174 KVA as per our requirement which is clearly mentioned in Form A (Technical Feasibility Report) made by the on-duty JE then, against which

were sanctioned 139 KVA load for the premises. After personally going through the premises and concerned experts, we have found that our actual load is similar to what we had demanded and is mentioned in the feasibility report which is enclosed for your reference. Sir, we have installed a 160 KVA capacity DG at our premises from the inception of the property (The details have been enclosed for your kind reference) and haven't faced any load issue ever since then which clearly states that the total connected load cannot exceed more at our premises. Also, as per Form A, we were sanctioned by the JE then to install 3 phase 200 KVA transformer as per our contract demand for which we had submitted the security and executed the same.

2. **REPLY TO PARA 5 FROM JE REPORT** - As per the reports from the department, the consumer ledger of CORAL REEF RESORT PVT LTD commercial 3 phase connection showing the meter reading details, unit consumption and payment details from the month of May 2022 to August 2023 was supposed to be attached but unfortunately, the ledger is only till the month of April 2023 and the rest months details doesn't exists since the bills weren't generated by the competent officer for unknown reason and we are stuck in a dilemma on why the bills haven't been generated yet and we are kept under the shadow of this wrong doing. After several intimations to the department, they still haven't generated the bills from the month of May 2023 till date.
3. **REPLY TO PARA 6,7 & 8 FROM JE REPORT** - As per the room occupancy which was submitted to your kind office and a copy of the same was sent to the Prothrapur division, we had made some observations in the billing cycle and meter readings and would like to highlight some points for your kind reference sir.

	MONTH AND YEAR	NEW READING	OLD READING	UNIT CONSUMED	BILL AMOUNT	ROOM OCCUPANCY (AS PER LIST SUBMITTED)	METER STATUS
1.	MAY 2022	5145	4634	5110	59,795	189	Normal
2.	JUNE 2022	5745	5145	6000	70,475	201	Normal
3.	JULY 2022	6095	5745	14000	1,66,475	94	Normal
4.	AUG. 2022	156	0	14880	1,77,035	210	Meter Changed
5.	SEPT. 2022	786	156	25200	4,05,665	312	Normal
6.	OCT. 2022	1318	786	21280	3,09,330	552	Normal
7.	NOV. 2022	1838	1318	20800	3,02,370	392	Progressive reading
8.	DEC. 2022	1838	1838	22427	3,25,962	505	Stuck up
9.	JAN. 2023	2338	1838	16867	2,00,779	635	Meter Changed
10.	FEB. 2023	2868	2338	17100	2,03,575	507	Progressive reading
11.	MAR. 2023	622	292	15086	1,79,407	503	Meter Changed
12.	APRIL 2023	816	622	1425	23,503	255	Progressive reading



- The meter was changed by the department without any prior intimation to the consumer for unknown reason.
- The bill for the month of September shoots up even with such low occupancy during that month. This clearly says that the meter had some issues ever since the month of August 2022 when it was unknowingly changed.
- Even though the occupancy for the month of October 2022 was higher than the month of September 2022, the bill amount had a difference of almost 1 lakh against which our office submitted a letter of complaint dated 8/10/2022 and 15/09/2022 to the concerned officer to get a clarification and rectification in the meter but unfortunately, no action was taken whatsoever regarding the matter.
- The meter reading for the month of December 2022 faced an unknown error and the meter got stuck up. This was verbally informed to the concerned engineer post receiving the bill and they had no reasons to justify the error. This is unjustified in the consumer's case since the bill for the month of September is wrong and the average cannot be calculated with a wrong bill. Also, since we are into hotel industry, this rule is unjustified for our business which don't see constant occupancy yearly and fluctuates as per demand. This rule shouldn't be applied on us, and we highly disagree with it.
- Post the month of December 2022, the meter was changed twice. Once in January and in March 2023 due to unknown reasons and without any prior intimation to the consumer. The old readings were also taken from the previous months reading rather than from zero. Bill for the month of March 2023 was also calculated based on the old reading which does not matches with the new reading of February 2023. Also, as per rules, the department should register these complains on record and attend it with a test meter to check the next 1 weeks reading and compare it with the existing meter in presence of the consumer but unfortunately, no such actions were taken, and the bills were generated blindly.
- The basic calculation error for all the bills generated till date which also needs to be looked upon. For your reference, we have attached the calculation difference amount chart between the departments and as per actual bill amount. The rates have been calculated as per standard calculation procedure and unit rate for all HOTEL AND RESORT categories.

In conclusion, I would like to again convey the only problem which we are facing and want the resolution of it immediately that is, CORRECTION OF BILLS FROM THE MONTH OF AUGUST 2022 TILL DECEMBER 2022 and adjust it in the succeeding bills or process the refund of the difference amount at the earliest

so that the same can be cleared immediately from our end without any further delay's. Also, to kindly inform the department to release the bills from the month of MAY 2023 till date which is still on hold and correct the calculation error of individual months bill and adjust it for the succeeding months and to intimate the concerned JE to re visit the site and cross check the connected load again".

The Complainant has submitted photocopies of documents as stated above letter dated 11/10/2023, which is kept in the case file **(Exbt.-5)**.

Complainant submitted a representation on 14/11/2023

The complainant submitted a representation on 14/11/2023 and stated that "due non-generated bills have been uploaded now on the electricity portal from the month of APRIL 2023 - AUGUST 2023 and the same has been paid through **DEMAND DRAFT No. 854248 of amount Rs. 2,45,403/- dated 09/11/23** in favor of the Assistant Engineer, Electricity Department, Port Blair copy of which will be attached in the enclosure of this letter.

The payment status of our electricity bills has been updated and paid under protest (Ref letter No. CRR/77/22-23 and CRR/79/22-23) till March 2023 except for the months of October 2022, December 2022 and January 2023 which was held due to non-compliance and non-correction of the electricity meter and previous irregular bills under Sub-Judice CGRF. We would like to inform your good self that we will hold the payment for the months of Oct 22, Dec 22, and Jan 23 bills until we get a resolution on the same and the necessary actions are taken for all the under protest paid bills. Payment status statement till MARCH 2023 and copy of the protest letter will be attached in the enclosure of this letter for your kind reference.

Requesting you to kindly consider this matter as urgent and we would be pleased if the matter is resolved with concern with the CHAIRMAN of the CGRF (Consumer Grievances Redressal Forum) of the Electricity department.

The Complainant has submitted photocopies of documents as stated above letter dated 14/11/2023, which is kept in the case file **(Exbt.-6)**.

Forum's Observation

The Forum going through the reply submitted by the Respondent/Licensee (ED) vide letter dated 21/09/2023 with enclosures and counter reply filed by the complainant vide letter dated 11/10/2023 & 14/11/2023, hence, the Forum decided to conduct a Hearing on 05/12/2023 at 11:30 am and accordingly, the Forum sent a letter to the Respondent/Licensee (ED) vide letter dated 01/12/2023 and directed to submit the para-wise comments/reply against the counter reply filed by the complainant vide letter dated 11/10/2023, which is kept in the case file **(Exbt.-7)**.



Reply of the Respondent/Licensee (ED)

As per direction given by the Forum vide letter dated 01/12/2023, the Assistant Engineer-III, Electricity Department submitted para-wise comments/ reply on behalf of the Respondent/Licensee(ED) vide letter No. EL/AE/PP/1-12/2023-24/668 dated 04/12/2023 with enclosures and stated that: -

1. *M/S Coral Reef Resort Pvt. Ltd. has been issued a letter vide No.EL/AE/PP/2-11/2022-23/635 dated 20.11.2023 (Copy enclosed) against which the said Farm has cleared the outstanding dues upto August2023.The payment details is enclosed herewith.*
2. *The details of smart meter replacement is given below -
A/C No. H3/3463 (3 Phase Commercial), Meter replaced on 26.10.2023 with initial reading 0, Smart meter replacement done by EESL, G.P. No. 1010741, 3 phase 4 wire ac Static LTCT Smart Meter, HZ, IMAX = 10, A 12000 IMP/KWH, 12000 IMP/KVArh, Genus, Saksham - 340".*

The Assistant Engineer-III (HQ), Elect. Dept., has submitted photocopies of enclosures as stated above letter dated 04/12/2023, which is kept in the case file **(Exbt.-8)**.

Hearing on 05/12/2023

The Hearing was held on 05/12/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Sandeep Mukherjee, AE(W/shop) i/c, Nodal Officer (CGRF).
- (ii) Shri. E.P. Shahnawaz, AE-III, Elect. Dept.
- (iii) Shri. K. Rajan, JE, Elect. Dept.
- (iv) Shri. Suresh Singh, LMMR, Elect. Dept.

Submission of the Respondent/Licensee(ED)

The Assistant Engineer-III, Elect. Dept., represents on behalf of the Respondent/Licensee (ED) and stated that the reply is placed before the Forum vide letter dated 04/12/2023. Further he submitted that replacement of meters three (3) times was done by the earlier posted AE-III and JE (P/Pur). Therefore, he requested to the Forum to call the earlier posted AE-III and JE (P/Pur) for making submission with the records before the Forum.

Forum's Observation

The Forum going through the reply submitted by the Respondent/Licensee (ED) vide letter dated 04/12/2023 alongwith submission made during the Hearing on 05/12/2023, the Forum decided to sent a letter to the AE-III (P/Pur) and Nodal Officer (CGRF) to appear before the Forum once again on 08/12/2023 at 10:30 am and also a copy was endorsed to the earlier

posted AE-III i.e. Shri. Subrato Nag and JE (P/Pur) Shri. Charan Jeevan Ram to appear before the Forum on 08/12/2023 at 10:30 am vide Forum's letter dated 06/12/2023, which is kept in the case file **(Exbt.-9)**.

Complainant submitted a representation on 07/12/2023

In the meantime, the complainant M/s Coral Reef Resort Pvt. Ltd. submitted a representation dated 07/12/2023 in which he stated that "*due non generated bills have been uploaded now on the electricity portal from the month of APRIL 2023 – AUGUST 2023 and the same has been paid through Cheque no. 384330 of amount Rs. 10,94,105/- Dated 23-11-2023 in favor of the Assistant Engineer, Electricity Department, Port Blair copy of which will be attached in the enclosure of the letter along with the payment receipt.*"

The payment status of our electricity bills has been updated and paid under protest (Ref letter No. CRR/77/22-23 and CRR/79/22-23) till August 2023 including for the month of October 2022, December 2022 and January 2023 which was held due to non-compliance and non-correction of the electricity meter and previous irregular bills under Sub-Judice CGRF.

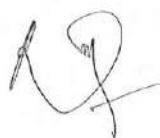
The previous Demand Draft (DD) issued (Copy attached for reference) for the settlement of our electricity bill dues (For all months except October 2022, December 2022, January 2023) had been returned by the Assistant Engineer stating the reason that the payment will only be accepted if the balance under protest months amount is included. The copy of the letter from Assistant Engineer has been attached for your reference.

Furthermore, we had been informed and threatened by the department for the disconnection of our electricity meter due to non-payment of bills pending which forced us to make the balance payment of the disputed months since we cannot afford any discrepancy in electricity supply as we run a hotel.

However, it is crucial to note that this new payment is subject to the condition that the concerns we have raised regarding the 3 months (October 2022, December 2022, January 2023) under protest bill payment will be resolved. We anticipate that the excess amount charged in question will be appropriately adjusted in our future bills.

We kindly request your cooperation in expediting the final resolution of this pending case, and we remain committed to meeting our financial obligations promptly".

The Complainant has submitted photocopies of enclosures as stated above letter dated 07/12/2023, which is kept in the case file **(Exbt.-10)**.



Hearing on 08/12/2023

The Hearing was held on 08/12/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. E.P. Shahnawaz, AE-III, Elect. Dept.
- (ii) Shri. Subrato Nag, AE, Elect. Dept.
- (iii) Shri. Charan Jeevan Ram, JE, Elect. Dept.
- (iv) Shri. K. Rajan, JE, Elect. Dept.
- (v) Shri. A. Venkateswar Rao, Elect. Dept.

Submission of the Respondent/Licensee(ED)

The Assistant Engineer-III, Elect. Dept., represents on behalf of the Respondent/Licensee (ED) alongwith with earlier posted AE and JE(P/Pur) and submitted that the meter was changed three (3) times in the consumer premises. It was changed for the first time in the month of August 2022 in connection with introduction of smart meter project under Central Aided Schemes. Later, on December 2022 we found the smart meter 'stuck-up', and accordingly, the smart meter was replaced in the next month i.e. January 2023. After a month we once again found that the smart meter display is not working, hence, smart meter was once again replaced by the department on 10/03/2023.

The Respondent/Licensee (ED) has submitted the photocopies of emails dated 17/08/2022, 19/01/2023, 13/02/2023, 22/02/2023 and 23/02/2023 forwarded to the EESL against complaint of smart meter, which is kept in the case file (**Exbt.-11**).

Forum's Observation

During the Hearing on 08/12/2023, the Respondent/Licensee (ED) produce the documents related to replacement of energy meters during August 2022, March 2023 and October 2023 is not done as per the JERC Regulations. In connection with introduction of smart meter project under Centre Aided Scheme, the existing electronic meter has been replaced by smart meter on 17/08/2022, the same was not intimated to the consumer, and also not adopted the procedure mentioned in the JERC Regulation by the field staff, which is a violation of JERC Regulation No. 23/2018 (Electricity Supply Code).

Later, in the month of December 2022, the smart meter got defective in the display unit and the same was intimated to the EESL in the month of January 2023 for replacement through email by the Respondent/Licensee (ED). The EESL replaced the meter on 10/03/2023, meanwhile the department raised the bill for December 2022 as per the JERC Regulation No. 7:12 which read as ***"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”.

While, in the month of January and February 2023, the meter reader of the concerned area stated that the average consumption was calculated for the preparation of bills to be revised as per the Regulation, considering the average consumption after deducting the solar generation.

As per the report of AE(P/Pur) has agreed the connected load of the consumer No. H3/3463 of M/s Coral Reef Resort Pvt. Ltd. is 139 KVA and the consumer provided a dedicated transformer of capacity of 200 KVA in their premises initially. On inspection by the Forum, it has noticed that the connected load of the premises is increased by 319.357 without informing the Respondent/Licensee (ED) by the complainant. In reply to the above remarks, the consumer pointed out that the complainant demanded 174 KVA initially as per their requirement, which is clearly mentioned in the Form 'A' (Technical Feasibility Report) against which 139 KVA only was sanctioned load. The consumer also pointed out that they had installed a 160 KVA DG set from the inception of the Hotel.

The Forum observed that there is a dispute in the connected load of the premises, therefore, Forum to directs both the parties to conduct a joint inspection in the presence of the authorized person of the complainant to find out the exact connected load of the consumer premises, and, accordingly, the fixed charges and other related charges were revised as per JERC Regulation No. 23/2018.

In addition, a Solar Roof Top Plant of 40 KWA capacity has been installed by the consumer on 26/12/2022. The complainant also stated that the bills after April 2023 have not been generated by the Respondent/Licensee (ED) till date.

As per the statement of field staff, the Commissioning of the Solar Plant is not properly communicated to the distribution wing. The Forum noticed that and recommended for a proper procedure to be adopted by the Respondent/Licensee (ED) to co-ordinate such activity in future to avoid any mishaps.

The Forum further observed that Respondent/Licensee (ED) issued bills to the consumer, the meter changing status during the month of August 2022, January 2023 and March 2023, without any prior notice to the consumer, which the Respondent/Licensee (ED) did not comply the JERC Regulation No. 23/2018 under Chapter-6, which read as :-

6.13 Initial installation or replacement of the meter shall be done by the Licensee's representative in the presence of the consumer or his authorized representative, after giving a notice of 3 days.



6.14 The Licensee shall evolve a format of Meter Particulars Sheet for recording the particulars of the meter at the time of initial installation or replacement. The Licensee shall retain one copy and the second copy, duly signed by the authorized representative of the Licensee, shall be given to the consumer under proper acknowledgment. The consumer or his authorized representative shall also sign the Meter Particulars sheet. Subsequently, details of any faults in the meter, repairs, replacements, etc., shall be entered into the Meter Particulars Sheet by the Licensee or his authorized representative.

6.15 Whenever a new meter is installed (for a new connection or as a replacement) it shall be sealed in the presence of the consumer. The seal, name plates and distinguishing numbers or marks affixed on the said equipment or apparatus shall not in any way be broken, erased or altered by the consumer. Treatment of meter seals shall be in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 and all subsequent amendments.

6.16 The consumer shall be responsible for safe custody of meter(s), MCB/CB, etc., if the same are installed within the consumer's premises. The consumer shall promptly notify the Licensee about any fault, accident or problem noticed with the meter.

The Respondent/Licensee (ED) claims that during December 2022 the meter was faulty and struck and the bill is prepared based on the average consumption of immediately preceding 3 months as per JERC Regulation. The Forum observed that the bills are prepared for the month of October to November 2022 based on the actual readings noted in the bill ledger and the same is in order. The Forum noticed that the meter were replaced without proper intimation to the consumer is not in order as per JERC Regulation No. 23/2018 as stated above.

During the month of August 2022 in connection with introduction of smart meter project under Central Aided Scheme the old electronic meter was changed on 17/08/2022 and noted that no final reading were recorded in the consumer ledger. Also the field staff informed that due to the constraint of billing software were the actual consumption captured in the old meter is not provided for billing instead of that the new readings captured in the meter only provided for preparation of bill.

The Forum observed that the facilities provided by EESL through the mobile app. for viewing the daily consumption and other parameters are not familiarized with the consumers. The Forum directs to take necessary steps by the Respondent/Licensee (ED) in consultation with EESL to render awareness

to the general public about watching their daily consumption and other parameters through the mobile application with the help of social media, newspapers and awareness programs among public as per '**Master Agreement**' executed between the Respondent/Licensee (ED) with EESL on 16.12.2019.

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. In many earlier complaints the Forum had already noted that many smart meters are not working due to display error, communication error etc., as per the '**Master Agreement**' dated 16.12.2019, the Respondent/Licensee (ED) should take appropriate steps to implement all norms at the earliest, which has been already resulted in a delay of more than 3½ years.

Hence, in the absence of any accredited testing laboratory in Andaman and Nicobar Islands, the Forum is directed to establish a meter testing laboratory or with a portable meter testing device for all site offices to avoid such litigation against smart meter in future, in consultation with EESL as per norms of '**Master Agreement**' on 16.12.2019.

As per the Regulation, if the meter are defective the bills are prepared based on average consumption of last three consecutive months or similar consumption during last year also to be continued but the Respondent/ Licensee (ED) prepared the bills based on the recorded meter readings why?

The Forum has come to the conclusion that the negligence of the Respondent/Licensee(ED) is that it did not informed before replacing the meters from time to time at the consumer premises, which is in violation of JERC Regulation No. 23/2018. Further, the bills raised by the Respondent/Licensee (ED) are as per JERC Regulation No. 23/2018, hence there is no question of revising the bills of the disputed months as stated by the complainant in his complaint, but the Respondent/Licensee (ED) has to revise the bills for the month of January and February 2023, considering the average consumption after deducting the solar generation and the same may be adjusted in the future bill as per JERC Regulations. The Respondent/ Licensee (ED) is also directs that the replacement of meter should be done in the presence of the consumer by giving prior notice as per JERC Regulation in future complaints.

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 take appropriate step to conversion of LT to HT in the consumer premises bearing consumer No. H3/3463 (Hotel) as per JERC Regulation.
2. The Respondent/Licensee(ED) is directed to revise bills for the month of January and February 2023 as per the Regulation, considering the average consumption after deducting the solar generation and the same may be adjusted in the future bill.
3. The Respondent/Licensee (ED) is directed both the parties to conduct a joint inspection in the presence of the authorized person of the complainant to find out the exact connected load of the consumer premises, and, accordingly, the fixed charges and other related charges were revised as per JERC Regulation No. 23/2018.
4. The Respondent/Licensee(ED) is directed to intimate all the consumers before replacement of meters at the consumer premises as per JERC Regulation No. 23/2018, which has not been done in this instant case.
5. The Respondent/Licensee (ED) is directed to take appropriate steps for implementation of solar commissioning based on security reasons and proper procedure to be adopted for raising billing as per JERC Regulation, which has not been done in this instant case.
6. The Respondent/Licensee (ED) is directed to take appropriate procedure for solar project commissioning for better co-ordination and to reflect the solar generation particulars in future bills.
7. The Respondent/Licensee (ED) is directed to immediately implement all the norms/clause of the **'Master Agreement' dated 16.12.2019** as noted in the above Forum's Observation paras, which has already delayed for more than 3 ½ years.
8. The Respondent/Licensee(ED) is directed to provide awareness in consultation with EESL for viewing daily consumption and other parameters through a mobile app., online website etc. as per norms/clauses of the **'Master Agreement' dated 16.12.2019** immediately.
9. 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.

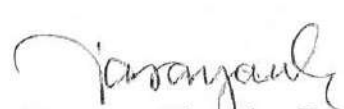
10. The Respondent/Licensee (ED) is directed to take appropriate steps as per norms/clauses of the **'Master Agreement' on 16.12.2019** to get training through EESL with specific equipment for testing the smart meter, collection of data, etc.
11. The Respondent/Licensee (ED) is directed to submit compliance 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).
12. 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.
13. 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), Nodal Officer (CGRF), Assistant Engineer-III, Assistant Engineer (Works), 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
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