

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/10-297/ 230

Dated: 15/12/2023

To

Smti. Zebun Nisa,
W/o Late Noor Hussain,
R/o Sisty Nagar,
Port Blair

- (Complainant)

The Assistant Engineer-I(HQ),
Electricity Department,
Port Blair,
South Andaman

- (Licensee's Authorised Officer)

Sub : Excess Billing bearing Consumer No. D1/2871 (Commercial) and D1/3065 (Domestic) – reg.

Ref : Complaint No. ANI/CGRF/297/23-24/29 dated 07/09/2023.

Sir,

Enclosed please find herewith certified copy of the Order dated 15/12/2023 passed by the Electricity CGRF on the above complaint, for compliance and suitable action at your end.

Yours faithfully

Encl : Order Dated 15/12/2023

1-
(R. Ravichandar)
Chairman
Electricity CGRF

Copy to: -

1. The Electricity Ombudsman, JERC, Gurugram, Haryana alongwith certified copy of Order dated 15/12/2023 for information.
2. The Superintending Engineer, Elect. Dept., Port Blair alongwith certified copy of Order dated 15/12/2023 for necessary action.
3. The Executive Engineer (HQ), Elect. Dept., Port Blair alongwith certified copy of Order dated 15/12/2023 for necessary action.
4. The Assistant Engineer (Workshop), Nodal Officer (CGRF), Elect. Dept. alongwith certified copy of Order dated 15/12/2023 for necessary action.
- ✓ 5. The Assistant Engineer (IT), Elect. Dept. alongwith certified copy of Order dated 15/12/2023 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

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 :

Smti. Zebun Nisa, W/o Late Noor Hussain, R/o Sisty Nagar, Port Blair bearing
Consumer No. D1/2871 (Commercial) & D1/3065 (Domestic).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/297/23-24/29 dated 07/09/2023
Complaint : Excess Billing bearing Consumer No. D1/2871 (Comm.)
& D1/3065 (Domestic)
Date of Hearing : 20/09/2023
Date of Order : 15/12/2023



ORDER

Background

The complainant Smti. Zebun Nisa, W/o Late Noor Hussain, R/o Sisty Nagar, Port Blair filed a complaint vide R.D. No. 177 dated 07/09/2023 regarding excess billing bearing Consumer No. D1/2871 (Commercial) & D1/3065 (Domestic).

The complaint was forwarded on 08/09/2023 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer(HQ), Assistant Engineer-I(HQ), Electricity Department who represents the Respondent/Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 20/09/2023 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 20/09/2023 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer-I(HQ), Electricity Department filed his letter No. EL/AE(W/shop)/2-17/2023-24/166 dated 18/09/2023 with enclosures submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum on 18/09/2023, which is kept in case file **(Exbt.-1)**.

Hearing on 20/09/2023

The Hearing was held on 20/09/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Smti. Nazeen, Complainant.
- (ii) Shri. Daanish Hussain, Assist. Complainant.
- (iii) Shri. Deepak Mondal, AE-I (I/c), Elect. Dept.
- (iv) Shri. Padmanabhan, LMMR, Elect. Dept.

Statement of the Complainant

The complainant Smti. Nazeen, Complainant stated in her complaint letter dated 07/09/2023 that "I, Nazeen, R/o Sisty Nagar, run a home-stay "Sunnyvale Andaman" on the 2nd floor of Noor Manzil. We have our residence also on the same floor. The above meter no. is for the commercial and domestic unit of the 2nd floor of the house.

Upon noticing that the electricity bills are continuously coming high I have written letter to "The Assistant Engineer-I, Electricity Department, HQ, Port Blair" on 11.08.2023 CRD No. 2941 dated 14/08/2023. In that letter I have informed that the home-stay has not been operational since May 2023 due to the water shortage as the private vendor were unable to supply water since all their tanker were given to the Administration.

As mentioned on the email on 1st September 2023 on 8th June 2023 there was no power on own residence (meter No. D1/3085), we have complain to the Electricity Site Office. The power was restored after the personal has spoken to his superior, he mentioned there was some fault in the meter. He had made the necessary change and asked to give in writing the meter no and the consumer name for further action. As we are not aware as what action has been taken.

On 3rd June 2023 we have gone to mainland. In the meantime we were paying bills continuously but were taken aback when the bills were shown very high usage even though the home stay was not operational since, May 2023 and the residence from 23rd June 2023 till 19.08.2023 (approx 2 months) open informing the Electricity Department, we inform the department about the trip to mainland we inform the trip was suppose to be for 1 week and got extended to approx 2 months. Moreover I was not aware about this protocol of the Electricity Department. I trusted the meter will reflect the reading as per the usage and so were the bills. Not aware of any permutation.

Last year also during the off season (Tourist), I have informed the Electricity Department that the bills are not proportional to the usage, we were told there is nothing wrong. "The meter is correct", if we were not been to mainland for approx 2 months we would be scared to complain to the Electricity



Department. It does not justify that we have to pay the bills for something we did not 'UTILIZE' for a common layman it does not make sense at all.

Since we were told the electric meter provide correct info so why it not happen, why we are been told we have to pay the bill since it been generated, so what if you did not utilize.

A action will be helpful rather than going round in circle".

The complainant enclosed the photocopies of the representation submitted to AE-I(HQ), Electricity Department vide letters dated 14/08/2023, electricity bills and ID proof as Aadhaar Card, which is kept in the case file **Exbt.-2).**

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-I(HQ) on behalf of the Respondent/ Licensee(ED) in his written submission letter dated 16/09/2023 with enclosures has stated that: -

1. "The consumer bearing A/C No. D1/2871 (Three phase Commercial) and D1/3065 (Single phase Domestic) of Smti. Zaibun Nisha has requested to look into the matter vide her letter dated 11/08/2023 addressed to the Assistant Engineer-I (HQ), Electricity Department (Enclosed).
2. The online reading was not receiving since February 2023 and the average billing was raised since March, 2023 for A/C No. D1/2871 (Three phase Commercial).
3. The online reading was not receiving since July 2023 and the average billing was raised since June 2023 for A/C No. D1/3065 (single phase Domestic).
4. As per the direction of to the Assistant Engineer-I, Electricity Department both the smart energy meters were replaced with the coordination of EESL staffs on 28.08.2023.
5. The energy meter test report of both the smart energy meters was received from EESL as per mail send from Junior Engineer (Aberdeen Bazar) on 13.09.2023. (enclosed)
6. Mail to EESL for details of faulty smart meters on 15.6.2023, 26.07.2023 & 09.09.2023. (Enclosed).

As directed by the Forum of the following documents are submitted for consumer bearing A/C No. D1/2871 (Three phase Commercial) & D1/3065 (Single phase Domestic) of Smti. Zaibun Nisha.

7. Consumer Profile (Ledger Sheet) - January, 2021 to till date.
8. EESL online reading report - January, 2021 to till date.
9. Meter reading book from - January, 2021 to till date.

The Respondent/Licensee(ED) has submitted photocopies of enclosures as stated above AE-I(HQ)'s letter dated 16/09/2023, which is kept in the case file **(Exbt.-3)**.

Submission of the Complainant

The complainant states that she left from Port Blair to Hyderabad on 23/06/2023 with her family and returned on 19/08/2023. My resident with home-stay was closed till I returned back to Port Blair. In the absent period home stay was non-functioning and closed. Further, she said that in the month of July 2023, I had refused to pay the electricity bill due to the highest reading consumption showing in the bill. She said that last year my energy meter was replaced and now latest on 13/06/2023 once again my meter was replaced without intimation. I and my daughter are living in my residence without Air Condition. My commercial meter was replaced without any intimation in January 2021.

Hence, the complainant requested the Forum to revise the bill on the absence period which she had not used from 23/06/2023 to 19/08/2023 and excess amount paid by him may be adjusted in future bills, and accordingly she submitted flight tickets for her family traveling from Port Blair to Hyderabad on 23/06/2023 and returned on 19/08/2023, which is kept in the case file **Exbt.-4)**.

Submission of the Respondent/Licensee(ED)

The Nodal Officer (CGRF) is absent during the Hearing and he informed over phone that urgent call from the Director (Power) to met in the chamber of Director (Power), A&N Admn. The Assistant Engineer-I(HQ), Elect. Dept., represents on behalf of the Respondent/Licensee (ED) and stated that the complainant was not given prior notice in writing to move out of the station. Further he said that as per consumer ledger the smart meter was 'struck-up' from March 2023 to July 2023 and the meter was replaced on 28/08/2023.

Forum's Observation

The Forum observed that Smti. Zebun Nisah has got two (2) connections bearing Consumer No. D1/2871, 3 phase commercial and D1/3065 single phase domestic connection. As per the letter received from AE-I(HQ) vide letter dated 09.10.2023 stated that the online reading bearing consumer No. D1/2871 was received from February 2023 and online reading bearing Consumer No. D1/3065 was not receiving, since, July 2023. Both the cases the average billing was raised by the Respondent/ Licensee (ED) from March 2023 and June 2023 respectively.

The Forum observed that both the smart meter were replaced on 28/08/2023 by EESL, while the JERC Regulation No. 23/2018 (Electricity Supply Code) under Section 6.47 which read as ***"If the meter is actually found to be not recording, the Licensee shall replace the non-working (stuck, running slow, fast or creeping) meter within 15 working days"***, which was not followed by the Assistant Engineer-I(HQ) on time. The Forum noted the same very seriously, the consumer being in commercial to be treated on top priority basis.

The Forum observes the documents submitted by the AE-I(HQ) against defective smart meter lists in its jurisdiction in Aberdeen Bazar Section revealed that 173 smart meters were faulty as on 30.08.2023 and the same was informed to EESL for replacement, which was not done on time. The Respondent/Licensee (ED) has to take appropriate step for replace the defective smart meters within 15 days as per ***JERC Regulation No. 23/2018 under Section 6.47.***

The Forum further refers the JERC Regulation No. 23/2018 (Electricity Supply Code) under Section 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"***. In this instant case, the Respondent/Licensee (ED) had raised the average billing from March, April, May 2023 bearing Consumer No. D1/2871 (Commercial) and from June & July 2023 bearing Consumer No. D1/3065 (Domestic), which appears to be in order as per the Regulation, based on the average monthly consumption of the last three (3) months. Later, the Respondent/Licensee (ED) further extended the average billing for the month of June and July 2023 bearing Consumer No. D1/2871 (Commercial), which is not in order as per the Regulation. Both the smart meters have been replaced in August 2023 and till date the meters are working properly.

The Forum further observed that Respondent/Licensee (ED) had replaced both defective smart meters, 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 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., which needs to be replaced immediately, which has not been done so far. As per the **'Master Agreement'** dated 16.12.2019, the Respondent should take appropriate steps to implement all norms at the earliest, which has been already resulted in a delay of more than 3½ years.

The Forum also observed that the accuracy of existing meter tested by the department using parallel check meter is not a standard practice, which can be challenged in a court of law. Therefore, the accuracy of the meter to be tested in a 'National Accredited Board' (NAB) for 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'** executed between the Respondent/Licensee (ED) with EESL on 16.12.2019.

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

him 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'** dated 16.12.2019.

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.

The Forum further observed that the Respondent/Licensee (ED) are not trained with specific equipment to test the smart meter, collection of data, etc. as per norms of the **'Master Agreement'** on 16.12.2019.

The Forum observed that due to negligence of Respondent/Licensee (ED) for partially implemented the **'Master Agreement' dated 16.12.2019**, the consumer has been suffering and harassed against smart meter complaints. The Respondent/Licensee (ED)'s official has not yet been trained by EESL. Presently, EESL is solely controlling and monitoring the Smart Meter and not timely providing the information of defect/error recorded in the Smart Meter to the Respondent/Licensee (ED), and accordingly, they have failed to serve notice to the consumer to rectify the error/defect, which have been recorded in the smart meter of the consumer premises.

The Forum noted that if AE-I(HQ) has 173 nos. of defective smart meter running in the consumer premises in his jurisdiction, then a large number of defective smart meters are running all over the Andaman and Nicobar Islands. The Respondent/Licensee (ED) should take appropriate steps for replacement of the same immediately as per JERC Regulation, due to which government revenue will loss and the consumer are liable to suffer/harass and make payment on excess billing of the unutilized electricity.

The Forum has come to the conclusion that due to non-timely replacement of the defective smart meter by the Respondent/Licensee (ED) through EESL, the complainant consumer is being suffer/harassed to pay excess amount for unused electricity. In this instant case, the Respondent/Licensee (ED) had raised the average consumption bills for three (3) months bearing Consumer No. D1/2871 (Commercial) for the months of March, April and May 2023 and Consumer No. D1/3065 (Domestic) for the months of June and July 2023 as per JERC Regulation No. 23/2018 under Section 7.12, and subsequently extended the average billing for further two (2) months i.e. June and July 2023 bearing Consumer No. D1/2871 (Commercial), due to non-replacement of smart meter. Later, the Respondent/Licensee (ED) had replaced both the smart meters in consultation with EESL in the month of August 2023. Now, both the smart meters are running 'OK' and there is no dispute of September, October and November bills.

The complainant has submitted evidence of absence period of flight tickets from Port Blair to Hyderabad on 23/06/2023 and return with her family on 19/08/2023, which is a genuine, but lack of jurisdiction in her plea, hence the complaint is closed with specification direction to the Respondent/ Licensee (ED), which has to be implemented immediately under intimation to the Forum as per Regulations.

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 complaint No. 297 is hereby closed due to lack of jurisdiction to take up the grounds raised by the consumer and a specific direction to the Respondent/ Licensee (ED) for implementation strictly as per Regulations.
2. 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 under Section 6.13, 6.14 & 6.15**, which has not been done in this instant case.
3. The Respondent/Licensee (ED) is directed to prepare a list of all defective smart meters in all over the Andaman and Nicobar Islands and send to the EESL for replacement of the same as per JERC Regulation No. 23/2018 immediately, due to which the govt. revenue will loss and the consumer will also have to suffer/harass for paying overbilling for unused electricity.
4. The Respondent/Licensee (ED) is directed to replace all the defective smart meter in Andaman & Nicobar Islands in collaboration with EESL as per the stipulated time framed by the **JERC Regulation No. 23/2018 under Section 6.47 and the same should be strictly adhere in future.**
5. The Respondent/Licensee (ED) is directed to immediately implement all the norms/clause of the **'Master Agreement' dated 16.12.2019** which was executed between the Respondent/ Licensee (ED) with EESL.
6. 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.
7. The Respondent/Licensee(ED) is also directed to establish a smart meter testing laboratory or a portable testing device for all site

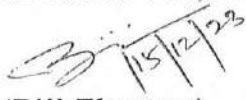
office to avoid litigation against smart meter complaints in collaboration with EESL as per norms/clauses of the **'Master Agreement' dated 16.12.2019** immediately.

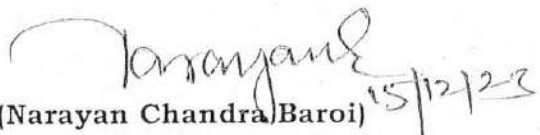
8. The Respondent/Licensee (ED) is directed to take appropriate steps as per norms/clauses of the **'Master Agreement' on 16.12.2019** to get training through EESL with specific equipment for testing the smart meter, collection of data, etc., which is yet to be implemented.
9. The Respondent/Licensee (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).
10. 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.
11. 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.

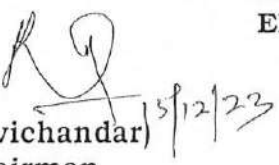
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot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