

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. G. Antony Ammal, W/o Shri. A.G. Pragasam, R/o Birdline, Port Blair
bearing Consumer No. J/1954 (Domestic).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/300/23-24/32 dated 25/10/2023.
Complaint : Excess Billing bearing Consumer No. J/1954 (Domestic)
Date of Hearing : 07/11/2023
Date of Order : 23/04/2024

ORDER

Background

The complainant Smti. G. Antony Ammal, W/o Shri. A.G. Pragasam, R/o Birdline, Port Blair filed a complaint vide R.D. No. 227 dated 25/10/2023 regarding excess billing bearing Consumer No. J/1954 (Domestic).

The complaint was forwarded on 25/10/2023 to the Assistant Engineer (W/shop), Nodal Officer (CGRF), Executive Engineer(HQ), AE-III(HQ), Electricity Department who represents the Respondent/ Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 07/11/2023 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 07/11/2023 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer(Workshop), Electricity Department filed his reply letter No. EL/AE/PP/1-13/2022-23/599 dated 04/11/2023, which was received by the Forum on 06/11/2023, which is kept in case file (**Exbt.-1**).





Hearing on 07/11/2023

The Hearing was held on 07/11/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. A.G. Pragasam, Complainant's Authorized.
- (ii) Shri. Sandeep Mukherjee, AE (W/shop), Nodal Officer.
- (iii) Shri. E.P. Shahnavaaz, AE-III, Elect. Dept.
- (iv) Shri. K. Rajan, JE, Elect. Dept.

Statement of the Complainant

The complainant Smti. G/ Antony Ammal stated in her complaint letter dated 25/10/2023 that "I am senior citizen aged about 73 years I had lodged a complaint vide R.D. No. 1114 on 31/07/2023 to AE-I, Electricity Department but no action has been taken by the department till date, bearing A/c No. J/1954.

That sir, my energy meter was replaced sometime in the month of November 2021. After changing the energy meter my bill was raised very high for 3 months i.e. 11/2021 to 01/2022 for above Rs, 3700/-, I visited the site office and made a verbal Complaint and after that the bill come down below Rs. 2200/-, Now, once again my energy bill has increased a lot i.e. Rs, 2000/- to 4700/- from March 2023 to August 2023. I was checked my electric wiring through electrician from outsourcing and found no defect. Further, I have not made any alternation in my premises from last 5 years.

Therefore, I request you to please check my energy meter and if found faulty, replace it accordingly, and adjust the excess amount from March 2023 to August 2023 in future bills.

I hereby authorize my husband Shri. A.G. Pragasam, a senior citizen aged about 75 years and retired from EE(PG), Electricity Department to dispose off the complaint at your end".

The complainant submitted electricity Urja Pay online bill, representation submitted to AE vide letter dated 31/07/2023, which is kept in the case file **(Exbt.-2)**.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-III(HQ), Electricity Department on behalf of the Respondent/ Licensee(ED) in his written submission vide letter No. EL/AE/PP/1-13/2022-23/599 dated 04/11/2023 stated that "as per the complaint lodged by complainant Smti. G. Antony Ammal, W/o Shri A.G. Pragasam bearing Consumer No. J/1954 against excess billing from last one year.



In this connection inspection was carried out. And a parallel smart meter installed beside the existing smart meter for observing per day consumption, but the unit consumption per day found not satisfactory.

Hence, it is requested that the hearing date fixed on 07/11/2023 may kindly be extended for further 10 days so as to enable to re-install another parallel meter for observing per days consumption”, which is kept in the case file (Exbt.-3).

Submission of the Complainant

The authorized representation of the complainant Shri. A.G. Pragasam requested to the Forum for changing the existing meter since, March 2023 onwards very high consumption recorded in the meter. Further, he stated that in November 2021, the energy meter was replaced by the department and initially my electricity bill was raised very high i.e. Rs. 3700/- for 3 months. I visited the site office and verbally informed the same and accordingly, my bill was come down below Rs. 2200/-. Further, I noted in the month of March to August 2023 once again increased my electricity bill from Rs. 2000/- to Rs. 4700/-. I request the Forum to check my energy meter and if found faulty, accordingly, replaced the energy meter immediately and adjust / refund the excess amount, if any, paid by us in future bills.

Submission of the Respondent (Licensee)

The Assistant Engineer-III on behalf of the Respondent/Licensee (ED) submitted that the complainant premises wiring and earthing is not in proper. After installation of smart meter beside the existing smart meter, the consumption unit per day is not found satisfactory. The Respondent/Licensee (ED) requested for further more time may be given for submission of smart meter accuracy test report.

Forum's Observation

The Forum had several times directed to the Respondent to defend/explain the case properly and the AE-III herein Respondent (ED) never submit the para-wise comments/reply in complete shape which was once again delayed submission with incomplete information without any documentary evidence. The AE-III(HQ) is not responding order of CGRF seriously, and accordingly warned in the open Forum that the same should not repeat again in future complaints.

During the Hearing on 07/11/2023, the Respondent AE-III, Electricity Department submitted that the wiring of the premises is not in proper. The Forum also noted that he has not served any notice to the complainant to rectify the same, which is a violation of JERC Regulation No. 23/2018 under Section 9.3 (3) read as ***“If the wiring, apparatus, equipment or installation at the consumer's premises is found to be defective or there***



is leakage of electricity or if the consumer is found to have altered the position of the meter and related apparatus or if the consumer uses any apparatus or appliance or uses the energy in such manner as to endanger the service lines, equipment, electric supply mains and other works of the Licensee, or is found to be using it in any manner which unduly or improperly interferes with the efficient supply of energy to any other consumer”.

Further, the Forum noted that the Meter Reader/Junior Engineer had failed to perform his duty to inform his superior officer regarding wiring and earthing which is not as per norms of the supply code. As per Clause 6.24 of JERC Regulation No. 23/2018 read as ***“It shall be the duty of the meter reader to check the condition of LEDs (light emitting devices) on electronic meters. In case the E/L LED indicator provided on electronic meters is found to be ‘ON’, the meter reader shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed. The meter reader shall also inform the concerned officials of the Licensee about the leakage”.***

The Forum after going through the reply of the Respondent/Licensee(ED) is not justified with the reply as raised in the complaint. Further, he submitted in his reply letter dated 04/11/2023 that a parallel smart meter installed beside the existing smart meter for observing per day consumption, but the unit consumption per day found not satisfaction, and he has not submitted any documentary evidence, which create a contradictory statement. While he accepted that the consumption unit is not satisfactory. Hence, the Forum feels that the Respondent AE-III (ED) has not taken seriously the Forum’s directions for filing reply in complete form on behalf of the Respondent/Licensee (ED).

The Respondent/Licensee (ED) further requested the Forum in his reply vide letter dated 04/11/2023 regarding furthermore 10 days may be extended for observation of unit consumption of both existing meter and check meter. The Forum accept the plea of the Respondent/Licensee (ED) during the Hearing on 07/11/2023 and directs the Respondent/Licensee (ED) to test the accuracy of the energy meter and if found any discrepancies, accordingly, change the existing energy meter immediately. In the meantime, a proper notice to be issued to the complainant consumer for rectify the wiring and earthing of the consumer No. J/1954 (Domestic) and if not done in time, the Respondent/Licensee (ED) may take appropriate steps for disconnection as per JERC Regulation No. 23/2018.

The Forum decided to inspects the consumer premises after Hearing on 07/11/2023 with AE, JE alongwith the complainant. The Forum visited the consumer premises and noticed that the wiring and earthing is not in proper way. The Forum instructs the complainant consumer during the site inspection to rectify the same and intimate to the Respondent/Licensee (ED)



immediately and accordingly, directed the Respondent/Licensee (ED) to check the accuracy test of the existing meter with parallel check meter, and if found any discrepancy in the existing meter, the same may be replaced on priority.

The Forum noted that even after lapse of more than 5 months, the Respondent/Licensee (ED) has not submitted any reply against accuracy test, EESL smart meter detailed report alongwith complaint/case related documents as directed during the Hearing on 07/11/2023, which shows the negligence on the part of the Respondent/Licensee (ED). The Forum has seriously noted several times and cautioned through notices, however, it has been reiterated again and again. The Forum feels that Respondent AE-III should be given one last chance through a '**Memo**' not to repeat these mistakes again in future complaints against Forum's direction; if it happens again then disciplinary action should be taken as per norms/rules.

Thus, this Forum has come to the conclusion that the Respondent/Licensee (ED) has not provided the information/documents against the complaint as directed by the Forum from time to time, which reflects negligence on the part of the Respondent/Licensee(ED). Further, the Forum noted in reply of the Respondent/Licensee (ED) vide letter dated 07/11/2023 wherein stated that ***"the inspection was carried out and a parallel smart meter installed beside the existing smarter for observing per day consumption, but the consumption per day found not satisfactory"***, thereby given benefit of doubt to the consumer in this instant case and accordingly revise the electricity bills w.e.f. March 2023 to August 2023 bearing Consumer No. J/1954 (Domestic) as such reading pattern of previous year available in the smart meter as per Clause 7.12, 7.13 & 7.26 of JERC Regulation No. 23/2018.

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 Case No. 300 is hereby closed with specific direction to the Respondent/Licensee (ED) and the complainant consumer.
2. The Respondent/Licensee (ED) is directed to rectify the electricity bills bearing Consumer No. J/1954 w.e.f. March 2023 to August 2023 as such reading pattern of previous year available in the smart meter as per Clause 7.12 & 7.13 of JERC Regulation No. 23/2018, and if any excess amount so collected may be accordingly adjusted in future bills.



3. The Respondent/Licensee (ED) is also directed not to collect the late fee from the complainant/consumer bearing No. J/1954 (Domestic) as per clause 7.26 of JERC Regulation No. 23/2018.
4. The Respondent/Licensee (ED) is directed to replace the faulty smart meter bearing Consumer No. J/1954 which has been reported as not satisfactory by AE-III vide letter dated 07/11/2023.
5. The Respondent/Licensee (ED) is directed to issue a proper notice to the consumer to correct the internal wiring and earthing as per JERC Regulation No. 23/2018, and, if the same is not done in time, then the Licensee (ED) has the liberty to disconnect the electric connection as per Regulations.
6. The Respondent/Licensee (ED) had failed to provide the reply/para-wise comments in complete shape as directed by the Forum. During the Hearing the Forum given certain direction against the complaint which was not implemented even after lapse of more than 5 months. The same has been seriously noted several times and cautioned through notices, however, it has been reiterated once again and cannot be repeated in a future complaint.
7. The Respondent/Licensee(ED) is directed to insist the consumer for installation of ELCB or RCCB for considering the safety aspect in the circuit of the internal wiring and to avoid accidents/current leakage.
8. The Respondent/Licensee (ED) is directed to issue a '**Memo**' to the AE-III, Elect. Dept., for dereliction of duty against non-submission of compliance report as directed by the Forum during the Hearing on 07/11/2023, thereby given benefit of doubt to the consumer which resulting revenue loss to the Electricity Department and accordingly warned that the same may not be repeated in future complaint, disciplinary action may be taken as per norms/rules.
9. 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. 26/2019 under Clause 27(1). **Further, from Sl. No. 2 to 8 of the above said direction copy is also submit alongwith compliance.**
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.

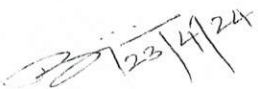


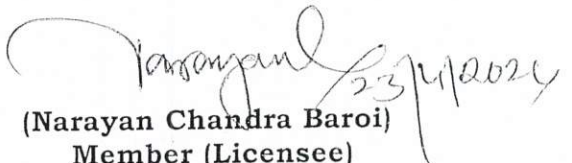
11. The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right by availing the redressal within his jurisdiction.

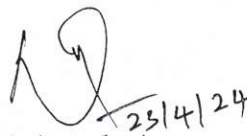
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot 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 the office of the Forum on any of the working days].

A certified copy of this Order be sent to the Superintending Engineer (Licensee/Respondent), Executive Engineer (HQ), Nodal Officer (CGRF), Assistant Engineer-III, 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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