ELECTRICITY CGRF
(Under The Electricity Act, 2003)
ANDAMAN & NICOBAR ISLANDS
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. R. Murugesan, MD, M/s Aryan Aqua (India) Pvt. Ltd., Kamaraj Nagar, Calicut Village, Sri Vijaya Puram.

......Complainant

Versus

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

......Respondent

Complaint No.	:	ANI/C.G. No. 24/2025 dated 26/08/2025.
Complaint	:	Excess Billing (Industrial)
Date of Hearing	:	12/09/2025
Date of Order	:	19/09/2025

ORDER

Background

The complainant Shri. R. Murugesan, MD, M/s Aryan Aqua (I) Pvt. Ltd., Kamaraj Nagar, Calicut Village, Sri Vijaya Puram, filed a complaint vide R.D. No. 1327 dated 26/08/2025 regarding Excess Billing/Delay in replacement of defective electric meter vide Account No. J/1726 (Industrial).

The complaint was registered as ANI/C.G. No. 24/2025 and forwarded on 28/08/2025 vide letter No. ANI/CGRF/10-411/848 to the Nodal Officer (CGRF), Executive Engineer (HQ) and Assistant Engineer-III(HQ), Electricity Department herein after Respondent for submitting reply/comments and attending the Hearing fixed on 12/09/2025 at 10:30 a.m. in the Electricity CGRF Building at Horticulture Road, Haddo, Sri Vijaya Puram with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 12/09/2025 at 10.30 a.m.

The Respondent, vide his letter No. EL/AE/PP/1-12/2025/724 dated 10/09/2025 with enclosures submitted reply / comments on behalf of the Respondent, which was received by the Forum vide R.D No. 1355 dated 11/09/2025 respectively (the letter is kept in case file) ***(Exbt. -1).***

Hearing on 12/09/2025

The Hearing was held on 12/09/2025 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

(i) Shri. Krishna Kumar Rai, Auth. Complainant.
(ii) Shri. M. R. Sharma, AE(W/Shop), Elect. Dept.
(iii) Shri. Naveen Lall, AE-III(HQ), Elect. Dept.
(iv) Smti. M. Panchavarnam, JE, Elect. Dept.

Statement of the Complainant

The complainant Shri. R. Murugesan, MD, M/s Aryan Aqua (I) Pvt. Ltd., Kamaraj Nagar, Calicut Village, Sri Vijaya Puram stated in his complaint letter dated 25.08.2025 that *"Respected Sir, I have three phase connection in the name M/s. Aryan Aqua (India) Pvt. Ltd in Kamaraj Nagar, Calicut Village, Sri Vijaya Puram, South Andaman District the Consumer Number is (J/1726) from last five months the meter is not working. And reading also can't get calculate. Already informed the issues to the Meter Reader and to the Junior Engineer Bird Line Site Office. We had write a letter to the Assistant Engineer Electricity Department, Prothrapur Sub Division, Sri Vijaya Puram on 9th May 2025 but no correspondence from his side and without calculation how he can issue the Excess bill for every month. Already we have paid the electric bill for month March & April 2025 for excess bill. Know he can issue the excess electric bill for the following month.*

(1). Bill for the month of May 2025 for Rs. 1,09,052/- (2) Bill for the month of June 2025 for Rs. 1,13,685/- (3) Bill for the month of July 2025 for Rs. 1,09,980/-

Prayer

(1) Excess bill w.e.f March 2025, due to stuck of Meter may kindly be rectify and issue of electric bill as per used consumption till date.
(2) Due to stuck of electricity meter bill, kindly replace immediately.
(3) If any excess payment made may be adjust in future bills.
(4) I authorized Mr. Krishna Kumar Rai (Aadhar Card as ID Proof) Manager of M/s Aryan Aqua (India) Pvt. Ltd for all correspondence till dispose the case.
(5) The said electric meter bearing no. J/1726 may not disconnect till dispose the case.
(6) Kindly order as a part payment for 6 months as your end."

The complainant enclosed photocopies of letter submitted to the AE(P/Pur) dated 14.05.2025, Payment receipt, e-bills and Aadhar card as ID proof, which is kept in the case file **(Exbt. -2)**.

Reply of the Respondent

The Assistant Engineer-III(HQ) submitted para-wise comments on behalf of the Respondent vide letter No. EL/AE/PP/1-12/2025/724 dated 10/09/2025 stated that: -

1. "The consumer J/1726 stands in favor of ARYAN AQUA INDIA Pvt.Ltd. under three phase industrial category with a sanctioned connected load of 200 KVA.
2. Up to February 2025 the consumer was billed as per reading. From March 2025 the meter was stuck-up and the bill is being raise on average basis in accordance to JERC, Electricity Supply Code 2019 clause 7.12.
Quote
"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 month only during which time the Licensee is expected to have replaced the defective meter."

Unquote

3. As the energy meter is a smart energy meter and comes under the contract of EESL, Hence this sections informed EESL every month for replacement of the stuck up meter.
As directed by the Forum the following required documents are submitted are following: -

Sl. No.	***Required Information***	***Remarks***
1.	*Extract of Consumer profile of the consumer*	*Copy enclosed*
2.	*Smart meter details report from EESL Monthly unit consumption*	*The mail copy of EESL has been enclosed*
3.	*Connected Load*	*200 KVA*
4.	*Earthing and Neutral Testing*	*Satisfactory*
5.	*Meter Testing Report*	*Meter stopped*
6.	*Meter Reading book from 01/2024 till date copy of Xerox is enclosed*	*Copy enclosed*

The Respondent enclosed letter received from JE(B/Line), mail to the EESL dated 11.06.2025, consumer profile, consumer ledger and meter reading record, which is kept in the case file.

Submission of the Complainant

The complainant reiterated that despite repeated verbal complaints to the respondent and a formal written communication dated 9th May 2025, no corrective action was initiated to replace the faulty meter. The consumer stressed that continuation of billing on average basis for six months amounts to harassment and is against the JERC Supply Code.

They argued that the business operations are dependent on external market conditions, resulting in variable electricity usage. Thus, imposition of uniform high bills under average method is unjust. The complainant highlighted financial strain due to payment of inflated bills and requested forum intervention for fair billing, meter replacement, and adjustment of excess payments.

Submission of the Respondent

The respondent contended that they acted in accordance with the JERC Supply Code by raising bills on average basis after the meter was found defective. They maintained that the regulation provides a framework for billing in such cases, though they conceded that replacement of the meter was delayed due to reliance on EESL, the contracted agency.

The respondent stated that it had no intention of overcharging the consumer but was bound by technical and contractual constraints. They assured that immediate steps would be taken to regularize the connection under the correct HT Industrial tariff and to reconcile excess billing, subject to forum's directions.

Forum's Observation

M/s Aryan Aqua (India) Pvt. Ltd., an industrial consumer under Consumer No. J/1726, holds a three-phase electricity connection, with a sanctioned connected load of 200 KVA in Kamaraj Nagar, Calicut Village, Sri Vijaya Puram, South Andaman District. The company alleged that from March 2025 onwards, the installed smart meter became faulty and stopped recording consumption. Despite repeated complaints to the concerned officials of the Respondent, including written communication dated 9th May 2025 to the Assistant Engineer, no corrective action was initiated.

As a result, the Respondent continued to raise monthly bills on an average basis. These bills, according to the complainant, were highly excessive and disproportionate to the actual electricity usage, given that the company's production is dependent on the fluctuating market demand. The complainant has already paid bills for March and April 2025 under protest but is disputing subsequent bills issued for May, June, and July 2025, which amounted to more than ₹1 lakh each.

The Forum observed that the smart meter allotted for the consumer was found to be defective from March 2025 and the same was recorded by the meter reader in the meter reading record during the meter reading for the complainant's connection, resulting in average billing which continues billing cycle till July 2025 was not in order as per the Electricity Supply Code regulations 2018. In case of a defective meter the consumer may be billed based on the higher of the monthly consumption from the same month of the previous year and the average monthly consumption of immediately preceding three months. These charges may apply for a maximum of period of three months, during which the licensee is expected to replace the faulty meter. This clause was amended later by JERC during 25-06-2021, that "**no bills can be *raised beyond the period of three months***" and changed the term "**months**" to "**billing cycle.**" The Forum also noticed that the consumer was wrongly classified as LT industrial (Pvt) (3Phase) category and the metering is at Low Tension side of the transformer. As per the Electricity Supply Code Regulations 2018 under section 4.3 the contracted load above 100 KVA and up to and including 5000 KVA consumers may be categorized under High Tension category and the system of supply may be varied from 6.6 kV to 33 kV. At present the contracted demand of the consumer was 200 KVA and the system of supply is 11 kV. As per the directive of JERC for the loads above 100 KVA, the supply may be connected on 11 kV and a separate transformer of adequate capacity shall be installed at consumer cost as per the electricity supply code regulations 2018 notified by JERC and as amended from time to time. In case of such consumers where the metering is being done on the LT side of the transformer, the consumption should be computed by adding 3% extra on account of transformation/losses. This arrangement shall be continued for a maximum of one year within which the metering shall be shifted to HT (11kV) side of the transformer either by consumer or the licensee and the specification & ratings of the metering equipment's and circuit breaker shall be made available to the consumer. Once the consumer has procured the meter and metering equipment as per the specification, the licensee shall test, install and seal the meter. The Respondent admitted that the meter replacement lies with EESL but the internal dispute between the respondent and EESL cannot prejudice the consumer's rights.

The Forum further noted that as per the latest tariff order issued by the JERC for the financial year 2024-2025 w.e.f 16/06/2024, a consumer with 200 KVA connected load should be categorized under HT Industrial category under serial No. 7(b). Hence, the Forum directs the Respondent to discontinue the monthly billing for the complainant under LT (Industrial) category. The Forum also directs the Respondent to replace the faulty meter immediately and the monthly billing during the faulty meter period to be prepared strictly under clause 7.12 of the Electricity Supply Code Regulation 2018 issued by JERC and while preparing the monthly bill the Respondent may consider the actual production of the company for accessing the monthly electricity consumption. An instalment facility may be extended to the complainant under clause 7.39 of the Electricity supply code regulation 2018 for the payment of arrears.

Hence,

It is Ordered:

After detailed deliberations, submissions, site inspection and documents produced before the Forum, and based on the observation so reached, the following Order is passed: -

1. The Case is closed with specific directions to the Respondent.

2. The Forum directs the Respondent to discontinue the monthly billing for the complainant under LT (Industrial) category and the monthly billing should be as HT (Industrial) category under sl.no. 7(b) of the tariff order issued by JERC for the FY 2024-25 w.e.f. 16-06-2024, since the complainant having connected load above 100 KVA and the monthly bill of the consumer may be prepared based on the methodology adopted by the JERC in the case of HT consumers where the metering is done on low voltage side of the transformer instead of high voltage side, the consumption should be computed by adding 3% extra on account of transformation / losses to the LT metering. This arrangement may be continued for a maximum of one year within which metering shall be shifted to HT (11kV) side of the transformers either by the complainant or the respondent.

3. The Forum directs the Respondent to replace the faulty meter immediately and the monthly billing during the faulty meter period to be prepared strictly under clause 7.12 of the Electricity Supply Code Regulation 2018 issued by JERC and while preparing the monthly bill the Respondent may consider the actual production of the company for accessing the monthly electricity consumption. An instalment facility may be extended to the complainant under clause 7.39 of the Electricity Supply Code Regulation 2018 for the payment of arrears.

4. Due to revision of monthly billing if any excess of payments already made by the complainant shall be adjusted in future bills.

5. The Respondent shall ensure no disconnection of supply to the complainant connection vide account No. J/1726 until the dispute is fully resolved.

6. The Respondent shall hold EESL accountable for delay in meter replacement as per the master agreement but ensure consumer interest is to be protected without shifting the burden of departmental disputes.

7. The complainant shall be extended to the facility to make installment payments for the monthly billing prepared during the disputed period over the next six months without penalty or surcharge.

8. 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.

9. 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.

10. 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, Udyog Vihar, Phase, Sector-18, Gurugram - 122015 (Haryana). Phone - 0124-4684709, 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(HQ), Assistant Engineer (IT), Electricity Department, Complainant and the Electricity Ombudsman, JERC for the State of Goa & UTs, Gurugram, (Haryana).

19/9/25

(Biji Thomas)
Independent Member
Electricity CGRF

19/9/2025

(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF

19/9/25

(R. Ravichandar)
Chairman
Electricity CGRF

xxx