
Shri. R. Ravichandar, Chairman.
Shri. Narayan Chandra Baroi, Member (Licensee).
Smt. Biji Thomas, Independent Member (JERC Nominated).

.....Complainant

.....Respondent

2023
/4090 (Domestic)



विद्युत (घरेलू) विभाग
श्री. यथा नि. प्रशासन, भारत सरकार

प्रमाणित प्रतिलिपि
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Background

The complaint was forwarded on 06/12/2023 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. As the Forum did not receive any reply/comments from the Respondent, once again a letter was issued on 02/01/2024 (**Exbt.-1**), wherein directing the Respondent (ED) to submit para-wise comments and accordingly attending the Hearing fixed on 22/01/2024 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 22/01/2024 at 10.30 a.m. Later on 19/01/2024, due to administration the Forum decided to rescheduled and fixed the Hearing on 29/01/2024 at 10:30 a.m. vide Forum's letter dated 19/01/2024, which is kept in case file (**Exbt.-2**).



The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer(W/shop), Electricity Department filed his reply/para-wise comments vide letter No. EL/AE/WS/2-16/2023-24/322 dated 18/01/2024 with enclosures, which was received by the Forum on 18/01/2024, which is kept in case file **(Exbt.-3)**.

Hearing on 29/01/2024

The Hearing was held on 29/01/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Dairick Minj, Complainant.
- (ii) Shri. K. Rajan, JE, authorized by AE-III(HQ).
- (iii) Shri. R. Raja, LMMR, Elect. Dept.
- (iv) Shri. Suresh Singh, LMMR, Elect. Dept.

The AE-III, Elect. Dept. has authorized Shri. K. Rajan, JE, Prothrapur-1 to attend the Hearing on 29/01/2024 with all relevant records for making submission vide AE's letter No. EL/AE/PP/1-22/2022-23/845 dated 27/01/2024, which is kept in case file **(Exbt.-4)**.

Statement of the Complainant

Complainant Shri Dairick Minj stated in his complaint letter dated 06/12/2023 that "consumer No. H2/4090, Prothrapur surprisingly bill amount was too high irrespective of meter reading. In contrast to that, when I complained to the Assistant Engineer, Prothrapur site office (complained copy enclosed) and constituted a team assess the monthly bill. Subsequently the teams assess and track the reading for one week and found that bill was significantly overcharging the consumer. Unfortunately, I was given a notice by electricity department mentioning that earthing leakage and consuming more power than normal (reply copy enclosed). Sir, when I discussed the same to JE, Prothrapur site office and he could not respond properly and told me to pay the overcharging as mentioned in the bill. Sir, I would like to mention some points for your closure observation.

1. Before April, 2023 my electricity bill amount was almost charged normal but from April, 2023 to August, 2023 the bill amount increases surprisingly very high (bill statement enclosed).
2. From last five year I am not added any electrical equipments in my house, then why electric bill amount is more month by month.
3. My priority is from the month of April, 2023 to August, 2023 the bill will be revised as per consumed by us. I already paid my electric bill till July, 2023. If I paid any excess amount from the month of April 2023 to August, 2023 may be refund or adjust in my future electricity bills.



The complainant submitted self declaration letter dated 06/12/2023, representation submitted to the AE-III letter dated 09/07/2023, AE-III's Notice dated 01/09/2023, Urja Pay online electricity bill, Owner's Death certificate and Aadhaar Card as ID proof, which is kept in the case file **(Exbt.-5)**.

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/1-12/22-23/800 dated 18/01/2024 has stated that "the complainant premises has been inspected physically by JE, Prothrapur-I Site Office on 13/12/2023 in connection with the complaint of excess billing from April 2023 to August 2023. In this regard the details report is furnished hereunder: -

1. The complainant having a smart meter under A/c No. H2/4090 in Domestic category in the name of his grandmother namely Roshan Bibi R/o Prothrapur.
2. The earthing found normal status and direct connection provided with sanctioned load of 1 KVA which enhanced by the consumer to 4 KVA at present.
3. A check meter is installed beside the existing meter to observe the unit consumption for eight days from 13/12/2023 to 20/12/2023 and found equal unit consumption in both meter i.e. 67 unit. The copy of the report containing the complainant signature is enclosed.
4. The meter reading details, unit consumption and payment details from January 2022 to December 2023 showing in consumer ledger against A/c No. H2/4090 is enclosed".
5. Copy of email from EESL of consumer profile is enclosed.

The Respondent/Licensee(ED) has submitted meter testing report with check meter, consumer ledger, EESL report and meter reading book copies, which is kept in the case file **(Exbt.-6)**.

Submission of the Complainant

The authorized complainant Shri. Derrick Minz submitted that the smart meter was replaced by the department sometime in the month of October 2022 and accordingly the bill was issued as per the consumption used by us till March 2023 without adding new gadgets to the premises. Later, I noted that my energy bill was increasing month after month from April 2023 to till date. In this regard, I request the Forum look into the matter and refund or adjust the extra amount paid by me in future bills.

Submission of the Respondent (Licensee)

The AE-III on behalf of the Respondent/Licensee (ED) stated that a check meter was installed along with the original smart meter to check the



accuracy on 13/12/2023 till 20/12/2023 for 8 days and found no difference and per day unit consumption is recorded 8 units approx. Further, he submitted that a site inspection was conducted on 13/12/2023 in which the connected load was found as 4 KVA and the sanctioned load was 1 KVA.

Forum's Observation

The Forum has gone through the replies of the Respondent/Licensee (ED) vide letter dated 18/01/2024 is not in accordance with the complaint. The complainant stated in his complaint letter dated 06/12/2023 that the bill was increased from April 2023 to August 2023 which has not mentioned in his reply. The Forum taken the note seriously for non-submission para-wise comments in accordance with the complaint in complete shape and directs the Respondent/Licensee (ED) not to repeat in future complaints.

The Respondent/Licensee (ED) stated in his reply letter dated 18/01/2024 that the earthing was found to be in normal and direct connection was provided with the sanctioned load of 1 KVA, which was increased to 4 KVA by the consumer. The Forum observed that the consumer was increased the connected load as per the norms of single phase connection, however, the same may be update as per JERC Regulation No. 23/2018.

The accuracy of the meter was tested by putting parallel check meter and found that both the meters are showing similar readings for 8 days and average consumption is shown as 8.375 units w.e.f. 13/12/2023 to 20/12/2023. Hence, the smart meter running in the consumer premises bearing Consumer No. H2/4090 is ok and satisfactory.

Similarly, the data submitted by EESL reports, the consumption of May 2023 was 532 kWh, but the bill prepared by the Respondent was 405 kWh. The Forum inspected the premises on 07/12/2023 and found that the earthing of the building has been strengthened as per the directive of field staff of the department, and also noticed that the following appliances are used i.e. AC 1.5 ton, wall-mounted Fan (2 Nos.), inverter (2 Nos.), web camera surveillance, small fan etc. provided in outer courtyard, so about 8 unit approx. per day consumption is possible.

The Forum also pointed out that in the smart meter consumer ledger and urja pay online bill details bearing No. H2/4090, the smart meter was replaced in October 2022 due to the fault of the old meter. Before replacement i.e. from March 2018 to September 2022, the bill was prepared based on the average unit i.e. 181, seems to be not in order for more than 4 ½ years, which is a violation of JERC Regulation No. 23/2018 (Electricity Supply Code) under Clause 7.12. 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". The Forum noted that due to negligence of Meter Reader / Junior Engineer, the Electricity Department suffers loss of government revenue.

Further, the Forum noted that the Respondent/Licensee (ED) was directed to submit the EESL smart meter reading report w.e.f. January 2022 to till date vide letter dated 06/12/2023 whereas the Respondent/Licensee (ED) provided EESL smart meter reading report from May 2023 to December 2023 which found huge variation between the consumer ledgers. The details are as follows: -

Month/Year	EESL smart meter reading (Units)	Bill raised as per Consumer Ledger (Units)	Variation
May 2023	532.231	305	+ 227
June 2023	405.25	400	- 5
July 2023	306.794	405	- 98
August 2023	335.746	404	- 68
September 2023	275.481	402	- 127
October 2023	242.859	410	- 167
November 2023	262.64	400	- 137
December 2023	206.459	407	- 201

The Forum noted that the Respondent/Licensee (ED) has not raised the electricity bills as per EESL readings recorded in the smart meter bearing Consumer No. H2/4090 after replacement of smart meter during in October 2022 onwards. Further, in the partial EESL report provided by the Respondent/Licensee (ED), the Forum is unable to calculate the total units consumed by the consumer from October 2022 to April 2023.

Hence, the Forum directs the Respondent/Licensee(ED) to collect the EESL smart meter reading reports from the date of commencement of smart meter i.e. October 2022 till date and revise the bills as per unit consumptions recorded in the smart meter bearing Consumer No. H2.4090 (Domestic) and if any additional amount is collected from the consumer then the same may be adjusted in future bill or if any amount is to collected from the consumer then the same can be collected as per JERC Regulation No. 23/2018.

Also, they pointed out that the connection was given in the name of his grandmother, namely Roshan Bibi. Hence, the Forum directs the complainant to update the consumer profile in her name bearing Consumer No. H2/4090 (Domestic) as per JERC Regulation No. 23/2018 in consultation with the Respondent/Licensee (ED).

Thus, this Forum has come to the conclusion that the accuracy test of smart meter with check meter consumer No. H2/4090 has been found 'ok' and satisfactory. However, the Respondent/Licensee (ED) failed to raised the electricity bills as per EESL reading recorded in the smart meter bearing

consumer No. H2/4090 from the date of commissioning i.e. October 2022 onwards due to negligence of the Meter Reader/Junior Engineer. Hence, the Forum directs the Respondent/Licensee (ED) to revise the electricity bill from the date of commissioning of the smart meter i.e. October 2022 to till date as per EESL units recorded in the smart meter. Due to smart meter is functioning ok, the Respondent/Licensee (ED) is directs to raise the upcoming electricity bill as per units recorded in the smart meter only.

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. 306 is hereby closed with specific direction to the Respondent/Licensee (ED) and the complainant consumer.
2. The Respondent/Licensee (ED) is directed to carefully file the counter reply/para-wise comments before the Forum along with the supporting documents on basis of the complaint, which will save the time of the Forum, which was not been done in this case.
3. The Respondent/Licensee (ED) is directed to revise the electricity bill bearing Consumer No. H2/4090 (Domestic) from October 2022 to till date as per unit consumption recorded in the EESL smart meter, and if any excess amount so collected may be adjusted in future bills or if any amount has to be collected from the consumer may also be done as per JERC Regulation No. 23/2018. A detailed report with supporting documents should be prepared and submit with compliance accordingly, and also be endorsed to the complainant consumer.
4. The Respondent/Licensee (ED) is directed not to collect the late fee from the complainant consumer bearing No. H2/4090 (Domestic) as per clause 7.26 of JERC Regulation No. 23/2018.
5. The Respondent/Licensee (ED) is directed to upcoming electricity bill should be prepared as per unit reading recorded in the smart meter bearing Consumer No. H2/4090 positively.
6. The Consumer is suggested to update the consumer profile to her name bearing Consumer No. H2/4090 (Domestic) as per JERC Regulation No. 23/2018 in consultation with the Respondent/Licensee (ED).



7. The Respondent/Licensee (ED) is directed to immediately take appropriate step as per JERC Regulation No. 23/2018 under Clause 8.8 against **any irregularity noticed** in any smart meter and inform to the consumer accordingly, which has not done in this instant case.
8. The Respondent/Licensee (ED) is directed to issue a warning '**Notice**' to the Meter Reader/Junior Engineer of the concerned division for dereliction of his duties against the bill was not raised as per units recorded in the smart meter from October 2022 onwards.

The Forum further noted that the average billing was done by Meter Reader/Junior Engineer i.e. 181 units for more than 4 ½ years from March 2018 to September 2022, resulting in revenue loss to the electricity department. The Meter Reader/Junior Engineer of the concerned division should be warned accordingly for their negligence during the said period.

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.

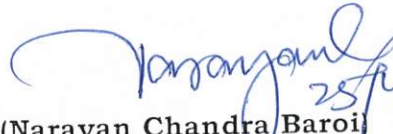
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot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