

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 (Independent Member)

In the matter of :

Smti. G. Rajeshwari, M/s Rajeshwari Ice Plant R/o Teylerabad, South Andaman bearing Consumer No. L3/4001 (Commercial).

.....Complainant

Versus

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

.....Respondent

Complaint No.	: ANI/CGRF/324/24-25/01 dated 22/04/2024
Complaint	: Excess Billing bearing Consumer No. L3/4001(Com.)
Date of Hearing	: 18/06/2024
Date of Final Order	: 27/06/2024

ORDER

Background

Smti. G. Rajeshwari, M/s Rajeshwari Ice Plant R/o Teylerabad, South Andaman bearing Consumer No. L3/4001 (Commercial), filed a complaint vide R.D. No. 532 dated 22/04/2024 regarding excess billing bearing Consumer No. L3/4001 (Commercial).

The Hearing was conducted on 09.05.2024 and after detailed deliberations, submissions and documents produced before the Forum, and on the basis of the observation so reached, the Interim Order was passed on 10/05/2024.

In continuation of the Interim Order dated 10.05.2024, Smti. G.Rajeshwari, M/s Rajeshwari Ice Plant R/o Teylerabad, South Andaman bearing Consumer No. L3/4001 (Commercial), filed a reply letter vide R.D. No. 583 dated 03/06/2024 regarding excess billing bearing Consumer No. L3/4001 (Commercial).

A letter was forwarded on 13/06/2024 to the Executive Engineer (SAD) and Assistant Engineer (Chouldhari), Electricity Department for attending the Hearing fixed on 18/06/2024 at 11:30 a.m. in the Hearing Hall in the Office of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Port Blair with relevant documents to depose before the Forum. A copy of the said letter was



also endorsed to the complainant for attending the Hearing on 18/06/2024 at 11.30 a.m.

The Respondent on behalf of Licensee (ED) was represented by Assistant Engineer (Chouldhari), Electricity Department. He filed the compliance to the Interim order vide letter No. EL/AE/CD/3-21/2024/118 dated 10/06/2024 with enclosures on behalf of the Respondent/Licensee (ED) (the letter is kept in case file) (**Exbt. - 2**).

Hearing on 18/06/2024

The Hearing was held on 18/06/2024 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Shri. Basudev Das, Complainant (Authorized).
- (ii) Shri Ramesh Chander, Complainant (Authorized).
- (iii) Shri. G. Venkat Rao, Asst. Complainant.
- (iv) Shri Suresh Kumar, NO, AE (Chouldhari), Elect. Dept.
- (v) Ms. Nameeta Kumari, JE (S/Ghat), Elect. Dept.
- (vi) Shri. Suresh Lall, LMMR, Elect. Dept.

Complainant Counter-filed reply following the Interim Order

The Complainant Smti. G. Rajeswari has submitted counter-filed reply vide R.D. No. 583 dated 03/06/2024 following the Interim order dated 10.05.2024 stated that *"Following the Interim order passed on the above cited complaint, the Hon'ble Electricity CGRF, A&N, Islands had directed the Licensee (ED) to put a parallel meter to check the accuracy of the existing meter and to submit the observation to the forum within 15 days.*

The licensee had put the parallel meter on 14.05.2024 at 12.06 PM. Up to 30.05.2024 of 08:00 AM, the total consumption of existing meter is 20.4 unit against the check meter reading of 4.1 unit showing that the existing meter is 500% faster than the check meter installed by the Licensee (ED) as per the direction of the Hon'ble CGRF.

The photocopy of the report which was signed by the consumer and meter reader of electricity department is enclosed for kind information and perusal of the Hon'ble Forum".

The complainant submitted the self attested copy of check meter status report, which is kept in the case file (**Exbt. - 6**).

Submission of Compliance report by the Respondent (Licensee)

The AE(W/shop) & AE (CD) on behalf of the Respondent/Licensee (ED) stated that *"A check meter was installed on 30.05.2024 to verify the correctness of the reading of the existing meter of Smti. G. Rajeshwari, 3-phase commercial bearing A/c No. L3/4001. The reading of the check meter and existing meter was observed from 30.05.2024 to 06.06.2024. The detail of the reading is given*



below, and the copy of the daily reading sheet is also enclosed. Further, it is to intimate that the party has denied signing the daily reading sheet.

Sl. No.	Existing meter reading		Check meter Reading	
1.	3997.1	3998.3	259.1	260.4

From the above reading it is found that the check meter has read 1.3 Kwh whereas the existing meter has read 1.2 kwh unit. So, there is difference of 0.1 unit as per which the existing meter is slow so, the consumer has not been built any exorbitant or wrong reading”.

The AE (CD) submitted check meter testing report, which is kept in the case file **(Exbt. -7)**.

Re-Submission of Compliance report by the Respondent (Licensee)

The AE (CD) on behalf of the Respondent/Licensee (ED) in his letter dated 26.06.2024 stated that “In compliance to the direction passed by the Hon’ble Electricity CGRF on 18.06.2024, a check meter was installed on 19.06.2024 by the Junior Engineer to verify the correctness of the reading of the existing meter of Smti G. Rajeshwari, a three-phase commercial consumer bearing A/C No. L3/4001. The reading of the check meter and existing meter was observed from 19.06.2024 to 25.06.2024.

Further, Smti G. Rajeshwari, M/S Rajeshwari Ice Plant, R/o Teylerabad has applied for category change from commercial to industrial on 31.05.2024, in this context, it is to inform that as per the tariff order issued by JERC for the financial year 2024-25, the category of the ice plant is not mentioned in the LT/HT industrial category, however as requested, the above matter will be submitted before competent authority for finalization of tariff petition for ensuring financial year 2025-26. The consumer may attend the JERC public hearing and give suggestion, opinion regarding inclusion of such activity in industrial category.

Moreover, the Director of Fisheries, vide Letter No. 4-7/2022-23/TS/DF/695 dated 07.05.2024, had requested to the Superintending Engineer, Electricity Department, for revision in the Power Tariff Structure for Ice Plant /Cold Storages construction under PMMSY scheme of Department of Fisheries, A&N Administration.

In response to the Director of Fisheries letter, the Superintending Engineer, Electricity Department has informed that the tariff for FY2024-25 has already been submitted before Hon’ble JERC for consideration. However, as requested, the above matter will be submitted before Competent Authority for finalization of tariff petition for ensuring FY 2025-26.

It is pertinent to mention that the complainant, M/S. Rajeshwari Ice Plant, Consumer Bearing A/C No. L3/4001, has an outstanding due of Rs. 1160521 as on date”.

The AE (CD) submitted check meter testing report, copy of letter from the Fisheries department & SE(Ele.), which is kept in the case file (Exbt.-7).

Forum's Observation

In continuation of the Interim order dated 10.05.2024, the Forum observed that the check meter report submitted by the Respondent and the complainant was not accepted due to incomplete report submission accordingly the forum directs the respondent to conduct a fresh test for another seven days under the proper supervision of JE and forum also decided to inspect the site during the above periods and the report to be submitted on or before 26/06/2024. Accordingly, the respondent provided check meter with separate measuring CT from 19-06-2024 to 25.6.2024, mean while the forum visited the site on 21.06.2024 and 25.06.2024 in the presence of meter reader and the owner/consumer and verified the readings and found that both the meters are giving same reading, so there is no discrepancy in the existing meter. Hence the Forum decided to close the case without any merits.

The Forum observes and opines as per JERC Regulation No. 23/2018 (Electricity Supply Code) under clause 6.43, if the complainant is not satisfied with the present accuracy test by the respondent may request the Respondent/Licensee (ED) to carryout special meter accuracy test on the consumers cost which are as follow:

“6.43 The meter may be tested at a third-party facility, if so desired by the consumer. The list of third-party agencies, which are accredited by NABL (National Accreditation Board for testing and Calibration Laboratories) shall be available on the website of the Licensee.

Provided that in case of testing on the consumer's request, the consumer shall have to pay the testing fee as per the cost specified by the Licensee with the approval of the Commission.”

The Forum observes that the Respondent/Licensee (ED) has not taken any step to establish a laboratory to check the meters in the Andaman and Nicobar Islands even after several directions issued in earlier cases/complaints and once again directed to take appropriate steps for implementation of meter testing lab. immediately, to avoid further litigation.

Hence, the Forum had come to the conclusion that the complainant will have to pay the pending electricity bills from September 2023 to till date, without fail, or else the supply will be disconnected as per the JERC Regulation No. 23/2018.

The Forum has no jurisdiction to decide the category change, hence directs the complainant to approach the JERC for the same.



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. 324 is hereby closed without any merits.
2. The complainant/consumer is directed to pay all the outstanding bills for the Consumer No. L3/4001 (Commercial) immediately.
3. The Respondent/Licensee (ED) has the liberty to collect all the arrear bills as per JERC Regulations.
4. The complainant can approach the Respondent/Licensee (ED) to test the accuracy of the existing meter from an accredited lab. in mainland on consumers cost as per JERC Regulation 23/2018, if any doubt in the present test made by the department.
5. The Respondent/Licensee (ED) is once again directed to establish a smart meter testing laboratory or a portable testing device for all site office immediately to avoid litigation against smart meter complaints in future as per norms/clauses of the **'Master Agreement' dated 16.12.2019, which was earlier directed in the Forum's Order dated 28/09/2023, 25/08/2023, 31/07/2023 etc.**
6. 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 JERC and accordingly liable for action under Section 142 of the Electricity Act 2003.
7. 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.

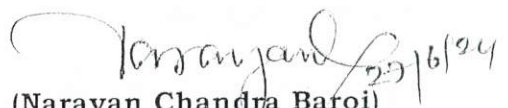
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot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