

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/10-299/ 203

Dated: 28/11/2023

To

Smti. Prem Kumari,
W/o Late Ram Swamy,
R/o Garacharama Basti,
Port Blair

- (Complainant)

The Assistant Engineer-III,
Electricity Department,
Port Blair,
South Andaman

- (Licensee's Authorised Officer)

Sub : Excess Billing bearing Consumer No. H3/6190 (Domestic) – reg.

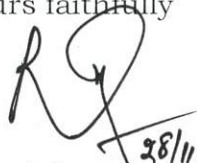
Ref : Complaint No. ANI/CGRF/299/23-24/31 dated 03/08/2023.

Sir,

Enclosed please find herewith certified copy of the Order dated 24/11/2023 passed by the Electricity CGRF on the above complaint, for compliance and suitable action at your end.

Encl : Order Dated 24/11/2023

Yours faithfully


(R. Ravichandar) 28/11/23
Chairman
Electricity CGRF

Copy to: -

1. The Electricity Ombudsman, JERC, Gurugram, Haryana alongwith certified copy of Order dated 24/11/2023 for information.
2. The Superintending Engineer, Elect. Dept., Port Blair alongwith certified copy of Order dated 24/11/2023 for necessary action.
3. The Executive Engineer (HQ), Elect. Dept., Port Blair alongwith certified copy of Order dated 24/11/2023 for necessary action.
4. The Assistant Engineer (Workshop), Nodal Officer for CGRF, Elect. Dept. alongwith certified copy of Order dated 24/11/2023 for necessary action.
- ✓ 5. The Assistant Engineer (IT), Elect. Dept. alongwith certified copy of Order dated 24/11/2023 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 28/11/23
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. Prem Devi, W/o Late Ram Swamy, R/o Garacharama Basti, Port Blair
bearing Consumer No. H3/6190.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/299/23-24/31 dated 03/08/2023
Complaint : Discrepancies related to e-bill bearing Consumer
No. H3/6190 (Domestic)
Date of Hearing : 17/10/2023
Date of Order : 24/11/2023



ORDER

Background

The complainant Smti. Prem Devi, W/o Late Ram Swamy, R/o Garacharama Basti, Port Blair filed a complaint vide R.D. No. 203 dated 03/10/2023 received through email i.e. ankitpb1906@gmail.com regarding discrepancies related to e-bill bearing Consumer No. H361903120 (Domestic).

The complaint was forwarded on 03/10/2023 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer(HQ), Assistant Engineer-III, Electricity Department who represents the Respondent/Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 17/10/2023 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 17/10/2023 at 10.30 a.m. and submits hard copies of the complaint before three (3) working days Hearing positively.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer (Workshop), Electricity Department filed his letter No. EL/AE/WS/2-16/2023-24/193 dated 12/10/2023 with enclosures submitted reply/ comments on

CGRF at 10:30 a.m. The following were present: -

- (i) Shri. J. Ankit, Authorized by the Complainant.
- (ii) Shri. Sandeep Mukherjee, AE, Nodal Officer (i/c), Elect. Dept.
- (iii) Shri. P. Subbaraj, AE(IT), Elect. Dept.
- (iv) Shri. A. Venkateswar Rao, LMMR, Elect. Dept.
- (v) Shri. R. Raja, Elect. Dept.

Statement of the Complainant

Complainant Smti. Prem Devi, W/o Late Ram Swamy stated in her complaint email dated 21/09/2023 that "A complaint was lodged with Urja Pay portal of Electricity Department vide Ticket No. 23002472, in which a concern was raised regarding improper billing by the IT Cell in Urja Pay portal. The matter is related to consumer no. H3/6190, in which the e-bill for the month of July 2023 was updated in the portal well after the due date as reflected in e-bill, i.e. 31/08/2023 (bill enclosed). A screenshot of the portal was taken on 01/09/2023 at 10:08 pm, in which the bill details upto June 2023 was showing (screenshot attached) but on 02/09/2023 the bill for the July 2023 was updated in Urja Pay portal with due date as 31/08/2023(screenshot attached). This improper billing of IT cell has led to an extra financial burden on me and it is a clear case of fraud committed by them.

The complaint vide Ticket No. 23002472 was lodged with Urja Pay portal on 02/09/2023 but to dismay till date no response was received from IT Cell and the status is showing as "OPEN". It is also understood that the fraud committed by IT Cell has been caught and they are unable to reply.

It is therefore requested to settle the issue at the earliest as already 19 days has been lapsed after complaint".

The complainant submitted urja pay online complaint registered acknowledgment with electricity bill, which is kept in the case file (Exbt.-2).

Reply of the Respondent/Licensee (ED)

The Assistant Engineer (W/shop), Electricity Department on behalf of the Respondent/ Licensee(ED) in his written submission vide letter No. EL/AE/WS/2-16/2023-24/193 dated 12/10/2023 stated that: -

- "(1) A applicant was lodged with Urja Pay portal of Electricity Department vide ticket No. 23002472 regarding improper billing by the IT cell for the consumer bearing A/c No. H3/6190.
- (2) The said premises were inspected by the JE, Prothrapur-I and found present connected load is 3.520 KW.



- (3) The AE-III(HQ) has tested the consumer meter in the presence of complainant and the parallel meter was provided for testing from 06/10/2023 to 11/10/2023 and found meter is running good.

Prayer:

It is prayed before the Hon'ble Forum that, the forum may dispose of the complaint on the basis of the factual report mentioned above".

The Respondent/Licensee(ED) has submitted meter testing report with check meter and consumer ledger, which is kept in the case file (Exbt.-3).

Submission of the Complainant

Shri. J. Ankit was authorized by the complainant Smti. Prem Devi for making submission of her complaint in the Forum, which is kept in the case file (Exbt.-4).

Shri. J. Ankit stated that the Respondent/Licensee (ED) issued two bills in the month of July 2023 bearing Consumer No. H3/6190 wherein due date had expired before issuing the bills. Further he said that concerned AE has not given proper reply as per his complaint.

Submission of the Respondent (Licensee)

The AE-III on behalf of the Respondent/Licensee (ED) was absent due to emergency power breakdown and attending the complaint, which was telephonically communicated by the concerned AE and JE.

Shri. Sandeep Mukherjee, AE(Nodal Officer (I/c) and Shri. P. Subbaraj, AE (IT) appeared on behalf of the Respondent/Licensee (ED) and submitted that the bill was raised by the Site Office erroneously.

Forum's Observation

The Forum observed that the reply submitted by the Assistant Engineer (P/Pur) and the Affidavit filed by Nodal Officer (Electricity Department) has not gone through complaint of the consumer. It was noticed that the bills were generated from the site office and the bill was approved by the concerned JE Site Office. As per the billing procedure adopted in Andaman and Nicobar Islands, monthly billing cycle was introduced from the beginning. As the procedure explained by AE(IT) the bills were prepared by the Site Office after collecting all the meter readings from the field staff and verified from the premises records and the bills were generated from the Site Office of the Electricity Department. The same was finalized, approved by the JE concerned Site Office. Due to the above process the billing cycle may vary from site to site.



The Forum observed that in this present case in June & July month bills were generated in August month, two bills were generated and date on which the last date also not mentioned properly.

The Forum observed that the bills are not properly generated from site office, on time, due to this reason the complainant has faced an extra financial burden. The Forum directed to the Respondent/Licensee (ED) to introduce a centralized system of bill generation for maintaining uniformity and proper billing cycle to be maintained as per the JERC Regulations.

In this present case, the Forum directed the Respondent/Licensee (ED) to revise the bills and reconnection charges and late fee charges to be adjusted in the future bill and also directed to strictly adhere the guidelines issued with regard to the billing cycle, payment due date and other related matters as per the JERC Regulation to prevent extra financial burden to the consumer in future.

In this instant case, the Forum observed that the Respondent/Licensee (ED) had failed to followed the JERC Regulation No. 23/2018 (Electricity Supply Code) under sections read as: -

***“7.5 The bill will be delivered to the consumer immediately in case of spot billing under acknowledgment by the consumer. In all other cases, the Licensee shall ensure that the bill is delivered to the consumer by hand/post/courier at least 15 days prior to the due date of payment.*”**

7.35 Where the due date indicated for payment on the bill falls on a Sunday or a public holiday, the payment shall become due on the next working day.”

Thus, this Forum has come to the conclusion, that the Respondent/Licensee (ED) has not followed the time line framed by the JERC Regulation against issue of electricity bill with due date for making payment of the consumer, which has to be maintained by the Respondent/Licensee(ED) strictly. Hence, before due date surcharge rate and RCF levied by the Respondent/Licensee(ED) in the June & July 2023 monthly bill bearing Consumer No. H3/6190 (Domestic) and should be revised and adjusted in future bill.

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:-



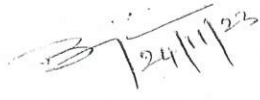
1. The Respondent/Licensee (ED) is directed to carefully respond with the Forum before submitting para-wise comments/reply, which will save time of the Forum. In this instant case, para-wise comments/reply does not pertain to the actual complaint of complainant.
2. The Respondent/Licensee (ED) is directed to submit para-wise comments before the Forum alongwith all supporting documents on the basis of the complaint under intimation to the complainant ^{in future complaint,} which was not done in this instant case.
3. The Respondent/Licensee(ED) is directed to levy due date surcharge rate and RCF for the month of June & July 2023, if any, paid by the complainant bearing Consumer No. H3/6190 (Domestic), be adjusts in future monthly bills under intimation to the complainant.
4. The Respondent/Licensee (ED) is directed to follow the JERC Regulation No. 23/2028 (Electricity Supply Code) under Section 7.5 and 7.35 before issuing electricity bills in future to avoid litigation.
5. 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).
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 the Commission 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.

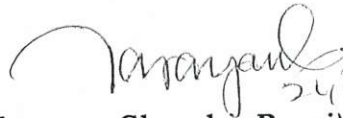
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot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