(10)

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 :

Shri. Samar Baroi, S/o Shri. Manoranjan Baroi, R/o Sitanagar, Diglipur, North Andaman bearing Consumer No. Y2/3030 (Commercial).

.....Complainant

Versus

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

.....Respondent

Complaint No.	:	ANI/CGRF/248/22-23/08 dated 07/06/2022
Complaint	:	Shifting of HT Lines
Date of Hearing	:	17/02/2023
Date of Interim Order	:	03/04/2023
Date of Order	:	27/10/2023

ORDER

Background

Following an Interim Order passed on 03/04/2023 in this instant case with certain directions to the Complainant and the Respondent/Licensee (ED), which was committed during the Hearing on 17/02/2023, until then the case was defer for further course of action.

That, due to non-compliance of Forum's Interim Order dated 03/04/2023, the Forum send a Reminder-1 to AE-(Wks.), Nodal Officer (CGRF), Electricity Department wherein requested to submit the compliance report within 15 days from the date of issue of the letter, and copy endorsed to the EE(NAD), AE(D/Pur) and the complainant consumer vide letter No. ANI/CGRF/10-248/60 dated 12/06/2023, which is kept in the case file ***(Exbit-1)***.

The Forum had received the reply from the Respondent/Licensee (ED) vide letter No. EL/EE/NAD/Tech/4-15/580 dated 28/06/2023 and states that *"no direction from Hon'ble Commission was found on submission of action taken report within 15 days. Only a deadline of 16.09.2023 was set for shifting all the HT lines crossing the complainants land and thereafter, submitting a compliance report. However, JE (Head Quarter) has completed the site inspection and has submitted an estimate which shall be processed as per codal formalities"*, which is kept in the case file ***(Exbit-2)***.

Forum's Observation

The Forum scrutinized of the reply of the Respondent/Licensee (ED) vide letter dated 28/06/2023 and sent a letter to the EE(NAD), Electricity Department and directed to *"submit the compliance progress report from last 3 months against Forum Order dated 03/04/2023, and also a copy be endorsed to the complainant within seven (7) working days of receipt of this letter"* vide Forum's letter dated 30/06/2023, which is kept in the case file ***(Exbit-3)***.

The Forum had received the compliance report as per direction given in the Interim Order dated 03/04/2023 vide letter No. EL/EE/NAD/Tech/4-15/2023/837 dated 26/09/2023 wherein states that *"we previously requested a three-month extension in response to the Assistant Engineer (T&D)'s letter dated 20.07.2023 (L. No. 5-9(A)/EL/DP/2023/969). After a thorough evaluation of our line materials stock and the available workforce in this sub-division, it became evident that meeting the Forum's stipulated deadline of 10.09.2023 for completing the subject work would be unfeasible.*

To address this, we initiated a proposal to the circle office for the outsourcing of the subject work through a tendering process in connection with our extension request. However, we must highlight that the proposal is currently awaiting approval, and the subsequent formalities associated with the tendering process will precede the awarding of the subject works. This process is expected to consume a significant amount of time.

Therefore, in light of the above circumstances, we earnestly request an extension of the deadline by an additional six months, effectively extending it until March 2024", which is kept in the case file ***(Exbit-4)***

Further, the Forum observed the statement of the Respondent/Licensee (ED) on his compliance report and stated that *"an extension of the deadline by an additional six months, effectively extending it until March 2024"*.

As per ***JERC Regulation No. 06/2009 "Standard of Performance" read as –***

SCHEDULE – III

9. Guaranteed Standards of Performance and Compensation to Consumers in Case of Default

Service Area	***Standard***	***Compensation payable in case of violation of Standard (default shall be considered from the time consumer has made complaint)***	
		Compensation payable to individual consumer if the event affects a single consumer	***Compensation payable to Individual consumer if the event affects more than one consumer***
Installation & Up-gradation of HT / LT System	*Within 90 days*	*Rs. 100 for each day of default*	*Rs. 50 for each day of default to each consumer affected*

The Independent Member of the Forum is not satisfied with non-adherence of its own commitment by the Respondent/Licensee (ED) in which time line framed for completion of work was opined and hence, the Respondent/Licensee (ED) should pay a compensation of Rs. 100/- for each day of default from the deadline on 30/09/2023 in the eye of law.

The Forum has come to the conclusion that the Respondent/ Licensee(ED) had failed to comply with the Interim Order of the Forum dated 03/04/2023 on or before 16/09/2023 as agreed by the Respondent/Licensee (ED) during the hearing held at APWD guest house at Diglipur on 17/03/2023, and now request for further 6 months extension. The Forum observed that the timeline framed in the JERC Regulation has already expired.

The Chairman and Member (Licensee) has suggested "to collect the material required for shifting the HT lines crossing the land of the complainants by UG Cable from the site office/division of the Licensee (ED) on loan basis within one month if the procurement process of the required materials delayed. Considering the quantity of line materials and quantum of works to complete for the entire shifting work, the complainant also not meeting the required expenditure to expedite the work, the Forum decided to extend the time of completion of the above work upto 31.03.2024 as requested by the Licensee (ED). Further, even if the Respondent unavailable to complete the work within the stipulated time mentioned by the Forum i.e. 31.03.2024. Thereafter, the Forum will not entertain any further request for extension from the Respondent/ Licensee (ED), the complainant consumer is at liberty to approach for compensation before the Respondent/Licensee (ED) as per JERC Regulation as stated above".

Hence,

It is ordered:

After detailed deliberations, submissions, discussions and site inspection alongwith Interim Order passed by the Forum on 03/04/2023, and on the observations so reached, the following is passed: -

1. The Respondent/Licensee(ED) is directed to shift all the HT lines crossing the complainants land by a UG cables on or before 31.03.2024 under intimation to the complainant Shri. Samar Baroi and complainant is eligible for compensation as per the JERC Regulations, if the Respondent/Licensee (ED) not complied the same in the stipulated time.

2. The complainant has to cooperate with the Respondent/License (ED) to carry-out the aforesaid work. Further, if fail to comply at Sl. No. 1 by the Respondent/Licensee (ED), the complainant consumer is at liberty to approach for compensation before the Respondent/ Licensee (ED) as per JERC Regulation.

3. The Respondent/Licensee (ED) is directed to submit the progress report of the work in every fortnight from the date of receipt of this order.

4. 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.

5. 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 (NAD), Nodal Officer (CGRF), Assistant Engineer(D/Pur), Assistant Engineer(IT), Electricity Department, Complainant and the Electricity Ombudsman, JERC for the State of Goa & UTs, Gurugram, (Haryana).

27/10/23

(Biji Thomas)
Independent Member
Electricity CGRF

23/10/2023

(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF

27/10/23

(R. Ravichandar)
Chairman
Electricity CGRF

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AE (IT)