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**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. Tanveer Singh, M/s Symphony Palms, Govind Nagar, Havelock, A&N Islands bearing Consumer No. Z/3703 (Commercial).

**.....Complainant**

**Versus**

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

**.....Respondent**

**Complaint No.** : ANI/CGRF/292/23-24/24 dated 04/08/2023  
**Complaint** : Excess Billing bearing A/c No. Z/3703 (Commercial)  
**Date of Order** : 08/11/2023

**ORDER**

**Background**

The complainant Shri. Tanveer Singh, M/s Symphony Palms, Govind Nagar, Havelock, A&N Islands filed a complaint vide R.D. No. 129 dated 02/08/2023 regarding category change, due to which excess billing bearing Consumer No. Z/3703 (Commercial).

The complaint was forwarded on 04/08/2023 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer(SAD), Assistant Engineer (Havelock), Electricity Department for submitting reply/comments and for attending the Hearing fixed on 22/08/2023 at 11:30 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 22/08/2023 at 11.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer (SH/SW), Electricity Department filed his letter No. EL/AE/SH-SW/1-55/2023-24/1048 dated 17/08/2023 submitted reply/comments on behalf of the Respondent/ Licensee(ED), which was received by the Forum on 18/08/2023, which is kept in case file (**Exbt.-1**).



### **Hearing on 22/08/2023**

The Hearing was held on 22/08/2023 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Shri. Jaikar Singh, Complainant.
- (ii) Shri. Nazeem Nawab, Asst. Complainant.
- (iii) Shri. Rakesh Sharma, AE(SH&SW), Elect. Dept.
- (iv) Shri. Gild Kujur, LMMR, Elect. Dept.

### **Statement of the Complainant**

Complainant Shri. Tanveer Singh, M/s Symphony Palms, stated in his complaint letter vide R.D. No. 129 dated 04/08/2023 that *"we have received the electric bill from September 2022 under the category of commercial.*

*Since, we are occupying a Hotel in the name and style of Sympony Palms Beach resort at Govind Nagar, Swaraj Dweep.*

*In this connection, we have approached the concerned authorities for the same. But till date we have not received any positive response.*

*Therefore, we request you to kindly do the needful".*

The complainant submitted the photocopy of representation letter dated 31/07/2022, Aadhaar Card as ID proof, Islander Card, Symphony Palms Partnership Deed, which is kept in the case file **(Exbt.-2)**.

### **Reply of the Respondent/Licensee (ED)**

The Assistant Engineer (SH/SW) on behalf of the Respondent/Licensee(ED) in his written submission vide letter No. EL/AE/SH-SW/1-55/2023-24/1048 dated 17/08/2023 stated that *"Shri Tanveer Singh S/o Late Kulmoahn Singh R/o Middle Point, which is as under: -*

*The matter as brought out before the CGRF by the petitioner vide his application Dt. 04/08/2023 and earlier application Dt. 13/07/2023 has been scrupulously examined accordingly, a detailed report have been sought for from the Junior Engineer, T&D Section, Swaraj Dweep to determine the factual position of the matter.*

*That sir, as per the communication received from the Superintending Engineer, Electricity, Port Blair vide letter No. EL/PL/10-1/2022/ Dt. October, 2023 (copy enclosed), directive portion is reproduced as under: -*

*"...all the Divisions are hereby directed to take appropriate action in accordance with the JERC Tariff Order FY-2022-23 dated 01/08/2022. Further, directions may be issued to all the concerned officials to identify*



hotels, resorts & restaurants and accordingly classify such establishments under their respective category as notified by JERC."

Accordingly, as per the directions a modus operandi have been evolved to identify such commercial establishments which are eligible for change of category by issuing necessary notice to the respective Hoteliers.

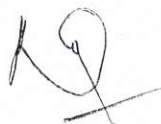
Accordingly, all the Hoteliers including "Hotel Symphony Palms, Havelock" have been served with Notice (copy enclosed). As per the Notice which requires the consumer to clear all the outstanding dues so that eligible Hotel establishment (have commercial energy connection) could be converted into the "Hotel category" as per the new JERC Tariff order FY 2022-23 dated 01.08.2022. But regret to inform that as no fruitful initiative have since been taken by the "Hotel Symphony Palms" towards payment of outstanding dues qualifying for conversion of category inspite of service of the Notice which has been received on 15/11/2022.

That sir, it is pivotal to state that as per office records energy meter connection has been released in the name of Shri Devender Pal Singh vide meter No. Z/3703 which is been utilised in Hotel Symphony Palms. Further to state that due non responsive attitude showcased by the consumer after lapse of considerable period accordingly, a afresh Notice Dt. 20/07/2023 (copy enclosed) have been served to Shri Devender Pal Singh consumer No. Z/3703 stating that, relevant portion is reproduced as under: -

"... it has come across that the Consumer No. Z/3703 is released in the name of Shri. Devender Pal Singh attached with this office whereas the name and style of the Hotel is different in the list of hotels categorized under the registration of the respective form with state license received from Office of Superintending Engineer Electricity Department as "Hotel Symphony Palms" thereby creating ambiguity in category conversion."

In response to the ibid Notice Shri Tanveer Singh S/o late Kulmohan Singh (petitioner) has submitted a copy of notarized partnership deed (copy enclosed) upon examining, it has been noted that the interest upon the property held by Shri Devander Pal Singh has been transferred to the petitioner and his brother Shri Jaikar Singh during the year 2018 itself. Accordingly, upon determining the property which includes the energy meter vide consumer No 2/3703 i.e. only upon receipt of the documents from the petitioner accordingly, the category of the meter from Commercial to Hotel category has been caused w.e.f 02/08/2023.

Conclusion: The conversion of category from Commercial to Hotel as per the new JERC tariff Order FY 2022-23 Dt. 01/08/2022 in the instant case could not be timely caused due to non-availability of authenticated documents establishing the interest upon the property of the actual owner as the energy meter is released in name of Shri Devender Pal Singh but the petitioner is representing without disclosing his interest over the acquired property.



*Moreover, if the present occupants of the "Hotel Symphony Palms" i.e. the petitioner had earlier established their acquired interest over the property then this office would have caused the change in category from Commercial to Hotel earlier which would be beneficial for them. Furthermore, as per the rule 5.87 (1) of JERC Regulation, 2018, it is the prerogative upon the occupant of the premises to apply in the prescribed form for change of the consumer's name which the petitioner have failed to comply despite of acquiring the property during the year 2018, if such change of name has undertaken earlier then there might not be happened any delay in the change of category.*

*The above brief have been prepared by taking into account of the ingredients received from the Junior Engineer, T&D Swaraj Dweep and as per the JERC regulation, 2018.*

*It is, therefore, requested to kindly condone the delay in submission of the comments in the instant matter.*

The Respondent/Licensee (ED) has submitted photocopies of enclosures as above stated, which is kept in the case file **(Exbt.-3)**.

#### **Submission of the Complainant**

The complainant states that he requested for change of category from Commercial to Hotel classified w.e.f. 01/08/2022, but till date he did not receive any positive response.

#### **Submission of the Respondent/Licensee(ED)**

The Nodal Officer (CGRF) is absent for the Hearing. The Assistant Engineer (SH&SW), Elect. Dept., represents on behalf of the Respondent/Licensee (ED) and stated that the para-wise comments /reply has been submitted before the Forum vide letter No. EL/AE/SH-SW/1-55/2023-24/1048 dated 17/08/2023.

#### **Forum's Observation**

As per the JERC tariff order dated 01/08/2022, the commission has introduced a new category Hotel/Restaurant/Resorts with tariff applicable to various Hotels/Restaurants/Resorts establishment in the A&N Islands.

The Assistant Engineer (Swaraj Dweep) submitted his statement vide letter dated 17/08/2023. A communication received from the SE, Port Blair vide letter No. EL/PL/10-1/2022 nil dated directed, all the divisions to take appropriate action in accordance with the JERC tariff order, financial year 2022-23 dated 01/08/2022. Further direction may be issued to all the concerned officials to identity the Hotels/Resorts/Restaurants and accordingly classify such establishment under the respective category as notified by JERC.

A list of 154 Licensed Hotels and 591 Restaurants of South Andaman District received from Designated Officer, South Andaman District vide email dated 12/10/2022 also has been attached alongwith above letter. In the list of 154 Licensed Hotels vide Serial No. 127 Hotel Symphony Palms, Havelock is included and maintained as state License as reported by Designated Officer, South Andaman District vide email dated 12/10/2022.

The Member (Licensee) stated that after going through all records and documents submitted by complainant and Electricity Department, it is noted that the energy bills was being issued on commercial category in the name of Devendra Pal Singh only but not in the name of M/s Symphony Palms at Havelock because the consumer might have applied for power supply long back for running his own business which comes under commercial category, which does not mean that he will run Hotel or Restaurant until the consumer request / submit it formally through application for documentary evidence. Further, the complainant has not cleared the dues in time. The complainant clear the dues on 20/12/2022 thereafter the consumer should get the benefit of Hotel or Restaurant category with effect from the date the consumer submit application to Electricity Department for change of category or from the date of clearing of all dues i.e. 20/12/2022.

The Forum also observed that the notice issued by the AE(SH&SW) dated nil addressed to Hotel Symphony Palms (Devendra Pal Singh), Havelock, Consumer No. Z/3703, requesting him to clear all the outstanding dues pertaining to the commercial connection, so this Site Office is going to update the change of category w.e.f. 01/08/2022 from Commercial to Hotel. It is very clear that the Hotel Symphony Palms, Havelock owned by Shri. Devendra Pal Singh, running Hotel business, and the consumer is eligible to get the benefit of the order passed by the JERC vide Tariff Order in the financial year 2022-23) dated 01/08/2022. Accordingly, the consumer cleared all arrears on 20/12/2022 and he is deemed to be eligible for the new category and the same may be eligible for conversion w.e.f. 01/08/2022. The Forum also visited consumer premises during the awareness program at Swaraj Dweep on 05/10/2023 and observed that actives that happened these relate to Hotel category.

It is also observed that as per the Electricity Supply Code 2018 under Section 5.95, 5.96 & 5.97 read as: -

*"5.95 If a consumer wishes to change his consumer category, the consumer shall submit an application form to the Licensee in the format given in Annexure VI to this Supply Code, 2018. The Licensee shall process the application form in accordance with Regulations 5.79 to 5.83 of this Supply Code, 2018. For site inspection and issuance and payment of demand note for the estimated cost of works, both the Licensee and applicant shall follow the procedure and timelines as laid down in Regulations 5.40 to 5.51 of this Supply Code, 2018. The Licensee shall*



also note down the meter reading at the time of inspection. If on inspection, the consumer's request for reclassification is found valid, the Licensee shall change the category within 10 days of receipt of the application.

5.96 If the Licensee does not find the request for reclassification valid, it shall inform the applicant in writing, giving reason(s) for the same, within 10 days from date of inspection.

5.97 For the period in which the consumer's application for reclassification is pending, the consumer shall not be liable for any action on grounds of unauthorized use of electricity".

Hence, the consumer shall submit an application form to the Licensee (ED) as per the format given in Annexure 6 for reclassification of consumer category. But in this present case such application of the consumer is not insisted since, the commission has introduced a separate category for the Hotel Industry consumers and directed the Electricity Department (Andaman & Nicobar Islands) to comply with the commission's order and applicable tariff schedule.

**Hence,**

**It is Ordered:**

After detailed deliberations, submissions, site inspection, discussion, and on the observations so reached, the following is passed: -

1. The Respondent/Licensee (ED) is directed to convert the category of the complainant from Commercial to Hotel Industry consumers as per Tariff Order (FY 2022-23) dated 01/08/2022 approved by JERC after observing all codal formalities as per JERC Regulations.
2. The Respondent/Licensee (ED) is directed to revise the bill from the day of effect onwards for Consumer No. Z/3703 from Commercial to Hotel category, and, if any excess amount so collected may be accordingly adjusted in future bills as per JERC Regulation No. 23/2018 (Electricity Supply Code).
3. The Respondent/Licensee (ED) is directed to revise the bill within five (5) working days and endorsed to the complainant consumer in respect of consumer No. Z/3703, as per JERC Regulation No. 23/2018 (Electricity Supply Code Regulations, 2018) under Clause 7.26.
4. The Complainant is directed to submit the ownership documents and to update the data in the records available with



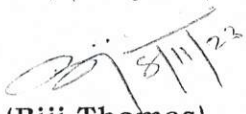
Respondent/Licensee (ED) to avoid any litigation in future regarding ownership.

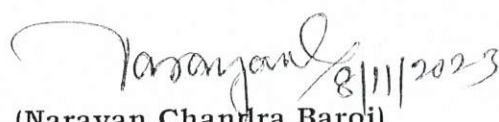
5. The Complainant is directed to make the payment within 15 days after receipt of the revised bills, if any, so received from the Respondent/ Licensee (ED) in respect of consumer No. Z/3703, as per JERC Regulation No. 23/2018.
6. The Respondent/Licensee (ED) is directed to submit compliance report within 15 days from the date of issue of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1).
7. 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.
8. 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.

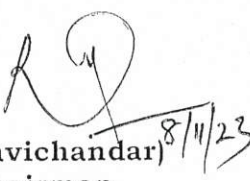
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3<sup>rd</sup> Floor,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