

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. S.P. Mani, M/s Hotel Bell Elite, R/o Gurudwara Lane, Port Blair bearing
Consumer No. D2/4732 (Hotel).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/293/23-24/25 dated 09/08/2023.
Complaint : Excess Billing bearing Consumer No. D2/4792 (Hotel)
Date of Hearing : 21/08/2023
Date of Order : 02/11/2023

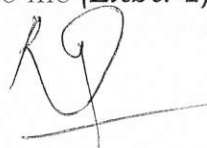
ORDER

Background

The complainant Shri. S.P. Mani, M/s Hotel Bell Elite, R/o Gurudwara Lane, Port Blair filed a complaint vide R.D. No. 141 dated 09/08/2023 regarding excess billing bearing Consumer No. D2/4792 (Hotel).

The complaint was forwarded on 10/08/2023 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer(HQ), Assistant Engineer-I(HQ), Electricity Department who represents the Respondent/ Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 21/08/2023 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 21/08/2023 at 11.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer (Workshop), Nodal Officer (CGRF), Electricity Department filed his reply/para-wise comments in affidavit format vide letter No. EL/AE(W/Shop)/2-17/2023-24/132 dated 18/08/2023, which was received by the Forum vide R.D. No. 161 dated 18/08/2023, which is kept in case file (**Exbt.-1**).



Hearing on 21/08/2023

The Hearing was held on 21/08/2023 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Shri. S.P. Mani, Complainant.
- (ii) Shri. P.M. Manesh Kumar, Asst. Complainant.
- (iii) Shri. Naveel Lall, AE-I(HQ), Elect. Dept.
- (iv) Shri. Padmanabhan, LMMR, Elect. Dept.

Statement of the Complainant

The complainant Shri. S.P. Mani stated in his complaint letter dated 09/08/2023 that *"we had opened a hotel seeing a glimmer of hope that tourism of our heavenly islands is flourishing and we can be a part of the ever-growing industry which is the heart and soul of the islands. Being from the islands we also had a thought that we can also help in the development of the heavenly islands by extending exemplary services to the tourist coming to our inlands, and also generating employment for the local youth who intend to work in the industry."*

Sir, as mentioned above in the subject, we have been facing a never-ending issue since the time we had opened our hotel. Sir, being a new property, we had taken every measure in terms of installing lights and other equipment's which do not consume high power. Even after doing so, we were finding that our monthly charges are always on the higher side for which we had initially written a letter on "14/11/2022 addressing The Superintendent Engineer, Department of electricity" and then letter on "20/02/2023 addressing him again on the same issue."

Sir, we will not say that the department had not taken any action, they tried to check on if there was any fault in the line etc., later placing a check meter to check whether there was a fault in the meter we had, they had even advised us to check our earthing system and other equipment for any fault for which we have hired three different agencies and checked for the leakage or fault and they found everything good.

Sir, by the end of all this process, we are still in the same place from we started and that is high electricity bills which are not lowering down. Sir the last month, as you may be aware that few airliners have stopped flying and many parts of mainland India is facing severe flooding etc. because of which there are not many people traveling. Sir even after having occupancy levels equivalent to zero rooms staying with us, our electricity bill is still higher and we are not sure why?."

It is therefore kindly requested from your esteemed office to help us out of this horrific situation an help us in surviving from this situation at the earliest.



The copy of the old letters and the copy of the bills are been attached with the letter for your kind reference".

The complainant submitted a copy of representation letters dated 14/11/2022 & 20/02/2023 alongwith electricity bills, which is kept in the case file **(Exbt.-2)**.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer(W/shop), Nodal Officer (CGRF), Electricity Department on behalf of the Respondent/Licensee(ED) in his written submission vide letter No. EL/AE(W/Shop)/2-17/2023-24/132 dated 18/08/2023 and stated that "the complaint lodged by Shri. S. P. Mani Partner for Hotel Bell Elite, consumer bearing A/c No. D2/4732 Residence of Gurudwara Lane, Port Blair regarding - Helping us with a way out for exorbitantly high charges of Meter bearing No. D2/4732. In this context the Assistant Engineer - (HQ) has tested the consumer meter through EESL in the presence of complainant and the parallel meter was provided for testing from 16/03/2023 to 23/03/2023 in the presence of consumer and found disparity in unit consumption (report enclosed).

The report submitted by the Assistant Engineer-I(HQ) vide letter no EL/AE/SD1/HQ/25-3/2023/315 dtd: 18/08/2023 is enclosed herewith for ready reference".

The AE(W/shop), Nodal Officer (CGRF) submitted photocopies of AE-(HQ), Elect. Dept., vide letter No. EL/AE/SD-I/HQ/25-3/2023/315 dated 18/08/2023, JE's letter No. EL/JE/AB/1-1/2023-24/2747 dated 17/08/2023 with supporting documents related to the complaints, which is kept in the case file **(Exbt.-3)**.

Submission of the Complainant

The Complainant Shri. S.P. Mani submitted that the smart meter was checked by the Electricity Department with parallel meter and showing equal reading. Further, while no occupant in the premises the consumption is showing high in the smart meter.

Submission of the Respondent (Licensee)

The AE(W/shop), Nodal Officer (CGRF) on behalf of the Respondent/Licensee (ED) stated that the AE-I(HQ) has tested the consumer smart meter through EESL in the presence of the complainant and also the parallel meter was provided for testing from 16/03/2023 to 23/03/2023 in the presence of consumer and found disparity in unit consumption.



Forum's Observation

The Forum observed that the records pertaining to non-occupation of guest as reported by the complainant does not reflect any remarks to fulfill with the complainant claim.

The Forum directed the Respondent/Licensee(ED) on Hearing dated 21/08/2023 to conduct a field verification of the existing meter with EESL representation, but till date the Licensee (ED) had not taken any action/initiative to conduct the above said test alongwith EESL report. And the report submitted by the Respondent/Licensee (ED) is also not clear to substrate the complainant's claim.

The Forum also observed that the connected load of the complainant consumer seems to be 199 KVA, which is above 100 KVA and as per Regulations the complainant consumer has to be treated as HT consumer. So the Respondent/Licensee (ED) has to taken appropriate action to include HT tariff for other categories of consumer in the upcoming tariff petition.

The Forum observed that the Respondent/Licensee (ED) conducted the accuracy test by connecting a parallel meter and found that the accuracy of the existing meter has no problem. If the complainant is not satisfied with the existing meter the department should conduct an accuracy test in any accredited lab. in mainland and the cost to be bared by the consumer as per JERC Regulation.

The Forum observes and opines as per JEC Regulation No. 23/2018 (Electricity Supply Code) under clause 6.43, the complainant may request the Respondent/Licensee (ED) to carryout special meter accuracy test 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 lab. to check smart meter 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, for future litigation.

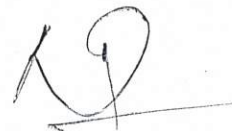


Hence,

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:-

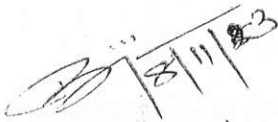
1. The Respondent/Licensee (ED) has to submit the proposed HT tariff for all other categories like HT industrial in the next upcoming tariff petition to JERC as per usual procedure.
2. The Respondent/Licensee (ED) is directed to collect the exact consumption pattern for the non occupant's days from EESL and convince the complainant consumer as per Master Agreement with EESL.
3. The complainant can approach the Respondent/Licensee(ED) to test the accuracy of the existing meter if any doubt on accuracy from an accredited lab. in mainland on consumers cost as per JERC Regulation.
4. The Complainant can explore the possibility of installation of roof top solar plant to reduce the consumption or any other energy conservation appliances to be used for further reduction of consumption.
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. 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).
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.

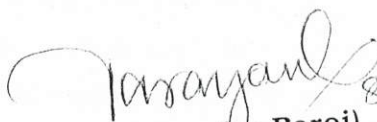


"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot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