

**BEFORE THE ELECTRICITY OMBUDSMAN**

(For the State of Goa and Union Territories)

Under Section 42 (6) of the Electricity Act, 2003

3<sup>rd</sup> Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18,  
Gurugram (Haryana) 122015,

Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in

Appeal No.162 of 2022

Date of Video Conferencing: 26.05.2022

Date of Order: 08.06.2022

Shri. Ajay Kumar Dua  
Andaman & Nicobar Islands  
Port Blair

....Appellant

Versus

The Superintending Engineer  
Electricity Department and others  
Andaman & Nicobar Islands  
Port Blair

.... Respondents

Present Parties:

Appellant(s) Shri. Ajay Kumar Dua, Appellant

Respondent(s) Ms. Deepa Nair, Executive Engineer

**Date of Order: 08.06.2022**

The Appellant has preferred an Appeal against the Non- disposal of his grievance by Ld. CGRF- Andaman & Nicobar Islands, within the prescribed time lines. The appeal/representation received in this office on 24.03.2022 by email and the same was admitted for examination and consideration on 30.03.2022. Copy of the same as received was forwarded to the respondents with a direction to endeavour to settle the representation through mutual agreement within 10 days. In case no settlement is achieved through mutual agreement, respondents should file the affidavit of counter reply in the required format, to the appeal/representation within 20 days from the date of Admission Notice. However no counter reply was filed by the Respondents and accordingly they were proceeded Ex-Parte with liberty to file the counter reply/Rejoinder before e-hearing.

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### Settlement by Mutual Agreement

- Both the parties appeared before the Electricity Ombudsman through Video Conferencing as scheduled on 26.05.2022 and were heard. Ms. Deepa Nair-Executive Engineer for the Respondent informed that she has been holding the additional charge of the post of Executive Engineer (HQ) and she has been directed verbally yesterday to appear before this Court. On being asked that this Court has not received any Vakalatnama/Authority Letter in this regard, she requested for adjournment to file the counter reply, authorization and for making efforts to reach a settlement between the parties through the process of conciliation and mediation.

**(A) Submissions by the Appellant:**

**Appellant submitted the brief facts as under: -**

**1. FACTS OF THE CASE: -**

Appellant has submitted a representation to CGRF-A&N Islands complaining that he had lodged a complaint to AE-III, Electricity Department on 24.11.2021, which has not been redressed. The following details of electricity bills after new meter installed from the month of January to till date are given below: -

Month	Reading Started	Reading Closed	Reading Difference	Amount	Remarks
01/2021	0	40	50	128	
02/2021	40	120	80	189	
03/2021	120	220	100	230	
04/2021	220	320	100	230	
05/2021	320	820	500	2920	To be Rectified
06/2021	820	1120	300	1480	To be Rectified
07/2021	1120	1838	718	4555	To be Rectified
08/2021	1838	2116	278	1322	To be Rectified
09/2021	2116	2286	170	610	
10/2021	2286	2577	291	1415	To be Rectified
11/2021	2577	2938	361	1904	To be Rectified

The above table shows that May, June, July, August, October, and November- 2021, the meter readings are very high whereas no alteration was done at home. As per my knowledge meter reader is not coming for taking reading and he put his own figures. The meter readings shown in bills and actual meter readings in energy meter are not matched /dead in physically. Further I am to say that I was posted at Hut Bay, as Branch Manager, Cooperative Bank from April 2021 to October, 2021. My wife and daughter were living together at home i.e., 2 BHK.

**Prayers**

- Rectify the above said electricity bills for the month of May, June, July, August, October and November, 2021 as per used consumption by us and excess amount may adjust in future bills.
- Please check the energy meter, bearing consumer No. H3/8493, if found defective kindly replace immediately.
- My energy meter bearing Consumer No. H3/8493 may not disconnect till redress my grievance.



I further add in my statement that due to delay in settlement of my grievance for more than 80 days. I had received 2 more months electricity bill which is very high (i.e. 01/2022 & 02/2022) and the same may be included in my grievance. Due to pressure of the department for disconnection of electricity meter, I had settled all bills except recent received bill i.e. 02/2022. I requested to refund or adjust the excess paid amount in the future electricity bill at your end.

My grievance is pending for more than 80 days in the Electricity CGRF, A & N Islands. Hence, this complaint. My prayer is to rectify my electricity bills for the month of 05/2021, 06/2021, 07/2021, 08/2021, 10/2021, 11/2021, 12/2021, 01/2022 & 02/2022 as per unit consumed by us and excess paid amount may be adjusted in the upcoming future bills.

**(B) Submissions by the Respondents: -**

1. The Respondent/Electricity Department- A&N Islands did not file the counter reply on merits. However, during e-hearing on 26.05.2022, Ms. Deepa Nair-Executive Engineer for the Respondent requested for adjournment to file the counter reply, authorization and for making efforts to reach a settlement between the parties.

**(C) Ld. CGRF-A&NI, preferred for Appeal:**

- (i) Ld. CGRF-A&NI, has neither heard the matter nor passed any order within the stipulated time, as per Regulations

**(D) Deliberations during Video hearing on 26.05.2022:-**

**1. Appellant's Submission:**

- (a) Shri Ajay Kumar -Appellant reiterated his version as submitted in the Appeal and requested early resolution to his complaint.

**2. Respondent's Submission:**

- (a) Ms. Deepa Nair-Executive Engineer for the Respondent informed that she has been holding the additional charge of the post of Executive Engineer (HQ) and she has been directed verbally yesterday to appear before this Court.
- (b) On being asked that this Court has not received any Vakalatnama/Authority Letter in this regard, she requested for adjournment to file the counter reply and authorization.
- (c) Therefore, the e-hearing was adjourned in the interest of justice and the Respondents were again directed vide email dated-26.05.2022 to: -
  - (i) Please file Vakalatnama/Letter of Authority to nominate Ms. Deepa Nair-Executive Engineer, to appear on behalf of the Respondents.
  - (ii) Please file the counter reply in this Appeal with a copy to the Appellant within 07 days.
  - (iii) As reported by the Respondents in the e-hearing today that leakage has been detected in the Smart Meter report, therefore a tested Check Meter may also be installed within 4



days, **after the consumer main switch/cut out/MCB** with an independent and separate earth (**other than Electricity Department's earth**) in order to ascertain the cause of leakage, and its readings may be intimated in the counter reply along with the readings of existing /present consumer meter (Smart meter) and check meter. The existing/present consumer meter (Smart meter) and existing check meter and Check Meter installed after the consumer **main switch/cut out/MCB** should not be removed till further orders.

(E) **Findings & Analysis:** -

1. I have perused the documents on record and pleadings of the parties.
2. The documents submitted by the parties have been believed to be true and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.
3. The Respondents has attached the letter of the Appellant vide their email dated-31.05.2022, which is reproduced below: -

The Electricity Ombudsman  
Gurugram, Haryana

Dated : 30.05.2022

**Subject: Withdrawal of appeal / representation filled to the office of Electricity Ombudsman vide appeal No. 162 of 2022 against CGRF A& N Electricity Department-reg**  
**Sir,**

I Shri. Ajay Kumar Dua R/o Bathubasti, Port Blair filed a representation in the office of Electricity Department vide appeal No. 162 of 2022, now I intent to withdraw the above representation with the reason after your intervention the officer of Electricity Department, Port Blair had visited my residence verified/checked all possible defects/faults and rectified all them and settled the issue. Now I had no grievance against the Electricity Department.

Hence the above representation may please be treated as withdrawn. Sorry for the inconvenience.

Thanking You for your noble intervention for resolving the issue generously.

Shri. Ajay Kumar Dua  
R/o Bathubasti, Port Blair

Copy to:

1. The Executive Engineer (HQ), Electricity Department, Port Blair for information and necessary action please.
2. The Assistant Engineer-III(HQ) Electricity Department, Port Blair for information

Shri. Ajay Kumar Dua  
R/o Bathubasti, Port Blair

4. I have perused the documents on records. Both the parties have mutually agreed to reconcile the issue and Appellant has confirmed that officers of the Electricity Department have cleared all the doubts and settle the issue and now he had no grievance against the Electricity Department.



5. However, it has come to the notice of this authority that at present CGRF is not functioning as no Chairman/Member has been appointed by the Licensee after the vacancy / retirement of earlier Chairman/Member as per CGRF and Ombudsman Regulations.
6. The issue of non-filling up the vacancies of Chairman/Member also came to the notice of this authority in Appeal No-148 of 2021 and Appeal No-149 of 2021. In the Final order dated 11.10.2021 and 22.09.2021 in the said Appeals, it was directed to fill up the vacancies of Chairman and Member of CGRF-A&N Islands within a period of **Two Months** from the date of the issue of Final order by e-mail.  
Similar order dated 01.06.2022 was also passed in Appeal No. 165/2022. However, no action has been taken for more than eight months. Therefore there is a willful disobedience in not implementing the orders of this Court and intentional harassment to the consumers.

**(F) DECISION:-**

1. For the reasons discussed above, the appeal of the Appellant is dismissed as withdrawn.
2. Secretary (Power), Electricity Department/Licensee, Andaman and Nicobar Islands, Port Blair is directed to fill up the vacancies of Chairman and Member of CGRF within a period of One Month as per CGRF and Ombudsman Regulations-2019, as directed in Appeal No-165/2022 filed by Sh. K Parasuram.
3. In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
4. The Electricity Department/Licensee should submit a compliance report to the office of Ombudsman on the action taken in this regard within **45 days** from the date of issue of this order by email.
5. Non-compliance of the orders of the Ombudsman by the Electricity Department/Licensee shall be deemed to be a violation of Regulations and shall be liable for appropriate action by the Hon'ble Commission under the provisions of the Electricity Act, 2003.
6. The appeal is disposed of accordingly.



08/6/2022

(M.P. Singh Wasal)  
Electricity Ombudsman  
For Goa & UTs (except Delhi)

**Dated: 08.06.2022**

