

BEFORE THE ELECTRICITY OMBUDSMAN
For the State of Goa and Union Territories (Except Delhi)
3rd Floor, Plot No. 55-56, Udyog Vihar- Phase IV, Sector 18,
Gurugram (Haryana) 122-015

Ph.0124-4684715, Email: ombudsmanjerc@gmail.com

APPEAL No. 111/2019

Date of Hearing: 30.05.2019 at Chandigarh

Smt. Kamaljit Kaur Bhangu

W/o S. Jagminder Singh Bhangu

R/o H. No. 3010/1,

Sector 44-D, Chandigarh.

...Appellant(s)

Versus

The Superintending Engineer,

Electricity Wing of Engineering Department,

Deluxe Building, Sector 9D,

Chandigarh- 160 009.

...Defendant(s)

Parties present:

Appellant

Sh. Jagminder Singh.

Husband of Smt. Kamaljit Kaur.

Respondents

Sh. Anil Dhamija.

Executive Engineer, OP division No.4

Sh. Khemraj,

Sub Divisional Officer, OP S/Division No. 9.

Sh. Joginder Pal,

RA

Date of Order: 14.06.2019

The appellant has preferred an Appeal against the CGRF Order dated 16.03.2018. The Appeal was admitted on 15.04.2019 bearing Appeal No. 111 of 2019.


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A. Submissions by the Appellant:

1. The flat was purchased on 20.12.2016 and same was vacant for an year.
2. On 01.11.2017 the flat was rented out to Smt. Rupinder Kaur where she found out that the meter is not working which was reported orally to the Respondent.
3. The meter was dead for two cycles only but the respondents have sent the electricity bill for consumption for 25 months which is totally against the law and injustice has been done to him. She received the bill on average basis of Rs. 59082/-
4. The matter was brought before the CGRF, Chandigarh against the excessive bill of the electricity consumption. The award dated 16.03.2018 was passed by CGRF and she is not satisfied with the same.
5. Necessary direction may be given to the Electricity Department to adjust the excess amount paid.

B. Submissions by the Respondent:

1. The connection stands in the name of Shri Narinder Kumar # 3010/1 Sector 44-D Chandigarh.
2. The meter was found to be dead stop from 26.10.2015 and it was accordingly replaced with a new one on dated 27.11.2017.
3. The account was over hauled and average charged w.e.f. 26.10.2015 to 27.11.2017 i.e. 25 Month @538 units per month on the basis of previous consumption 08/2014 to 08/2015 and amount assessed of Rs. 59082/- which was reflected in the bill issued on 25.01.2018.
4. In respect to figure out the amount for the period when meter wasn't functioning, the average consumption of the previous year i.e. 26.08.2014 to 26.08.2015 was taken into account as per amended regulation 8.1(16) of the Principal Regulations of 2010.
5. Hence the bill raised is correct and appeal may be dismissed.


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C. Consumer Grievances Redressal Forum (CGRF):

Consumer Grievances Redressal Forum, Chandigarh in its order dated 16/03/2018

has decided as under:-

1. *The Complainant has been paying the water bills issued on average basis which does not prove his contention that no water consumption was there and flat was not occupied.*
2. *School leaving certificate can also not be taken as a sufficient proof for his not occupying the flat.*
3. *Whereas immediately after the replacement of the dead meter with new one, the consumption has shot up.*
4. *Hence the forum has accordingly disposed of the plaint.*

D. Discussions during hearing: -

1. Appellant(s):

- a. The appellant requested that the house had remained unoccupied upto 01.11.2017 after his purchase on 20.12.2016 and the house was vacant even before that also due to which there was no/very low consumption.
- b. The bills have been raised on the basis of actual reading of the meter as shown by the Z Code in the metering status of the reply of the Respondents also.
- c. So average assessment of consumption may be made only for two billing cycles only.

2. Respondent(s):

- a. The bills have been raised for 25 months has the meter inconsistent readings during that period.
- b. No information was given by the consumer that his house shall be vacant.

E. Analysis & Decision:

1. Regulation 8.1(15) of the electricity Supply Code, 2010 provides:

It shall be the responsibility of the meter reader to note down the details of every stopped/ defective meter, conditions of meter/seal and conditions of LCD/LED of electronic meter and in case of any abnormality shall file a report to the concerned officer who shall be responsible to take immediate steps to replace or repair the



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stopped/ defective meter or action taken, if required, in accordance with provisions of the Act.

No such defect in the meter has been noted down by the meter reader from the 26.10.2015 to 26.06.2017 and billing has been done on the basis of actual reading taken by the meter reader as is evident from 'Z' Code shown in the meter status.

2. Regulation 8.1(16) of the electricity Supply Code, 2010 (as amended) provides:

In order to recover the energy charges for the duration when the meter remains non- functional, average monthly consumption of corresponding month/billing cycle of the previous year shall be adopted. If the same is not available, average monthly consumption of the previous one year shall be adopted for recovery of energy charges, subject to minimum monthly charges or as otherwise provided in the tariff order of the Commission in force. In case, check meter is available, the readings of the check meter may also be used for assessment of consumption. In case of HT consumers, if during the period when the main meter is defective, the check meter is not installed or is also found defective, the quantity of electricity supplied shall be determined as state above. In case the meter becomes defective immediately after its installation and prior consumption is not available, then billing shall be done provisionally on the basis of formula specified in Annexure 7 subject to adjustment on the average consumption of corresponding period of next year. If the same is not available, adjustment shall be made with average consumption of subsequent period of one year/ about one year. Such provisional/ average billing shall not continue for more than 2 billing cycles.

So provisional/ average billing should be continued for upto 2 billing cycles and not for 25 months as has been done in the instant case.

3. In view of the above, the presumption of the defective meter from 26.10.2015 to 26.06.2017 is not justified. The billing for the period from 26.06.2017 till replacement of defective meter be only considered as the defective period, as also evident from meter status code of the respondent.

4. It is suggested that even though no defect in working of Energy meter is detected by the meter reader but the consumer's consumption dips below say 10% of annual average consumption for two continuous billing cycle a code can be generated in billing software for inconsistent billing & working of the meter can be ensured at that time only.

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Presumption of defective meter for two years after regular billing, based only on inconsistent (nil or very low) consumption in past, is unjustified.

5. The consumer's account be overhauled by billing the consumer as per actual readings recorded by the meter reader from 26.10.2015 to 26.06.2017 and considering as defective period from 26.06.2017 till date of replacement of defective meter. The payment made for the assessed bills considering the meter as defective from 26.10.2015 to 26.06.2017 be adjusted/refunded in the bills of the consumer.

The Appeal stands disposed off accordingly.



(Rajesh Dangi)
Electricity Ombudsman
For Goa & UTs (except Delhi)
14.06.2019

To,

1. Sh. Kamaljit kaur Bhangu,
W/o S. Jagminder Singh Bhangu,
R/o House No. 3010/1,
Sector 44-D, Chandigarh.
2. The Superintending Engineer,
Electricity Operation Circle
Room no. 511, 5th Floor
Deluxe Building, UT Secretariat
Sector-9D, Chandigarh.
3. Executive Engineer,
OP Division No. 4, Electricity Department
UT, Chandigarh.
4. Assistant Executive Engineer,
OP Sub-Division No.9, Sector-43,
Chandigarh.

Copies to:

1. The Chairman, CGRF, Chandigarh.
2. Sh. Arvind, JERC for uploading the Order on JERC website.