

**JOINT ELECTRICITY REGULATORY COMMISSION FOR
THE STATE OF GOA AND UNION TERRITORIES
GURGAON**

Coram
Dr. V.K. Garg, Chairperson
Shri S.K. Chaturvedi, Member
Petition No. 84/2012

In the matter of

Removal of difficulty in the matter of interpretation of Regulation 10.1(2) (i) of Joint Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2010 in view of orders passed by Consumers Grievances Redressal Forum Chandigarh.

And

Electricity Department UT of Chandigarh at Chandigarh.

Present:

1. Shri M.P. Singh, Superintending Engineer, ED- Chandigarh,
2. Shri Sunil Sharma, XEN, ED- Chandigarh,Petitioner

Order

05.11.2012

Representative for petitioner submitted that provisional bills are being raised in accordance with provisions of Section 126 (1) of the Electricity Act, 2003 and Regulation 10.1(2)(i) of Joint Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2010, but no consumer filed objections against the provisional assessment order before the assessing officer. The consumers directly represented before CGRF – Chandigarh. ED-Chandigarh stated that under section 127 of E.A, 2003 appeal can be filed before an appellate authority after the passage of the final order by the assessing officer under section 126 of E.A, 2003 and as per the licensee the CGRF is not competent to entertain and decide the representation.

The Commission considered the submissions made by the representative of the petitioner and opined that merely writing section 126 of E.A, 2003 on the provisional order of provisional assessment, does not make offence under section 126 of E.A, 2003 and also does not debar CGRF from entertaining representation. The CGRF can consider the representation/ grievance and can form opinion as to whether the matter falls u/s

126 of E.A, 2003 or not; or in case of lack of clarity, can refer to the assessing officer/licensee to ascertain as to how a particular grievance falls u/s 126 of E.A, 2003 and not otherwise. The Commission further observed that in cases of inspection, hefty penalties are included in the bills raised by ED- Chandigarh, even when the electricity meters were found intact by the assessing officer. The electricity consumed by the consumer was being correctly recorded in the meter. The consumer was found to have connected load in excess of sanctioned load only. This fact is established by the provisional report of the assessing officer in many cases.

The Commission further observed that most of the meters do not have maximum demand recording facility, therefore, it cannot be ascertained that even if the connected load was found higher than the sanctioned load, whether the consumer was actually using it or not. Such consumers should not be penalized merely on the presumption that as the connected load was higher than sanctioned load, simultaneously maximum demand too would have been higher.

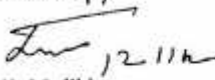
The Commission is already in the process of removing such gaps by way of amendment in JERC (Standards of Performance) Regulations, 2009. The Commission directs that till amendment in the JERC Regulation (Standards of Performance) Regulations, 2009 takes place, the bills of penalty/penal charges for load violation in domestic supply where electricity meters are correctly recording the energy, shall not be raised.

Hearing, if required, will be held after amendment in JERC Regulation (Standards of Performance) Regulations, 2009.

Sd/-
(S.K.Chaturvedi)
Member

Sd/-
(Dr. V.K. Garg)
Chairperson

Certified Copy


(R.K. Malik)
Secretary

R. K. Malik
Secretary
Joint Electricity Regulatory Commission
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