



Office of the Electricity Ombudsman

(Appointed by the Joint Electricity Regulatory Commission
for The State Of Goa & UTs under Section 42(6) of the Electricity Act, 2003)
2nd Floor, HSIIDC Office Complex, Vanijya Nikunj Complex, Udyog Vihar, Phase-V
Gurgaon – 122016, Haryana
Ph. 0124 – 2875304 Fax:- 0124 – 2342853
Email : ombudsmanjerc@gmail.com

Ref No: 1/92/2016- EO/

Dated: 07.03.2017

Appeal No. 82/2016

Sub: Representation/ Appeal before the Electricity Ombudsman for JERC for the State of Goa and UTs against the Order dated 23.02.2016 of CGRF, Chandigarh filed by Sh Harbhajan Kaur, House No.869, sector-38-A, Chandigarh regarding billing dispute.

**Sh. Harbhajan Singh,
House No.869, Sector-38-A,
CHANDIGARH.**

Appellant

V/s

**The Superintending Engineer,
Electricity Operation Circle,
Room No. 511, 5th Floor,
Deluxe Building, UT Secretariat,
Sector -9 'D',
CHANDIGARH- 160 009.**

On behalf of licensee

Respondent

Hearing on Tuesday, 28th February, 2017

Present: R. K. Kaul, Electricity Ombudsman, JERC for Goa and UTS.

On behalf of the Appellant:

- 1. Sh. Naresh Kumar Arora,
C/o Sh.Harbhajan Kaur,
House No.869, Sector-38- A,
Chandigarh.**

h4

On behalf of the Respondent:

1. **Shri Anil Dhamija,**
Executive Engineer,
Electricity Department,
Electricity Operation Division No. 4,
Sector-18,
CHANDIGARH.
2. **Er. Jasvinder Singh,**
S.D.O.,
Electricity Department,
Electricity Operation Division No. 10,
CHANDIGARH.
3. **Shri Prabhat Singh,**
R.A,
Electricity Department,
Electricity Operation Division No. 10,
CHANDIGARH.

Dated: 06.03.2017

ORDER/ RECOMMENDATION

The Appeal/ Representation cited above received in the Office of Electricity Ombudsman for the State of Goa and UTs was admitted on 16.11.2016. A copy of the same as received was forwarded to the Respondents on the same day with the direction to submit their remarks/ counterstatement on each of the points relating to the matter of this representation supported by copies of relevant documents, latest by 06.12.2016 with a copy to the Appellant. The point wise reply of the Respondents has been received in the Office of Ombudsman on 09.12.2016.

Settlement by Agreement

Both the parties appeared before the Electricity Ombudsman as scheduled and were heard. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement mutually agreeable could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put forth their pleadings on the matter.

Prayer :

- CGRF, Chandigarh Order dated 28.09.2016 may be set aside.
- Sundry charges quashed.

lu

Pleadings by the Parties

The Appellant :

- The Appellant re-iterated the points as detailed in his representation.
- It was explained that the consumer received a bill on 21.04.2016 in which Rs 21,520/- (Rupees Twenty One Thousand Five Hundred Twenty only) were added as sundry charges and have been charged illegally and unlawfully.
- The consumer's electricity meter was changed on 25.07.2015, being shown as defective.
- The Appellant was charged on average basis first @ 320 units/month from 16.01.2014 to 16.05.2015 and subsequently @ 370 units/Month for the period 16.11.2013 to 25.07.2015.
- The consumer's premises were not occupied for the period the Licensee has charged on average basis, showing the meter as non-functional during the period.
- The consumption of electricity is on higher side when the premises are occupied whereas the premises were vacant, when the meter was out of order.

The Respondent:

- The Respondent re-iterated the points as already submitted in his written submission.
- It was submitted that an electricity connection existed in the name of Shri Harbhajan Singh, H. No. 869, Sector 38 – A, Chandigarh for sanctioned load of 3.980 KW.
- The meter of the consumer was replaced vide MCO No. 28/655 dated 24.07.2015, being defective.
- While overhauling the account of the consumer, it was observed that the meter was defective from 16.11.2013 and accordingly bill raised on average basis from 16.01.2014 to 16.05.2015 @ 320 units/Month.
- After the installation of new meter and taking average for the period 25.07.2015 to 16.01.2016, which amounted to 370 units/month, the consumer's account was overhauled and sundry charges raised.

Brief facts of the case

- Shri Harbhajan Singh is a bonafide holder of electricity connection with sanctioned load of 3.980 KW.



- In March, 2014 the Meter Reader of the Licensee found the above meter was defective.
- The meter was changed only on 24.07.2015. at a very late stage. The meter was not got checked up in the laboratory.
- The consumer's account has been overhauled, on the basis of an average @ 320 units/Month for the period 16.01.2014 to 16.05.2015.
- The consumer's account was again overhauled after the installation of new meter on 24.07.2015, taking the average for the period 25.07.2015 to 16.01.2016 @ 370 units/Month.
- As per the consumer, his premises were lying vacant during the period, the meter was shown defective and the sundry charges were not leviable.

ORDER

The consumer will submit the proof of his premises being vacant for the period the sundry charges have been levied by way of **Agreement Deeds** and letter from the neighbours, with whom the consumer's keys were lying during the vacant period of the premises latest upto 30.03.2017. If the Licensee is satisfied the sundry charges may be waived off and the account overhauled accordingly.



(R. K. Kaul)

Electricity Ombudsman

1. **Sh. Harbhajan Kaur**, House No.869, Sector-38-A, Chandigarh.
2. **The Superintending Engineer**, Electricity Operation Circle, Room No. 511, 5th Floor, Deluxe Building, UT Secretariat, Sector -9 'D', Chandigarh- 160009

Copy to:

1. **The Secretary**, JERC
2. **The Chairman**, CGRF, Electricity Department, 5th Floor, Room No. 531, U.T. Secretariat Building, Chandigarh
3. **Shri Prateek / Arvind**, JERC, Gurgaon: for uploading of the Order on the JERC's website.

