



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)
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Ref No: 1/115/2018- EO

Date: 20.11.2018

Appeal No.104/2018

Sub: Representation/ Appeal before the Electricity Ombudsman for the State of Goa and UTs (Except Delhi) against the order dated 06.07.2018 of CGRF, Chandigarh filed by Sh. Vaneet Gulati, House No.583, Sector 20-D, Chandigarh regarding billing dispute.

Sh. Vaneet Gulati,
House No.583, Sector 20-D,
Chandigarh.

....

Appellant

V/s

The Superintending Engineer,
Electricity Operation Circle,
Room No. 511, 5th Floor,
Deluxe Building, UT Secretariat,
Sector -9D,
CHANDIGARH- 160009.

.....On behalf of licensee Respondent

Hearing on Tuesday, 30th October, 2018

Present: Mr. S.C. Vashishta, Electricity Ombudsman, JERC for Goa and UTs.

On behalf of the Appellant:

Sh. Vaneet Gulati,
House No.583, Sector 20-D,
Chandigarh.

On behalf of the Respondent:

1. Sh.Gurpreet Singh,
Sub Divisional Officer
Electricity Operation Sub Division No. 6,
Sector- 20-C, CHANDIGARH.

2. Ms.Meenakshi Sharma, (A.RA),
Electricity Operation
Sub Division No. 6,
CHANDIGARH.

Dated: 20.11.2018

Order/ Recommendation

(Settlement through mediation and conciliation)

The appeal/ representation cited above received in the Office of Electricity Ombudsman for the State of Goa and UTs was admitted on 13.08.2018. A copy of the same as received was forwarded to the Respondent on the same very 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 03.09.2018 with a copy also to the Appellant. The point wise reply of the Respondent has been received in the Office of Ombudsman on 20.09.2018.

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.



Pleadings by the Parties

The Appellant:

- The Appellant re-iterated the points as already submitted in his written submission.
- That the appellant is a resident of House No. 583, Sector - 20-D, Chandigarh and is having an electricity connection bearing A/c No.306/2044/058301K.
- That a notice dated 27/04/2018 was received by him from the Electricity Department for charging an amount of Rs.28109/- on average basis on account of meter defective during the period from 26/08/2016 to 10/03/2018
- That he had shifted from this house on temporary basis in the month of August,2016 and reshifted back to this house in the month of January ,2018
- That when the department did not agree to his request of correcting the bill, he approached the CGRF Chandigarh, for redressal of his grievance.
- That after hearing the case, the CGRF rejected his complaint vide order dated 06/07/2018.
- That the appellant submitted that since his premises were lying vacant during the said period, the average should not be charged.
- That he further contended that in the present case the average should be charged as per the provisions contained in clause no.7.5 (2) (ii), according to which he should not be charged beyond a period of 3 months.
- That he also submitted that the electricity department should have replaced the defective meter as per the regulations, immediately when it was noticed that the meter is not working/dead stop.



The Respondent:

- The Respondent re-iterated the points as already submitted in his written reply.
- That when the meter was reported to be dead stop, the same was replaced on 10/03/2018 vide MCO No.57/208 dated 07/03/2018.
- That the average has been charged as per the regulations, w.e.f. 26/08/2016 to 10/03/2018 based on the previous year's consumption pattern w.e.f. 26/08/2015 to 26/08/2016 @355 units per month and revised bill raised accordingly, after deducting the already deposited bills by the consumer.
- That the appellant intimated regarding not living in the said premises during the period the meter was defective, only after the department has charged the bills on average basis for that period.
- That in view of the substantial consumption being recorded again, immediately after the replacement of the meter in the month of March, 2018, the contention of the appellant that nobody was living in the premises during the disputed period can not be accepted.
- That the average has been rightly charged as per the amended regulations for the dead stop meters, where as the regulation under clause No.7.5 (2) (ii) of the supply code, as requested by the appellant, pertains to the meters found to be fast or slow and in the present case the meter was found to be dead stop.
- That the respondent further submitted that as per the regulations, it is also the responsibility of the consumer to intimate to the department regarding meter defective or less billing as per his usage immediately after it comes to the notice of the consumer.
- That keeping in view the above facts, the contentions of the complainant can not be accepted and his complaint may please be dismissed.



Prayer

- The Appellant has requested to issue directions to the electricity department for getting the electricity bill rectified accordingly.

Findings


- The meter bearing Account No.306/2044/058301K remained defective/dead stop during the period 26/08/2016 to 10/03/2018.
- That the dead stop meter was replaced on 10/03/2018 vide MCO NO.57/208 dated 07/03/2018 and the account of the consumer has been overhauled after deducting the already deposited amount of the bills by the consumer.
- That though the appellant is right in his submission that the meter should have been replaced by the department as soon as the same was noticed to be dead stop but at the same time, as per regulations, the appellant/consumer has also not fulfilled his responsibility of not intimating the department regarding the meter defective or less billing as per his usage as soon as it came to his notice.
- That the contention of the consumer/ appellant that he was not living in the said premises during the period the meter was defective /dead stop can not be considered, in view of the substantial consumption being recorded immediately after the replacement of the meter.
- That the licensee department has rightly overhauled the account of the consumer/ appellant for the period 26/08/2016 to 10/03/2018, on the basis of average of previous year's consumption pattern w.e.f. 26.08/2015 to 26/08/2016, as per the amended regulation 8.1(16) and has raised the revised bill accordingly.



ORDER

Based on the above, the representation /Appeal is disposed of with the following order.

- The CGRF order dated 06/07/2018 is upheld.


(S.C. Vashishta)
Electricity Ombudsman
JERC for Goa and UTs

1. **Sh. Vaneet Gulati**, House No.583, Sector 20-D, 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, Old B& R Building, Adjacent to office of Haryana Tax Tribunal Sector 19-B, Chandigarh.