

BEFORE THE ELECTRICITY OMBUDSMAN
For the State of Goa and Union Territories (Except Delhi)

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APPEAL No. 97/2017.

Date of Hearing: 30.11.2017 at Port Blair

Sh. Gurudas Das
M/s Hotel Tango Waves,
Police Line, P.O. Junglight
Port Blair, A&N Islands

..... Appellant

Versus

The Superintending Engineer
Electricity Department,
Andaman and Nicobar Administration
Port Blair – 744101.

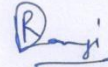
..... Respondent

Parties present:

Appellant	Sh. Gurudas Das M/s Hotel Tango Waves, Police Line, P.O. Junglight Port Blair, A&N Islands
Respondents	Mr. B.Ajit Kumar, Executive Engineer (HQ),Elect. Mr. Jalaj Ghosh, Assistant Engineer (HQ)-II Mr. P. Prasad, Junior Engineer(S/Pur.) Incharge Mr. Suman Kishen, Junior Engineer (Tech.)HQ Divn. Electricity Department, Andaman and Nicobar Islands.

Date of Order: 05.12.2017

The Appellant has preferred an Appeal against order of the Consumer Grievances Redressal Forum, Andaman & Nicobar dated 05.10.2016 and 20.7.2017 in Complaint No.ANI/CGRF/98/2016-17/06 dated 18.7.2016 and No.ANI/CGRF/111/2017-



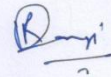
18/07 dated 22.6.2017. The Appeal was admitted on 23.10.2017 as appeal No. 97 of 2017.

A. Submissions by the Appellant:

1. The Electricity department has collected double amount to the actual consumption charge and also prayed for refund back the excess amount paid by him to department as directed by CGRF, A&N.
2. Excess amount which is collected from me be given back.

B. Submissions by the Respondent:

1. Shri Gurudas, M/s Tango waves, R/o Police Line, Port Blair, A&N Islands, consumer No.E/1630 filed a complaint to the CGRF, Port Blair on 18.7.16 regarding excess bill amount. The hearing of the case was fixed on 2.8.16. After the hearing the CGRF vide order dated 5.10.2016 forwarded vide CGRF letter No.ANI/CGRF/10-98/1962-67 DATED 17.10.16(Flag-A) had passed the following order.
 - (i) The licensee is directed that the consumer shall be billed as per the old meter(50/5) and the new meter in parallel with 200/5 CT shall be used as check meter and after a reasonable time either of the meter can be dismantled.
 - (ii) The Licensee is directed to consider refund of any excess amount, if charged in excess to the actual consumption, only after solving the mystery of physically found 50/5 CT and the record showing the CT as 100/5.
 - (iii) The Licensee is further directed that hereafter the make, model, serial number of all the CT's used with the energy meter shall be prominently



recorded in all the registers such as stock register, daily material issue register and the reading book.

- (iv) The Licensee is also directed that the energy meter and the corresponding CT's are placed in a Temper proof box duly sealed so that the suspicion of CT replacement/tampering etc. is ruled out.
2. Accordingly the department had billed as per the old meter (50/5) and a new meter in parallel with 200/5 CT was installed as a check meter. Also as per CGRF order the make, model, serial number of all the CT's used with the energy meters are being prominently recorded in all the registers such as stock register, daily material issue register and the reading book. Also the energy meters and the corresponding CT's are placed in a Temper proof box duly sealed so that the suspicion of CT replacement/tempering etc. is ruled out.
3. The CGRF had also ordered to refund any excess amount, if charged in excess to the actual consumption only after solving the mystery of physically found 50/5 CT and the record showing the CT as 100/5. The Electricity department had made its best efforts to solve the mystery of physically found 50/5 CT and the record showing the CT as 100/5, but due to non solving of the mystery, refund of any excess amount, if charged in excess to the actual consumption could not be executed by the department.
4. The complainant Shri Gurudas Das, Proprietor, Hotel Tango waves, Police line, Port Blair had applied to the Electricity Department for a three phase commercial connection in 2013 and the same was provided on 26.9.13. The bill was raised on the basis of 000 reading from Oct.2013 to Nov.2013 as per



the meter reading book. The calculation was done on the basis of 100/5 CT and multiplication factor of 20. This continued till March, 2016 when a direction was received from the Chairman, CGRF to check the CT of the complainant. On inspection it was found that the CT was of 50/5 and not of 100/5. Accordingly the MF was reduced to 10 instead of 20 and the bill of April, 2016 was rectified and reissued to the complainant.

5. On request of the complainant, the meter was tested by the Vigilance unit of the department on 8th March, 2014. The Meter Testing report-result indicated that the Meter was found O.K. and the CT ratio was indicated as 100/5. Through the stock register it was revealed that the Shadipur site office neither received and entered any CT of 50/5 nor issued any 50/5 CT. Instead CT of 100/5 was issued for providing 3 phase commercial connection to Shri Gurudas Das of Hotel Tango waves on 26.9.13. The then Junior Engineer, Shadipur site office had stated that during his tenure as J.E. Shadipur site office the electric connection was provided to the complainant. He had issued the meter with CT of ratio 100/5 and later on, on request of the complainant the meter was tested by the Vigilance section and the report was O.K. The J.E. denied issuance of any CT of 50/5. During the period of issuance of connection to Hotel Tango waves there existed no availability of 50/5 CT in the Shadipur site office.
6. He sent his meter reader who informed the presence of a 50/5 CT. The J.E. then visited the premises and checked the CT to find it of 50/5. On the basis of this the J.E. rectified the bill on the basis of the multiplication factor of 10, instead of 20 and reissued the electricity consumption bill to the complainant.



7. The CGRF in its order dated 5.10.16 has ordered to refund any excess amount, if charged in excess to the actual consumption only after solving the mystery of physically found 50/5 CT and the record showing the CT as 100/5. As such the department could not proceed ahead with refund of any excess amount to the complainant since the mystery was not solved.
8. Under such circumstances as stated above, it is clearly evident that the department shall refund any excess amount, if charged in excess to the actual consumption to the complainant but due to the mystery factor the department is unable to proceed ahead with refund of any excess amount to the complainant.
9. Since the basic motive of the complaint is to refund any excess amount, it is therefore requested that the department may kindly be permitted to refund any excess amount, if charged in excess to the actual consumption to the complainant without linking it to the mystery factor so that the complainant gets relief and the case is settled.

C. CGRF order preferred for Appeal:

Consumer Grievances Redressal Forum, A&N in its order dated 05/10/2016 has decided as under:-

1. *It has been observed that the meter and CT are not guarded and can be approached by any one. Only one CT plate is dominantly legible (the CT 50/5) while rest 2 out of total 3 plates are completely illegible and the name plates are not visible. On the request of the Complainant, his meter was also tested on 5.8.2014 and it was found OK. The meter testing report also stated that it had a 100/5 CT. The complainant showed his*

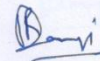
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ignorance about anything since he had never took note of meter or allied accessories before thinking of approaching the CGRF.

2. The Licensee acted smart and clever by fixing a parallel meter with CT of 200/5 ratio and recorded daily reading to ensure the comparative consumption with that of the meter with CT of 50/5 at the premises of the Complainant. However, the comparative unit consumption, recorded on the basis of 200/5 CT and the existing 50/5 CT, calculated on the basis of applicable MF shows identical consumption in kwh. Hence, on the basis of all official documents/records, it is an undeniable fact that the Complainant was issued with a 100/5 CT on 26.9.2013 for his Hotel Tango Waves at Police Line under Shadipur Electricity Site office. How this was substituted or changed is a mystery. At the same time, it has also been observed that there was some miscalculation (As shown in the comparative unit consumption statement of 200/5 vis-à-vis 50/5 CT meters parallel run at the complainants Tango Waves premises) either manually or by computer software. The bill of 4/2016 submitted by the complainant to substantiate his claim of it being an inflated bill, has been revised and rectified, and also the subsequent bills have not shown any inflated amount. The complainant failed to place any other old bills.

3. Analytical observation:

Observation	Comments
The department has provided an additional energy meter with 200/5 CT in parallel with the old energy meter with 50/5 CT on 5.8.2016	There was some erratic variation in the consumption however, on advice of the CGRF the connection were rechecked and corrected.
Finally, the JE has submitted the readings, duly signed, for both the	<u>The consumption recorded by both the meters are same i.e. 489 units by old</u>



<i>meters from 7.9.2016 to 26.9.2016 i.e. for 18 days.</i>	<i>meter (50/5) and 488 units by new meters (200/5).</i>
<i>The physically present existing CT is of 50/5 ratio but all the records examined indicates that 100/5 ratio CT was installed.</i>	

C. Discussions during hearing:-

1. Appellant submission:

- (i) He submitted that a new connection was installed at his premises in Sept.2013.
- (ii) He started receiving very high bills from the very beginning.
- (iii) As suggested by Electricity department, I got my meter tested in Feb.2014 from Electricity Department but they said that meter was ok.
- (iv) I kept receiving very high bills upto March 2016.
- (v) My electricity bill for April 2016 was revised as per multiplying factor of 10 on the basis of 50/5 CT physically found at his premises.
- (vi) He has been receiving his electricity bill based on multiplying factor of 10 from April 2016 till date.
- (vii) The excess payment made from date of installation meter to March 2016 may be revised as per multiplying factor of 10 instead of 20 as he has not consumed such electricity.

2. Respondent submission:

- (i) No CT of 50/5 has ever been procured by the department.
- (ii) All documents show that 100/5 CT was issued and commissioned.



(iii) The appellant may be allowed refund, if any, from the date of his complaint i.e. 22.2.2014 as the cause of action has arisen from that date.

(iv) It was submitted by the Respondent that another opportunity for checking the correct CT ratio and multiply factor of the CT installed at consumer's premises may be accorded by allowing installation of check meter.

D. Analysis & Decision:

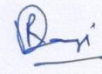
1. The Appellant connection was provided on 26.9.2013.
2. It was confirmed by the Appellant as well as Defendants that energy meter or CT installed at Consumer premises has never been changed since installation.
3. The consumer's connection has been charged on the basis of multiplying factor of 20 upto March 2016 and thereafter on physical inspection of CT of (50/5) by Meter Reader and Junior Engineer, the bill has been rectified from April 2016 and is being charged as per multiplying factor of 10.
4. The check meter installed in Sept.2016 as per directions of CGRF has recorded same energy consumption as that of main meter for the period 7.9.2016 to 26.9.2016, if the multiplying factor of main meter is taken as 10.
5. The purpose of installation of Energy meter at consumer premises is for recording correct energy consumption for which only the energy meter/CT installed at site can only be relied.

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
6. The contention of respondent that the excess payment made by consumer be allowed only from the date of his complaint can't be accepted as no consumer is required to pay the Electricity charges for Energy he has not consumed. The charging of the alleged incorrect MF due to mistake in records can't be used to benefit/penalize the Appellant/respondent.

7. In view of above, it is directed as under:-

- (i) Although an opportunity has already been accorded to the respondents by CGRF, another check meter may be installed at the consumer premises for 10 days to ensure the Multiplying Factor of 10 or 20 of existing Energy meter. This exercise be completed within the month of December, 2017 and consumer be informed in writing.
- (ii) The readings of main meter and the check meter be taken at same date & time both at start and at the end of checking exercise. The readings may be duly photographed /Videographed and signed by the consumer and also by officer of the Licensee not below the rank of an Assistant Engineer. The appellant or respondents may take more readings for records.
- (iii) If for any reason, the above exercise is not done by the respondents as directed above, the Multiply Factor (MF) of meter shall be taken as 10 for all intent & purposes.
- (iv) The excess payment (if any) made by the Appellants be suitably adjusted /refunded from the date of installation of Energy meter i.e. 26.09.2013 and reflected in the Energy bills of the Appellant by January 31, 2018.



- (v) The check meter may be kept installed and be used as main meter for future readings & billings from February, 2018 onwards.
- (vi) The alleged disputed meter may be removed after reflection of Excess payment (if any) in consumer's bills so that no further dispute in energy consumption may arise in future.
8. The Appeal stands disposed off accordingly.


(Rajesh Dangi)
Electricity Ombudsman
05.12.2017

1. Sh. Gurudas Das
M/s Hotel Tango Waves,
Police Line, P.O. Junglight
Port Blair, A&N Islands
2. The Superintending Engineer
Electricity Department,
Andaman and Nicobar Administration
Port Blair – 744101.

Copies to:

1. The Secretary, JERC
2. The Chairman, CGRF, Electricity Department, Andaman & Nicobar.
3. Sh Arvind ,JERC for uploading of Order on JERC website