

# BEFORE THE ELECTRICITY OMBUDSMAN

(For the State of Goa and Union Territories)

Under Section 42 (6) of the Electricity Act, 2003

3<sup>rd</sup> Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18,  
Gurugram (Haryana) 122015,

Phone No.:0124-4684708, Email ID: [ombudsman.jercuts@gov.in](mailto:ombudsman.jercuts@gov.in)

Appeal No.132 of 2020

Date of Video Conferencing :04.02.2021

Date of Order: 08.02.2021

Thiru V.Sirinivasan  
Puducherry

....Appellant

**Versus**

The Superintending Engineer cum HOD,  
Electricity Department, Puducherry  
and others

....Respondents

## Parties present:

### Appellant

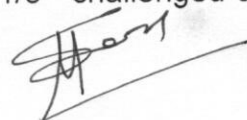
1. Shri V.Sirinivasan  
Appellant

### Respondent(s)

1. Shri P.Gnanasegaran ,  
Executive Engineer-Rural North O&M

**Date of Order: 08.02.2021**

The Appellant has preferred an Appeal against the order of the Hon'ble CGRF, Puducherry in C.C.No-30/2020 dated-03/09/2020. The appeal/representation cited above received in this office on 28.09.2020 was not admitted as the same was not filed properly in prescribed Annexure-IV. The Appellant resubmitted the same on 19.10.2020 through email and the same was admitted on 20.10.2020 as Appeal No.132 of 2020. Copy of the same as received was forwarded to the Respondents with a direction to submit their remarks/ counter reply on each of the points. Appellant was supplied a copy of counter reply. First VC hearing was held on 22.12.2020 and at the request of Appellant the same was postponed, to enable him to pay 1/3<sup>rd</sup> challenged amount and to submit his



data. Accordingly an Interim Order dated -22.12.2020 was issued. Respondents vide mail dated-18.01.2021 and 22.01.2021 have confirmed the deposit of 1/3<sup>rd</sup> challenged amount and restoration of supply to Appellant premise, as directed vide Interim Order. Second VC hearing was accordingly held on 04.02.2021.

### **Settlement by Mutual Agreement**

Both the parties appeared before the Electricity Ombudsman through Video Conferencing as scheduled on 04.02.2021 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 pleading on the matter.

#### **(A) Submissions by the Appellant:**

**Appellant submitted the brief facts as under:-**

#### **(i). FACTS OF THE CASE**

#### **DETAILS OF REPRESENTATION**

01. Request for correction and revision of power consumed bill from the year 2016 to till date. (Policy Number. 53414)
02. The Electricity Department authorities never take the original reading of the meters and gave constant amount bill told that Door locked. During that period we were in the house only. They failed to take the original reading of the meters for every month.
03. When I approached Thiru. Rajendhiran the Junior Engineer (O&M), Villianur, Division-IX during the 2016-17, he received my petitions but never gave any acknowledgement for receiving petitions. Further he failed to take action to settle my problem.
04. The Electricity Department replaced dated Nov 2017 the meters with new one. They failed to give the lab reports of the old meters previously used even on repeated request.



05. During May 2018, the Electricity Department disconnect my connections without any prior intimation. Even though the petition already given by me regarding Bill issue.
06. I was attend the grievances meeting held by Electricity Department at Thattanchavady O&M, Villianur on 24.01.2019. My Token Number was.15 and I explained my grievances by orally.(I attached the Photograph with the early letter on 19.10.2020)
07. The notice was served by the Assistant Engineer, Boomianpet, Puducherry on 20.01.2020. No. 3676/19-20
08. Based on the notice, petition was submitted dated 29.01.2020 to the Assistant Engineer, Boomianpet, Puducherry, no acknowledgement was given by him for that petition. No action for that petition also by the Assistant Enginner.
09. Further, in this connection I have submitted a petition to the Executive Engineer (North-O&M) on 26.02.2020 and no reply from their side. On the same day, I gave petition to the Junior Account Officer (Revenue-II). No. 6491/26.02.2020 There was no reply from the JAO office also.
10. Finally I filed the petition with CGRF on 20/07/2020 vice CC.No.30/2020 and the Hon'ble Authority ordered to appeal before the Hon'ble Ombudsman. In CGRF, I was not given a chance to justify my representation.
11. I applied for a new A1 commercial Connection for the same premises. 18.10.2020 No. 1480/ED/AE/BMPT/F.32/20-21 send the letter regarding the commercial service application would be kept pending under the JERC supply code stipulates consumer is in arrears of payment.
12. The Executive Engineer (North-O&M) send the letter No.3324/21.10.2020 called for a meeting on 27/10/2020 and told to settle the amount in due in three instalments if I agree. I explained the complete history of my case and told no guilty on my side. It was the fault on the side of Electricity Department not to settle my grievances promptly during the year 2016 itself. Finally the Executive Engineer told that they are not the authority to correction the amount in due and asked me to settle the grievances with Hon'ble Ombudsman.



- (ii). Appellant vide mail 06.12.2020 requested to waive off the direction to the deposit of 1/3<sup>rd</sup> challenged amount , which was rejected .

**(B) Submissions by the Respondents :**

**REPLY FILED BY THE EXECUTIVE ENGINEER-RURAL NOTH O&M ON BEHALF OF THE RESPONDENTS**

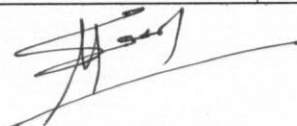
Shri P.Gnanasegaran, Executive Engineer-Rural North O&M, Electricity Department, Puducherry, on behalf of Superintending Engineer-Cum-HOD, submitted that the complainant Thiru. V. Sirinivasan @ Sinouvassalou, S/o. V.K. Veeraraghavan residing at S.M.V. Puram East, Villianur, Puducherry, has raised objection for bill revision of the service connection bearing Policy Code No.32-88-04-0440/A2. The stand of the department for bill revision is as follows:

1. The Respondent respectfully submits that presently there are 4 Nos. of domestic service connections with Policy No.32-88-04-0440/A2, 32-88-04-0441/A2, 32-88-04-0441A/A2 and 32-88-04-0441B/A2.
2. The Respondent respectfully it is to be stated that during July 2017 the complainant submitted service connection applications for additional 2 Nos. on 26.07.2017 and these 2 Nos. of service connections were effected with Policy No.32-88-04-0441A (Policy No.250787/A2) &32-88-04-0441B (Policy No.250788/A2) on 21/09/2017. (Exhibit-1)
3. The Respondent respectfully submits that prior to obtaining the 2 Nos. of single phase service connections (Policy code No. 32-88-04-0441A and 32-88-04-0441B which were effected on 21/09/2017) the complainant was utilizing the power requirement of the other 2 portions of the building (except for the loads of Policy Code No 32-88-04-0441) from the Policy code No. 32-88-04-0440 and hence the monthly consumption was significantly higher. After obtaining the 2 service connections the Power consumption of 32-88-04-0440 got reduced significantly from the month of October 2017.
4. The Respondent respectfully submits that the 3 Nos. of individual meters in respect of Policy No.32-88-04-0440/A2 were replaced with a single 3 phase meter on 13/11/2017 "under 100% metering scheme" (Exhibit-2), the released meters were devoluted to stores. Moreover no written/oral request was received from the complainant in this regard Junior Engineer –Villianur O&M has also stated that at present the existing 3 phase meter is working in good condition.



5. The Respondent respectfully submits that this office conducted the public grievance at Villianur O&M only on 24.01.2019 and no Public grievance meetings were conducted during 2017 or 2018 as stated by the Complainant.
6. The Respondent respectfully submits that a complaint was received from the complainant on orally during the public grievance meeting on 24.01.2019 (Ehibit-3) requesting bill revision of the domestic service connection bearing Policy Code No.32-88-04-0440/A2 at S.M.V.Puram (East), Villianur and the same was immediately referred to the Revenue section for bill revision during the meeting.
7. The Respondent respectfully submits that the complainant had applied New service connection application for commercial service connection to the Assistant Engineer /Boomianpet in the name of V.Sinouvasalou and registered as V.42A1/Dt:2.8.19 and the same was cancelled and intimated to the complainant vide LrNo: 3580/AE-Bmpt/F. cancellation/Dt:9-1-20 (Exhibit-4) due to no separate enternace was provided for effecting new separate service connections and accumulation of arrears amount of Rs 1,23,286/- in the existing service connection .
8. The Respondent respectfully submits that the complainant has paid only Rs 8000/- on August 2016 and Rs 30,000 on June 2017(Exhibit-5). Based on the accumulation of arrears amount of Rs 1,23,286/- the Assistant Engineer /Boomianpet had served notice to the complainant and disconnected the service connection Policy No.32-88-04-0440/A2, Vide Lr No:3676/ED/AE/Bmpt/F.ODC/19-20, Dt: 20-1-20.
9. The Respondent respectfully submits that the complainant has utilized the power requirement of the entire building from the policy under dispute i.e., Policy Code No.32-88-04-0440 and the consumption details are furnished by the JAO/REV II for the period January 2016 to September 2017 are furnished below: (Exhibit-5).

Month	32-88-04-0440	Month	32-88-04-0440
Jan 16	650 units	Dec 16	963 units
Feb 16	268 units	Jan 17	963 units
Mar16	1108 units	Feb 17	963 units
Apr 16	1108 units	Mar 17	963 units
May 16	1108 units	April 17	2320 units
June 16	1108 units	May 17	2235 units
July 16	1020 units	June 17	2235 units
Aug 16	1220 units	July 17	1870 units
Sep 16	1170 units	Aug 17	1030 units
Oct 16	890units	Sep 17	1030 units
Nov 16	963 units		



From the consumption details it is observed that a sudden jump in consumption in March 2016 as well as in April 2017 was due to utilization of power during summer season. On enquiry the complainant was utilized the power for construction purpose also from the policy under dispute i.e., Policy Code No.32-88-04-0440 it is also the reason for sudden hike in the above said period.

10. The Respondent respectfully submits that after effecting 2 service connections (on 21.09.2017) the load was bifurcated and the consumption of the policy under dispute had come down. The statement of the consumption of the dispute policy and 2 Nos. of newly effected service connections are furnished below for kind perusal:(Exhibit-5).

<b>Month</b>	<b>32-88-04-0440</b>	<b>32-88-04-0441A</b>	<b>32-88-04-0441B</b>
Oct17	380 units	196 units	84 units
Nov17	135 units	196 units	84 units
Dec17	135 units	196 units	84 units
Jan18	180 units	196 units	84 units
Feb18	120 units	250 units	120 units
Mar18	200 units	350 units	140 units

11. The Respondent respectfully submits that in view of the above facts discussed above it is clear that the consumption in respect of Policy no 32-88-04-0440 the consumption has come down after the new 2 service connections with P no 32-88-04-0441A and 32-88-04-0441B, that is after the loads were bifurcated.
12. The Respondent respectfully submits that the complainant had filed a petition with the Hon'ble CGRF under C.C. No.30/2020. Dt.20-07-2020 seeking CC bill revision and to reconnect the service connection (Exhibit-7)and the order was passed by the Hon'ble CGRF on dt:3-9-20 that "the Forum is not in a position to pass any order in favour of the complainant and hence the complainant is not allowed".(Exhibit-8).
13. The Respondent respectfully submits that the complainant had Aggrieved with the order of the CGRF passed on 03-09-2020, the complainant filed an appeal vide No.132/2020 before the ombudsman, JERC, New Delhi. Hon'ble Ombudsman "advised to settle representation through mutual agreement within 10 days.(Exhibit-9).
14. As directed by the Hon'ble Ombudsman the complainant was called for mutual agreement at the chamber of the Executive Engineer – Rural (North) O&M on 27-10-20 (Exhibit-10) as per the request of the undersigned the complainant had appeared for mutual agreement for hearing, During hearing the respondent explained the above facts and advised the consumer to pay the outstanding arrears with installments but the complainant was not agreed .



15. The Respondent respectfully submits that the Complainant may be instructed to pay the outstanding arrears and this Department is willing to offer – installments to the complainant in respect of the Policy Code No. 32-88-04-0440 and also pray to dismiss the above complaint with costs and thus render justice.

In view of the reason said above the Hon'ble Forum may be pleased to dismiss the above complaint with costs and thus render justice.

**(C) CGRF order in C.C. No.30/2020 dated 03.09.2020, preferred for Appeal:**

**Hon'ble CGRF has passed the following order:--**

6. “Observation:

- (i) The Complainant had not given any proof / evidence for having given written Complaint to the Department about the non performance of meters.
- (ii) From the consumption details furnished by the Junior Accounts Officer, (Rev-II) it is observed that a sudden jump in consumption in March 2016 as well as in April 2017. No technical reasons are available for sudden increase. But after increase in consumption, the consumption is more or less same for subsequent months also. Since the Complainant has let out the portions on rent, the hike in consumption is presumed to be either change of tenants or adding electrical gadgets by the tenants.
- (iii) Meters released in November 2017 for devolution to stores without testing and hence it is impossible now to locate the meters.
- (iv) The period under dispute pertaining to 2015 and 2016 which is more than 5 years and as per the regulations the cause of action should have happened within 2 years prior to the date of complaint.

**ORDER**

In view of the reasons stated in the observation, the Forum is not in a position to pass any Order in favour of the Complainant and hence the Complaint is not allowed.”

**(D) Deliberations during Video hearing on 04.02.2021:**

1. Appellant submission:



- a. The Appellant reiterated his version as submitted in appeal.
- b. On being asked for which period he is disputing the consumption to be inflated. He claimed that he is disputing the consumption from 2016-17 onwards. He claimed that he met XEN/AE/JE/JAO but no one solved his problem. On being asked if he ever given representation in writing, he explained that he has no record as departmental official never gave any receipt .
- c. Further on being asked whether, Appellant has given any representation for the Policy No-32-88-04-0441/A2 as required as per clause-6.16 of Supply Code-2018, he replied in negative. As per details supplied by the Electricity Department for all meters in his premise, billing for Policy No-32-88-04-0441/A2 is still on provisional /average basis w.e.f March-2016 till date (around 58 months), meter status being shown as DL(door lock)/MS (Meter Struck).

Though the Appellant has not represented for this irregularity in his Appeal, but for fair and natural justice , this issue will also be decided on merits .

- d. Appellant further submitted that he has no complaint regarding accuracy of removed and packed 3 phase meter on 13.01.2021. As per interim order, this 3 phase meter was ordered to be removed and packed/sealed in Appellant's presence and a new meter was installed after the Appellant deposited 1/3<sup>rd</sup> challenged amount and supply was restored. He further submitted that he has no dispute with the other two new meters installed on 21.09.2017 with sanctioned load of 3.360 KW each.

## 2. Respondents Submission:

- a. The respondents reiterated their version as submitted in counter reply to the appeal and requested to dismiss the appeal.
- b. On being asked that when the electricity connection of Policy No-32-88-04-0440/A2 was Temporary Disconnected on June-2018, then why the connection was not Permanently Disconnected till 12.01.2021(after around 30 months), as required as per clause-9.7 of Supply Code Regulations -2018. He agreed that after 180 days it should have been Permanently Disconnected. However, he requested that since connection was not disconnected minimum charges may be allowed to be recovered.





- c. On being asked why the billing for Policy No-32-88-04-0441/A2 is still on average basis w.e.f March-2016 till date (around 58 months), being meter status shown as MS (Meter Struck). He informed that as per computer programming MS code is automatically generated by computer if there is same reading in a billing cycle and average is being charged for MS code, however he assured to get the meter replaced.

**(E) Findings & Analysis:-**

1. I have perused the documents on record and pleadings of the parties.
2. Following provisions have been provided in the Supply Code Regulations, 2018, notified by the Hon'ble Regulatory Commission:-

**(i) Section 6.16:-**

*“ 6.16 The consumer shall be responsible for safe custody of meter(s), MCB/CB, etc., if the same are installed within the consumer's premises. **The consumer shall promptly notify the Licensee about any fault, accident or problem noticed with the meter.**”*

**(ii) Section 6.35:-**

*“ 6.35 A consumer may request the Licensee to test the meter on his premises if the consumer doubts its accuracy, by applying to the Licensee in the format given in Annexure X to this Supply Code, 2018, along with the requisite testing fee. On receipt of such request, the Licensee shall follow the procedure as detailed in Regulations to of this Supply Code, 2018.”*

**(iii) Section 6.45 to 6.47:-**

**“ Replacement of Meters (including MDI) Not Recording**

“



6.45 The consumer is expected to intimate the Licensee as soon as it comes to the notice of the consumer that the meter has stopped or is not recording.

6.46 If during periodic or other inspection any meter is found to be not recording by the Licensee, or a consumer makes a complaint in this regard, the Licensee shall follow the procedure detailed in Regulations 6.37 to 6.39 of this Supply Code, 2018.

6.47 If the meter is actually found to be not recording, the Licensee shall replace the non-working (stuck, running slow, fast or creeping) meter within 15 working days. ”

(iv). **Section 7.11**

*7.11 In all cases not covered by the Spot Billing system, if the Licensee is not able to read the meter, a provisional bill may be issued on the basis of the consumption for the corresponding period of the previous year wherein the meter was functional. However, the Licensee shall ensure that such provisional billing does not extend to more than two billing cycles at a stretch, and there are not more than two provisional bills generated for a consumer during one financial year. If the premises of the consumer is inaccessible for more than two billing cycle, a notice is to be affixed in the premises of the Consumer for temporary disconnection. If within 30 days from the affixation of such notice, if the consumer fails to make arrangement for meter reading, the supply shall be temporarily disconnected after giving one month notice. The provisional bills shall be adjusted on the basis of the subsequent actual meter reading.*

*In case of new connection for which one-year data is not available, the consumption for the purpose of provisional billing shall be computed by considering the load factor as specified for that category in Annexure XVIII of these Regulations.*

(v). **Section 7.12**

**“ Billing in case of defective/stuck/stopped/burnt meter**

*7.12. In case of defective/stuck/stopped/burnt meter the consumer shall be billed on the basis of higher of monthly consumption of corresponding month of the previous year and average monthly consumption of immediately preceding three months. These charges shall be leviable for a maximum period of three months only, during which time the licensee is expected to have replaced the defective meter ”*



(vi) **Section 7.26:-**

*"7.26 If the complaint is found to be correct by the Licensee, a revised bill shall be issued within 5 working days of intimation of the same to the consumer. The consumer shall make the payment within 15 days after receipt of the revised bill. The consumer shall not be charged any late payment surcharge, if the payment is made by the revised due date."*

(vii). **Section-9.7**

**The supply shall be disconnected permanently in following cases:-**

- (1) On the termination of the Agreement;
- (2) If the cause for which the supply was temporarily disconnected is not removed within the notice period:

*Provided that if the service of the consumer remains continuously disconnected for 180 days, not being a temporary disconnection upon request of the consumer, the Agreement shall be deemed to be terminated on the expiry of 15 days or after expiry of the initial period of agreement, whichever is later without prejudice to the rights of the Licensee or of the consumer under the Act for recovery of any amount due under the Agreement.*

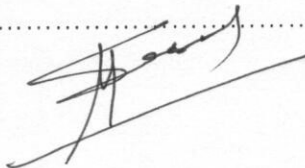
3. **Following provisions has been approved by the Hon'ble Regulatory Commission in Tariff Order for Financial Year 2020-21 :-**

**" 11) Late Payment Surcharge shall be applicable to all categories of consumers. Late payment surcharge of 2% per month or part thereof shall be levied on all arrears of bills. In case the delay is less than a month, the surcharge will be levied at 2% on proportionate basis considering a month consists of 30days. Such surcharge shall be rounded to the nearest multiple of a rupee. Amount less than 50 paise shall be ignored and amount of 50 paise or more shall be rounded to next rupee. In case of permanent disconnection, late payment surcharge shall be charged only up to the month of permanent disconnection."**

4. **My attention was also drawn to the instructions printed on the back side of bills:-**

**"Notes:-**

(1,2,3,4,5)--.....



(6) Supply will be disconnected without notice in the event of Cheque being dishonoured or if payment is not made even after 15 days from the due date mentioned in the bill.

(7) Belated Payment Surcharge will be levied if payment is not made before the due date.

(8) Consumer should not refuse payment under pretext of error in the bill. Such bills should be paid before the due date and written complaint made with regard to the accuracy of the bill.

(9,10) --

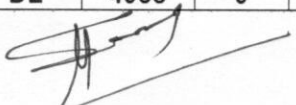
.....”

In view of above instructions, the Appellant was required to pay all the bills before due date in respect of Policy No-32-88-04-0440/A2. However as per data supplied by the Respondents, the Appellant has not made payment of bills since March-2016 and occasionally made payment of Rs.8000/- on 02.09.2016 and Rs.30,000/- on 24.07.2017 and as on December-2017 an amount of Rs.83,170/- was pending , yet the Electricity Department gave 2 new connections to the Appellant without either recovery of pending amount or settling the dispute.

5. The Appellant was unable to show that he has applied to the Electricity Department for checking/replacement of defective meter or about inflated/incorrect billing in writing but he is claiming that he met officials and gave them representation but they never gave receipt. The period under dispute pertaining to 2016-17, which is more than 5 years and as per the regulations the cause of action should have happened within 2 years prior to the date of complaint, but the Appeal has been admitted for fair and natural justice as there are many lapses on the part of Electricity Department also.
6. The consumption pattern as per actual meter reading of the Appellant's connection in Policy No-32-88-04-0440/A2 is as under:-

**Policy No-32-88-04-0440/A2(S.L-8.080 KW)  
CONSUMPTION DATA**

SL NO	PERIOD	METER NO.-1			METER NO. 2			METER NO. 3			TOTAL Consumption (3+4+5+) Total Cons
		New	Old	Cons	New	Old	Cons	New	Old	Cons	
1.	Jan.,15	DL	5128	0	DL	4958	0	DL	8559	0	554-av
2.	Feb.,15	DL	5128	0	DL	4958	0	DL	8559	0	554-av



3.	Mar, 15	5798	5128	670	5258	4958	300	9349	8559	790	1760
4.	April,15	DL	5798	0	DL	5258	0	DL	9349	0	554-av
5.	May, 15	6709	5798	911	5381	5258	123	9508	9350	158	1193
6.	June,15	DL	6709	0	DL	5381	0	DL	9508	0	554-av
7.	July,15	7729	6709	1020	5511	5381	130	9728	9508	220	1370
8.	Aug,5	DL	7729	0	DL	5511	0	DL	9728	0	554-av
9.	Sept.,15	DL	7729	0	DL	5511	0	DL	9728	0	554
10.	Oct., 15	8650	7729	921	5712	5511	201	10438	9728	710	1832
11.	Nov.,15	8650	8650	0	5712	5712	0	10438	10438	0	0
12.	Dec.,15	8933	8650	283	5787	5712	75	10674	10438	236	594
13.	Jan.,16	9273	8933	340	5857	5787	70	10914	10674	240	650
14.	Feb.,16	9425	9273	152	5893	5857	36	10994	10914	80	268
15.	Mar, 16	DL	9425	0	DL	5893	0	DL	10994	0	503-av
16.	April,16	DL	9425	0	DL	5893	0	DL	10995	0	503-av
17.	May, 16	DL	9425	0	DL	5893	0	DL	10996	0s	503-av
18.	June,16	12545	9425	312	6273	5893	380	11924	10997	927	1619
19.	July, 16	13265	12545	720	6343	6273	70	12154	11924	230	1020
20.	Aug,16	14195	13265	930	6413	6343	70	12374	12154	220	1220
21.	Sept.,16	14815	14195	620	6513	6413	100	12824	12374	450	1170
22.	Oct.,16	15225	14815	410	6803	6513	290	13014	12824	190	890
23.	Nov.,16	DL	15225	0	DL	6803	0	DL	13014	0	1093-av
24.	Dec.,16	DL	15225	0	DL	6803	0	DL	13014	0	1093-av
25.	Jan.,17	DL	15225	0	DL	6803	0	DL	13014	0	1093-av
26.	Feb.,17	DL	15225	0	DL	6803	0	DL	13014	0	1093-av
27.	Mar,17	18225	15225	3000	7667	6803	864	13967	13014	953	4817
28.	April,17	19695	18225	1470	8107	7667	440	14377	13967	410	2320
29.	May, 17	DL	19695	0	DL	8107	0	DL	14377	0	1460
30.	June,17	22115	19695	2420	9157	8107	1050	15377	14377	1000	4470
31.	July, 17	23055	22115	940	9657	9157	500	15807	15377	430	1870
32.	Aug,17	DL	23055	0	DL	9657	0	DL	15807	0	1693-av
33.	Sept.,17	23845	23055	790	10267	9657	610	16467	15807	660	2060
34.	Oct., 17	23965	23845	120	10377	10267	110	16617	16467	150	380
35.	Nov,17	DL	23965	0	DL	10377	0	DL	16617	0	1523
36.	Dec, 17	271	1	271	10377	10377	0	16617	16617	0	271
37.	Jan.,8	451	271	180							180
38.	Feb.,18	571	451	120							120
39.	Mar,18	771	571	200							200
40.	April,18	861	771	90							90
41.	May, 18	DL	861	0							0
42.	June,18	DL	861	0							0
43.	July, 18	DL	861	0							0
44.	Aug,18	DL	861	0							0
45.	Sept.,18	DL	861	0							0
46.	Oct., 18	DL	861	0							0
47.	Nov.,18	DL	861	0							0
48.	Dec.,18	971	861	110							110
49.	Jan., 19	1001	971	30							30
50.	Feb., 19	1001	DC	0							0
51.	Mar,19	1001	DC	0							0
52.	Apr, 19	1001	DC	0							0
53.	May, 19	1001	DC	0							0
54.	June,19	1001	DC	0							0
55.	July, 19	1001	DC	0							0

56.	Aug,19	1001	DC	0						0
57.	Sept., 9	1001	DC	0						0
58.	Oct., 19	1001	DC	0						0
59.	Nov.,19	1001	DC	0						0
60.	Dec.,19	1001	DC	0						0
61.	Jan.,20	1001	DC	0						0
62.	Feb.,20	1001	DC	0						0
63.	Mar,20	1001	DC	0						0
64.	Apr, 20	1001	DC	0						0
65.	May, 20	1001	DC	0						0
66.	June,20	1001	DC	0						0
67.	July, 20	1001	DC	0						0
68.	Aug,20	1001	DC	0						0
69.	Sept.,20	1001	DC	0						0
70.	Oct., 20	1001	DC	0						0
	DL=Door Lock		DC= Disconnection							Av = average

The Appellant is disputing that his bill is on higher side and he had stopped making payment of Electricity Bill since March-2016. A perusal of above consumption data shows that average monthly consumption of 2015 was 840 units and average monthly consumption of 2016 was 878 units. This fact clearly proves that the action of the Appellant in not making the payment of Electricity bill since March -2016 was without any sufficient grounds and his claim that he was excessively charged had no merit. His further claim was that his 3 X single phases were replaced by 1 X three phase meter in December-2017, without his consent and he was not supplied any result of the dismantled meter. The fact is that he had neither represented in writing regarding accuracy of the meters or the inflated billing of any particular month, rather he chooses not to pay the bills which was against the instructions as stated above. As per record, the Electricity Connection was Temporarily Disconnected on June-2018 and he only represented orally in a consumer public meeting on 24.01.2019. Having not satisfied, he had preferred a complaint to CGRF which was disposed of vide order dated- 03.09.2020 and hence this Appeal. Thus, he has no locus standi to dispute the billing prior to 24.01.2019 and was negligent in paying the dues of Electricity Department on one pretext or the other.

A perusal of above consumption data also reveals that the Electricity Connection was Temporarily Disconnected on June-2018, however billing was continued till 13.01.2021. As per clause-9.7 of Supply Code Regulations-2018 as stated above, Electricity Connection should have been permanently disconnected after 180 days of Temporarily Disconnection on June-2018. Therefore the Electricity Department is not following the provisions of Supply Code Regulations-2018 and their contention that they be allowed to charge minimum charges holds no water. From the above facts, it is amply clear that Electricity Department was sleeping over the matter for months and Govt. Revenue was blocked. Neither the dispute was not settled nor was the supply disconnected.



7. The consumption pattern as per actual meter reading of the Appellant's connection in Policy No-32-88-04-0441/A2, is as under :-

**Policy No-32-88-04-0441/A2(S.L-5.840 KW)  
CONSUMPTION DATA**

SL. NO.	PERIOD	Consumption	SL.NO.	PERIOD	Consumption
		Policy No-32-88-04-0441/A2			Policy No-32-88-04-0441/A2
		5.840 KW			5.840 KW
1.	Jan., 2015	193	36.	December, 2017	203-MS
2.	Feb., 2015	193	37.	Jan., 2018	203-MS
3.	Mar, 2015	590	38.	Feb., 2018	203-MS
4.	April, 2015	193	39.	March, 2018	203-MS
5.	May, 2015	370	40.	April, 2018	203-MS
6.	June, 2015	N/A	41.	May, 2018	203-MS
7.	July, 2015	280	42.	June, 2018	203-MS
8.	August, 2015	193	43.	July, 2018	203-MS
9.	Sept., 2015	193	44.	August, 2018	203-MS
10.	Oct., 2015	493	45.	Sept., 2018	203-MS
11.	Nov., 2015	0	46.	Oct., 2018	203-MS
12.	Dec., 2015	373	47.	Nov., 2018	203-MS
13.	Jan., 2016	230	48.	Dec., 2018	203-MS
14.	Feb., 2016	48	49.	Jan., 2019	203-MS
15.	Mar, 2016	217-DL	50.	Feb., 2019	203-MS
16.	April, 2016	217-DL	51.	March, 2019	203-MS
17.	May, 2016	217-DL	52.	April, 2019	203-MS
18.	June, 2016	868-DL	53.	May, 2019	300-MS
19.	July, 2016	217-MS	54.	June, 2019	300-MS
20.	August, 2016	217-MS	55.	July, 2019	300-MS
21.	Sept., 2016	176-MS	56.	August, 2019	300-MS
22.	Oct., 2016	0	57.	Sept., 2019	300-MS
23.	Nov., 2016	203-DL	58.	Oct., 2019	300-MS
24.	Dec., 2016	203-DL	59.	Nov., 2019	300-MS
25.	Jan., 2017	203-DL	60.	Dec., 2019	300-MS
26.	Feb., 2017	0-DL	61.	Jan., 2020	300-MS
27.	March, 2017	0-DL	62.	Feb., 2020	300-MS
28.	April, 2017	1218-MS	63.	March, 2020	300-MS
29.	May, 2017	203-MS	64.	April, 2020	300-MS
30.	June, 2017	203-MS	65.	May, 2020	300-MS

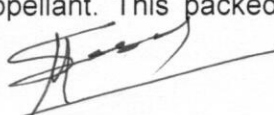


31.	July, 2017	203-MS	66.	June, 2020	300-MS
32.	August, 2017	203-MS	67.	July, 2020	300-MS
33.	Sept., 2017	203-MS	68.	August, 2020	300-MS
34.	Oct., 2017	203-MS	69.	Sept., 2020	300-MS
35.	November, 2017	203-MS	70.	Oct., 2020	300-MS
DL= Door Lock			MS=Meter Struck		

A perusal of above consumption data also reveals that since March-2016, the provisional billing is being done on average basis with meter status as DL(door lock) or MS(meter Struck). As per clause-7.11 of Supply Code Regulations-2018 as stated above, Licensee is required, not to resort to provisional billing for more than two billing cycle at a stretch and for not more than two billing cycle in a financial year. As per above record provisional billing is being done for the last 58 billing cycles/months till January -2021. Therefore, Electricity Department is sleeping over the matter and is not following the provisions of Supply Code Regulations-2018. Appellant is also enjoying the provisional billing and has never made representation to Electricity Department in this regard as required as per clause-6.16 and 6.45 of the Supply Code Regulations-2018.

**( E ) DECISION**

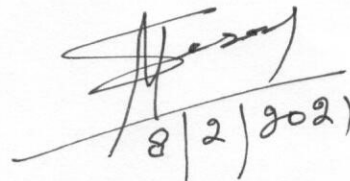
- (i) For the reasons discussed above, the appeal of the Appellant is allowed and the order passed by Hon'ble CGRF Pudukcherry, in C.C. No.30/2020 dated 03.09.2020 is set aside.
- (ii) The Electricity Department/Licensee is directed to revise the account of Policy No-32-88-04-0440/A2 as per clause-9.7 of Supply Code Regulations-2018 .The Electricity Connection had been Temporarily Disconnected against this policy number on June-2018, and therefore after 180 days it should be treated as deemed Permanently Disconnected and no surcharge(BPSC) should be levied till 12.01.2021. Revised bill should be prepared as per these directions up to 12.01.2021 and the amount so calculated should be accepted in 10 equal monthly instalments without surcharge (BPSC). Billing of new meter installed on 13.01.2021 should be continued further as usual treating this connection to be reconnection. But no amount/fee etc. should be recovered from the Appellant on account of reconnection against this policy number. The removed /packed meter against this policy number may be utilized after 6 months, if there is no case pending in any Forum/court.
- (iii) The Electricity Department/Licensee is further directed to remove the existing meter against the Policy No-32-88-04-0441/A2 with Sanctioned Load of 5.840 KW ,in the presence of Appellant or his authorized representative and provide a new tested meter in its place. The existing/removed meter be packed in a card board box on "**as is where is basis**" duly sealed and signed by officers of Electricity Department and the Appellant. This packed meter be tested in the





Meter Testing Laboratory of the Electricity Department in the presence of Appellant as per clause-6.37 to 6.39 of Supply Code Regulations-2018. If on testing meter is found to be accurate, revised bill should be prepared as per up to date reading. If the Appellant has been charged more amount than excess amount should be refunded /adjusted in the bill. If the Appellant has paid less amount than pending amount should be accepted in 10 equal monthly instalments without surcharge (BPSC). If on testing the meter is found to be *defective/stuck/stopped/burnt meter/inaccurate* than billing against this policy number be carried out as per clause- 6.39 or 7.12 of Supply Code Regulations-2018 as the case may be.

- (iv) In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- (v) The Electricity Department/Licensee should submit a compliance report to office of Ombudsman on the action taken in this regard within 30 days of the issuance of this Order by email.
- (vi) Non-compliance of the orders of the Ombudsman by the Electricity Department/Licensee shall be deemed to be a violation of Regulations and shall be liable for appropriate action by the Commission under the provisions of the Electricity Act, 2003.
- (vii) The appeal is disposed of accordingly.



8/2/2021

(M.P. Singh Wasal)  
Electricity Ombudsman  
For Goa & UTs (except Delhi)

Dated 08.02.2021