

कार्यालय विद्युत लोकपाल  
(गोवा राज्य और संघ राज्य क्षेत्र)  
**Office of the Electricity Ombudsman**  
(For the State of Goa and Union Territories)  
विद्युत अधिनियम, 2003 की धारा 42(6) के तहत  
Under Section 42 (6) of the Electricity Act, 2003

Appeal No.133 of 2020

Date of Video Conferencing : 22.12.2020

Date of Order: 23.12.2020

Shri .K.Appavoo,  
Tenent of Shri Chandru Bhagtani,  
Andaman & Nicobar Islands,  
Port Blair

....Appellant

**Versus**

The Superintending Engineer ,  
Electricity Department, Andaman & Nicobar Islands  
and others

....Respondents

**Parties present:**

**Appellant**

1. Shri K.Appavoo

**Respondent(s)**

1. Shri Karuna Jayadhar  
Executive Engineer (HQ)
2. Shri Ramesh Chander  
Assistant Engineer



**Date of Order: 23.12.2020**

The Appellant has preferred an Appeal against the order of the Hon'ble CGRF, Andaman & Nicobar Islands in C.C. No.-ANI/199/20-21/18 dated 27.10.2020. The Appeal was admitted on 18.11.2020 as appeal No.133 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. A copy of counter reply/Rejoinder was supplied to the Appellant/Respondents as required.

**Settlement by Mutual Agreement**

Both the parties appeared before the Electricity Ombudsman through Video Conferencing as scheduled on 22.12.2020 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:-**

**1. FACTS OF THE CASE**

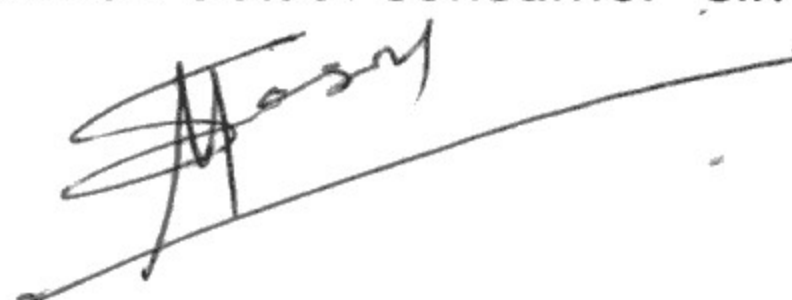
1. That Two window A.Cs were already installed at two bedrooms in the house no. 211 before our arrival as "tenant" therefore we have decided to accommodate our two old repaired split A.C. brought from the old rented house, on the walls of kitchen and hall without electric connection. Since they have no use at all and the present window A.C's filled in the bedrooms are sufficient and being used by us. (Us means father, mother, two daughters, three small kids of "1 1/2 , 3, 5 etc. and our two son in laws are working in foreign countries.
2. In our block there are 12 houses with full family strength, two A.C's are connected with a single phase meter only but are getting normal nominal electricity bill every month except our house.



3. During hearing in consumer forum on 13.10.2020 also my daughter A. Bhuvanewari told that two A.C;s are working and other two are getting accommodated (Mounted) on the walls without electric connection since our kids may damage these A.C's if they are kept on the floor. At that time A.E. Air, & J.E. Sir told that anyway 4 A.C's are kept inside the house Sir I am not able to digest their wordings.
4. Sir, 4 A.C's are connected to a single phase meter, the meter and the connecting wires will be burnt into ashes immediately. This is well known fact to all electrical engineers including our A.E. Sir, & J.E. Sir. Therefore the question of blaming on me and house owner does not arise to connect with exorbitant electricity bills with every month increase till Rs 12,365/- and Rs 12,380/- at most starting from Rs 1500. Sir A.E. Sir has submitted a meter reading books for complete 2 years in the consumer forum. I request your honour to please go through if so that every month increase can be seen obviously till Rs 12,380/- . They said due to lockdown the electricity bill went up to Rs 12,365/- and Rs 12,380/- the justification given by A.E. Sir was not agreeable since lockdown started in the month of March, 2020 and not yet ended till date (16.11.2020) and everyone in my house is not going out from March to Nov., 2020. Therefore, I suspect on the replaced meter every time which is not genuine and must have collected from some other houses which already suffered due to exorbitant electricity bills.

Sir,

- (i) All the house dwellers are having 2 A.Cs with single phase meter.
  - (ii) All are getting nominal electricity bills.
  - (iii) The defective single phase meter is the main cause of exorbitant 3electricity bills, which I paid mostly. Therefore I need money relief for all bills till date.
  - (iv) Since 3 phase wiring is being done in my house by the house owner, 3 phase meter can also be installed to the satisfaction of department of electricity to .have constant electricity bills with genuine new meter.
2. The Appellant has also attached an NOC dated- 26.11.2020 from house owner i.e. Shri Chandru Bhagtani, of Consumer No. C1/1570, House No. 211, S.R. Building, Middle Point, Port Blair stating that he has no objection to the appearing/defending of excess electricity bills before the Ombudsman.
  3. Appellant further filed the Rejoinder as under:-
    1. My consumer account number is C1/1570. I am the tenant of Shri. Chandru Bagthani but I am an actual consumer since I actually consume



electricity and pay electric bill per month and request your honour not to mind their new interpretation as I am not a consumer.

2. I had been suffering due to exorbitant electricity bills from October 2019 till date [15 Months] . I started writing complaint to the assistant engineer in the month of October 2019 itself and then to E.E , S.E, and secretary energy etc periodically . After going to the Hon'ble consumer forum [CGRF -ANI] only the electricity department told CGRF- ANI that the used load of electricity is 12.7KW instead of connected load 5KVA because of 4 A.C and one geyser .sir ,if 4 A.C's had connected to a single phase meter , the meter would have been burnt into ashes including the connecting wires . this is a well known open secret to all electrical engineers .sir, this Confused point should not be kept before justice. In November the electricity department had installed new meter Afterwards the electricity bills Started flying like rockets this can be obvious from the attached electricity bill on 04/2019 Electricity bill was Rs 728/- only.

On 05/2019 Electricity bill was Rs 774/-

12/2019 it was Rs 1058/-.

04/2020 it was 12,208/-

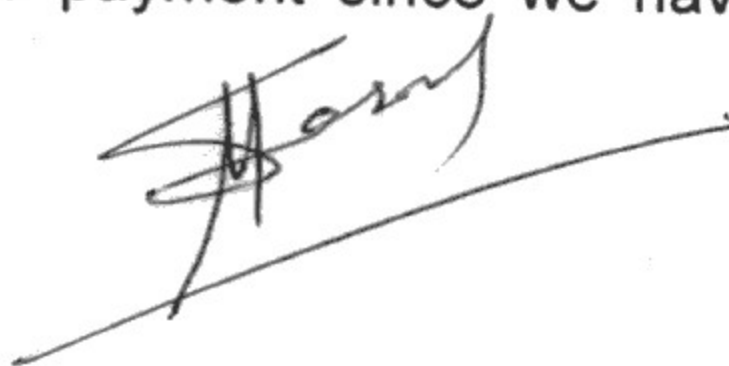
05/2020 it was 12,202/-

Please refer to the electricity bills which I have attached herewith from 3/2019 to 10/2020(Annexure - I). In 4,5,6/2019 only Rs 774 came for 4 A.Cs discarding their false statement.

#### **Conclusion and Requests:**

1. Hon'ble Sir, Because of replaced so called new electrical meter the exorbitant electricity bills are coming unnecessarily. I have paid many exorbitant electricity bills with lament for the past 15 months.
2. Hon'ble sir if you scrutinize the payment details the (refer Annexure- I) jumbled lines of this govt sheet (06/2019 to 12/2018) and 4/2020, 8/2020/ 10/2020 bills give suspicions on exorbitant unnatural electricity bills.

Anyway I am ready for mutual agreement (understanding)if the electricity department satisfy with our 1/3 payment since we have been suffered for 15 months excess bills .



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

Sh. Karuna Jaydhar, Executive Engineer (HQ), on behalf of the Superintending Engineer -Electricity Department/Licensee-ANI submitted the parawise comments / counter reply as follows:

1. The consumer Account No. C1/1570 is the domestic single phase connection which was provided in favour of Shri. Chandru Bhagtani at Middle Point, Port Blair.
2. The appellant Shri. K. Appavoo is not the consumer of this department under Account No. C1/1570. He is the tenant of Shri. Chandru Bhagtani.
3. The electricity bill raised to the consumer as per the meter reading showing in the energy meter on monthly basis.
4. The connected load declared by the consumer at the time of obtaining the electricity is 5 KVA. Hence, the single phase connection was provided to the consumer. Subsequently, the consumer had increased connected load upto 12.7 kW by installation 04 Nos. Air Conditioners and 01 No. Geyser without intimating the department.
5. As per the JERC Regulation 23/2018, Electricity Supply Code (ESC) Notified on 26.11.2018, Chapter 4, Code 4.3, the three phase electric connection shall be provided with a connected load exceeding 5 KW.
6. The department received the complaint about abnormal billing in Account No. C1/1570, during the month of February,2020. In response, the energy meter was tested immediately i.e. on 18.02.2020 and the subject energy meter was found 4% fast. It is pertinent to mention here that the 4% fasting of energy meter is admissible, however, the said energy meter was replaced in the month of March, 2020.
7. Due to Covid-19 pandemic and declaration of National wide lockdown w.e.f. 25.03.2020, the department was unable to take the consumers meter readings in the month of April,2020, therefore, the department taken the next reading on or after 18.5.2020. Accordingly, as per the actual reading consumed by the consumer was raised. During the lockdown period the consumer along with his family were stayed at Home only and used maximum power due the hot summer season resulting the excess use of power consumption recorded.
8. All the above facts was conveyed to the Chairman, CGRF, ANI, (while hearing by forum on complaint) alongwith the consumer ledger sheet by our Assistant



Engineer-I (HQ), Electricity Department vide letter No. EL/AE/SD-I/25-3/2020/961 dated 28.09.2020 (copy attached and marked as letter "A").

9. Shri. Appavoo filed a complaint in the forum of CGRF, ANI, against the department on 21.09.2020 for excess billing.
10. The Hon'ble Forum heard the case on 13.10.2020 and passed an order on 27.10.2020. (copy attached and marked as letter "B").
11. In respect to the letter received from Hon'ble Ombudsman vide letter 18.11.2020, the Assistant Engineer-I(HQ), Electricity Department, issued the notice to the consumer and the tenant for testing of energy meter on 25.11.2020 at 1000 Hrs. vide letter No. EL/AE-I/HQ/27-7/2020/787 dated 23.11.2020 (copy attached and marked as letter "C").
12. The energy meter of Account No. C1/1570 was tested on 25.11.2020 at 1000 hrs. in presence of Smt. Raja Rajeshwari, D/o. Shri. K.Appavoo and found the accuracy of energy meter is OK/Correct (copy attached and marked as letter "D").
13. As per the Admission Notice JERC/EO/133/Camp-Chandigarh dated 18.11.2020, a meeting was also convened on 26.11.2020 at 1100 Hrs. for settlement of the complaint/appeal through mutual agreement, wherein both the parties has been agreed and signed to resolve the matter (copy of minutes of the meeting attached and marked as letter "E").
14. The copy of the consumer ledger sheet for the period from 01/2018 to 10/2020 is also attached herewith and marked as letter "F".
15. The month wise current outstanding dues of Account No. C1/1570, is also enclosed herewith and marked as letter "G".

(C) **CGRF- Andaman & Nicobar Islands, ,Order dated 27.10.2020 , preferred for Appeal:**

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

**ORDER**

On the basis of the observation, after deliberations, submissions discussions and on the basis of documents so produced during the Hearings so reached, the following Order is passed:-



1. The Respondent/Licensee (ED) is directed to do the needful following the JERC Regulations Chapter 4 of JERC Regulation No. 23/2018 to allow the consumer of A/c No. C1/1570 to fulfill the required norms and obtain 3 phase connection to sustain the connected load upto 12.7 KW (16 KVA).
2. The consumer of A/c No. C1/1570 i.e. Mr. Chandru Bhagtani is directed to extend all necessary assistance to the Respondent/Licensee, the Electricity Department in executing point No. 1 at the above para. of this Order.
3. In case of failure of the consumer in obtaining three phase connection to the said premises, the Respondent/Licensee (ED) is free to initiate necessary action as per different provisos as prescribed in JERC Regulations.
4. A copy of this Order exclusively be sent to Mr. Chandru Bhagtani, the actual consumer of the energy meter against A/c No. C1/1570 for necessary action from his side and for information only to the complainant Mr. K. Appavoo.

(D) Deliberations during Video hearing on 22.12.2020:

1. **Appellant's Submission:**

- a. The Appellant reiterated his version as submitted in appeal and Rejoinder.

2. **Respondent's Submission:**

- a. The Respondents reiterated their version as submitted in reply to the appeal and requested to dismiss the appeal.



- b. They further confirmed that the Appellant has paid the 1/3<sup>rd</sup> amount of the pending outstanding bills since April, 2020 as directed in Admission Notice.
- c. They submitted that a New Smart Meter has been installed on 28.11.2020 and the consumption of this meter as on 22.12.2020 is 753 units for 24 days, which comes to 31.375 units per day. Therefore the consumption disputed by the Appellant in April to September of 2020 is also correct being AC loads in peak summer season.
- d. On being asked that under which standards, testing done on 18.02.2020, when meter was stated to be fast by 4% is acceptable, the respondents have no answer. However they stated that meter was replaced.
- e. On being asked why the existing meter was not tested in the Meter Testing Laboratory as directed vide Admission Notice dated-18.11.2020 rather than the site testing on 25.11.2020, respondents informed that their Test Bench is out of order . They further stated that neither the Appellant has requested for testing from NABL accredited Laboratory nor the same is available in Port Blair.

**(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 Commission:-

**“ Testing of Accuracy of Meters**

6.39- The Licensee shall dispatch the test report to the consumer, to be received under acknowledgment, within 7 working days of the date of testing. In case of faulty meter, rectification for a maximum period of six months or from the date of last testing, whichever is later, on the basis of the test report, shall be adjusted or accounted for in the subsequent bill. ”

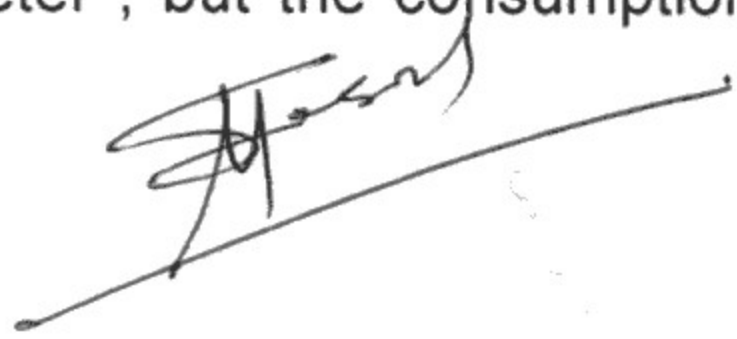




3. The owner of the premise Shri Chandru Bhagtani, has an agreement with the Electricity Department for a sanctioned load of 5KVA (5x0.9= 4.500 KW). But on inspection in around Feb-March/2020 and on 26.11.2020 total connected load of 12.700 KW and 11.732 KW respectively has been found connected at the premise rented to Shri K.Appavoo against the sanctioned load of 4.5 KW.
4. The Appellant has stated that he has taken the premise on rent in May,2019 and the consumption pattern on meters is tabulated as below :-

Month	Meter No.	Consumption 2019-Units	Meter No.	Consumption 2020-Units	Remarks
January	M-1	-	M-3	976	
February	M-1	-	M-3	718	
March	M-1	-	M-4	1125	
April	M-1	-	M-4	1725	
May	M-1	218	M-4	1729	Taken on rent in May,20
June	M-2	545	M-4	1438	
July	M-2	503	M-4	1031	
August	M-2	486	M-4	1094	
September	M-3	592	M-4	1392	
October	M-3	1033	M-4	709	
November	M-3	935	M-4/M-5	New Smart Meter installed on 28/11/20	
December	M-3	1284	M-5	753	28/11/20 to 22/12/20

5. The Appellant in his representation dated-16.11.2020 , himself has confirmed that **“since lockdown started in the month of March 2020 and not yet ended till date(16.11.2020) and everyone in my house is not going out from March to Nov-2020”**.
6. At the instance of Appellant the meters were tested on 18.02.2020 (found 4% fast) and 25.11.2020 (Accuracy found within limits).
7. A perusal of para-3,4,5 & 6 as above reveals that the Appellant is consuming more than double the electric load unauthorizedly due to which FOUR meters have been replaced either due to meter being faulty or at the instance of Appellant to replace the meter , but the consumption remained matching with



the extended load /consumption by the Appellant. The accuracy of meter (M-4) installed in March, 2020 till November, 2020 has been found within limits. Therefore the plea of the Appellant that bills are inflated has no merit. Appellant should manage his electricity consumption wisely rather than blaming the meters or bills to be faulty or inflated.

8. Following provisions have been provided in the Joint Electricity Regulatory Commission for the State of Goa and UTs (Electricity Supply Code) Regulations, 2018" notified by the Hon'ble Commission:-

**8.34. Cases not to be treated as unauthorized use of electricity:**

If connected load of any consumer (including domestic consumer) is found to be at variance from the sanctioned/contracted load as a result of increase of load or due to any replacement of lamps, fans, fuses, switches, low voltage domestic appliances, fittings, etc., it shall neither fall under unauthorized use of electricity (Section 126 of Act 2003) nor under theft of electricity (Section 135 of Act 2003).

9. Following provisions have been provided in the Tariff order dated-19/5/2020 approved by the Hon'ble Commission for the FY-20-21 for the **State of Goa** :-

**" 10.3 GENERAL TERM AND CONDITIONS:-**

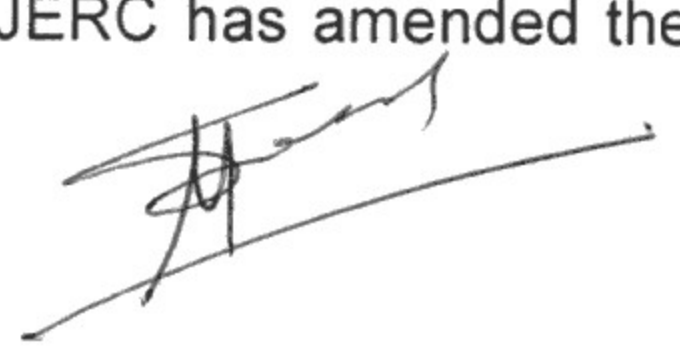
1) to 7) .....

**8) Billing of Demand in excess of Contracted Demand :**

The billing shall be on the maximum demand recorded during the month or 85% of contracted demand whichever is higher . If in any month the recorded maximum demand of the consumer exceeds its contracted demand , the portion of the demand in excess of the contracted demand shall be billed at double the normal rate .Similarly, energy consumption corresponding to excess demand shall also be billed at double the normal energy rate.

The definition of the maximum demand would be in accordance with the provisions of the Supply Code Regulations notified by JERC. If such over-drawal is more than 20% of the contacted demand than the connection shall be disconnected immediately....."

10. Electricity Department/Licensee is obliged to provide and maintain safe, reliable, economical Distribution System and provide quality of supply to its consumers. However as explained in para-8 above, considering the harassment of domestic consumers ,the Hon'ble JERC has amended the Supply Code and now it has

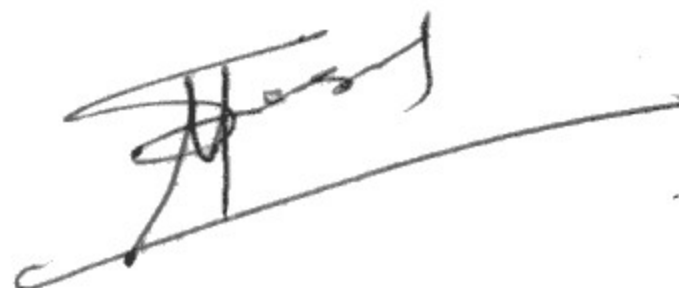


been provided that unauthorised extension of load shall neither fall under unauthorized use of electricity (Section 126 of Act 2003) nor under theft of electricity (Section 135 of Act 2003), Therefore to protect the Distribution System from overloading and to provide quality of power to honest domestic consumers, some enabling provisions as explained in para-9 above, has to be made and got approved from the Hon'ble JERC in the Tariff Order. With such a provision of penalty, the violators of unauthorised extension of load are automatically heavily penalised in their regular Electricity Bill itself without any checking/inspection. After implementation of MDI Metering/Billing, not only the revenue of the Electricity Department will increase but honest consumers will also get quality and reliable supply.

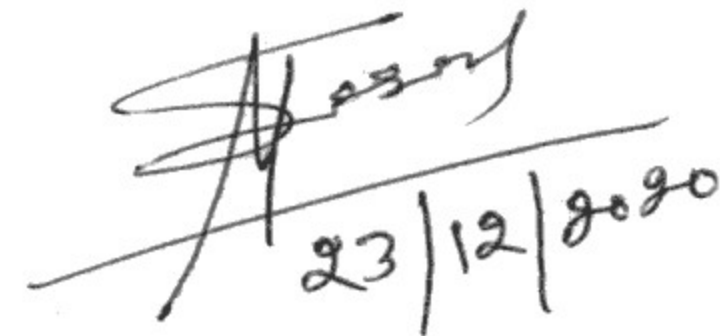
11. Hon'ble CGRF-ANI has erred in not passing a speaking order on the claim of Appellant regarding inflated bills even after perusing the consumption profile.

(F) **DECISION**

- (i) For the reasons discussed above, the appeal of the Appellant is dismissed with no order as to costs, being devoid of merit. The order passed by Hon'ble CGRF-ANI, dated -27/10/2020 in Complaint No- ANI/CGRF/199/20-21/18 is set aside.
- (ii) Since as per testing on 18.02.2020, the meter has been found fast by 4%, the account of the Appellant be rectified for a maximum period of six months or from the date of last testing, whichever is later, as per Section 6.39 of Supply Code Regulations, 2018.
- (iii) Since the Test Bench is not working, the existing meter removed on 28.11.2020, i.e. before installation of Smart Meter, be got tested in the Laboratory/Test Bench/suitable premise, in series with a duly tested Smart Meter in the presence of the Appellant as per Section 6.37 and 6.38 of Supply Code Regulations, 2018 and if on testing, the variation in consumption is found to be more than [Plus/Minus]  $\pm 3\%$ , the account of the Appellant be rectified as per Section 6.39 of Supply Code Regulations, 2018.
- (iv) The Electricity Department/Licensee may consider to include the enabling provisions of MDI Metering/Billing and get it approved from the Hon'ble JERC in the proposed Tariff Order for the FY 2021-22, to avoid overloading of Distribution System.



- (v) 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.
- (vi) The Electricity Department/Licensee should submit a compliance report to the office of Ombudsman on the action taken in this regard within **30 days** from the issuance of this Order by email.
- (vii) 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.
- (viii) The appeal is disposed of accordingly.



23/12/2020

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

**Dated 23.12.2020**