

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

2nd Floor, HSIIDC Office Complex, Vinijya Nikunj, Udyog Vihar, Phase-V, Gurgaon-
122016, Haryana.

Ph.0124-2875304 Fax: 0124-2342853
Email: Ombudsmanjerc@gmail.com

APPEAL No. 94/2017.

Date of Hearing: 17.11.2017 at Chandigarh

M/s Whistles Clothing Co.
SCO-98-100
Sector 17-D,
Chandigarh

.... Appellant

Versus

1. The Superintending Engineer
Electricity Operation Circle
Room no. 511, 5th Floor
Deluxe Building, UT Secretariat
Sector-9D, Chandigarh
2. Executive Engineer
OP Division-1
Electricity Department
UT, Chandigarh
3. Assistant Executive Engineer
OP Division No.4, Sector-15
Chandigarh

...Respondents

Parties present:

- | | |
|-------------|---|
| Appellant | Sh. Atul Mahajan (Tenant & authorized representative) |
| Respondents | 1. Sh. Pawan Sharma, Executive Engineer Electricity Department, Chandigarh |
| | 2. Sh. Chander Shekhar, AEE Electricity Department, Chandigarh |

Date of Order: 22.11.2017

Appeal No. 94 of 2017 was filed against impugned order dated 13.07.2017 of the Consumer Grievances Redressal Forum, Chandigarh in case No. CP-83/2017 filed by the Appellant. The consumer, Hemant Ohri, bearing Account no. 104/1742/73302 WA, SCO 98-100, Sector-17D, Chandigarh authorized his tenant Shri Atul Mahajan (M/s Whistles Clothing Co.) to represent in this appeal.

Brief Facts of the case

1. An electricity connection bearing Account no. 104/1742/73302WA is running in the name of Sh. Hemant Ohri at SCO 98, Sector 17-D, UT-Chandigarh as per record of the office.
2. That the meter of the consumer was changed due to reason 'Meter Display Defective' as appeared in the Exception List generated on 18/1/2017 and accordingly MCO was issued & copy of the MCO no. 723/95 dated 27/1/17 effected on 21/2/2017.
3. The assessment for the period 22.06.2016 to 20.02.2017 when meter remained unread or defective and charging was done on the basis of past consumption from 06/2015 to 02/2016.

Pleadings of Appellant:

1. The Appellant purchased two nos. of Cassette Air Conditioners on 09.06.2016 due to which his consumption has come down drastically. A retail invoice no. 410 dated 09.06.2016 is produced.
2. He submitted that now his consumption as tabulated below has come down drastically:

| Period | 2015-16 | Period | 2016-17 |
|----------------------|--------------|----------------------|-------------|
| 20.02.15 to 20.04.15 | 5138 | 20.02.17 to 20.04.17 | 2035 |
| 20.04.15 to 20.06.15 | 6406 | 20.04.17 to 20.06.17 | 3033 |
| 20.06.15 to 20.08.15 | 8651 | 20.06.17 to 20.08.17 | 4086 |
| Total | 20195 | | 9154 |



3. So, assessing him for the defective period of his meter from past consumption is wrong.
4. He could not represent his case before CGRF, Chandigarh as he was not in the city to represent.
5. He may be charged on the basis of present consumption for the year 2017.
6. The Appellant further argued that he has been charged in the audit objection for previous period of 20.06.2016 to 21.02.2017 for four billing cycle for previous consumption while in the units already charged only units for three billings cycles have been subtracted.

Pleadings by the Respondent:

1. The appellant has been charged for the period 22.06.2016 to 20.02.2017 when meter remained unread/ defective on the basis of corresponding period of the previous year.
2. The appellant was given two opportunity of hearing with the CGRF, Chandigarh but he neither attended nor sent his representative to attend the hearings.
3. The appellant contention has been set aside by Hon'ble CGRF that charging on the basis of past consumption from 06/2015 to 02/2016 is in order.
4. The Appellant contention of charging for higher Units by audit party shall be corrected during over hauling of account.

CGRF order under Appeal:

Consumer Grievances Redressal Forum, Chandigarh decided as under:

5. *The Forum observes that from 22.06.2016 to 20.02.2017 meter remain defective and charging on the basis of past consumption from 06/2015 to 02/2016 is in order.*



Analysis & order:

1. The appellant's energy meter has recorded correct energy readings upto 20.06.2016.
2. The energy meter reading could not be read or was defective for four billing cycles from. 20.06.16 and 20.02.2017.
3. The provisional bills were raised on average basis for above period.
4. These bills were deposited by the consumer.
5. The Appellant's meter was changed on 21.02.2017
6. It has been observed that the consumption of the consumer has come down to about a half for similar period after installation of energy efficient lighting and cassette air conditioners.
7. Regulation 8.1(16) of Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Electricity Supply Code) 2010 provides:

In order to recover the energy charges for the duration when meter remains non-functional, average monthly consumption of corresponding month/billing cycle of the previous year shall be adopted. If the same is not available, average monthly consumption of the previous one year shall be adopted for recovery of energy charges, subject to minimum monthly charges or as otherwise provided in the tariff order of the Commission in force. In case, check meter is available, the readings of the check meter may also be used for assessment of consumption. In case of HT consumers, if during the period when the main meter is defective, the check meter is not installed or is also found defective, the quantity of electricity supplied shall be determined as stated above. In case the meter becomes defective immediately after its installation and prior consumption is not available, then billing shall be done provisionally on the basis of formula specified in Annexure 7 subject to assessment on the average consumption of corresponding period of next year.

Bangi

The same is not available; adjustment shall be made with average consumption of subsequent period of one year/ about one year. Such provisional / average billing shall not continue for more than 2 billing cycles.

8. The Appellant should have been vigilant when provisional bills were raised and deposited by the appellant. He should have lodged a complaint with the respondent for replacement of defective meter.
9. Similarly, the respondents need to change the defective meter as soon as possible so that the defective meter remains for minimum time at the consumer premises as the consumers' who use energy efficient devices and consume less energy need not get penalized due to the delay.
10. In view of the above discussions, it shall be in the interest of justice that the assessment for defective period be done as under :-
 - a) For period 20.10.2016 to 21.02.2017 (two billing cycles) on the basis of actual consumption for the corresponding period 20.10.2015 to 20.02.2016.
 - b) For period 20.06.2016 to 20.10.2016 (two billing cycles) on the basis of actual consumption for the corresponding period 20.06.2017 to 20.10.2017.
 - c) The energy consumption already charged and paid by consumer in provisional bills paid by the consumers be suitably adjusted.
11. The Appeal stands disposed off accordingly.



(Rajesh Dangi)
Electricity Ombudsman
22.11.2017

1. M/s Whistles Clothing Co.
SCO-98-100, Sector 17-D,
Chandigarh.
2. The Superintending Engineer
Electricity Operation Circle
Room no. 511, 5th Floor
Deluxe Building, UT Secretariat
Sector-9D, Chandigarh.

3. Executive Engineer
OP Division-1, Electricity Department
UT, Chandigarh.
4. Assistant Executive Engineer
OP Division No.4, Sector-15
Chandigarh.

Copies to:

1. The Secretary, JERC
2. The Chairman, CGRF, Chandigarh
3. Sh. Arvind ,JERC for uploading of Order on JERC website

