

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18,
Gurugram (Haryana) 122015,
Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in

Appeal No.157 of 2021

Date of Video Conferencing: 27.01.2022

Date of Order: 04.02.2022

Tmt. V.Amirtham,
Puducherry.

.... Appellant

Versus

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

.... Respondents

Parties present:

Appellant(s)

1. Tmt. V. Amirtham
2. Shri V. Ravikumar,
s/o Tmt. V. Amirtham

Respondent(s)

1. Shri K. Ramanathan
Executive Engineer

Date of Order: 04.02.2022

The Appellant has preferred an Appeal against CGRF- Puducherry order No-69/2021 dated-08.11.2021. The Appeal was admitted on 14.12.2021 as Appeal No.157 of 2021. 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 was supplied to the Appellant with a request to file the rejoinder.



Appeal No.157 of 2021

Page 1 of 16

Settlement by Mutual Agreement

Both the parties appeared before the Electricity Ombudsman through Video Conferencing as scheduled on 27.01.2022 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.

(A) Submissions by the Appellant:

Appellant submitted the brief facts as under: -

1. I humbly submit with reference to the above that I had submitted my grievances to the Honorable CGRF , Electricity Department, Puducherry with my humble request to :-
 - (i) Review the Energy consumption bill charged on my consumer No. 0.253 (65-51-03-0143) for the Bill period of the disputed months (MARCH-2020-JUNE-2020) and also please pass instructions :-
 - (ii) To the “Executive Engineer, Electricity Department, Karaikal ” or “the designated Squad” for disconnection of power connection” as to not to venture in to disconnection of Power supply for default of payment of Bill without resolving this issue.
 - (iii) To pass orders to allow me to remit the “Part amount” of the Energy consumption Bill payable after the Bill period of the disputed months (MAR-2020-JUNE-2020) till the month of Aug-2021 till esteemed orders are received.
2. In this regard, I had also spoken to the Honorable Chairman , CGRF , Puducherry , over the telephone on 01-10-2021 with a request to permit me to remit the Energy consumption charges for the non - protested period from July - 2020 to Aug-2021 payable by me towards my consumer Number :- 0.253 (65-51-03-0143). Indeed, I am thankful to the generous gesture and concern shown to me by the CGRF during the deliberative session of enquiry conducted by them in Case No.69/2021 , while such an enquiry was conducted on 21-10-2021 in the chamber of the Executive Engineer, Electricity Department, Karaikal, wherein a patient hearing was rendered to me by the Officials of the CGRF, and I was instructed to remit the “Part-amount of the Consumption charges pertaining to the Non-contested period from July-2020 till August-2021 with the “protest filed on the charges from Mar-2020 till June-2020 “
3. May I humbly submit with reference to the above that I had remitted the Electricity energy consumption charges bill for an amount of Rs.10,000-00(Rupees Ten Thousand only) on 30-04-2020.
4. During that time, I had an outstanding Bill for an amount of Rs.5,684-00 vide Bill dated 06-03-2020. Since then No Bill was given by your department to me due to the spread of " COVID-19 PANDEMIC" till the latest Bill for Rs.17,074 /-was given to me Indeed, I was taken to a great surprise to receive a such a whooping amount that has been charged on my Electricity Energy consumption.



5. I had humbly requested the EXECUTIVE ENGINEER, KARAIKAL to kindly go through the "readings" as recorded from the ENERGY METER as depicted in the Energy consumption Bills as detailed below:-

SL.NO	BILL.NO &DATE	UNITS READING		UNITS CONSUMED	BILL AMOUNT	BILL PAID
		PREVIOUS	PRESENT			
1.	65-51-03- 0143 FEB-2020/ 06-03- 2020	12071	12791	720	Bal O/S: 2497+3187= 5684/-	NIL
2	CORONA LOCK DOWN	--	--	--	Average Bill amount paid	10,000/-
		(vide Receipt No-RL20610000928) 30-04-2020				
3.	65-51-03- 0143 JUN-2020/ 08-07- 2020	12791	17131	4340	17,074/-	NIL

Kindly rationalize the amount arrived for the Bill dated 08-07-2020 for the month of June-2020. It is evidently seen that by taking the total reading of the Energy meter straight away from March - 2020 till June-2020 as a total energy consumed by the consumer, that factor would be a heavy amount since "Slab wise tariff table is not used there" rather higher rate power tariff would apply when the Electricity Department calculate for the total consumed units of power consumption as a whole in one single slab rate on higher side. I once again requested to review the Energy consumption bill charged on my consumer No.0.253 and also to pass instructions to the J.E , O & M Neravy as to not to venture in to disconnection of Power supply for default of payment of Bill without resolving this issue.

6. Unfortunately, the field staff of the Electricity Department made attempts to disconnect my consumer service connection on 11-03-2021 without attempting to set right the defective Energy consumption Bill as pointed out by me , while I approached the respected District Collector, Karaikal to kindly intervene in this matter following which the District Collector has given instructions to the EXECUTIVE ENGINEER to first to address my grievances on the charging of my Bill and then to proceed . I shall be thank full to the Collector for his kind gesture to do justice to me .Hence, my son Thiru.V.Ravi Kumar had met your Assistant Engineer at the Office of the Executive Engineer, Electricity Department,Karaiikal in while I had to approach the District Collector, Karaikal for corrective action and hence It was rectified by his intervention.
7. May I humbly submit with reference to the above that I had received a reply to my representation dated 28-07-2020 from the good office of the Executive Engineer, Electricity Department, Karaikal , who had given me a detailed breakdown details of the Energy consumption charges levied on me with due justification in his own pomp and style which is not at all realistic and certainly far away from the truth.



8. With reference to the detailed statement on Bill (65-51-03-0143) for the months of March-2020 till June -2020 the total Energy meter reading has been taken once for all for four months as “4340” units and hence divided by 4 to arrive at the average monthly consumption as 1085 units per month. While on the contrary, the routine monthly reading of Energy consumption meter taken down during the months of July-2020 even till Jan&Feb-2021 has been recorded as to have nowhere exceeded beyond 765 units but always had remained as low as even 310 units also which is revealed from “your own findings”. Therefore, It is clearly established that the energy consumption as recorded for the period from March-2020 till June-2020 is unrealistic and not at all falling in line with the readings of the successive months as recorded by the electricity Department ,Karaikal
9. As stated in the reply dated,15-04-2021, furnished by the Executive Engineer, Electricity Department , “The Department had furnished false statement as to have made arrangements to carry out the testing of the Energy meter and the same has been found to be functioning “ , which is totally a false statement as no such testing of Energy meter has taken place as having stated by the Office of the Executive Engineer, he was requested to substantiate his claim by furnishing the test result reports of the Energy meter.
10. In spite of the Electricity Department having claimed to have worked out the power tariff by keeping in view of the“ Slab wise tariff table“ from March -2020 till June-2020 and followed by energy consumption from July -2020 till Jan&Feb-2021 ,still the Bill amount is said to be arrived by the good Office of the Executive Engineer, Electricity Department , Karaikal is exorbitant and also far away from reality and certainly needs to be rectified at par with the average energy consumption as recorded from July-2020 till Jan & Feb-2021 accordingly.
11. In this regard, I had requested the Hon'ble CGRF to allow me to remit the Energy consumption charges towards my Consumer No:- 0.253 (65-51-03-0143) as detailed below:-
- (a). Bill amount as on September-2021- (65-51-03-0143)
Vide Bill dated 07-10-2021 ----- Rs.75,893-00
- (b).Consumption charges as arrived by the statement Communicated vided letter.No.77.EDK/AE/Town-1/F 26/2021-22,dated.05-04-2021-- Rs. 27,074-00 (-)
- (c). Waiver of Penal charges as reflected in the Bills as claimed by me as on now pending assurance by ----- Rs. Nil the C G R F that they will review on a later date.
- (d).Amount of consumption charges now remitted}
With protest for the period from March-2020 till Rs.48,819-00
June-2020 “ but for the Non - contested period
from July-2020 till September-2021,vide Cheque
No.892269/dt.27-10-2021 } of the INDIAN OVERSEAS
BANK Account No.24393 Karaikal branch. }
12. Based on the above, I had remitted the bill amount as mentioned above in Para (4) above towards Energy consumption charges towards the Non-Contested period from July-2020 till September-2021. However, I anchored my hope on the out come of the Orders awaited by me from the Hon'ble CGRF, Puducherry in Case No.69/CGRF/2021.



13. But to my dismay and misfortune , the Hon'ble CGRF in its orders dated 08-11-2021 has disallowed my complaint filed for the review for the exorbitant Energy consumption charges levied on my consumer service connection No. 65-51-03-0143 at Karaikal,, U.T of Puducherry for the months from Mar-2020- to-June-2020.
14. I do humbly pray for the Hon'ble "THE OMBUDSMAN", JOINT ELECTRICITY REGULATORY COMMISSION, FOR THE STATE OF GOA AND UNION TERRITORIES on certain salient grey areas wherein the CGRF ,Puducherry has miserably failed to address the following :-
- (a). Ref. Page (5) under the sub-title as "Observation" of CGRF Orders in case No.69/2021 :-
In spite of having referred the Objectionable table of energy consumption readings as listed out by me since the month of Jan-2019 till Dec-2020,while the consumption as recorded during the COVID-19 LOCK DOWN period from Mar-2020 till June-2020 is projected to be 4,340 units at an average of 1085 units per month.(Ref:-(*.)
Ref (**.) (Sub-Para-i/ Para-6 Page 5 of CGRF ORDER) under the sub-title "Observation"
While the CGRF ,Puducherry , has referred the energy consumption meter reading of my consumer service connection for the contested period pertaining to the corresponding years of 2019, 2020 and 2021 as produced by the Respondents in its orders as described in Page (5) under the sub-title as "Observation" that "It is seen that the average consumption of the complainant is found to be 823 in 2019 and 818 in 2020 and there is not much of difference " , which appears to be unrealisitc, because the readings noted down for Mar, Apr and -2019 appears to be tailor made, unfortunate and far from the clearly established facts and figures brought out during the subsequent months while the consumption recorded appears to be too low as 410,710 during previous months of Jan, Feb-2019 and also appears to be 850,970,690,850,810 during the following months of JULY, Aug, Sep and Oct,2019.
- (b) The proceedings of the CGRF, Puducherry which lacks transparency for the reason being that the so called " energy consumption meter readings "could not be tabled by the Respondents instantly during the enquiry on 21-10-2021' but for which the CGRF also could not transparently look in to such details right during the conduct of the enquiry, which causes the ambiguity on the integrity of such records as reportedly produced by the Respondents.
- (c) Even for the sake of accepting the information as produced by the Respondents to be true and realistic , then also it is evidently clear that consumption readings of the Energy meter as recorded during the month end of June-2020 since Mar-2020, collectively after four months and thereby arriving at the average monthly consumption reading as $(4340 / 4 \text{ months}) = 1085$ units per each month from March-2020 till June-2020 , which appears to be too far away from the very same month wise consumption readings as produced even by the Respondents, while the maximum reading recorded during the check period from Jan-December for the successive years of 2019,2020 and 2021 is only during JULY-2020 (i.e) as 880 units.
- (d) Surprisingly the Hon'ble C G R F, Puducherry has conveniently but very unfortunately failed to take note of it , but simply and wrongfully brushed away the apparently recorded exorbitant reading as an average 1085 units against each month average from JAN-2019 till Dec-2019 while the average consumption noted as falling with in the minimum of even 410 units to a maximum of 880 units during the check period.

(e) Such an arbitrary and unrealistic stand against the fact on ground as appeared to have been adopted by the CGRF, Puducherry is harm full to the judicious approach towards disposal of genuine grievances of the Consumers., which needs to be taken care by the Hon'ble "THE OMBUDSMAN", JOINT ELECTRICITY REGULATORY COMMISSION, FOR THE STATE OF GOA AND UNION TERRITORIES

(f). Ref. the Page (6) under the sub-title as "Observation" in Sub-para (ii)of CGRF Orders in case No.69/2021 :-

The Hon'ble CGRF, Puducherry has conveniently taken its stand that the computed consumption is 1609 units for the connected load as reported by the Respondents as 16.760 KW by adopting the ruling of the Annexure XIX of the Electricity supply code 2018 for the States of Goa and Union Territories. The very basic information furnished by the Respondents to arrive on the connected load as 16.760 KW is conceptually wrong, while the number of Power points on the Switch / Panel boards alone have been accounted for the arrival of the so called "Connected loads" but not the actually connected home appliances as Loads which has led in to this sort of mis concept, which also needs to be taken care by the Hon'ble "THE OMBUDSMAN", JOINT ELECTRICITY REGULATORY COMMISSION, FOR THE STATE OF GOA AND UNION TERRITORIES .

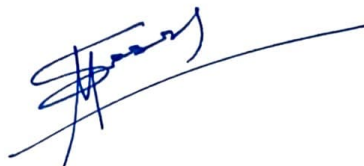
15. Being the Law abiding Citizen , I shall pay right fully the Energy consumption charges towards my consumer service connection as communicated to me by the Electricity Department, Karaikal, Puducherry from time to time regularly .But for the sake of maintaining certain big brotherly " Adament " and even "Vehement" attitude of quite a few defunct officials who refuse to correct on their erring acts while carrying out the meter reading , computing, and billing activities, for which they try it out to put under the power full carpeting of Administrative ways and means by arm twisting the consumers and finally force them to pay out on the exorbitant consumption charges slapped over them.

Certainly I don't want to be counted as one among the victimized lot for which I had hopefully knocked the doors of justice before the Hon'ble "THE OMBUDSMAN", JOINT ELECTRICITY REGULATORY COMMISSION, FOR THE STATE OF GOA AND UNION TERRITORIES .

16. Hence, I humbly pray before the Hon'ble "THE OMBUDSMAN", JOINT ELECTRICITY REGULATORY COMMISSION, FOR THE STATE OF GOA AND UNION TERRITORIES that :-

(i) My appeal petition against the Orders of the Hon'ble Consumer Grievance Redressal Forum, Electricity Department, Puducherry in case No.69/2021 vide orders dated.08-11-2021 may please be allowed.

(ii) The defunct Orders passed by the Hon'ble Consumer Grievance Redressal Forum, Electricity Department, Puducherry in case No.69/2021 vide orders dated. 08 -11-2021 may please be set aside and dismissed



- (iii) The Energy consumption bill charged on my consumer No. 0.253 for the Bill period of the disputed months (MAR-2020-JUNE-2020) may please be reviewed at par with the average consumption readings recorded pertaining to the corresponding monthly consumption readings of the previous year of 2019 as per existing rules.
- (iv) The Hon'ble Consumer Grievance Redressal Forum, Electricity Department, Puducherry in case No.69/2021 has no where addressed on my prayers to "waive off the default payment charges "(delay charges) charged on me during the Bill period from July-2020 till Sep-2021 for which the fault does not lie on me because I had sounded my alarms to contest the exorbitantly charged Bill way back in July 2020 itself but for the reluctant and inactive attitude of the Electricity Department ,Karaikal only has caused so much of delay of eighteen months . Hence I humbly pray before the "THE OMBUDSMAN" and pray for Orders for the waiver of the default payment charges "(delay charges) in the Bill period from July-2020 till Aug-2021.

(B) Submissions by the Respondents:

Shri K. Ramanathan, Executive Engineer on behalf Respondents/Electricity Department-Puducherry, submitted the counter reply as under: -

- (a) That the deponent is working as Executive Engineer, and is authorised by Electricity Department, Puducherry being Deemed Licensee to file this reply and represent on behalf of Electricity Department, Karaikal, in this case.
- (b) That the deponent is filing the counter reply point wise in the present appeal is as under:-
1. One domestic service connection with policy No.O.253 and policy code 65-51-03-0143 standing in the name of Tmt. V. Amirtham (Appellant) at Karaikal.
 2. The appellant had filed an Appeal before the Hon'ble Ombudsman of JERC and Registered as Appeal No.157/2021 dated, 14.12.2021. She has preferred an Appeal in the consumer case No.69/2021 on complaint filed before the Hon'ble CGRF, Puducherry and order passed by the Hon'ble CGRF on the 8th day of November 2021.
 3. The Appellant had requested to review the Energy consumption bill charged in the consumer policy No.O.-253 for the disputed period from March 2020 to June 2020 which was also the Initial Lockdown period due to COVID Pandemic 2019. The appellant has claimed that the consumption recorded and billed for this period was high compared to that of previous months and that necessary applicable slab rates were not applied for, while calculating the bill amount.
 4. Consequent to the filing of necessary counter affidavit with submission of all documents by the department and conducting necessary hearing, the Hon'ble CGRF had passed orders that the complainant has to clear the disputed amount and that the complaint is not allowed
 5. The Appellant has filed an Appeal against this Order and as directed by the Hon'ble Ombudsman, the appellant was called vide Letter No. 2309/EDK/EE-KKL/JE/F.CC.69/2021-2022 dated, 23.12.2021 to settle the representation through mutual Agreement on 28.12.2021 but a settlement was not achieved. However, the Appellant has remitted 1/3rd amount of the Current Consumption charges viz Rs.10,133/-Rupees ten thousand one hundred and thirty three only) on 31.12.2021



6. Hence, it is to humbly submit the counter affidavit on the Appeal as under:

- (i) In view of the COVID – 19 Pandemic during the initial Lockdown period, the monthly meter readings could not be taken by this department through Meter readers, for the months of March 2020 to June 2020
- (ii) However, the current consumption bill were provisionally claimed based on the average consumption of earlier months / previous months for all the LT Consumers of Puducherry U.T.
- (iii) It is to submit that after the release of Lockdown period, the actual readings were taken by the Meter readers from the month of July 2020 and the provisional claims made available in the website were replaced by the actual meter readings and relevant consumption, adjusting the same against payments made against the provisional claims again for all the LT Consumers in the Puducherry U.T. applying the slab wise rates as affirmed in the tariff order.
- (iv) Accordingly, the provisional claim for the Appellant policy No.O.253 for the period March 2020 to May 2020 was made available in the website.
- (v) The Appellant has not remitted any payment during the said period.
- (vi) After resorting to actual meter readings, the actual usage was 4340 units for the months from March 2020 to June 2020 during the initial Lock down period.
- (vii) It is to humbly submit that the provisional claims were made based on the average consumption recorded for winter months when the power consumption would be normally low and also during pre lock down period.
- (viii) However, the Lockdown period was the onset of summer when the power consumption would be normally more. Further during the Lockdown period most of the family members were present in the house leading to more consumption, owing to continuous and higher usage of electrical appliances.
- (ix) The statement on the consumption details of the Appellant policy code No.O.253 from 1.1.2019 to the last month of billing is submitted in detail as per the format prescribed by the Hon'ble Ombudsman, for kind perusal.
- (x) It is to humbly submit that the Appellant had given a representation on 4.2.2021. on the huge bill amount raised for the disputed period March 2020 to June 2020 and with a request to review the readings recorded and the adoption of the applicable slab rates for the units consumed every month.
- (xi) Reply dated 26.5.2021 was given to that representation explaining the difference in consumption between summer months and the winter months and the increase in usage and power consumption during the Lockdown period.
- (xii) Further, Check meter was fixed for a period of ten days from 8.5.2021 to 18.5.2021 and the performance of both the Appellants meter and check meter was tested at the departmental laboratory and both found to be satisfactory and on par, with least margin of error.
- (xiii) Copy of the lab test report vide No. 25 /EDK/AEE(C&B)/JE. Lab/ F.11/2021-2022 dt.19.05.2021 is enclosed for kind perusal, which was also previously issued to the Appellant for information.
- (xiv) The Appellant had also issued an Advocate notice vide No. LN/TAG/204 dated 28.4.2021 calling for clarifications and review on the billing done.
- (xv) Necessary reply incorporating all the facts had been given to the Advocate of the Appellant by the Additional Government Pleader, vide letter dt.23.7.2021



- (xvi) The Appellant had then filed a complaint vide. C.C. No. 69/2021 with the Hon'ble CGRF and upon submission of all relevant details with counter affidavit and conducting Hearings, the Hon'ble CGRF had disallowed the complaint passing necessary orders for making payment of the C,C Bills as claimed by the department.
- (xvii) Further, it is to humbly submit that this department was directed by CGRF to arrange to download the consumption of the consumer's Meter and arrange study/compare with the actual meter consumption as recorded by the Meter Reader.
- (xviii) The same has been duly carried out by the department and the meter consumption compared to that recorded by the Meter Reader and found on par with each other for the last one year period ie from November 2020 to September 2021 . Copies of the same are also submitted for kind perusal.
- (xix) It is to humbly submit that the Appellant has agreed to the good performance of the meter fixed and does not object to the veracity of the same. It is evident that the meter performance has been good and consistent throughout the disputed period, earlier period and even now. Hence the review of the Billing done, does not arise.
- (xx) The average consumption was posted in the website during the lockdown period, as a provisional measure only, for those interested consumers to make online payment.
- (xxi) However once actual Readings were taken and the billing done based on the actual usage , the average consumption/provisional billing becomes obsolete and any payment made is adjusted with Excess/ shortfall recorded in the C.C Bills as the necessity calls for. It is added that necessary applicable slab rates are applied for , while calculating the current consumption bill
- (xxii) Belated payment surcharge levied in each month Current C consumption Bills cannot be waived since the billing has been done as per the meter consumption only and no review / revisal on the Billing has arisen.
- (xxiii) The Current Consumption Bill Ledger postings are always available with the department and the Extracts are enclosed for information and can always be checked and verified by the consumer with the entries made in copies of the Current Consumption Bills issued to the consumer . No complaints were received till date on any ambiguity noted in the Initial Reading and Final Reading of the Current Consumption Bills issued every month, which can always be verified by the consumer at his end anytime. Hence, the appellants so called ambiguity on the integrity of such records, is baseless and without grounds.
7. The actual meter Reading is far less than the computed consumption for existing connected load which has been taken in the presence of the Appellant and also acknowledged by the appellant's representative at her residence.
8. It is to humbly submit that since the Appellant does not doubt the performance of the meter at any instance, and she cannot prove or vouch safe for less usage for lower consumption during any of the period, it is to surmise that the Billing done by the department is correct and does not call for any review/ revisal of the Billing and hence waiver of Belated Payment Surcharge also does not arise. Further as per the statement enclosed, (even for the period from January 2019 to February 2020) it may be seen that the appellant is only a random payer of the current consumption bills and is irregular in making payment which causes for levy and accumulation of the BPSC.



9. I am to humbly request that all the documents /statements submitted by the department, in support of the actual Billing made on the actual usage, may kindly be perused and the Appeal may please be dismissed.

(C) CGRF- Puducherry order No-69/2021 dated-08.11.2021., preferred for Appeal:

Ld. CGRF-Puducherry, has passed the following order: -

ORDER

- i. The Complainant is directed to clear the disputed amount of Rs.17,074/- in four monthly instalments along with the monthly current consumption bill amount. The respondent is directed to issue instalment order accordingly to the complainant within 3 working days from the receipt of this order.
- ii. The Respondent is directed to arrange to download the consumption of the meter and arrange to study / compare with the actual meter consumption as recorded by the Meter reader and appropriate action be taken and report the matter to this forum within 60 days from the date of this order.
- iii. The complaint is not allowed.
- iv. The Complainant is at liberty to prefer an appeal against this Order before the Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories.

(D)Deliberations during Video hearing on 27.01.2022:

Appellant's Submission:

- a. Tmt. V. Amirtham/Shri Ravi Kumar-Appellant, reiterated their version as submitted in the Appeal.
- b. She further emphasized that she had reported the matter to the Electricity Department in July,2020 but the Department did not take any action. Accordingly, she had to send a legal notice on dated 28.04.2021. She was asked to supply a copy of his representation to Electricity Department in July ,2020 after the VC ,which she supplied on 28.01.2022 through email.
- c. She further submitted that instead of resolving her grievances , the Respondents send their team for disconnection without any no notice .
- d. She was informed that she has not filed the Appeal in required format- Annexure-IV, which beside facts of the case also require certification that no court case in pending in any court in this regards. She confirmed that no case is pending in any court and requested that filing of Appeal in Annexure-IV may be waived of.
- e. She further requested to furnish the details of energy consumption meter readings, in tabular column details of meter reading and also access to the petitioner to view the ledger details.

Respondent's Submission:

- a. Sh. K.Ramanathan -Executive Engineer, reiterated his version as submitted in reply to the appeal.
- b. On being asked to supply copy of Check Meter report from 08.05.2021 to 18.05.2021, he promised to send the same after the VC. Accordingly, he has supplied the results of Check Meter testing on 27.01.2022, through email and a copy of the same was supplied to the Appellant through email. These results confirms that the existing meter is recording correctly.
- c. On being asked as to why supply was ordered to be disconnected. He informed that instructions have been printed on the back side of the Electricity Bill that in case of non- payment supply will be disconnected. His attention was drawn to the clause 9.3 of the Supply Code Regulations-2018, notified by the Regulatory Commission (JERC), which mandates issue of notice even before a temporary disconnection. He agreed and assured to issue instructions to his subordinate staff to strictly follow the Regulations.

(E) Findings & Analysis: -

1. I have perused the documents on record, CGRF orders and pleadings of the parties.
2. The documents submitted by the parties have been believed to be true and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.
3. The issues which have arisen for considerations in the present Appeal are as under: -
 - i. Whether the Appellant is entitled to relief for correction of Electricity Bills from March,2020 to June,2020 and waiving of late payment surcharge from July-2020 till Sept.-2021, as prayed for?
 - ii. Whether the CGRF order dated-08.11.2021 is sustainable in the eyes of law?
4. (a). Regarding issue no 3(i) as above, as to whether the Appellant is entitled to relief for correction of Electricity Bills from March,2020 to June,2020 and waiving of late payment surcharge from July-2020 till Sept.-2021, as prayed for?
 - (b). Following provisions have been provided in the Supply Code Regulations- 2018, notified by the Hon'ble Commission w.e.f-26.11.2018 as amended thereof: -
 - (i) **Testing of Accuracy of Meters**
 - 6.34. The Licensee shall have the right to test any meter and related apparatus if there is a reasonable doubt about accuracy of the meter. The consumer shall provide the Licensee necessary assistance in conduct of the test.



- 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 0 to 0 of this Supply Code, 2018.
- 6.36. The meter may be tested for accuracy at a third-party facility, if so desired by the consumer. The list of third-party agencies, which are accredited by NABL (National Accreditation Board for testing and Calibration Laboratories) shall be available on the website of the Licensee:
- Provided that in case of testing on the consumer's request, the consumer shall have to pay the testing fee as per the cost specified by the Licensee with the approval of the Commission:
- Provided further that if the meter is found to be defective / burnt due to technical reasons attributable to the Licensee, viz., voltage fluctuation, transients, etc., the Licensee shall refund the test fee to the consumer by adjustment in the subsequent bill.
- 6.37. Before testing a consumer's meter, the Licensee shall give 7 days' advance notice in urban areas and 10 days' advance notice in rural areas intimating the date, time and place of testing so that the consumer or his authorized representative may be present at the time of testing. The Licensee shall inspect and check the accuracy of the meter within 30 days of receiving the complaint both in urban and rural areas. The Licensee, after testing, if needed, shall replace the meter within 15 days thereafter.
- 6.38. The consumer/authorized representative present during testing will sign the test report as a token of witness. In case the consumer / authorized representative is not present, the Licensee's representative and the testing laboratory official shall sign on the test report.
- 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.
- 6.40. If a consumer disputes the results of testing, the consumer may represent to the Consumer Grievance Redressal Forum (CGRF).



(ii). Billing in case of Disputed Bills

- 7.24. On receipt of the complaint in case of disputed bills in person, the Licensee shall issue a written/electronic acknowledgment on the spot or within three days of receipt, if received by post and give a complaint number for reference.
- 7.25. If no additional information is required from the consumer, the Licensee shall resolve the consumer's complaint and intimate the result to the consumer within 7 days of receipt of the complaint. In case, any additional information is required, the same shall be obtained, the issue resolved and result intimated to the consumer within 7 days of receipt of the additional information. However, if the consumer does not provide information on time, the Licensee shall not be held liable for the consequent delay. Till the complaint on the bill is resolved, the consumer shall pay the amount based on average consumption of corresponding period of the previous year when the meter was functional. Amount so recovered shall be subject to final adjustment on resolution of the complaint.
- 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.
- 7.27. If the complaint was found to be incorrect the consumer shall be notified and directed to make the payment as per the original bill immediately and the consumer shall be liable to pay late payment surcharge if the payment is made after the due date of the original bill.
- 7.28. Consumers, who intend to get the special meter reading conducted, shall pay the requisite fee for the same as approved by the Commission from time to time.

(iii) Temporary Disconnection

- 9.1 The supply may be disconnected temporarily in following cases:
- (1) On non-payment of the Licensee's dues: The Licensee may issue a disconnection notice in writing, as per Section 56 of the Act, to any consumer who defaults on his payment of dues, after giving him a notice period of minimum 15 working days to pay the dues. Thereafter, the Licensee may disconnect the consumer's installation on expiry of the said notice period by removing the service line/meter as the Licensee may deem fit;



- (iv) Executive Engineer/Respondent was requested to check up the records/diary Register from July,2020 to August,2020 in the office of Executive Engineer, Junior Accounts Officer, Junior Engineer and to certify if any complaint/representation was received from Tmt. V. Amirtham, from July,2020 to August,2020. He has confirmed that no complaint/representation was received in the office of Executive Engineer and Junior Accounts Officer/Karaikal as per Receipt Register/Records. However, complaint was received in the office of Junior Engineer, but due to Covid pandemic situations, the JEs were mainly attending to emergencies/breakdowns due to less staff, also due to Quarantine. However, JE's office had checked the meter and orally informed the consumer to remit the payment and if required, may peruse with the billing issue after making the payment.
- (c). The respondents reported that a Check Meter was installed at the residence of the Appellant, in series with the Appellant's meter from 08.05.2021 to 18.05.2021 and accuracy of the Appellant's meter was found to be satisfactory within the prescribed limits.
- (d). The Appellant was not satisfied with the site testing by Check Meter on 18.05.2021 and therefore, the meter was sent for testing in the Meter Testing Laboratory. As per Laboratory Report dated-19.05.2021, a copy of which was supplied to the Appellant by the Respondents, the accuracy of the Appellant's meter was found to be satisfactory within the prescribed limits.
- (e) However, she was not satisfied and therefore approached the CGRF for redressal of his grievance who has disallowed the complaint.
- (f) As per facts stated above, the meter was tested twice and its accuracy was found to be correct. Therefore, it cannot be disputed that the meter is not recording correctly. The consumption recorded by the meter in question is the actual consumption utilised by the Appellant and is required to be paid accordingly. The contention of the Appellant that there cannot be such a large consumption of 1085 units per month, for the month of March,2020 to June,2020 considering her previous consumption during the same period is not tenable. Technically, much higher consumption can be consumed, considering the Lockdown period due to Corona-19 pandemic, for a load of 13.140 KW as found at site (after many months) against the sanctioned load of 16.760 KW. The concept of load factor and Demand factor normally considered for a Domestic connection are not applicable in view of forced Lockdown, due to Corona-19 pandemic, when the families are forced to stay inside their homes. In any case whether a consumer uses less energy or more energy depends entirely on his lifestyle and uses. As long as the meter is recording correctly there cannot be any dispute on the consumption pattern. The Appellant is disputing the consumption of 4 months (March,2020 to June,2020) of the meter in question whereas he is not disputing the consumption for another 18 months (July,2020 to December,2021) by the same meter. Therefore, her contention holds no water and cannot be accepted especially when it proved on record after testing the meter twice that it is recording accurately.



- (g) The Appellant's another contention that surcharge on late payment should be waived off as the Electricity Department has not resolved the grievance timely as per her representation dated-July,2020. She was requested during VC to supply a copy of his representation dated-July,2020, which she supplied. The Respondents have also confirmed that they have received her representation in JE office but no action could be taken due to Covid pandemic situations.

It has been observed from the tabulated consumption data supplied by the Respondents from January,2019 to October,2021 that Appellant has not been making the payment of bills since Feburary,2020 for almost more than 18 months.

In my considered view, the Respondents had not followed the Regulations, as stated above in letter and spirit. Had they acted on the complaint of July-2020, as per clause 7.24 to 7.27 of the Regulations, not only the grievance of the Appellant could have been redressed timely but the payment of bills could not have been blocked for more than one year.

The Respondents, had acted only on another representation dated- 04.02.2021 for excessive billing from March,2020 to June,2020, which was duly replied by Respondents vide letter dated-26.05.2021 [para 6(x to xi)]. Even legal notice dated -28.04.2021 was replied by Additional Govt, Pleader on 23.07.2021[para 6(xiv to xv)]. Thereafter the meter was tested in Laboratory on 19.05.2021 and also through Check Meter on 18.05.2021. Thus, all actions were initiated by the Electricity Department after her representation dated-04.02.2021. Since no action was taken on the representation of July,2020 by the Respondents, they are not liable to charge any surcharge, till dated-11.06.2021 (26.05.2021+ 15 days) say up to June,2021.

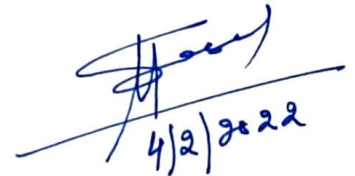
5. Regarding issue no 3(ii) as above, as to whether CGRF order dated-08.11.2021 is sustainable in the eyes of law?

In view of the explicit provisions in the Electricity Supply Code regulations-2018, and the fact that meter was found recording accurately, the order of Ld. CGRF is inconsonance with the Regulations notified by the Hon'ble Regulatory Commission except that it has erred in not considering the request of Appellant for waiving of the surcharge in view of the non- action by the Respondents on her earlier representation.



(F) DECISION

- (i) For the reasons discussed above, the appeal of the Appellant is partly allowed.
- (ii) The order No-69/2021 dated-08.11.2021. passed by the Learned CGRF-Puducherry, is partly upheld and modified to the extent that Respondents should issue a revised bill on the basis of actual meter readings, within 15 days after the issue of this order through email, from March,2020 till June,2021 without the late payment surcharge, after adjusting the amount already paid (if any) including the 1/3rd amount paid now against this Appeal. The amount so calculated may be accepted in 4 monthly instalments.
- (iii) The Appellant is liable to pay the late payment surcharge for all the bills not paid from July,2021 onwards.
- (iv) The Appellant has already been supplied details of bills from January,2019 to October,2021, in tabulated form along with the counter reply of the Respondents. If she desired the photocopy of the ledgers the same may be supplied after deposit of fee per page as per the rate fixed by the Puducherry Govt, under the RTI act.
- (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 Electricity Ombudsman on the action taken in this regard within **30 days** from the issuance of this order by email.
- (vii) The appeal is disposed of accordingly.



4/2/2022

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

Dated 04.02.2022