

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. 163 of 2022

Date of Video Conferencing: 31.05.2022

Date of Order: 07.06.2022

Tmt. S. Muthulakshmi
Puducherry

.... Appellant

Versus

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

.... Respondents

Parties present:

Appellant(s)

Ms. Akhila Xavier-Advocate for the Appellant

Respondent(s)

Shri K. Ramanathan
Executive Engineer



Date of Order: 07.06.2022

The Appellant has preferred an Appeal against CGRF- Puducherry order in C.C.NO: 47/2020 dated-02.12.2020 and C.C. No: 56/2020 dated-01.02.2021. Appellant submitted that she has sent the Appeal on 31.12.2020 through speed post. The same is not traceable in this office. She again submitted the Appeal on 11.04.2022 through email. Appeal was admitted on 12.04.2022 as Appeal No.163 of 2022. 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. Stay order was also granted against disconnection. A copy of counter reply was supplied to the Appellant with a request to file the rejoinder.

Settlement by Mutual Agreement

Both the parties appeared before the Electricity Ombudsman through Video Conferencing as scheduled on 19.05.2022 and 31.05.2022 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:

(1) Appellant submitted the brief facts as under: -

- 1.1) I paid all previous and current dues upto the month of March 2020 as per the provided monthly consumed Electricity bill for February 2020 and taken consumed units by Electricity department bill collector for dated 04-03-2020 which provided by the Opponent of the complainant/Plaintiff, Mr. Junior Account Officer (Revenue) JAO REV. II.
- 1.2) Due to COVID -19 pandemic which affected all over India's states and union territories from March'2020 till date. In this situation, no one from Electricity department to come home and taken electricity consumed units and not to provide Electricity bill for the consumed units.
- 1.3) On August 14th 2020, Electricity department worker came to my house and taken current month consumed units then provided Electricity Bill to me without mentioning amount.
- 1.4) When I saw the provided Electricity bill and found that, the electricity consumed amount not mentioned on the bill, also billed date mentioned as 05-08-2020 and last date mentioned as 26-08-2020. As per the billed date 05-08-2020, but no one from Electricity department came to my house and taken consumed units on that particular date instead they come to my house and taken consumed units on 14-08-2020.
- 1.5) As per Electricity Department Law, 15 days is the timeline to pay the amount from the bill generation date. Usually Electricity Department worker come to my house and submit the bill to me after 2 days from the billed generation date. It is affecting us and pushed to pay the bill within the less timeline of 10-12 days, suppose to have 15 days timeline to pay the electricity bill amount.



- 1.6) Also, Electricity Department worker taking current electricity consumed units from the billed date after 10 or 12 days which caused we need to pay more amounts on every months. But I could not pay the amount.
- 1.7) I and my husband went to Electricity Department on 26-08-2020 to meet Mr. Junior Account Officer (Revenue) to give a petition and explained the details to Junior Account Officer but he was not in the seat, and the another worker informed me to come tomorrow to meet Junior Account Officer. Again, we went to Electricity Department to meet Junior Account Officer on 27-08-2020 but JAO not available. So, we submitted the petition to Dispatch department however the dispatch department worker received my petition but he denied to put stamp in the acknowledgement copy. Again, I requested him to put seal then he put a seal in the acknowledgement copy and updated the petition in the dispatch register.
- 1.8) After 30 days from I submitted my petition, I did not get any response which I mentioned in my petition from Junior Account Officer, Puducherry Electricity Department. Electricity worker came to my house and taken current month electricity consumed units and mentioned the amount of Rs.1, 445/- in the bill. On the bill statement mentioned as the outstanding balance Rs.7, 246/-, Permanent Service Fee Rs.45/-, Additional Tax Rs.94/-, and 4% interest amount, Other charges Rs.100/-, therefore total amount of Rs.8,930/-.
- 1.9) Respected Sir, If Junior Account Officer reviewed my petition and take appropriate action on my petition to pay the balance amount, I will make sure to pay the amount. Mr. JAO did not take action on my petition; I submitted my petition to Mr. Executive Engineer-IV, North on 25-09-2020.
- 1.10) I went to Electricity Department on 29-09-2020 to meet Mr. Executive Engineer but his personal assistant informed me to meet 'JAO Rev II' first. So, I met JAO Rev-II and I explained him the additional amounts included in the bill. Also, I said my petition dated 26-08-2020 to your (JAO Rev-II) review, after the petition submitted to Mr. Executive Engineer's review on dated 25-09-2020. Suddenly JAO said that, I did not receive your petition. Then, I said him when I came to Electricity department to meet you on 26-08-2020 and 27-08-2020 but you were not available in office on these days. JAO has called Mrs. Gowsalya and informed her to find my petition.
- 1.11) On 06-10-2020, I met Mr. Executive Engineer and informed him regarding I received a letter dated 30-09-2020 which sent by the officer, on 03-10-2020. He said that, to me come on 08-10-2020. I went 08-10-2020 to met him and requested that, to waive off the additional interest amount and other excess charged amounts from the bill, then I requested him to approve me to pay the amount in installment basis. He said that, I will sent the letter to Mr. JAO, Rev II review.
- 1.12) Sir, on 10-10-2020 Electricity department worker came to my house and noted current consumed electricity units and written consumed electricity units charge amount in the bill. On this bill, they mentioned 'Late Fee Rs.124/-Miscellaneous charges Rs.12/-, Extra Tax Rs.57/- and including previous balance amount, total calculated amounts as Rs.11, 203/-.
- 1.13) Balance amount which we need to pay as on Bill date 06-10-2020 and extra charges including interest that were mentioned on the current consumed electricity bill dated 10-10-2020.



- 1.14) I submitted my petition on 12-10-2020 to Mr. Superintending Engineer, Puducherry Electricity Department. in regarding the mistakes who done by the concern officers who done mistakes and charged extra charges to us.
But I did not get any response from Mr. Superintending Engineer after 10 days of submitted petition. So that, I had only chance to submit my petition to CGRF.
- 1.15) Above mentioned incidents and trues, it is affecting my Money loss, Depression, Time Loss, Health Issue due to lack of service from Higher Officer. So that, I submit my petition and requesting Mr./Mrs. Honorable Court to help me to get below mentioned remedies from Puducherry Electricity Department.

2.) Petitioner's requested remedies:-

- 2.1) Requested to order Puducherry Electricity Department for compensation to the petitioner, do not include interest amount and additional surcharges also additional current consumed electricity charges from the bill. Also, allow me to pay the correct balance amount into 5 months installments with the upcoming bills.
- 2.2) Requested to order Puducherry Electricity Department, do not disconnect Electricity connection from my house, until this case get judgment.
- 2.3) Requested to order Puducherry Electricity Department, to provide compensation amount of Rs.5,00,000.00/- to the petitioner due to depression and could not go to work.
- 2.4) Requested to order Puducherry Electricity Department, to pay the case fee amount to the petitioner.
- 3.) I mentioned the below listed details are about Case history and Judgement details from Lower court grievance redressal forum.
- 3.1) I filed my case on 21-10-2020 to the address of Appeal Lower court (Grievance redressal forum, Electricity Department, Puducherry, Phone # 0413-2201351, 0413-2201451). Registered my case under the Consumer Case Number: 47/2020 on 22-10-2020.
- 3.2) Enquiry commenced on 24-11-2020 at 10:30am. The judgement date 02-12-2020 and the judgement was 'Puducherry Electricity department to provide petitioner's all remedies because justice for the petitioner. I received the judgement copy on 04-12-2020.
- 3.3) In the judgment copy, the mistake was the bill amount not mentioned on the bill. And, to remove the interest amount of Rs.179/- for the month of August-September 2020.
- 3.4) Puducherry Electricity Department to make the necessary correction from March-2020 to September-2020 billing month, and then to give the corrected bill to the petitioner, from 10 days of the court order.
- 3.5) Puducherry Electricity Department to provide the bill to the petitioner to pay the total pending amount into 5 installments and mention the due date on the bill statement.

- 3.6) The petitioner will pay the installment amount and month on month electricity bill amount without fail. If the petitioner failed to pay the amount, Puducherry Electricity Department will take action against the petitioner.
- 3.7) Request not accepted as to order Puducherry Electricity Department, to provide compensation amount of Rs.5,00,000.00/- to the petitioner in judgement.
- 4.) Again, I submitted the petition on 18-12-2020 to Puducherry Consumer Grievance redressal forum to take appropriate action to the concern electricity officers whom not provide the correct bill statement and 5 months installment amount details after 10 days from the judgement date 02-12-2020 on the Consumer petition number: 47/2020.
- 5.) Consumer Grievance Redressal Forum officer said that, your petition will reconsider and register this is a new case. But till date, I did not get any response.
- 6.) In Petitioner's asked remedies:-
- 6.1) Mentioned in the judgement as to cancel the interest amount of Rs.179/- (Hundred Seventy Nine only) from the month of August-2020 and September-2020.
- To cancelation of the late fee amount should cover the total amounts from when the petitioner submitted case in the court against Puducherry Electricity Department Officers mistakes which occurred the late fee amount from the petition date to judgement date.
- 6.2) The late fee amount Rs.124/- (One Hundred Twenty Four only) mentioned in the monthly bill for September-2020. In August-2020 and September-2020 for two month bill statements which not mentioned the late fee amount Rs.179/-, but Lower court order mentioned as the late fee amount Rs.179/-. I really do not know how this amount Rs.179/- not mentioned in August 2020-September 2020 bill statement but mentioned in lower court order.
- 6.3) It was not acceptable to cancel only the late fee amount Rs.179/- instead of to cancel the late fee amount till judgment.
- 6.4) On the monthly electricity bill statement, Late fee amount Rs.124/- mentioned in September-2020 month electricity bill, and the next October-2020 month electricity charge amount Rs.401/- which included the late fee. Also electricity charge amount and the late fee amount total Rs.666/- with the interest amount included total billed amount of Rs.1,246/- which mentioned in the next month of November-2020.
- 6.5) Late fee amounts were mentioned in the electricity bill statement during the investigate periods.
- 6.6) Indirect charges mentioned in the electricity bill statements that, I mentioned in my petition to cancel the indirect charges from those bills. But, no where indicates about the indirect charges in the order, which is not acceptable.
- 6.7) I submitted my petitions on more times to Electricity Department which led I absent my regular duties during the months, also I spent time for written the petition and typed the petition then taking copies of the petitions, which led to spend more amounts. During

submission my petition, I taken Xerox copies of the petition in related to this case also I spent the transport charges, which are all affected me on depression. But, lower court not provide any compensation on the above mentioned losses instead unilaterally to judgement, which not acceptable.

6.8) Electricity department provided monthly bills to me after 10-12 days from the actual reading date, which caused additional consumed units (for next 10-12 days) calculated on the monthly bills.

6.9) Bill date to due to should be 15 days grace period to pay the amount, but they did not provided bills on time to me which affected I forced to pay the bill within the short period and not 15 days grace period. If I failed to pay the amount within the short period, the late fee will be charged. It is not acceptable to pay the extra amount which led by the mistakes happened by the Electricity Department officers.

6.10) On the judgement does not indicate to take action against the officers who not taken action on my many petitions submitted to Electricity Department, which led to indirectly motivate the officers to do mistake in future days. It is not acceptable.

6.11) I requesting to cancel the interest amount (late fee amount) in upcoming months and not to disconnect electricity connection during till the judgment on my appeal petition. Requesting to allow me to pay the electricity bill amount into 10 installments for the bill period from March-2020 to after judgment.

6.12) Please accept my appeal petition and provide compensation amount of Rs.5,00,000.00/- to me due to depression and could not go to work. Kindly consider my request during the mistakes done by the electricity officers to take appropriate action against on the electricity officers.

(7.) Sir, I know only Tamil language and do not know other languages. So that, I sent my appeal in Tamil. During my appeal enquiry, requesting your help to involve the Honorable Judge or Tamil Translator. Therefore, you can feel my pain and worries. However, I have no money therefore I could not appoint a lawyer to proceed this case. Hence, please provide a judgment copy in tamil language to understand me.

(B) Submissions by the Respondents:

1. That the deponent Shri K. Ramanathan, working as Executive Engineer-Rural North O&M in Electricity Department, Puducherry, and authorized by the Electricity Department, Puducherry (being Deemed Licensee) to file this reply and represent on behalf of Electricity Department, Puducherry.
2. That para wise counter reply is as under:-
 - i. The Respondent respectfully submits that the appellant is holding domestic electrical service connection bearing Policy Reference Code 26-12-05-0563/A2 in the name of Tmt. S. Muthulakshmi, W/o. G. Suburayan, No.10, Anna Street, Govindapet, Muthirapalyam, Puducherry - 605 009. The domestic service was effected on 09.08.2006



- with the initial sanctioned load of 5.810 KW and the connected load had been further enhanced to 24.675 KW on 20.04.2018.
- ii. The Respondent respectfully submits that the appellant has filed an appeal before the Hon'ble Electricity Ombudsman (For the State of Goa and Union Territories) registered vide Appeal No. 163 of 2022 against CGRF-Puducherry Order in Consumer Case-47/2020 dated 02.12.2020 and Consumer Case-56/2020 dated 01.02.2021.
 - iii. The Respondent respectfully submits that this Department had complied with the Final Orders of the Hon'ble Consumer Grievances Redressal Forum, Puducherry, in the above said CC-47/2020 and directed the Complainant vide letter no. 4339 /ED/Rev-II/JAO/2020 dt. 14.12.2020 to pay the total arrears of current consumption charges Rs.11,678/- (Rupees eleven thousand six hundred and seventy-eight only) for the period from the month of March, 2020 to Sep., 2020 in 5 (Five) monthly installment @ Rs.2335/- per month (Rupees Two thousand three hundred and thirty-five only) for the first four installment and Rs.2,338 (Rupees Two thousand three hundred and thirty-eight only) for the fifth and final installment in respect of the cited Policy along with the regular Current Consumption Charges bill of the particular month. The appellant has not paid current consumption charges as per Hon'ble CGRF order, moved again to Hon'ble CGRF again and filed one more case.
 - iv. The Respondent respectfully submits that this Department had complied with the final orders of the Hon'ble Consumer Grievances Redressal Forum, Puducherry in the above said CC-56/2020 and directed the Complainant vide letter no. 5165/ED/Rev-II/JAO/2020-21 dt. 09.02.2021 to pay the total arrears of current consumption charges for Rs.20,220/- (Rupees twenty thousand two hundred and twenty only) without BPSC for the period from the month of March, 2020 to Jan. 2021 in 8 (Eight) monthly installments @ Rs.2,527/- per month (Rupees Two thousand five hundred and twenty-seven only) for the first seven installments and Rs.2,531/- (Rupees Two thousand five hundred and thirty-one only) for the eighth and final installment along with the regular Current Consumption Charges bill of the particular month.
 - v. The Respondent respectfully submits that this Department has *interalia* indicated in the overleaf of a C.C.C. bill that Non-receipt of C.C. bills will not entitle the consumer to defer or to delay payment beyond the due date; 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. The consumer is bound by the terms and conditions of supply of Electricity and appropriate tariff in force from time to time. But the appellant neither complied with both the above Orders of the Hon'ble CGRF nor with the above cited terms and conditions of this Department and not made any payment claiming that the bill is false.
 - vi. The Respondent further respectfully submits that this Department is following Spot Billing System in which the pre-printed bill is being taken print out usually one day before the bill date, seal of the respective Junior Accounts Officer duly affixed thereon; collected by the field staff of the respective O. & M. from the Revenue Section, issued at the house hold of the consumers on taking and entering the present meter reading simultaneously on the bill and on the stub printed on the overleaf of the bill, finally stub returned to the Revenue Section for updating the present reading in the computer system which would be synchronized online by the Central Computer Section on the next day by which the consumer would be enabled to pay the CC due amount.



- vii. The Respondent further respectfully submits that there is no separate Meter Reader post in this Department. The Meter reading work and serving of monthly bills are being done by the field staff of the respective O. & M. who are also engaged with the other works such as preventive maintenance, break-down maintenance. As such, the C.C. bills could not be served to the consumers by the bill date. Further due to climatic conditions also, the bills could not be served by the bill date. However, action is being taken to issue the monthly C.C. bills to the consumers by the bill date. The consumption pattern of the consumer is very high corresponding to the high connected load of 24.675 KW units in respect of the said domestic service. It may be understood that as such delay in serving the C.C.C. bill after the bill date would not affect the slab rate of the consumer.
- viii. The Respondent further respectfully submits that as directed by the Hon'ble Electricity Ombudsman (For the State of Goa and Union Territories) in the Admission Notice of the said Appeal dt. 12.04.2022, hearing for mutual agreement has been held in the chamber of the Executive Engineer (Rural) North O. & M., Electricity Department, Puducherry with the authorized representative of the Appellant on 19.04.2022 in the presence of the Assistant Engineer Kurumbapet, Junior Accounts Officer (Revenue-II), Electricity Department, Puducherry. Even after elaborate deliberations in cordial manner, the Appellant has not agreed for mutual agreement.
- ix. The Respondent further respectfully submits that as directed by the Hon'ble Electricity Ombudsman (For the State of Goa and Union Territories) in the Admission Notice of the said Appeal, this Department intimated the Appellant to deposit 1/3rd of the disputed/outstanding amount as on 13.07.2021 i.e. Rs.10,644/- (Rupees ten thousand six hundred and forty-four only) towards 1/3rd of total revised amount of Rs.31,933/- towards arrears of current consumption charges without BPSC for the period from March 2020 to June 2021 vide letter no. 1-2/ED/REV.II/JAO/L 12/2022-23 dt. 21.04.2022. The Appellant has paid the amount of Rs.11,027/- (Rupees eleven thousand and twenty-seven only) vide Receipt No. 04001606 dt. 21.04.2022.
- x. The Respondent further respectfully submits that as the C.C.C. bills for the period from March 2020 to June 2020 were not served to the consumers as no reading was taken due to COVID Pandemic and the monthly bill was claimed based on Average units respective to the consumer. The reading was subsequently taken in the month of July, 2020 and C.C. charges were calculated based on monthly slab rate for the average of the actual reading recorded during the Lockdown period.
- xi. The Respondent further respectfully submits that the additional data statement has been prepared as per the format of Hon'ble Electricity Ombudsman and enclosed herewith for kind perusal.
3. The Respondent humbly submit that the appellant is not making the payment of CC charges willfully stating that the bill is wrong in spite of repeated redressal of the complaint by Hon'ble CGRF, Puducherry.
4. The Respondent respectfully prays that the appeal against the Hon'ble CGRF order is baseless and thus the appeal may be dismissed.



(C) Ld. CGRF- Puducherry's order in C.C.NO:47/2020 and C.C.NO:56/2020 preferred for appeal:

(i) Ld. CGRF-Puducherry, has passed the following order in C.C.NO:47/2020: -

ORDER

“Para 7.7.21 of the JERC Supply Code 2018 clearly mentions that the bill amount should indicate energy charges for current as well as past arrears etc., Hence issue of bill without mentioning of current consumption charges could not be construed as a valid bill since it is violating the provisions of the Supply Code without mentioning the amount in the bill, it is not known how the Respondent expect the consumer to make payment. It is not reasonable to expect all the consumer to come to the Department to know the bill amount or to expect all the consumers to have access to internet to know the bill amount online. In spite of repeated reminders, the Department has issued the statement to the Complainant only on 30/09/2020. As per Para 7.26 of the Supply Code 2019, the Consumer shall not be charged BPSC if the payment is made within 15 days from the due date. Since the statement showing the clarification was issued on 30/09/2020, the Department cannot charge BPSC for the month of August and September 2020 and hence Rs.179/- shown as BPSC in the bill for the month of August 2020 shall be deleted.

ii. The Department shall issue a revised bill from the period March 2020 to July 2020 and for the month of August 2020 and September 2020 considering remarks under Observation and directions given in the Order within 10 days from the date of receipt of this Order to the Complainant.

iii. The Department shall also issue installment Order permitting the Complainant to pay arrears in 5 monthly instalments, mentioning the due date for each installment.

iv. The Complainant shall make monthly installment payment along with the regular current consumption charges and in the event of failure in payment; the Department is at liberty to take action as per Supply Code.

v. In view of the remarks furnished under observation, the request of the Complainant to Order for compensation of Rs. 5 lakh for mental agony and cost of case have not been agreed to.

vi. 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 within 30 days.”

(ii) Ld. CGRF-Puducherry, has passed the following order in C.C.NO:56/2020: -

With reference to the observation in previous paras, the Respondents are directed:-



- a. to revise the bill upto January 2021 from March 2020 giving month-wise working details for the reference of the consumer. The Complainant shall be permitted to pay arrears without BPSC upto January 2021 in 8 instalments and the installment order shall be issued within 10 days from the date of receipt of this Order.
- b. The Respondents shall send a copy of the Order along with the proof of dispatch within 5 days after that.
- c. 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 within 30 days.”

(D) Deliberations during Video hearing on 31.05.2022 :-

Appellant's Submission:-

- a. Ms. Akhila Xavier-Advocate for the Appellant reiterated her version as submitted in the Appeal.
- b. She further emphasized that the bill for the month of August, 2020 was delivered late that too without any amount. The Appellant reported the matter to the Electricity Department on 26.08.2020 but the Department did not take any action, therefore she approached the CGRF but the Ld. CGRF has also not given her justice.
- c. She was informed that as already intimated vide email dated-31.05.2022 no documents as listed in the Appeal has been supplied. She was also requested to explain this court as to what is wrong with the bill for July, 2020 delivered on dated-14.08.2020. She promised to file reply immediately.
- d. The Appellant was requested vide this court e-mail dated-31.05.2022 to supply the following documents as promised during e-hearing within 2 days failing which the matter shall be disposed of as per the available record:
 - (i) Scan copies of all the 18 documents as listed in the Appeal.
 - (ii) Calculations to prove that bills issued by the Electricity Department were wrong.
- e. The Appellant vide her email dated - 01.06.2022, has supplied the scan copies of 18 listed documents and further informed that she will supply the bill calculations in a day or two. Again vide e-mail dated 03.06.2022 she supplied a receipt of the 1/3rd amount paid, but could not explain as to how the bills issued by the Electricity Department were wrong.

Respondent's Submission:

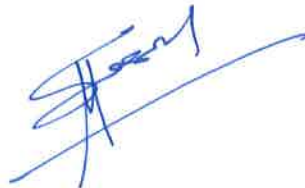
- a) Shri K. Ramanathan, -Executive Engineer, reiterated his version as submitted in reply to the appeal.
- b) Respondents were also requested vide email dated-31.05.2022 to supply the following documents as promised during e-hearing within 2 days failing which the matter shall be disposed of as per the available record.



- (i) English translated copy of the first representation dated 26.08.2020 as filed by the Appellant to JAO/Electricity Department.
 - (ii) English translated copy of the reply given to the Appellant by JAO/Electricity Department.
 - (iii) Copies of the Spot bill dated 14.08.2020 and the next bill dated-11.09.2020 and 2-3 other subsequent bills
- c) The Respondents vide their email dated - 01.06.2022, has supplied the additional documents as above.
- d) On being asked, if the any consumer can see his bill on the website and whether can pay the bill online. He confirmed that consumer can see the bills on their website as well as can pay the bills online.
- e) On being asked as to why supply was not disconnected from 01.02.2021 (CGRF order in CC-56/2020) till 12.04.2022 (Stay granted by this Court). He explained that supply was not disconnected because the consumer keeps on representing again and again and the department was replying his representation. He further submitted that Appellant was not paying even as per orders of Hon'ble CGRF.

(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 Appellant has submitted the receipt of speed post dated 29.12.2020 and 13.07.2021. However probably due to lockdown on account of Covid-19 pandemic, the speed posts could not be traced in this office. Therefore, the speed post receipt have been considered as true and genuine and delay is hereby condoned in the interest of justice, keeping in view the prevailing circumstances due to covid-19 pandemic.
4. 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 January, 2021 and waiver of late payment surcharge as prayed for?
 - ii. Whether the CGRF order dated-02.12.2020 and 01.02.2021 are sustainable in the eyes of law?
 - iii. Whether the Appellant is entitled for compensation of Rs.5, 00,000/- as prayed for?
5. Regarding issue no 4 (i) as above, as to whether the Appellant is entitled to relief for correction of Electricity Bills from March, 2020 to January, 2021 and waiver of late payment surcharge as prayed for?



(a). Following provisions have been provided in the Supply Code Regulations- 2018, notified by the Hon'ble Commission w.e.f-26.11.2018: -

"BILLING"

General

"7.1 Tariff and charges for supply of electricity shall be determined by the Commission from time to time. The Licensee shall intimate the consumer, in the beginning of the financial year, the following:

(1) Billing cycle, which shall be monthly for all categories of consumers except agricultural consumers, i.e., pump set connections, in which case, depending upon the local conditions, the Licensee shall specify the billing cycle separately with the approval of the Commission.

In case of consumers with LT single phase supply, if the Licensee experiences difficulty in monthly billing of such a large number of consumers, it may carry out the billing on bi-monthly basis (i.e., once in two months) with the approval of the Commission. The Commission may consider the difficulties of the Licensee and may approve the billing on bi-monthly basis for a limited time period beyond which the billing cycle shall be on monthly basis.

(2) Probable week in which bill shall be issued by the Licensee in every billing cycle;

(3) Probable due dates for payment of bill; and

(4) Rebates applicable to consumers, if any.

7.2 Provided that the due date for bill payment through cheques shall be 3 working days in advance of the normal due date for cash payment. The Licensee shall also intimate the consumer of bill dispatch through SMS and/or email, if the consumer has furnished requisite details. The billing details of last six bills (including the latest bill) for all consumers shall also be made available on the Licensee's website along with payment receipt details.

7.3 The Licensee may explore an option of introducing Spot Billing to domestic and commercial consumers in its area of supply.

7.4

7.5 The bill will be delivered to the consumer immediately in case of spot billing under acknowledgment by the consumer. In all other cases, the Licensee shall ensure that the bill is delivered to the consumer by hand/post/courier at least 15 days prior to the due date of payment."

(b) Billing in case of Disputed Bills



“7.14 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.

7.15 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.**

7.16 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.

7.17 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.

7.18 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.”

(c) (i) The contention of the Appellant is that, Electricity department worker came to her house on August 14th 2020 and taken current month consumed units then provided Electricity Bill to her without mentioning amount and also bill date mentioned was 05-08-2020 and last date mentioned was 26-08-2020. As per the billed date 05-08-2020, but no one from Electricity department came to her house and taken consumed units on that particular date instead they came to her house and taken consumed units on 14-08-2020. Further she alleged that only 10-12 days were allowed to pay the bill against the 15 days timeline as per law.

I have gone through the contention of the Appellant and his pleadings that his meter reading was taken on 14.08.2020 instead of 05.08.2020 (Due date). The Respondents are taking monthly readings as per the prior fixed schedule. The Respondents have more than 4.70 lacs consumers and therefore it is necessary to divide them in groups, so that meter reading, then processing of computerized billing and distribution of bills are carried out in a pre-scheduled time line. It is practically impossible for a meter reader to read all meters simultaneously on the pre-schedule billing dates. There will always be variations in readings as noted by the Appellant and the Respondents as some grace period of around 1 week is given to the meter readers to note down all meters in the billing group. Therefore, there is no merit in the submission of the Appellant



that meter reading noted on 14.08.2020 for the prescheduled due date of 05.08.2020 cannot be taken as correct, especially in view of restrictions imposed due to COVID-19 pandemic. This procedure is being followed in all Electricity Board/Department and there is no loss to Consumers on this account being a recurring exercise.

(ii) The other contention of the Appellant is that SPOT BILL given on 14.08.2020 is without the amount for the current consumption; therefore he had not paid the bill and represented to JAO (Revenue) for correction of bill. I have seen the bill for the month of July, 2020. In this bill all charges amounting to Rs.1018/- has been mentioned with initial reading as 12003 and final reading as 14830. It is correct that consumption charges/amount for July, 2020 has not been mentioned. The same are not required to be mentioned because it is well in the knowledge of the Appellant that due to COVID-19 pandemic, no meter reading were taken from March, 2020 to June, 2020. On 14.08.2020, the meter reader cum Spot billing clerk has only noted the reading for the month of July, 2020, so that this reading is entered in the Data Centre of the computerized billing, and a correct bill is generated from March, 2020 to July, 2020 and all the amount paid by the Appellant from March, 2020 to June, 2020 (Average charged due to non-reading of Meter due to pandemic) is adjusted. This is precisely what happened and in the bill of August, 2020 an arrear of Rs.7246/- has been shown after adjusting the payment made by her and without any surcharge. The Appellant represented to JAO (Revenue) on 26.08.2020 and JAO (Revenue) who finally replied on 30.10.2020 giving full justification as to how this amount has been worked out. But even after this clarification she did not bother to pay the pending bills.

(iii) Another contention of the Appellant is that only 10-12 days were allowed to pay the bill against the 15 days timeline as per law. As per Regulations 7.5 of the Supply Code Regulations-2018, no time period has been prescribed for the SPOT BILL. At least 15 days period has been prescribed for the bill to be delivered to the consumer by hand/post/courier. I have pursued the representation of the Appellant to JAO (Revenue) on 26.08.2020 and the relevant part is reproduced below:-

“Therefore, your C.C. bill may be revised and by considering our psychological issues during this pandemic Covid situation in Puducherry, extra amount arrived in C.C. bills may be reduced as per the above request.

Moreover, I request to give 5 instalments to pay the C.C. bills.”

On one hand Appellant says that no amount has been mentioned in the bill on the other hand she prays for 5 installments. This only reflects the intention of the Appellant to avoid payment of government dues of electricity bill on one pretext or the other.

Executive Engineer has confirmed during e-hearing that any consumer can view his bill as well as pay online through website of the Electricity Department-Puducherry and even the Appellant is using this service and had paid the bills online from March, 2020 to June, 2020 on average basis due to COVID-19 pandemic. Therefore, she has enough time to pay the bills online or offline. Even otherwise also the Appellant is required to pay as per Regulation- 7.25 of the



Supply Code Regulations-2018, an amount based on average consumption of corresponding period of the previous year when the meter was functional till the dispute is resolved. Therefore there is no merit in this connection also.

(iv) In view of above analysis, I do not find any merit in the contentions of the Appellant for not paying the bill. As per data supplied by the Respondents from December, 2018 to February, 2022 the Appellant is not paying the electricity bills for the last 20 months and due to lethargic attitude of Electricity Department-Puducherry, the supply was not disconnected even after the orders of CGRF. Being a commercial department, Electricity Department/Appellant cannot be allowed to block the Government revenue for months.

(6) Regarding issue no 4 (ii) as above, as to whether CGRF order in C.C.NO:47/2020 and C.C.NO:56/2020 is sustainable in the eyes of law?

(i) In the order passed in C.C. NO:47/2020, the Ld. CGRF has come to the conclusion that as per Regulation- 7.7.21 of the JERC Supply Code 2018, it has been clearly mentioned that the bill amount should indicate energy charges for current as well as past arrears etc, but Ld. CGRF has failed to appreciate that when the readings could not be taken for months due to Covid-19 pandemic, the consumption charge cannot be calculated by the meter reader cum spot bill clerk on the spot as he is not expected to carry the complete Data Centre with him. After taking the meter reading the consolidated bill can only be prepared by the software of computerized billing system after entering the new reading and then after calculating the slab wise /month wise consumption charges and after adjusting all the average/adhoc payment made by a Appellant. While taking the reading, the bill submitted to consumer on 14.08.2020 carried all other charges to be paid by the consumers except consumption charges and the Appellant was required to pay the same. However, the Appellant was indulging in delaying tactics to avoid payment of government dues and Ld. CGRF has failed to appreciate the actual facts / process in generating a bill and even failed to take a note that if a consumer disputes a bill, he/she is required to pay average as per Regulation-7.25 of JERC Supply Code 2018.

(ii) In CC.56/2020 the Complainant had mentioned that the Electricity Department had not issued revised bill as per Order by CGRF in CC No.47/2020 dated 02/12/2020.

The Complainant further alleged that the Department has levied BPSC for Rs.1, 246/- and requested to issue directions to the Department for issue of revised bill as per CGRF Orders.

In my considered opinion, this complaint do not lie in the jurisdiction of the Ld. CGRF. Since the grievance is regarding implementation of the Ld. CGRF in CC No.47/2020 dated 02/12/2020, its Appeal lies with the Electricity Ombudsman only as per CGRF and Ombudsman Regulations. Therefore Ld. CGRF has erred in admitting this complaint of the Appellant in CC.56/2020. After passing order in CC-47/2020 it has become "*functus officio*" and cannot adjudicate this Appeal/Complaint.

(iii) In view of the explicit provisions in the said Regulations and the above factual position, the order of Ld. CGRF in CC.47/2020, CC.56/2020 are not inconsonance with the Regulations notified by the Hon'ble Regulatory Commission and are required to be set aside.



- (7) Regarding issue no 4 (iii) as above, as to whether the Appellant is entitled for compensation of Rs.5, 00,000/- as prayed for?

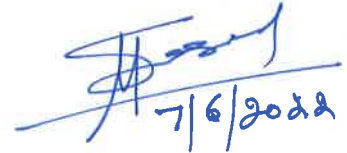
As explained above, the Appellant is avoiding payment of Govt. dues on one pretext or the other and not making the payment despite clarification dated 30.10.2020 by JAO(Revenue) , CGRF order dated-02.12.202 and 01.02.2021 . She failed to explain any irregularity in the bills. In such circumstance she is liable to pay the Late payment surcharge from the bill of July, 2020 and accordingly her request for compensation is hereby rejected as she herself is avoiding payment of Govt. dues against the Regulations. The onus to prove that bills delivered were wrong lies with her and she has miserably failed to prove it.

(F) DECISION

- (i) For the reasons discussed above, the appeal of the Appellant is hereby dismissed being devoid of merits.
- (ii) The stay order granted on 12.04.2022 regarding disconnection is hereby vacated.
- (iii) The CGRF order in No-C.C.No:47/2020 and C.C.No:56/2020, passed by the Learned CGRF-Puducherry are hereby set aside.
- (iv) The Respondents should issue a consolidated bill from July, 2020 till the current billing month along with Notice under Section 56 of the Electricity Act-2003, after charging the BPSC (late payment surcharge) if the bills are not paid by the Appellant in time and after adjusting any amount paid by the Appellant, within 15 days, after the issue of this order through email. In case of non-payment the supply be disconnected as per Chapter -9 of the Electricity Supply Code Regulation-2018.
- (v) The Appellant is liable to pay the late payment surcharge for all the bills not paid in time from July, 2020 onwards.
- (vi) 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, 2018, as amended thereof.



- (vii) 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.
- (viii) Non-compliance of the orders of the Electricity 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.
- (ix) The appeal is disposed of accordingly.



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

Dated: 07-06-2022
Gurugram (Haryana)