

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,
, Email ID: ombudsman.jercuts@gov.in
Phone No.:0124-4684708

Appeal No-208 of 2023

**Date of Video Conferencing: 19th February, 2024
and 28th February, 2024,**

Date of Order: 8th March, 2024

In the matter of: -

The Director,
M/s Coral Reef Resort Pvt Ltd.,
Garacharama. Port Blair bearing Consumer No. Appellant
H3/3463 (Hotel)

Versus

Assistant Engineer, Sub Division No III, HQ Division,
Electricity Department, A&Ni Island Respondent No 1

Parties present:

Appellant(s)

Mr Rakesh Narayan, For M/s Coral Reef Resorts Pvt Ltd
Mr Ayush Kandoi Authorized Representative of M/s Coral
Reef Resorts Pvt Ltd.

Respondents

Mrs Maduri Shukla, Superintending Engineer (HQ), E.D
Deptt. Andaman & Nicobar Island
Mr E P Shahnavaaz,
Assistant Engineer III, HQ Division,
Electricity Department, A&Ni Island

ORDER

This representation was filed on 1st January, 2024 by Director, M/s Coral Reef Resort Pvt Ltd. Garacharama, Port Blair bearing Consumer No. H3/3463 (Hotel), A&Ni Island 744101 under Section 42(6) of the Electricity Act 2003 read with Regulations 32 & 33 of Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations against the order in case **No. ANI/CGRF/296/23-24/28 Dtd 25.08.2023** passed by the Ld. Consumer Grievance Redressal Forum (CGRF), A&Ni Island on 14.12.2023.

Following a thorough review of the documents supporting the representation, the Ombudsman issued an admission notice on 11th January, 2024. The Ombudsman directed the respondents to file the reply to the appeal filed by the appellant vide this office letter dated 11th January, 2024.

The complaint was forwarded to the respondent Superintending Engineer, E.D A&Ni Island for filling reply/comments. The comments were filed vide Email dated 10.02.2024. The hearing through video conferencing was held on 19th February, 2024 and 28th February, 2024.

Statement of the appellant/complainant M/s Coral Reef Resorts Pvt Ltd.

The appellant has submitted that excess electricity bills have been charged by the Electricity Department A&Ni Island for the month of September 2022, October 2022, November 2022 and December 2022 for which he has approached CGRF A&Ni Island.

He has further submitted that the bills were not scrutinized properly during the process of rectification of erroneous energy meter readings from September 2022 to December 2022, in which only the readings for the month of Jan 2023 and Feb 2023 were rectified/corrected.

M/s Coral Reef Resorts Pvt Ltd has an electricity connection vide Consumer Account No H3/3463 for a sanctioned load of 139 KVA. As per the billing details the units assessed in November 2022 was 20800 which accounts to Rs 3,02,400.00/-whereas in December 2022 it was 22427 which accounts to Rs 3,25,992.00/-, in January 2023 it was 16867 which accounts to Rs 2,00,809.00/- which is completely incorrect & wrong as the start of the meter reading in the month of December 2022 was 1838 and even the end reading was 1838 which is protested as unjustified.

Accordingly, it has been requested to verify and make the necessary corrections after the complete and needed verifications of the bills from the month of September to December 2022 to ensure accuracy and compliance.

M/s Coral Reef Resort Pvt. Ltd., Port Blair has authorized Shri. Ayush Kandoi to represent on behalf of the complainant and states that he had filed a complaint regarding correction in electricity meter reading bearing consumer number H3/3463 on 22/02/2023 to E.D. A&Ni Island and no action has been taken by the department. The electricity meter of the Resort was replaced three (3) times without any prior notice. The energy meter was initially changed in the month of August 2022. The Resort installed a solar rooftop on 22/12/2022 in the said premises. Later in January and March 2023 their energy meter was further replaced without any prior intimation or notice.

The complainant vide their representation dated 14.11.2023 has submitted that "due non-generated bills have been uploaded now on the electricity portal from the month of APRIL 2023 AUGUST 2023 and the same has been paid through DEMAND DRAFT No. 854248 amounting to Rs. 2,45,403/- dated 09/11/23 in favor of the Assistant Engineer, Electricity Department, Port Blair copy of which will be attached in the enclosure of this letter.

The payment status of our electricity bills has been updated and paid under protest (Ref letter No. CRR/77/22-23 and CRR/79/22-23) till March 2023 except for the months of October 2022, December 2022 and January 2023 which was held due to non-compliance and non-correction of the electricity meter and previous irregular bills as the matter was sub-Judice with Ld CGRF A&Ni Island. M/s Coral Reef Resorts has informed that they will hold the payment for the months of Oct 22, Dec 22, and Jan 23 bills until they get a resolution on the same and the necessary actions are taken for all the under protest paid bills.

The complainant M/s Coral Reef Resort Pvt. Ltd. had submitted a representation dated 07/12/2023 to Ld CGRF in which he stated that "due non generated bills have been uploaded now on the electricity portal from the month of APRIL 2023 - AUGUST 2023 and the same has been paid through Cheque no. 384330 of amount Rs. 10,94,105/- Dated 23-11-2023 in favor of the Assistant Engineer, Electricity Department, Port Blair copy of which will be attached in the enclosure of the letter along with the payment receipt.

The payment status of our electricity bills has been updated and paid under protest (Ref letter No. CRR/77/22-23 and CRR/79/22-23) till August 2023 including for the month of October 2022, December 2022 and January 2023 which was held due to non-compliance and non-correction of the electricity meter and previous irregular bills under Sub Judge CGRF

The previous Demand Draft (DD) issued (Copy attached for reference) for the settlement of our electricity bill dues (For all months except October 2022, December 2022, January 2023) had been returned by the Assistant Engineer stating the reason that the payment will only be accepted if the balance under protest months amount is included. The copy of the letter from Assistant Engineer has been attached for your reference

Furthermore, we had been informed and threatened by the department for the disconnection of our electricity meter due to non-payment of bills pending which forced us to make the balance payment of the disputed months since we cannot afford any discrepancy in electricity supply as we non a hotel.

However, it is crucial to note that this new payment is subject to the condition that the concerns we have raised regarding the 3 months (October 2022, December 2022, January 2023) under protest bill payment will be resolved. We anticipate that the excess amount charged in question will be appropriately adjusted in our future bills.

Submission by the Respondent Mr E.P Shahnava, AE-III, HQ Division, Electricity Department A&Ni Island.

The Assistant Engineer III on behalf of the Respondent/Licensee in his written submission has enclosed a letter dated 21/09/2023 with enclosures stating that

As per the complaint lodged by complainant M/s Coral Reef Resort P Ltd. bearing Consumer No. H3/3463 against high billing of smart meter (LTCT) vide Meter No GP1010979 and CT Ratio is 200/5 Amps the following report is mentioned below:-

The consumer was provided three phase commercial connection on 7/05/2022 with the permissible connected load 139 KVA for which security amount was deposited as per connected load of 139 KVA. Hence Party obtained dedicated transformer 200KVA Now while physical verification was done it is found that the connected load has increased. The connected load of the Resort has been increased without informing to the Department.

The present connected load is found 319.357KVA.

Solar Roof Top 40 KW has been installed by the consumer on 26/12/2022.

After physically inspecting the resort by JE (PP-I) with other officials of the Prothrapur Site Office for checking connected load on 19.09.2023. The inspection report as submitted by JE (PP-1) is enclosed.

Consumer Ledger of H3/3463, Coral Reef Resort Pvt Ltd. commercial three phase showing the meter reading details, unit consumption and the payment details from May 2022 to August 2023.

EESL Online Meter Reading details showing average unit and meter status.

Billing details of the consumer no. H3/3463, Coral Reef Resorts Pvt Ltd commercial three phase for the month May 2022 to April 2023.

Room occupancy details enclosed.

In regards to complaint we submitted a letter to the concerned Project Head of EESL for rectification of the problem.

M/S Coral Reef Resort Put Ltd. has been issued a letter vide No.EL/AE/PP/2-11/2022-23/635 dated 20.11.2023 against which the said Firm has cleared the outstanding dues upto August2023.

The details of smart meter replacement is given below-

A/C No. H3/3463 (3 Phase Commercial), Meter replaced on 26.10.2023 with initial reading 0, Smart meter replacement done by EESL, G.P. No. 1010741, 3 phase 4 wire ac Static LTCT Smart Meter, HZ, IMAX - 10, A 12000 IMP/KWH, 12000 IMP/KVArh, Genus, Saksham-340"

The Assistant Engineer-III, Elect. Dept., represented on 8.12.2023 on behalf of the Respondent/Licensee (ED) along with earlier posted AE and JE(P/Pur) had deposed before Ld CGRF that the meter was changed three (3) times in the consumer premises.

It was changed for the first time in the month of August 2022 in connection with introduction of smart meter project under Central Aided Schemes. Later, on in December 2022 we found the smart meter stuck-up', and accordingly, the smart meter was replaced in the next month i.e. January 2023. After a month we once again found that the smart meter display is not working, hence, smart meter was once again replaced by the department on 10/03/2023.

In July 2022 the meter CT was replaced by 200/5A CT in place of existing 50/5A CT as the Old CT of 50/5A was under capacity. However, no notice for CT replacement, No status report of existing CT and inspection report is conveyed to M/s Coral Reef Resorts. A copy of the work allocation register is provided by the AE-III confirming that the CT is relaced on 7th July, 2022. The CT was replaced based on the fact that dedicated Transformer provided for the consumer is 200KVA and no, load report was prepared at that time. The load report has been prepared only in September 2023 as a routine exercise.

On 17th August, 2022 the existing meter was replaced with a new smart meter GP No 1010979 during the smart meter project implementation.

Another meter was replaced in March 2023 as the display of the meter was found to be defective however No record for the meter replacement for January 2023 is available with E.D A&Ni Island.

Proceedings:

Hearing on 19th February, 2024

Present

Mr Ayush Kandoi

For Appellant

Mr Rakesh Narayan

For Appellant

Mr Shahnavaz AE

For Respondent E.D

Mr Rajan J E

For Respondent

Mr Ayush Kandoi representing the Appellant has represented their case of excess billing since September 2022 and expressed their dissatisfaction on the orders passed by Ld CGRF. Respondent E.D. submitted that details regarding meter replacement is to be extracted from records for which they seeked time.

Permission allowed.

An Email was sent to the respondent E.D to submit following details which have been replied by the Respondent E.D.

Meter Replacements (August 2022, January & March 2023):

- Provide details of all three meters replacements, including:
 - o Date of replacement
 - o Old meter serial number & specifications (if photo unavailable)
 - o New meter serial number & specifications

- o Reason for each replacement (e.g., malfunction, damage, upgrade)

2. CT Replacement (July 2022):

- o Provide a report and documentary proof for the replacement of the 50/5A CT with a 200/5A CT in July 2022.
- o Clearly state the reason for this specific CT upgrade.

3. Meter Installed May 2022, Replaced August 2022:

- o If available, please provide a photograph of the meter installed on May 17th, 2022, and replaced on August 17th, 2022.
- o If a photograph is not available, please provide the complete meter specifications.

4. Consumer Ledger & MDI:

- o Please provide the complete consumer ledger from the date of installation to date, including the Monthly Demand Indicator (MDI).

5. Solar Panel & Net Metering (December 2022):

- o Please provide the meter reading record for the 40KW solar panel installed in December 2022, including details of exported and imported energy.

6. Meter Reading Change in December 2022:

- o The meter reading chart shows a static reading in December 2022 followed by progressive readings in January and February 2023. Please clarify:
 - o Why was the meter replaced in January 2023 if it was functioning?
 - o Is there a meter testing report available?

7. Smart Meter Replacement (October 2023):

- o As per letter EL/AE/PP/1-12/2022-23/668, a smart meter with GP No. 1010741 was installed on October 26th, 2023, with an initial reading of "0". However, this replacement is not reflected in the consumer ledger. Please clarify the discrepancy.

8. CT Replacement & Inspection Timing:

- o The consumer premise was inspected for excessive load on September 26th, 2023, while the call for CT replacement occurred in July 2022. Please explain the connection between these events.

9. Increased Load Notice:

- o Was any notice issued to the consumer regarding the increased load? Please provide a copy if available.

10. Speaking Order & Increased Load Assessment:

- If any speaking order was passed regarding the increased load following the September 26th, 2023, inspection, please provide a copy.
- Additionally, please share the details of any assessment made regarding the increased load.

General Notes:

Please respond to each request point-by-point for clarity.
If any information is unavailable, please explain the reason.
Provide copies of all relevant documents whenever possible.

Hearing on 28th February, 2024

Present

Mr Ayush Kandoi

For Appellant

Mr Rakesh Narayan

For Appellant

Mr Shahnavaz AE

For Respondent E.D

Mr Rajan J E

For Respondent

Respondent E.D has submitted that

There is no meter change in January 2023 whereas previously it was admitted that there is a meter change due to stop meter observed in December 2022 reading.

The CT replacement work in the month of July 2022 has been taken as per work allocation sheet and No intimation to appellant is available on record.

The Old meters are also not available with them

No MDI data is available with E.D A&Ni Island.

No Notice has been issued to appellant.

No intimation regarding CT replacement, Meter change is available with them. However, a work allocation sheet issued to line staff has been submitted which shows that instructions were issued to Line staff to carry out the assigned work.

The consumer Ledger showing meter reading has been provided.

All the details provided by the department has been taken on record.

Ombudsman Observations:

In July 2022 the metering CT has been upgraded from 50/5A to 200/5A without Issuing any notice to consumer in violation of section 6.12 of JERC Supply Code 2018.

No test report of existing CT of 50/5A to substantiate the reason for replacement of CT is available with electricity department.

No test report for the new CT of 200/5A is available with the department.

In August 2022 when the new smart meter GP No 1010979 was installed on 17th August, 2022 the existing CT of 200/5A was also replaced with a new 200/5A CT along with new meter.

It has been deposed before the Ld CGRF that there is a meter change even in the month of January 2023 as the meter reading found stuck at Reading 1838 in the month of December 2022. No meter replacement record was available with Electricity Department and the meter reading record also do not support the fact that there has been any meter replacement in the month of January 2023. This is a case of false submission by the respondent E.D before Ld CGRF

The meter was replaced on 10.03.2023 due to Display being defective however, no details about the reading being recorded by the EESL is available.

There is no record available regarding any intimation sent to the consumer regarding replacement of meter which is mandatory as per section 6.12 & 6.13 of JERC Supply Code 2018.

Only one month reading for the month of December 2022 was static and thereafter the reading recorded was 2338 in January 2023, 2868 in February, 2023 and on 10.03.2023 the meter was replaced as the meter display was found defective. This has unnecessarily created a situation due to which the Electricity department has done the assessment for defective period from December 2022 to 10.03.2023

When the meter existing between the period August 2022 and March 2023 is a smart meter and data being regularly recorded by EESL as well, there cannot be a reason for carrying out defective meter assessment as per section 7.12 of JERC Supply Code 2018 because when the meter was replaced in August 2022 with a new smart meter the old meter was working fine.

Moreover, when meter is replaced on 10.03.2023 the old meter reading must have been recorded by the department/EESL.

In July 2022 the meter CT was replaced by 200/5A CT in place of existing 50/5A CT as the Old CT of 50/5A was under capacity

No testing of existing 50/5A CT was carried out.

No record in reference to the existing CT of 50/5A is available stating whether this CT is burnt, saturated, open or recording in accurately.

No record in of accuracy in reference to the new CT of 200/5A is available on record.

In July 2022 when the CT of 200/5A is installed the Multiplying Factor (MF) changed from 10 to 40 and recorded consumption increased by almost 2.5 time of existing consumption when the old CT of 50/5A was existing. Considering the same load the increase in recorded consumption cannot be substantiated without any documentary evidence because this is possible in case the old CT of 50/5A is saturated or recording inaccurately. The other possibility is that the CT of 200/5A is not recording correctly. Since the CT testing report for both the CT's 50/5A and 200/5A is not available on record it creates doubt on the recorded consumption.

When the meter is replaced again on 10.03.2024 the recorded consumption reduced for the same set of connected loads.

The period between 17.08.2022 and 10.03.2023 is required to be analyzed thoroughly.

It has been confirmed by the Respondent E.D that they do not have MDI data available in their database.

M/s Coral Reef Resorts Pvt Ltd has installed a Solar Roof Top plant for an installed capacity of 40KWs in the month of December 2022. Although, the installation information has not been given by the owner of M/s Coral Reef Resorts Pvt Ltd to the Electricity Department however, an energy meter for accounting Solar Power has been installed and credit for the solar power is being given to M/s Coral Reef Resorts Pvt Ltd.

Meter No 1010979 which was installed on 17th August 2022 and removed on 10th March 2023 has recorded a consumption of $2868 \times 40(\text{MF}) = 1,14,720$ units in 206 Days whereas the Billed units as per consumer ledger are 1.38,554 units. Secondly, when the meter No 1010979

is replaced with meter No 1010091 on 10th March, 2023 and replaced on 26th October, 2023 has recorded a consumption of 1589×40 (MF) = 63,580 units in 230 days. The period between 17th August, 2022 and 10th March, 2023 has been disputed by the appellant and period between 10th March, 2023 and 26th October, 2023 has not been disputed by the appellant. Hence,

It is ordered:

After hearing both the parties in detail and perused the material on record submitted by the parties, the following order is passed:

The appellant's representation/appeal is allowed.

The Order dated 14/12/2023, in Complaint No- ANI/CGRF/296/23-24/28, issued by Learned CGRF- A&Ni, is upheld to the extent.

The Initial meter installed on 7th May, 2022 G.P No ABOD01888

Meter installed on 17th August, 2022 G.P No 1010979

Meter installed on 10th March, 2023 G.P No 1010091

Meter installed on 26th October, 2023 G.P No 1010741

The billing dispute aroused from July 2022 when the CT of 200/5A has ben installed in place of CT of 50/5A and there is no testing of Old as well as new CT has been carried out by the department. Even the information in this regard has not been provided to the consumer.

The multiplying factor of the meter has been changed from 10 (TEN) to 40 (FORTY) which cannot be considered a valid reason for higher recorded consumption without any corroborative supporting documents considering the fact that there has been no change in the installed load.

The CT of 200/5A has been replaced on 7th July, 2022 and reading of meter not recorded. The entire consumption from meter reading 5745 taken in June 2022 to 6095 (July month reading) has been multiplied by MF of 40 which is not correct. A proportionate calculation must be prepared to bifurcate the reading from the last date of meter reading done in June 2022 to 7th July and from 7th July 2022 till 17th August 2022 when the meter has been replaced in smart meter project.



The billing for the month of December 2022 for average units of 22427 when the static meter reading has been recorded is also not correct as the meter reading is progressive for subsequent months till 10th March, 2023 when the meter was replaced due to defective meter display.

The energy billed for the period 17.08.2022 to 10.03.2023 (as per consumer ledger) is 1,38,554 units whereas the computed units from initial reading to final reading is 1,14,720 units. There is a gap of 23,834 units between Billed units and appellant consumed units.

The billing for the period 10th March 2023 and 26th October 2023 has not been disputed by the appellant.

No testing report of CT 50/5A which was installed on 7th May, 2022 along with meter No ABOD01888 and CT replaced on 7th July, 2022 is available on record. The meter replacement particulars of only one meter which is replaced on 26th October, 2023 has been provided by the department.

Though, the appellant had represented to Respondent E.D regarding excess billing but no action has been taken by the department in accordance with the clause 6.35 of JERC Supply code 2018 which states as under:

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 **Error! Reference source not found.** to **Error! Reference source not found.** of this Supply Code, 2018.

The respondent/Licensee Electricity Department A&Ni Island is directed to revise the bill for connection number H3/3463 from 17.08.2022 when the new meter has been installed for smart meter project till 10.03.2023 when the meter was replaced due to meter display being faulty. The credit for the Solar Power generated shall be given as per rules.

A Solar Roof Top Plant of 40 KWA capacity has been installed by the consumer on 26/12/2022 As per the JERC Regulation No.

7.12. "In case of defective/stuck/stopped/burnt meter, the consumer shall be billed on the basis of higher of monthly consumption of corresponding month of the previous year and

average monthly consumption of immediately preceding three months. These charges shall be leviable for a maximum period of three months only during which time the Licensee is expected to have replaced the defective meter" and

7.13. In case, the Maximum Demand Indicator of the meter at the consumer's installation is found to be faulty or not recording at all (unless tampered), the Demand Charges shall be calculated based on maximum demand during corresponding months/billing cycle of previous year, when the meter was functional and recording correctly. In case, the recorded maximum demand of corresponding month/billing cycle of past year is also not available, the maximum demand shall be calculated based on the load factor as per the mechanism specified in Annexure XIX of the Supply Code, 2018.

But in this case the meter is installed on 7th May 2022 and dispute aroused from 7th July when the CT of size 50/5A has been replaced with CT of 200/5A. The dispute continued till 10th March, 2023 when the meter is replaced and thereafter the recorded consumption has not been disputed by the appellant.

As per the reading pattern prior to the disputed period is concerned No reading pattern is available for immediately preceding three months. Moreover, the new connection is installed on 7th May, 2022 as such reading pattern of previous year is also not available. As such the bill revision in accordance with the clause 7.12 & 7.13 of JERC Supply code 2018 is not possible.

The Ombudsman has analyzed the consumption pattern available as per consumer ledger as under:

Period 17.08.2022 to 10.03.2023

Month /Year	Old Reading	New Reading	Units consumed	MF	units Billed	Remarks
Aug-22	0	156	156	40	6240	Meter Replaced under Smart meter project
Sep-22	156	786	630	40	25200	
Oct-22	786	1318	532	40	21280	
Nov-22	1318	1838	520	40	20800	
Dec-22	1838	1838	0	40	0	

Month /Year	Old Reading	New Reading	Units consumed	MF	units Billed	Remarks
Jan-23	1838	2338	500	40	20000	
Feb-23	2338	2868	530	40	21200	
Total					114720	

Average consumption for 206 Days is 556.89 units per day.

Period 10.03.2023 to 26.10.2023

Month /Year	Old Reading	New Reading	Units consumed	MF	units Billed	Remarks
Mar-23	292	622	330	40	13200	Meter changed due to Display Defective
Apr-23	622	816	194	40	7760	
May-23	816	985	169	40	6760	
Jun-23	985	1130	145	40	5800	
Jul-23	1130	1285	155	40	6200	
Aug-23	1285	1408	123	40	4920	
Sep-23	1408	1589	181	40	7240	
Total					51880	

Average consumption recorded for 230 Days is 225.56 units per day

Comparing two periods it is evident that there is a difference of 59.49% on the lower side. Besides this, 22427 units have been billed on account of stop meter whereas the fact of the matter is that the meter is functional as progressive incremental reading has been recorded in subsequent months.

- A. There has been false submission by the Respondent E.D before Ld CGRF A&Ni wherein it has been submitted that the meter has been changed in January 2023 whereas the meter has not been changed. It has been admitted by the Respondent ED that there is no meter change in January, 2023.
- B. The Respondent/ Licensee ED is directed to revise the bill for the period 17th August to 10th March by considering the meter No 1010091 as defective based on the average recorded consumption for the period 10th March, 2023 to 26th October, 2023. The initial

and Final meter reading of meter G.P No 1010979 and G.P.No 1010091 must be accounted for.

- C. The accounting for Solar power must be ensured while revising the bills.
- D. The Respondent/Licensee (ED) is directed to take appropriate procedure for solar project commissioning for better co-ordination and to reflect the solar generation particulars in future bills.
- E. Superintending Engineer Electricity Department is directed to ensure that intimation regarding replacement of meters must be sent to all consumers in accordance with the supply code 2018.
- F. The Respondent/Licensee (ED) is directed to establish a smart meter testing laboratory or a portable testing device for all site office to avoid litigation against smart meter complaints in future as per norms/clauses of the 'Master Agreement dated 16.12.2019 immediately.
- G. The Respondent/Licensee (ED) is directed to submit compliance report within 15 days from the date of issue of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1)



(C M SHARMA)

Electricity Ombudsman

For Goa & UTs (Except Delhi)

Dated: 8th March, 2024

