

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.198 of 2023

Date of hearing: 08.09.2023

Date of order: 12.09.2023

Shri Prem Avtar Gautama,
Chandigarh.

.... Appellant

Versus

The Superintending Engineer,
Electricity Department,
Chandigarh and others

.... Respondent

Parties present:

Appellant(s)

1. Sh. Daksh Gautama,
Appellant's representative

Respondent(s)

1. Sh. Surinder Kumar,
Executive Engineer
2. Sh. Gurpreet Singh,
Sub Divisional Officer
3. Ms. Manjeet Kaur,
Asstt. Revenue Accountant



Date of order : 12.09.2023

The Appellant has preferred an Appeal against the order of the Hon'ble CGRF-Chandigarh, in CC No-E-70/2023 dated-06.07.2023. The appeal/representation received in this office on 04.08.2023 by email and the same was admitted for examination and consideration on 07.08.2023. Copy of the same as received was forwarded to the respondents with a direction to endeavour to settle the representation through mutual agreement within 10 days. In case no settlement is achieved through mutual agreement, respondents should file the affidavit of counter reply in the required format, to the appeal/representation within 20 days from the date of Admission Notice. Respondents have filed the counter reply and the Appellant has filed the note/rejoinder.

(A) Submissions by the Appellant:

Appellant submitted the brief facts as under: -

I, wish to lodge an appeal against the decision of the Electricity Consumer Grievances Redressal Forum Old B & R Building, Sector 198, Chandigarh Under their reference "COMP-E-70/2023/1125-27 DATED 06 July 2023. Their decision is unfair and unjust

I give below my brief reasons:

4. Their decision dated 06 July 2023 under their memo 1125-27 which was posted on 19 July 2023 reached me on 26 July 2023 at 11.48AM. A photo copy of the front of their envelope is enclosed for your attention.
5. The Sub Divisional Officer, Electy"OP" S/Divn No 6, UT Chandigarh did not issue any electricity Bills from 26 September 2020 to 26.03.2023, My son visited the SCO 274 regularly and it is noticed on Saturday 21 November 2020 that there was only one electric meter on the board. We were notified by the neighbor that our Electricity meter was removed.
2. I applied for a new electric meter for the ground floor of the SCD 274 and on 27 March 2021 during an Electric report for the load, the electric meters on the Board were checked again and there was only one meter for the first Floor
3. My son showed the photo of the SCO 274 and electric Board showing one Electric meter to SDO Sardar Gurpreet Singh at his office in Sector 20 Chandigarh.
4. When the tenant received his Electric Bill with account no-306/3246/8274036 in March 2023 he contacted me saying that there was an arrear of Rs 31,468/-. We contacted the SDO and were told to see the accountant who said you could complaint to any authority.
5. I wrote to electricity CGRF and on 14 June 2023, the Chairman Sh R.S. More gave me an hand written details of the meter readings. He agreed to provide me a proper Electric bill for the period 26.09.2020 to 26.11.2020. It is not supplied to this date. A photo copy of hand written details are enclosed. You may see the Chairman's marking on it. The new Chairman Sardar Jaswinder Singh Sidhu (MEMBER) ignored to see that bill but mentioned for the payments for earlier period for which I did not make complaint.



6. As there was no Electric meter at the Second floor of the SCO 274, there are nil readings from 26.11.2020 to 26.07.2021.
7. I complaint to the Chairman Sh. RS More that the Book Sheet 451 which appears to be prepared after my complaint. In addition, the list of electric consumption showed minor readings (2,2,3,1 unit respectively) from 26.07.2021 to 26.03.2022 is a cover up as there was no meter even on 27 March 2021. The chairman order to examine the Order Book. It was not checked by the new Chairman Sardar Jaswinder Singh Sidhu(member). In addition, he mentioned in item 6 of his report that a credit of Rs 3428 was adjusted. It is far from clear in which Electric Bill it was cleared.
8. Hence this Appeal before the Electricity Ombudsman with prayer that demand of electricity charges or bills from 26.09.2020 to 26.03.2022 be quashed and CGRF order be set aside.

(B) Submissions by the Respondents:

Shri Surinder Kumar, working as Executive Engineer in the Electricity Department Chandigarh, state on oath as under: -

That the deponent is working as Executive Engineer, and is authorized by Electricity Department Chandigarh, being Deemed Licensee vide letter no. 8539 dated 29.10.2010 to file this reply and represent on behalf of Electricity Department Chandigarh, in this case.

Facts on the counter reply: -

1. That the office of SDO Electy. OP Sub Division No. 6 Sector 20, UT Chandigarh has rightly been implemented the Order of Hon'ble CGRF of dated 06.07.2023 and refund entry of Rs. 2938/- in the sundry has been made by his office, which will be reflected in the consumer's next electricity bill issued for the period 26.05.2023 to 26.07.2023 against account No. 3246/827403G and the same has already been intimated to the complainant Sh. Prem Kumar Gautama vide SDO Electy OP Sub Division No. 6 UT Chandigarh office Endst. No. 1092410 dated 03.08.2023 for which the complainant neither contested/ challenged and raised any objection of the said amount nor approached to the O/o Electy Sub Division No. 6 UT., Chandigarh. It shows that the complainant was very much satisfied with the action taken by the Department on the Orders of Hon'ble CGRF.

On Merits

The following reply has been submitted on the basis of report/ documents furnished by the SDO Electy. OP Sub Division No. 6 UT Chandigarh being the concerned officer in this case.

1. That 2 Nos. Electricity connections bearing electricity A/C NO.3246/827403G and 3246/827404H having Meter No. CH2E87898 and Meter No. CH2E02757 respectively exists in the name of Sh. Prem Avtar Gautama at SCO NO. 274, Sec 32 D Chandigarh.
2. That Electricity Connection in the name of Sh. Prem Avtar Gautama installed at SCO NO. 274, Sec 32 D Chandigarh bearing electricity A/C NO. 3246/827402E Meter No. CHEP44671 was disconnected by SDO Electy. OP Sub Division No. 6 UT Chandigarh on account of outstanding defaulting amount of Rs. 34187/- on dated 28/03/2022.
3. That, to recover the outstanding defaulting amount of Rs. 34,187/-, the amount has been transferred to another electricity account number 3246/827403G Meter No. CH2E87898 being same consumer and same



premises as per clause 7.40 of JERC Electricity Supply Code Regulation 2018 which is reproduced as under: -

"No sum due from any consumer, on account of default in payment shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied.

Further, dues of any consumer (if any) pending for a period more than 6 months can be transferred to another installation of the same consumer after thorough verification by the Licensee, i.e., proof that the both consumers are same."

4. That the consumer aggrieved from the action of this office has filed a complaint in the office of Hon'ble CGRF on dated 16/05/2023.
5. That the Hon'ble CGRF passed an order on dated 06/07/2023 which was received vide endst.no. 1125-27 dated 19/07/2023. Point no 7 and 8 of the decision is reproduced as under:

Point no 7: *"The action taken by the CED with regard to charging of outstanding amount of Rs. 31468/- in another account of the complainant running at the same premises is very much under the Regulations of the Hon'ble JERC. However, the CED is not supposed to charge any late payment charges of interest on this outstanding amount of Rs. 31468/- while it remained unpaid, when the complainant had objected about this amount being included in another bill."*

Point no 8: *"The CED is directed to not to charge any late payment charges or penalties against the amount of Rs. 31468/- till it was paid along with actual energy consumption in the account in which the same was reflected after it was mentioned under the heading "Arrears"."*

6. That in compliance of Orders dated 06/07/2023 passed by Hon'ble CGRF, the order has rightly been implemented by entering the refund entry of Rs. 2938/- in the sundry which will be reflected in his next electricity bill issued for the period 26/05/2023 to 26/07/2023 bearing account no 3246/827403G and the same has also been intimated to the Hon'ble Chairman CGRF as well as to the complainant Sh. Prem Avtar Gautama vide SDO Electy OP Sub Division No. 6 UT Chandigarh office Endst No. 1092410, dated 03/08/2023.
7. It is, therefore, respectfully prayed that in view of the position stated above and as per the Orders of Hon'ble CGRF the amount of Rs. 2938/- refunded to the consumer and the same will be reflected in the next electricity bill during the cycle 26.05.2023 to 26.07.2023 against Account No. 3246/827403G. Hence, the appeal filed by the complainant/ appelland is not justified and may kindly be dismissed in the interest of justice.



(C) CGRF-Chandigarh's Order in C.C. No.-E-70/2023 dated-06.07.2023,
preferred for Appeal:

Learned CGRF has passed the following order: -

ORDER

"Proceedings of Hearing/ Decision.

1. The hearing in the case was fixed for 14.06.2023. The case is adjourned for the next date of hearing. The next date of hearing was fixed for 21.06.2023. The case was again adjourned for the next date of hearing for some more information from the department. The next date of hearing was fixed for 05.07.2023.
2. The present complaint of the complainant is with regard to the removal of electricity meter bearing account number 827402E, wherein the electricity department had transferred the outstanding amount against this account number to another account of the complainant at the same address. The complainant has also alleged that the Electricity Department didn't intimate him while removing the electricity meter from his premises. The complainant through his complaint also disclosed that one Ms Samiteg Mariya Proprietor of IQ INSTITUTE is under litigation before the Hon'ble Rent Controller, Chandigarh, for the claims made by the complainant. The complainant further raised objections with regard to non -issuance of electricity bills since year 2020 at his home address and that the electricity department has failed to explain as to how the sundry expenses/charges are calculated.
3. After going through the contents of the complaint, the detailed reply of the CED and the oral submissions of the parties, it is revealed that there are more than two electricity connections running at the premises. However, the present dispute is with regard to the electricity connections running at the 1st and 2nd floor of the premises. As disclosed by the complainant his tenant namely Ms Samiteg Mariya Proprietor of IQ INSTITUTE, was occupying his second floor and running an Enterprise under agreement with the complainant. However, from the consumption data as supplied by the CED the tenant of the complainant continued to occupy the premises in question, as per consumption for the cycle 26.01.2020 to 26.05.2020 i.e. 4 months, amounts to Rs. 12494/-, thereafter the consumption reduced to mere 7 units and the bill for that period amounted to Rs. 2510/-, which was paid on 23.09.2020. Thereafter the CED continued to raise bill on the consumption as recorded, though being in single digits. The continuous non- payment of energy charges caused a huge outstanding of Rs. 31468/-, by 17.03.2022, when the CED disconnected the energy supply on account of non- payment of energy charges. The copy of PDCO dated 17.03.2022 has been placed on record by the CED. The ACD amounting to Rs. 3428/- lying as credit with the CED has also been adjusted in the outstanding amount of the complainant.
4. The action taken by the CED with regard to charging of outstanding amount of Rs. 31468/- in another account of the complainant running at the same premises is very much under the Regulations of the Hon'ble JERC. However, the CED is not supposed to charge any late payment charges of interest on this outstanding amount of Rs. 31468/-, while it remained unpaid, when the complainant had objected about this amount being included in another bill.



5. The CED is directed to not to charge any late payment charges or penalties against the amount of Rs. 31468/- till it was paid along with actual energy consumption in the account in which the same was reflected after it was mentioned under the heading "Arrears".
6. The matter with regard to the ongoing litigation of the complainant with his tenant is not required to be commented by the CED nor this Forum can form any opinion about it.

Decision

7. The case is closed with above observation and directions.
- 8.

"The Complainant, if aggrieved, by non-redressal of his grievance by the Forum may make a representation/appeal against this order, before the Electricity Ombudsman for JERC for the State of Goa and UTs, 3rd & 4th Floor, Plot No. 55-56, Service Road, Ph-IV, Udyog Vihar, Sector 18, Gurugram- 122015 (Haryana), Phone No.0124-2340954, Mob: 09871588333, E-mail id- ombudsman.jercuts@gov.in within one month from the date of receipt of this order."

(D) Deliberations during hearing on 08.09.2023 at Chandigarh :-

1. Appellant's Submission:

- a) Sh. Daksh Gautama –Appellant's representative, reiterated his version as submitted in the Appeal/ representation.
- b) He supplied a note/Rejoinder during the hearing and a copy was supplied to the Respondents.
- c) He further submitted that they were not receiving the bills for accounts number-306/3246/827402E (second Floor) from 26/9/2020 to 26/3/2022 (for the period for which pending amount of Rs.31,468/- was charged), because the meter was removed by the Respondents in November, 2020.
- d) He claimed that they had applied for a new connection for Ground Floor on 27/3/2021 and if there had been a meter for account number--306/3246/827402E (second Floor), they would not have applied for a new connection.
- e) On being asked by this court that if the Appellant was not receiving the bills from 26/9/2020 to 26/3/2022 (18 months), had they written/complained to the Respondents, regarding non-receipt of bills or non-existing of a meter. He submitted a letter dated-25/5/2021 in response to Respondent letter number-1852 dated-11/5/2021 in which he had requested for 6 months extension to complete the formalities for release of new connection as he has suffered from coronavirus. Respondents were directed to provide a copy of the said letter dated-11/5/2021.

A perusal of this letter reveals that Respondents have issued a notice to complete the formalities within 15 days failing which the case will be cancelled. This letter has nothing to do with the non-receipt of bills or non-existing of a meter as alleged by the Appellant.



- f) He further submitted that if Rs.31,468/- was pending, why the new connection was released on 23/5/2022, without clearing the old dues.

2. Respondent's Submission:

- a) Sh. Surinder Kumar-Executive Engineer for the Respondent reiterated their version as submitted in the counter reply to the Appeal.
- b) On being asked by this Court to explain the reasons for not recovering the outstanding amount before release of a new connection for Ground Floor. He explained that as per records, the Respondents have written on the case file that there is outstanding of Rs.3173/- against account number--306/3246/827403G. But outstanding amount of Rs.31468/- against account number--306/3246/827402E was either invariably missed by the concerned clerk or this amount may have not been reflected in the computerised ledger at the relevant time. In either case, it did not absolve the Appellant to pay any outstanding amount.
- c) He further submitted that bills were regularly issued against account number--306/3246/827402E as well as for account number--306/3246/827403G in the same premises. He further submitted that as per Consumption Data supplied for all the meters , the Appellant was paying the bills for account number--306/3246/827403G but was not paying the bills for account number--306/3246/827402E. Accordingly, electricity connection for account number--306/3246/827402E was ultimately disconnected on 28/3/2022 for non- payment of outstanding amount of Rs.31,468/-.The issue of non -receipt of bills as alleged , may be due to disputes between Appellant and his tenant as explained during hearing and the Respondents have nothing to do with their dispute because our agreement to supply electricity is with the Appellant only.
- d) He further submitted that Appellant could have written to the SDO office for non-receipt of bills and even he could have downloaded the bills from the website, as printed on the backside of every bill. Regarding, removal of meter, he explained that meter readings are regularly taken by the meter readers as is evident from the Consumption Data so supplied.

(E) Findings & Analysis: -

1. I have perused the documents on record 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 issue which has arisen for considerations in the present Appeal is as under: -



- i. Whether the Appellant is required to pay the defaulting amount of Rs.31,468/- for the period 26/9/2020 to 26/3/2022 (18 months) , as prayed for ?
4. Regarding issue no 3(i) as above, as to whether the Appellant is required to pay the defaulting amount of Rs.31,468/- for the period 26/9/2020 to 26/3/2022 (18 months), as prayed for?
- a) Following provisions have been provided in the Supply Code Regulations-2018 and amendments thereof, as notified by the Hon'ble Joint Electricity Regulatory Commission: -

i) "**Supply and Installation of Meters and MCBs/CBs**

6.16 *The consumer shall be responsible for safe custody of meter(s), MCB/CB, etc., if the same are installed within the consumer's premises. The consumer shall promptly notify the Licensee about any fault, accident or problem noticed with the meter.*

(ii) **Replacement of Lost Meters**

6.51 *Complaints regarding lost meters shall be entertained by the Licensee only if they are accompanied by a copy of the FIR lodged by the consumer with police. In all such cases, the Licensee shall also conduct an inquiry.*

Supply in such cases shall be restored after installation of a new meter, payment of electricity charges for the period in which meter was not available and any other prescribed charges that may be approved by the Commission. Electricity charges for the period in which the meter was not available shall be assessed as per Regulation of this Supply Code, 2018.

(iii) **Payment on Self-Assessment by the Consumer**

7.19 *In case of non-receipt of bill, the consumer may deposit self-assessed bill in the format prescribed in Annexure XII to this Supply Code, 2018 for the period for which bill has not been received, provided that it is not less than the average consumption during the billing cycle over the last six months. The excess/deficient payment so made by the consumer shall be adjusted in the next bill.*

7.20 *In case of dispute regarding levy of surcharges, the Licensee shall settle the dispute within one billing cycle from the date of protest by the consumer after giving him an opportunity of being*

heard.

(iv) Recovery of Arrears

7.40 No sum due from any consumer, on account of default in payment shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied.

Further, dues of any consumer (if any) pending for a period more than 6 months can be transferred to another installation of the same consumer after gation that thorough verification by the Licensee, i.e., proof that the both consumers are same."

- b) Following instructions have been printed at the back side of the electricity bill issued by the Respondents . The relevant provisions are reproduced below:-

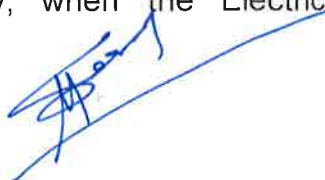
DIRECTIONS RELATING TO THE PAYMENT OF ELECTRICITY BILL

1. In case the due date specified on the bill happens to be a holiday. The next working day should as a routine be treated as "The Due Date".
2. In case the bill in a particular cycle of two months is not received, the consumer should obtain the duplicate copy of the bill from the concerned "Sub - Divn. Or download from the Website of Electricity Department (www.chdengineering.gov.in).
3. (3) (13)

5. Now let us examine the contentions of the Appellant. The whole case has been based on the allegation that electricity meter was removed by the Electricity Department on Saturday 21 November 2020, as informed to the Appellant by the neighbours. Thereafter, the Appellant has not received any bills from 26/9/2020 to 26/3/2022 (18 months). Accordingly, it is the case of Appellant that when there was no meter, then how the bills were generated for the period from 26/9/2020 to 26/3/2022 (18 months) for an amount of Rs.31,468/-.

As per said Regulations (para-4), the Appellant should have lodged an FIR, if he finds that his meter is missing because a duty has been casted on the Appellant/consumer for safe custody of the Meter and other metring equipment within his premises. The Appellant kept silence for 18 months and only woke up when the amount of Rs.31,468/- was transferred to another electricity account for recovery of defaulting amount of account no-306/3246/827402E.

Surprisingly, when the Electricity Department issued



Permanent Disconnection Order vide Book No-451/Sr. No-033 dated-10/2/22 to recover the defaulting amount, they found the meter No-CHEP-44671, TGL make, with Final Reading at 19262 existing at the Appellant's premises. As per record supplied by the Respondents, this Meter was physically removed on 28/3/2022 and the Meter was found dead stop/defective. The electricity is a lifeline of any households or business establishments and one cannot live/function without it even for a minute. However, the Appellant could not show any document to prove that he has complained to the Respondents regarding the non-receipt of bills or non-existing of a meter. The non-lodging of a complaint with the Police or Respondents for 18 months, casts doubt on the intention of the Appellant. Therefore, in my considered view the plea of the Appellant that Meter was removed by the Respondents holds no water and accordingly this plea is hereby rejected.

Another plea is that bills were not received for account no-306/3246/827402E for the period from 26/9/2020 to 26/3/2022 (18 months). As per Regulations (para-4) stated above the Appellant can pay the bills as per his self-assessment. If he had intention to pay the bills, he would have got a duplicate bill issued from the office of the SDO. Otherwise, he could also have downloaded the bill from the website as mentioned on the backside of every bill. The Appellant could not show any document to prove that he has complained to the Respondents regarding the non-receipt of bills.

As per Consumption Data supplied by the Respondents, two meters/accounts were existing for the period 26/9/2020 to 26/3/2022 (18 months) and third account was existing since 17/6/2022. As per computerised billing, when the bill for account number--306/3246/827403G is being issued regularly and being received by the Appellant and even paid regularly, then his allegation that bill for account number--306/3246/827402E was not issued or received by him do not inspire confidence. Anyhow, if he had complained to the Respondents during this 18 month (26/9/2020 to 26/3/2022), he would have known the true facts.

In view of the above submissions, in my considered opinion, the pleas of non-existence of meter or non-issue of electricity bills for the account number--306/3246/827402E, for the period from 26/9/2020 to 26/3/2022 (18 months) are baseless and without any supporting documents. Therefore, these pleas are hereby rejected and the Appellant is required to pay the defaulting /outstanding amount for this period.

(F) DECISION

1. For the reasons discussed above, the Appeal of the Appellant is hereby dismissed, being devoid of merits.
2. The orders passed by the Ld.CGRF -Chandigarh in Complaint No-E-70/2023 dated 06.07.2023 are upheld.



3. 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.
4. The appeal is disposed of accordingly.



12/09/2023

Dated: 12.09.2023
Gurugram (Haryana)

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