

**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

Review Appeal No-195(R) of 2023

Date of Video Conferencing: 25.05.2023

Date of Order: 29.05.2023

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

.... Appellant

Versus

Ms. J.Narmadha Devi.
Puducherry.

.... Respondent

Parties present:

Appellant(s)

1. Sh. K.K. Vimal Kumar,
Executive Engineer
2. Shri S. Sivakumar,
Assistant Engineer/Town I

Respondent(s)

1. Sh. P. Vairavamurthy - father of the Respondent.
2. Ms. J.Narmadha Devi -Respondent



Date of Order: 29.05.2023

The Appellant has preferred a Review Appeal against the Final order of the Electricity Ombudsman in Appeal No.-192 of 2022 tiled Ms. J.Narmadha Devi vs Electricity Department-Puducherry. The Review Appeal was admitted on 27.04.2023, as Appeal No.195 (R) of 2023. 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. The counter reply received from the Respondents was supplied to the Appellant for filing the Rejoinder, whose has filed the same.

(A) Submissions by the Appellant:

FACTS OF THE CASE: -

Detailed facts giving rise to the Review Appeal

1. Shri Vimal Kumar working as executive Engineer in the Electricity Department, Karaikal state on oath as under:

i. That the deponent is working as executive Engineer and is authorized by electricity Department, Puducherry being Deemed Licensee vide: 20/3/2023 (Copy attached) to file this review petition and represent on behalf of Electricity Department, Puducherry, in this case.

ii. Facts of the review petition as under: -

I humbly submit the following, in Continuation to the reply filed on behalf of the respondents in the Appeal No. 192 of 2022 and the hearing session held on 006/04/23 through video conference.

The complainant had initially complained on 06/05/22 about Excess consumption for the month of March 2022 and with a request only to rectify the meter. General checking of the meter and its installations at the consumer's site was done and the consumer was informed that the meter was normal and hence there was no need to replace the meter.

The Complainant had again given written representation on 30/05/2022 on excess consumption for the month of April 2022 and action to rectify the meter. Again, inspected the site by the departmental staff and the consumer informed on the status (i.e) the meter is working normally and there was no need to rectify or replace the meter.



It is to humbly add that the same was not given in writing, but only orally informed and the same was also accepted by her.

Also, it is to be added that, as the consumption had reduced for the month of may and subsequent months, the complainant had not approached this department again. Hence, it was presumed that she was satisfied on the meter performance, since no further complaint receives after May 2022. Hence the department officials had presumed that the issue was closed.

However, new complaint seeking testing of the meter was received on 24/08/2022 wherein she has mentioned that she had to remit the current consumption charges since, she had to vacate the house by 15th September, on personal grounds and settle the bills with her house owner. Wherein she had enclosed a copy of the previous complaint dated 06/05/2022.

In this fresh complaint dated 24/08/2022, she had sought for testing of the meter and accepted to pay the testing charges. This was treated as fresh complaint for the testing of the meter.

The complainant did not approach the department for about five months after the initial complaints and had sought for testing of the meter in the end of August 2022 because she had to vacate the house and clear the Current consumption Charges.

She had approached the CGRF seeking remedy on the excess consumption of units for the months of March & April 2022 but the same was not allowed due to the meter tested satisfactory in August 2022.

However, she had appealed to the Ombudsman and sought financial compensation for the mental agony due to delay of 122 days for testing of the Meter.

It is to humbly submit that in the first two letters given by the complainant on 06-05-2022 and 30-05-2022, she had only requested to rectify the meter. After inspection of the electrical installation of the consumer by the department personnel, it was observed that the meter was working normally and there was no need to rectify or replace the meter. The same was only informed orally and not given in writing to the consumer. Only in the letter furnished by the complainant on 24/08/22, she had requested to test the meter as she had to vacate the premises by 15th September 2022 on personal grounds and agreed to pay the testing

charges. As the meter was tested the next day, there was no delay in testing of the meter by the department. Also, as she did not approach the department during the subsequent Months, until she has chosen to vacate the premises by 15th September 2022 on personal grounds; it was presumed that she was satisfied on the meter performance.

Hence, in view of the above, as there is no delay in testing of the meter, it is therefore, humbly submitted that the case may be kindly reviewed and suitable Orders be passed.

2. He has further filed additional affidavit/Rejoinder as under: -

a) Regarding Para No.1 of the counter reply affidavit, it is to submit the following:

On receipt of first complaint dated: 06.05.2022, the service connection was inspected and also on the second complaint dated: 30.05.2022, again the service connection was inspected and no defect in the Meter or the Metering arrangement was noticed and the same was informed to the petitioner orally.

The above has been accepted and also mentioned by the complainant in her complaint to the Hon'ble CGRF in the CC No. 181/2022 in para 3.

Whenever any complaint in meter reading is received, the meter is checked at site for any abnormality and the same is informed to the consumer for further action. In this case no defect was discovered by this departmental staff, as also acknowledged by her in para 3 of her complaint.

b) Regarding para-No.2 of the counter affidavit, it is to submit the following:

She had mentioned that she approached the Executive Engineer office on 08.06.2022 and 09.06.2022 and in her complaint to the CGRF, she had mentioned that she had met Junior Engineer and that she was informed that if the meter has to be tested, then the Accuchek was under calibration process. It is true that the Accuchek with which any challenged meters are tested in comparison, was under calibration process during that period.



However, no written complaint on any Billing issues were received after 30.05.2022 until 24.08.2022, when she had sought for testing of the meter, owing to her need to vacate the premises and the settlement of CC charges with her house owner, by 15/9/2022.

It is to be added that there is no report received from Junior Engineer to Executive Engineer in July last week and August first week of 2022, as mentioned by her in para 2, and her knowledge about any such report is also not known to this department.

After the testing of the meter on 25.08.2022, about her remarks that, she had employed a private electrician, as suggested by one of the staff members of this office and rectified on 26.08.2022, it is to state that any such oral suggestion given by any of this departmental staff is not officially known to this office. As claimed by herself, the wiring fault is an internal electrification one and does not come under the purview of this department. The O&M staff had checked the metering arrangement and no fault discovered in the same, which has also been ascertained later on, while actual testing of the meter on 25.08.2022 at the departmental lab.

Though it is claimed by her, that the wiring fault was rectified by her on 26.08.2022, the current consumption charges has already reduced in the months of May & June 2022 itself which could be attributed only due to reduced usage. Further the veracity of her claim that the wiring fault has been rectified on 26.08.2022, could not be verified by this department and also the same could not have caused reduced consumption in the preceding months of May & June 2022 etc.,

- c) Regarding Para 3 of the counter affidavit, it is to submit the following:

In the Meter test report vide no. 45/EDK/AEE-C&B/JE/Lab/F.12/2022-23, Dated: 26.08.2022, the reference No. 109/EDK/AE/T-1/JE/Town O&M/F.02/2022-23, Dated: 24.08.2022 of the Junior Engineer/Town is only mentioned and the report signed by the Junior Engineer/Laboratory and the Assistant Executive Engineer/C&B.



The testing of the meter was witnessed by the complainant on 25.08.2022 and the performance was found to be good and acknowledged by her signature also.

However, the said Meter test report was communicated vide Letter No. 520/EDK/AE/T-1/F. /2022-23, Dated: 21.09.2022 by the Assistant Engineer/Town - I. In the request letter dated: 24.08.2022, the complainant had sought for testing of the meter by accepting the Lab test charges, whereas in her earlier complaint dated: 06.05.2022 and 30.05.2022 she has sought for rectification of the meter. She has mentioned the earlier reference dates in the request letter dt. 24/8/2022, for testing of the meter.

Accordingly, in the reply to the same, the Assistant Engineer/Town I has also mentioned as Ref. No.1 the request letters for rectification dated 06.05.2022 and 30.05.2022 and as Ref. No.2 the request letter for testing of the meter dated: 24.08.2022.

He had also stated therein, that, in respect to Ref. No. 1 the meter at Policy No. 18702/A2, was checked at site by the departmental staff and no defect was discovered and the same was orally informed to her during the inspection.

On the second para of his letter, he has stated that, as per her request vide Ref. No. 2 (that is letter dated: 24.08.2022), the meter was tested in the Laboratory and found to be in good condition vide Meter test report No. 45/EDK/AEE-C&B/JE/Lab/F.12/2022-23, Dated: 26.08.2022 and that, it is not feasible to revise the Bill.

In that said letter he had clearly demarcated the response to both references, and has not treated as single issue or continued references.

The response was, as per regular departmental procedure, and not intentional. Further in her earlier complaint, her main issue was 'Excess consumption' and 'Revision of CC Bills' only.

Due to the satisfactory performance of the meter, there was no Excess consumption and Revision of CC Bills did not arise. However, she had represented to the Hon'ble CGRF, wherein also, she had complained of Excess consumption in the months of March



2022 and April 2022. Therein also, she had mentioned that, if the suggestion of internal wiring fault had been made earlier, she would have set right the issue in the month of May itself and would not have represented to the Forum.

On the initial complaint of 06.05.2022 and 30.05.2022, the departmental staff had inspected the meter at site and did not find/discover any fault since the metering arrangement was good. Hence the repairing/rectification of the meter did not arise.

As per her own statement in her letter dated: 24.08.2022, she had sought for testing of the meter by accepting the lab test charges, since she had to vacate the premises and settle the CC charges with her house owner by 15th of September 2022.

Based on her request, the Assistant Engineer/Town I and Junior Engineer/Town O&M vide Letter No. 109/EDK/AE/TI/Town O&M/F.02/2022-23, Dated: 24.08.2022, had sought for testing the meter at departmental laboratory and the meter test report vide no: 45/EDK/AEE-C&B/JE/Lab/F.12/2022-23, Dated: 26.08.2022 was issued after testing of the meter on 25.08.2022 in her presence at the departmental laboratory.

In the meetings with Junior Engineer, Assistant Engineer and Executive Engineer, she had orally sought for revision of CC Bills claiming Excess consumption and since the same could be decided only on testing of the meter at laboratory, she was also orally informed of the Accuchek under calibration process.

In the complaint to the CGRF also, she had represented for remedy on the Excess consumption only. However, the same was ruled out due to the good performance of the meter. Any rectification of wiring fault on 29.08.2022 could not have had retrospective effect on the consumption in the months of March, April, May, June etc., and the high consumption could be attributed only to higher usage and the Hon'ble CGRF had also passed orders not calling for any revision of CC Bills. It was also informed by the Assistant Engineer/Town I that since Accuchek was under calibration process meter testing was not feasible when he was questioned by the Hon'ble forum.



However, in her Appeal No. 192/2022 to the Hon'ble Ombudsman and especially in her Rejoinder dated: 11.04.2023, she had sought for compensation for the delay in testing of the meter, changing from the earlier prayer for "Excess consumption".

Hence this department had to stress on the fact that the earlier complaint in May 2022 was on "Excess consumption and Rectification of meter" which was attended to, by the staff at site by inspection and also informed to her.

When she had put up a request dated: 24.08.2022 for testing of the meter accepting to bear the testing charges, the same was carried out on the next day itself in her presence and report also sent to her.

Since her prayer in the Appeal was the mental agony due to delay in testing of the meter, (though she has requested the same on 24.08.2022 and complied by the department on 25.08.2022) this department has also found it necessary to emphasize the fact that the initial complaint in May/22 and the next one in the end of August/22 were separate ones and were treated accordingly.

There had not been any delay and this department with its limited resources and inadequate staff strength had carried out all possible measures to satisfy the consumer's request.

Nothing has been intentional and this department's officials did not know the approaches/stances that will be taken by a consumer from time to time, in the initial prayer to the Hon'ble CGRF and later, in the Appeal to the Hon'ble Ombudsman.

(d) It is therefore, humbly submitted the following ,for kind consideration: -

1. As per the earlier complaints dated 06.05.2022 and 30.05.2022 seeking rectification of the meter based on Excess consumption in the months of March and April 2022, the metering arrangement was inspected at site and the staff did not discover any fault or abnormality. The same informed orally to the consumer. The lapse of want of written intimation may please be condoned.



2. At the second request dated 24.08.2022, accepting to bear the testing charges, the meter was tested on 25.08.2022 in the presence of the complainant and performance found to be good, in comparison with the Accuchek and also acknowledged by her signature.
3. The Meter test report was communicated to her by Assistant Engineer/Town I vide letter dated: 21.09.2022.
4. She had claimed that internal wiring was rectified on 28.08.2022 based on the suggestion of a departmental office staff (not known to this office) which made the consumption alright.
5. However, as per the Current consumption statement, there was a little higher consumption in March and April 2022, which might be due to summer demand and the same reduced in the succeeding months of May, June, July 2022 etc.,
6. On 24.08.2022, she had sought for testing of the meter, since she had to vacate the rental premises and clear the dues by 15th September 2022., with her house owner.
7. Any repairing of internal electrification on 29.08.2022, would have had effect only on the consumption for the subsequent months of September 2022 onwards and not retrospectively.
8. It is submitted that; Department is responsible for maintaining power supply up to the point of supply only. For any defects in internal wiring beyond point of supply, department cannot be held responsible. After checking the meter and finding them in good working condition, the department staff might have given an informal suggestion to get the internal wiring tested but it can't be taken as a reason for further complaint to the Forum.
9. This department has not done anything intentionally but only as per the course of usual procedure with its limited resources/budget and staff strength.
10. The replies to the prayer to the Hon'ble CGRF, and in the Appeal to the Hon'ble Ombudsman were to make the facts clear and not to deliberately suppress any facts since all the reports are placed before the Ombudsman for kind perusal.



It is therefore humbly requested to review the orders passed in the Appeal No.192/ 2022 and do render justice.

(B) Submissions by the Respondent :

Ms. J. Narmadha Devi-Respondent filed the counter reply as under: -

1. Vide Para 2.3.4 of review petition. It is deliberate lie that I was informed that the meter was normal and no need to replace the meter. There is no base for his statement. My reminders dated 30 May 22 and 6 May 22 will speak that meter was not checked on these dates. Hence, it is proved that it is false statement.
2. I submitted my petition on 6 May 22, and two reminders were sent on 30 May 22 and 24 Aug 22. His statement that complainant had not approached after May 22 is also false statement. I reported to the EE office on the following days regarding testing of the meter:

S. No.	Date of Report	Petition at office
01	8 Jan 22 9 Jan 22	I was told that Acv- check Machine was sent to Chennai for calibration the meter will be checked only after receipt at Machine from Chennai
02	July last week Agg first week of 2022 24 Aug 22 25 Aug 22	Report from JE to EE was received I was asked to report on 25 Aug 22 Meter was checked of the same was handed over to me to fix at my arrangement.
03	26 Aug 22 29 Aug 22 5 Sep 22	Meter Test-Report was not given to me Inspection Report not received.
04	9 sep 20 sep 22	I met AE, Bal. EE was on leave EE told that he would consult JE

Then, I was informed by AE under his letter No. 520/EDK/AE/TOWN-1/F/2022-2023 dated 21/23 Sep 2022. Which was received by me on 27- Sep 22 stating that the meter was in good condition (copy enclosed)

Meter was Checked on 20.08.2022
Report was sent by him on 23.09.2022
Report was received by me on 27.09.2022

Meanwhile, I employed in private electrician to find out any leakage, as was suggested by one of the members in the office and rectified on 26 Aug 22. Being wiring fault had this suggestion been given to me at the time of my complaint on 6 May 22, there was no need to file a case into the Court/ Forum hence, the EE's statement again is also deliberate false statement of baseless.

3. Vide Para 6 & 7

EE Karaikal had himself at his own accord treated my second Reminder dated 24.08.2022 as a fresh complaint is also an intentional. In his letter No 520/EDK//AE/TOWN-1/F/2022-23 (Meter Test Repoert) He has referred my complaint letter dated 6 May 2022 and subsequent Reminder dated 30.05.2022 of 24.8.2022 (copy enclosed) and if he treated my Reminder dated 24.08.2022 as a fresh complaint , then why did he refer my letter dated 6 May 22, in his Meter Test Report"

My letter dt- 6.5.2022 (Original complaint)
My letter dt 30.05.2022(first Reminder)
My Letter dt 24.08.2022(Second Reminder)

This proves that treating my letter dated 24.08.2022 as a fresh complaint is only to hide the delayed period to avoid payment of compensation.

During the Enquiry at forum at Puducherry he has accepted the delay was due to Non- availability of ACC- check machine. This reply for delay was not accepted by this forum. (Vide order dt- 28 Dec 22and consumer Case No- 181/2022 para 4)

He has given this contrary statement only to escape from the payment of compensation.

I was told that Acc- check Machine was sent to Chennai for calibration and the meter will be checked only after receipt of Machine from Chennai

4. Vide para 8 & 9

EE of AE were met in the office personally many times (Vide para 3 above). They have categorically informed that the meter would be

checked only on receipt of ACU-CHECK Meter from Chennai. In this connection, please refer Para 4 of consumer Case no. 181/2022 dated 28 Dec 22. As such, complainant did not approach for about 5 months and sought for the Testing of the meter at the end of Aug 2022 is also his own making to avoid the payment of compensation and falsehood. The appeal deals on Deficiency of service and not consumption of units for March & April 2022.

5. Vide Para 1 & 12

The EE & AE had not submitted any authentication to prove that there was No Delay in attending the Complaint within the stipulated time as per the Department rules & regulation. They have accepted the abnormal delay in the forum at Pondicherry, reason being "Non-availability of ACC- check meter"

Complaint was given on 6 May 22

Meter was checked on 25 Aug 22

Delay was 111 days

6. In view of facts submitted in the fore- giving paras. I humbly pray the baseless/ false statement given by EE & AE Karaikal may please be set aside and the judgment already pronounced be retained to render justice.

(C) Orders of Electricity Ombudsman dated-14.04.2023 in Appeal No-192/2022 preferred for Review Appeal: -

DECISION

- a) *"For the reasons discussed above, the appeal of the Appellant is allowed.*
- b) *The order No-C.C.NO:181/2022 passed by the Learned CGRF-Puducherry is modified to the extent regarding payment of compensation in terms of SoP Regulations, as per this Final order in appeal.*
- c) *The Respondents should pay Rs.4050/- (Four thousand and rupees fifty only) to the Appellant, @Rs.50/-per day for 81 days of default in not testing the accuracy of the Appellant's meter as per her application dated-06.05.2022, as compensation as per SoP Regulations, within 15 days from the issuance of this Order by e-mail, failing which the Respondents are liable to pay the interest at the Bank Rate declared by the Reserve Bank of India prevailing on the 1st of April for the year, payable annually.*
- d) *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

- e) *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.*
- f) *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.*
- g) *The appeal is disposed of accordingly."*

(D) Deliberation during e-hearing on 25.05.2023:-

1. Appellant's Submission:

- a. Sh. Vimal Kumar-Executive Engineer along with Asstt. Engineer, reiterated their version as submitted in the Review Appeal/Rejoinder.
- b. They informed that the written complaint dated 6/5/2022 and 30/5/2022 were orally replied and complaint dated-24/8/2022 was considered as a fresh complaint and accordingly the meter was tested on 25/08/2022.
- c. They further submitted that initially no compensation was asked before the CGRF and complaint before CGRF was regarding excess consumption only.
- d. On clarification by this Court that the Review Appeal should be quantified under the preconditions for Review Appeal under Regulation-37(8) of the CGRF and Ombudsman Regulations, they could not quantify, which para of their Review Appeal falls under Regulation 37(8) (i), (ii) or (iii), calling for Reviewing the order No-192/2022.

2. Respondent's Submission:

- a. Ms. J. Narmadha Devi, along with her father Sh. P. Vairavamurthy reiterated their stand as submitted in the counter reply.
- b. They stated that submission made by the Appellant that they have informed orally should not be accepted in this court as these are complete lies. They should be made to strict written proof.
- c. They further stated that no action was taken for 111 days despite her



complaint on 6/5/2022 and 30/5/2022 and therefore Review petition should be dismissed.

(E) Findings & Analysis: -

1. I have perused the documents on record, in Appeal No-192/2022, Review Appeal No-195/2023 and pleadings of the parties.
2. The documents submitted by the parties have been believed to be true and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.
3. The issues which have arisen for considerations in the present Appeal are as under: -
 - i. Whether the Review Appeal is maintainable or not and if maintainable, does the Appellant-Electricity Department is entitled for reviewing the orders in Appeal No-192/2023, as prayed for?
4. Regarding the issue as at 3(i) above, as to whether the Review Appeal is maintainable or not and if maintainable, does the Appellant-Electricity Department is entitled for reviewing the orders in Appeal No-192/2023, as prayed for?
- 4.1 Following provisions have been provided in the Consumer Grievances Redressal Forum and Ombudsman Regulation-2019, notified by the Hon'ble Commission, regarding preconditions for Reviewing an order: -

(i) Section 37(8): -

"37(8)- The Ombudsman may, at any time, after affording an opportunity of being heard, review his Order, either on his own motion or on an application of any of the parties to the proceedings, within 30 days of the Order on -

- (i) the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge, or could not be produced by him at the time the order was made;*
- (ii) on account of some mistake or error apparent from the face of record;*
- (iii) for any other sufficient reasons."*

- 4.2 After passing the Final order on dated-11.04.2023, in Appeal No.-192/2022, this authority has become a "**functus officio**" and can Review



the Appellant case, strictly as per above said Regulations of "Consumer Grievances Redressal Forum and Ombudsman Regulation-2019".

- 5 The first contention of the Appellant for Review Appeal is that in the first two letters given by the complainant on 06-05-2022 and 30-05-2022, she had only requested to rectify Excess consumption and Rectification of meter. After inspection of the electrical installation of the consumer by the department personnel, it was observed that the meter was working normally and there was no need to rectify or replace the meter. The same was only informed orally and not given in writing to the consumer. Only in the letter furnished by the complainant on 24/08/22, she had requested to test the meter as she had to vacate the premises by 15th September 2022 on personal grounds and agreed to pay the testing charges. As the meter was tested the next day, there was no delay in testing of the meter by the department. Also, as she did not approach the department during the subsequent Months, until she has chosen to vacate the premises by 15th September 2022 on personal grounds; it was presumed that she was satisfied on the meter performance.

- 5.1 Therefore, it is necessary to again peruse the letters written by Ms. J. Narmadha Devi dated-6/5/2022, 30/5/2022 and 24/8/2022 to Electricity Department, which are reproduced below: -

From
J. Narmadha Devi
111/2 Meenakshi Ammal Complex
Church Street
Karaikal

To
Asst. Engineer
EB Town -1
Karaikal
Sir,

On 4.5.22 I have reported to you in person regarding defective function of electric Meter. (Ref Code 61-05-05-0631C) for rectification.

I was asked to remit the Electric charges for the month of March 2022 (Rs 4506/-). As regards balance amount, I am told that it will be settled after rectification of the meter.

I request that the meter, may please the rectified at the earliest.

Thanking you,

Yours faithfully
J. Narmadha Devi
Karaikal

6 May 2022

From
J. Narmadha Devi
111/2 Meenakshi Ammal Complex
Church Street
Karaikal

To
Asst. Engineer
EB Town -1
Karaikal

Sir,

On 4.5.22 I have reported to you in person regarding defective - function of electric meter .(Rref Code- 61-05-05-0631c) for rectification.

As on oral order given by you, I have remitted Rs 4506/- being Electric Charges. for the month of March 2022. As regards balance amount that will be settled after rectification of the electric meter.

So far, meter has not been checked I therefore beseech you to take speedy action to rectify the meter OR a new meter may please be fixed at the earliest.

In this file connection, A copy of my letter date 6 may 2022 is enclosed for your ready reference.

Thanking you,

Yours faithfully
J. Narmadha Devi
Karaikal

30 May 2022



From
J. Narmadha Devi
111/2 Meenakshi Ammal Complex
Church Street
Karaikal

To
Asst. Engineer
EB Town -1
Karaikal
Sir,

Please refer to my letter dated 6 May 2022 and 30 May 2022 (Copy Enclosed)

I have to shift residence to Puducherry before 15 Sep 2022 for higher study of my daughter. As such the defective meter may please be rectified immediately and regularize the electric charges. Normally the electric charges will not exceed Rs. 1500/- pm. In this connection, please refer to your receipts given below: -

18.2.2022... Rs 1001-00

18.3.2022... Rs. 787-00

I have to settle the electric bill charges with the house owner before, 15 Sep 2022.

I request to you to take immediately action to regularize the electric charges. I accept, the Lab Charges.

Thanking You,

Yours faithfully
J. Narmadha Devi
Karaikal

24 August 2022

- 5.2 A perusal of above letters revealed that Ms. J. Narmadha Devi is constantly requesting that functioning of meter be checked, which could be done by testing the same in a Laboratory or by a mobile Laboratory at site. So, the contention of the Electricity Department that she has only represented for rectification of the meter/Excess consumption and not for testing of the meter is not correct. Moreover, this fact has been deliberated in para 5(b) of the Final Order No-192/2022. Therefore, this contention of the Appellant-Electricity Department is

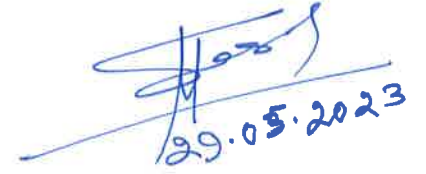
misconceived and is not a sufficient reason, as required as per section 37(8) of the CGRF and Ombudsman Regulations-2019 to Review this Appeal.

- 6 The second contention of the Appellant-Electricity Department is that in the complaint to the CGRF, she had represented for remedy on the Excess consumption only. ***However, in her Appeal No. 192/2022 to the Hon'ble Ombudsman and especially in her Rejoinder dated: 11.04.2023, she had sought for compensation for the delay in testing of the meter, changing from the earlier prayer for "Excess consumption".***
- 6.1 I have perused the records and it is revealed from the CGRF order dated- 28/12/2022 that in para- 1, Ms. J. Narmadha Devi has also requested for the compensation and the relevant part is reproduced below: -
- "The complainant stated that the abnormal delay by the Department caused mental agony and request for compensation and also refund of excess amount made by the complainant."**
- This fact was also deliberated in the para 5(b) of the Final Order No-192/2022. Therefore, this contention of the Appellant-Electricity Department also has no merit and is not a sufficient reason, as required as per section 37(8) of the CGRF and Ombudsman Regulations-2019 to Review this Appeal. Other points raised are just repetition of earlier reply in Appeal No-192/2020 and are not new facts warranted review.
7. For the reasons discussed above, in my opinion, the grounds taken in the Review petition or additional affidavit/Rejoinder are not sufficient reasons, as required as per section 37(8) of the CGRF and Ombudsman Regulations-2019 to Review this Appeal. Accordingly, the Review Petition of the Appellant-Electricity Department is not maintainable and the Appellant is not entitled for reviewing the orders in Appeal No-192/2023, as prayed for.

(F) DECISION

1. For the reasons discussed above, the Appeal of the Appellant-Electricity Department is hereby dismissed being devoid of merit.
2. The Respondents/Electricity Department should implement the orders passed in Appeal No-192/2022 in letter and spirit along with payment of interest.
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. 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 Hon'ble Commission under Section -142/146 of the Electricity Act, 2003.
5. The appeal is disposed of accordingly.



29.05.2023

(M.P. Singh Wasal)
Electricity Ombudsman
For the State of Goa & UTs

Dated:29.05.2023
Gurugram (Haryana)