

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

**Appeal No-204 of 2023**

**Date of Video Conferencing: 26.12.2023**

**Date of Interim Order: 27.12.2023**

Ms A. Ameena, Managing Director  
M/s Firdaus Hawiyya Industries Puducherry.

**.... Appellant**

**Versus**

1. The Executive Engineer MRT & MMC  
Electricity Department, Govt. of Puducherry.
2. The Executive Engineer Rural-South  
Electricity Department, Govt. of Puducherry.

**.... Respondent No 1**

**.... Respondent No 2**

**Parties present:**

**Appellant(s)**

Ms A. Ameena, Managing Director  
Mr Dalapathy Vignesh

**Respondent**

Mr Sendil Coumar, Executive Engineer, E.D Puducherry



## INTERIM ORDER

On the 14th of November, 2023, Ms. A. Ameena, Managing Director of M/s Firdaus Hawiyya Industries, with the address at R.S.No. 125/2, Pandy-Villianur Main Road, Arangnaur, Bahour Commune, Puducherry, filed a representation under Section 42(6) of the Electricity Act 2003, read with Regulations 32 & 33 of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations. This representation was filed against the order in Case No. 116/2023 dated 10th October 2023, issued by the Learned Consumer Grievance Redressal Forum (CGRF), Puducherry.

Given the potential for postal delays and in accordance with the rules, the appeal, labeled as Appeal No. 204, was admitted on 14th November 2023. Following a thorough review of the documents supporting the representation, the Ombudsman issued an admission notice on 16th November 2023.

The Ombudsman directed the respondents to file a reply to the appeal, and the initial hearing was scheduled for 7th December 2023. However, due to a cyclone (MICHAUNG) in Puducherry, the hearing was adjourned. Subsequently, the hearing took place on 20th December 2023.

Respondent 2 submitted their reply on 21st November 2023.

Ms. A. Ameena (Appellant) filed this representation against the order of the Ld. CGRF Puducherry. An e-hearing via video conference was conducted on 20th December 2023 but had to be adjourned. Mr. Dalapathy Vignesh, representing Ms. A. Ameena (Appellant), cited the death of a family friend as a reason for being unable to continue the hearing.

Mr. Sendil Coumar, Executive Engineer E.D Puducherry, also informed that he was in Hyderabad. Consequently, the hearing was rescheduled to 26th December 2023 at 2 PM.

The video conferencing hearing on 26th December 2023 at 2 PM resumed with Mr. Dalapathy Vignesh providing the following submissions:

- I. The applicant submitted an application for HT service on 02/06/2010.
- II. The field report for the energization of the industry was sent to SE-III on 19-10-2012, and energization approval was obtained on 02-11-2012. The industry was energized on 06-11-2012.

III. The bills were raised by ED for the months of November, December 2012, and January 2013, as detailed hereunder:

S.No	Billing Month	Bill No	Units Billed (KWh)	Amount (Rs)
1	November 2012	4087	17135	1,19,974
2	December 2012	4561	59552	2,73,232
3	January 2012	5037	1,22,480	5,01,173

- IV. On 26th February 2013, the consumer submitted a letter expressing doubts about the billing and alleging that the meter was defective.
- V. The appellant initiated Writ Petition No. 14641 in the Hon'ble High Court of Madras, which was subsequently dismissed upon withdrawal. The petitioner was granted liberty to approach the Consumer Grievance Redressal Forum (CGRF).
- VI. The Learned CGRF, through its order in Case No. 116/2023, issued orders on 10th October 2023.
- VII. Mr. Dalapathy Vignesh cited the provisions of Regulation 6.34, 6.35, and 6.36 of the JERC Supply Code 2018.
- VIII. The appellant contended that electricity was utilized only during one shift.
- IX. The appellant presented two judgments from the Hon'ble High Court of Madras in the cases of M/s Axel India Ltd versus Tamil Nadu Generation and Distribution Corporation Ltd (W.P. 13141 of 2011) and Tamil Nadu Generation and Distribution Corporation Ltd versus M/s Axel India Ltd (W.A. 2057 of 2021). Both judgments have been officially recorded.
- X. Mr. Sendil Coumar, Executive Engineer, E.D Puducherry (Respondent), submitted the following:
- A. On 28th February 2013, AE-HTM inspected the industry, tested the meter in the appellant's presence, and found it to be working satisfactorily within specified limits.
- B. Due to an error in the CMD mentioned in the bill for January 2013, AE-HTM recommended bill revision.
- C. The appellant has not paid outstanding dues of Rs 67,89,733, resulting in a disconnection of the power supply.
- D. The power supply remains disconnected.

- E. The Tri-Vector meter, sent to CPRI for testing at the appellant's request, was returned with the note that they do not test meters related to CGRF complaints or court cases.
- F. The issue of meter testing was then pursued with TANGEDCO Testing Laboratory, which clarified its testing scope and limitations.
- G. The issue related to meter testing was taken up with TANGEDCO (TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION Ltd) TESTING LABORATORY in accordance with the orders of Ld CGRF. Executive Engineer TANGEDCO Testing Laboratory vide his letter No EE/TTL/AEE/F-NABL/D 175/2023 DT 25.10.2023 has informed that "testing scope of TANGEDCO Testing Laboratory, Chennai 02 covers only the latest IS 14697:2021 for testing of static Tri Vector metre. Hence the test report would be given only under non NABL scope if tested as per IS 14697: 1999.
- H. It was also emphasised that the load survey of the meter clearly shows that the load has been used in all the three shifts and the contention of the appellant of using load in one shift is not correct.
- I. Emphasis was placed on the load survey, indicating that the load was used in all three shifts, contradicting the appellant's claim of usage in only one shift.

**INTERIM ORDER:**

After hearing both parties, given the dispute over the meter's functionality and dissatisfaction with ED Puducherry's testing, it is directed that the meter testing be conducted by another NABL accredited laboratory, preferably ETDC Chennai. The appellant is instructed to submit a testing request to the Executive Engineer, E.D Puducherry, by 27th December 2023, along with the requisite testing fees. The Executive Engineer, E.D Puducherry, is tasked with expediting the testing with ETDC Chennai, and the testing report is to be submitted within one week.

The matter will be listed for further proceedings after the submission of the meter testing report.



(C M SHARMA)

Electricity Ombudsman  
For Goa & UTs (Except Delhi)

**Dated: 27.12.2023**