

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@nic.in
Phone No.:0124-4684708

**Appeal No-231 of 2024 (Review Date of Video Conferencing: 24.02.2025 and
Petition) 03.03.2025**

Date of Order: 04.03.2025

In the matter of

NARINDER SINGH
H.No.50,
Old Ropar Road,
Manimajra-160001

.... Review Petitioner

Versus

Executive Engineer,
Division No. 2, Industrial Area Phase -II,
Chandigarh.

.... Respondent

Parties present:

Appellant(s)/Review Petitioner

Shri. Narinder Singh in person

Respondent(s)

1. Sh. U K Patel
Executive Engineer,
Electy. 'OP' Division No. 2,
Industrial Area Phase-II,
Chandigarh



Respondent(s)

2. Shri Balbir Singh
Executive Engineer,
Elect 'OP' Division-2,
Industrial Area Phase-II,
CPDL, Chandigarh.
3. Mr. Sukhwinder Singh, SDO,
CPDL, Chandigarh.

ORDER

In the matter of Review Petition against Appeal No: 231 of 2024 by Electricity Ombudsman

1. This order shall dispose the review application dated 29.01.2025 received on 07.02.2025 vide diary No 383 dated 07.02.2023 filed by the applicant/complainant seeking to review this Forum's order dated 09.01.2025 in Complaint/Representation No. 231 of 2024.
2. It is the applicant's case that the review is filed to bring on record certain facts that were allegedly overlooked and which are sufficient reasons to review the same in terms of Regulation 40 (Power to Review) of the JERC CGRF and Ombudsman Regulations 2024.
3. The Appellant/Review Petitioner seeks to review the final order in Appeal No. 231 of 2024, which was decided by the Electricity Ombudsman, against the appeal filed by the Appellant/Review Petitioner against the orders issued by the CGRF-Chandigarh in Case No. F-27/2024.

The petitioner addresses ongoing grievances related to Review Petitioner's account vide A/c No 208 MA42 006301G

Key Issues are as under:

- A. I heard the parties on, videoconference at which time Mr. U K Patel Executive Engineer represented the Electricity Department, Chandigarh and Sh. Balbir Singh Executive Engineer, CPDL, represented on behalf of Respondents while Sh. Narender Singh represented as Appellant/Review Petitioner/original complainant.
- B. Regulation 40 of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2024 enables this Forum to review its orders either on its own motion or an application of any of the parties to the original proceedings, within 30 days of the order on the following grounds-



Power to Review

- (1) *Any person aggrieved by an order of the Ombudsman, may, upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or on account of some mistake or error apparent from the face of the record, may apply for a review of such order, within thirty (30) days of the date of the order, as the case may be, to the Ombudsman.*
 - (2) *An application for such review Shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record. The application Shall be accompanied by such documents, supporting data and statements as the Ombudsman may determine.*
 - (3) *When it appears to the Ombudsman that there is no sufficient ground for review, the Ombudsman shall reject such review application: Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.*
 - (4) *When the Ombudsman is of the opinion that the review application Should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.*
- C. The aforesaid provisions are in parametria with Order 47 Rule 1 CPC.

ORDER XLVII – REVIEW

Application for review of judgment.

- (1) *Any person considering himself aggrieved-*
 - a) *by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*
 - b) *by a decree or order from which no appeal is allowed, or*
 - c) *by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record of for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.*



(2) *A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the Appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.*

D. In my opinion, the case canvassed by the Appellant/Review Petitioner/Original complainant does not fall within the first, second and third ground for review. However, the fourth provision covers it. Accordingly, a notice for e-hearing issued to Respondent CPDL, Chandigarh erstwhile Electricity Department, Chandigarh to enable him to appear and to be heard in support of the order, the review of which is applied for.

E. The applicant's first ground is that

(A) Electricity Act, 2003 Sec 55 Use, etc., of meter:

(1) No licensee shall supply electricity after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with the regulations to be made in this behalf by the authority: Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase of a meter:

Provided further that the state Commission may, by notification, extend the said period of two years for a class of persons or for such area as may be specified in the notification.

(2) Xxx

(3) If a person makes default in complying with the provision contained in this section or the regulation made under sub section (1), the appropriate commission may make such order as it thinks fit for requiring the default to be made good by the generating company or licensee or by any officers of a company or other association or any other person who is responsible for its default.

(B) JERC Supply code regulation, 2018 in respect of Billing, Meters & Service of Notice

(a) Metering

6.1 No installation shall be serviced without a meter. All meters and installation of meters shall conform to requirements as laid down in the Central Electricity Authority installation & Operation of Meters) Regulations, 2006 issued under Section 55 of the Act, and as amended from time to time. Notwithstanding this, the Licensee may consider installing upgraded technology meter becoming available in the market if it meets the requirements over and above the requirements of CEA.

Respondent has not cared to give service with the correct meter for such a long time hence responsible for default.

The assertions made by the Review Petitioner are not admissible, as the Electricity Department installed a tested and operational energy meter since the time of energization of the electricity connection in the name of Mr. Narinder Singh.

It should be noted that the energy meter, being an electronic device, may develop defects over time during its operational use.

The second ground is that there should be monthly billing in Chandigarh. Since this was not part of the original complaint as such the same cannot be considered in the present case.

The third ground is that

Billing in Case of Defective/Stuck/Stopped/Burnt Meter:

1. Consumer Billing:

- In cases of a defective, stuck, stopped, or burnt meter, consumers will be billed based on the higher of the monthly consumption from the same month of the previous year or the average monthly consumption from the preceding three months.
- These charges apply for a maximum period of three months, during which the Licensee is expected to replace the defective meter.

2. JERC Amendment (25.6.2021):

- Added clause: "No bills can be raised beyond the period of three months."
- Changed term "months" to "billing cycle."

3. CEA Regulation-2006:

- Billing for meter failure should follow the procedure set by the Appropriate Commission.
- The department is required to replace defective meters within three months and cannot issue bills based on average consumption beyond this period. Failure to comply results in responsibility as per Section 55 of the Act.

In this case, the meter became defective in February 2023 and was replaced on 6th November 2024. At the time of replacement, the department installed a "used" meter in place of the defective one.

During the billing cycle from February 2023 to April 2023, the complainant's electricity meter was found to be defective (dead stop). The area Meter Reader recorded a "D" Code in the meter book during the meter reading for the complainant's connection, resulting in average billing of 1,520 units on a bi-monthly basis, as advised to the Computer Cell through Form-83. This average billing continued from February 2023 through June 2023. From June



2023 to August 2024, the average consumption was increased to 1,720 units bi-monthly.

The Electricity department vide memo No 1010 dated 07.03.2023 had intimated the Appellant/Review Petitioner that 3-phase meter installed against this connection is stopped and requires replacement but 3-phase meter or requisite rating are not available in the sub-division office and Central Store of Electricity department Chandigarh. The Respondents gave an option to the Appellant/Review Petitioner, to purchase their own meter so that it can be installed against the stopped meter. There has been no response from the Appellant/Review Petitioner till 30.08.2024 when the Appellant/Review Petitioner filed a complaint with the department for replacement of stopped meter. The Appellant/Review Petitioner has also submitted that he had not received the intimation vide Memo No 1010 dated 07.03.2023 as stated by the Respondents.

The Electricity Department of Chandigarh has already overhauled the electricity account in accordance with the orders dated 09.01.2025 in case No 231 of 2024 for the period from February 2023 (date from which the meter has been considered as defective) till 6th November 2024 (the date the meter was replaced) based on the consumption patterns from October 2021 to October 2022. As a result, a credit of Rs 44,544 was issued to the Appellant/Review Petitioner, in addition to a compensation amount of Rs 3,700/- for the delay in meter replacement, as well as a refund of meter rental charges along with applicable interest thereof.

While considering the base period of One year from October 2021 to October 2022 (when the meter was working properly immediately before the meter declared stopped) billing for Four months i.e. Two Billing cycles have been excluded by the Electricity Department, Chandigarh without any justification/logical reasoning.

Accordingly, in the hearing dated 24.02.2025 it was directed to prepare a revised statement by considering the defective period from February 2022 to February 2023 (period when meter was functioning properly) and assessing for the defective period from February 2023 till August 2024.

The Regulation 7.12 of JERC Supply Code 2018 is silent about the course of action if the meter remains defective beyond three billing cycles. Furthermore, the consumer has reported for stop meter only on 30.08.2024 i.e. after 18 months. It is a matter of fact that continuity of electricity supply continued at the Appellant/Review Petitioner's premise and he had also not complied to the Regulation 6.45 of JERC Supply Code 2018 which states as under: -



6.45 *The consumer is expected to intimate the Licensee as soon as it comes to the notice of the consumer that the meter has stopped or is not recording.*

Moreover, the Electricity department vide its letter vide memo No 1010 dated 07.03.2023 had given an option to the Appellant/Review Petitioner and requested to purchase their own meter as the three phase meters of required rating were not available in the Sub-Division Office and Central Store of Electricity Department Chandigarh. Although the delivery/receipt of this memo has been contested by the Appellant/Review Petitioner but at the same time the Appellant/Review Petitioner has also not filed a complaint regarding stop meter with the Electricity Department till 30.08.2024.

As such the revised assessment from February 2023 till August 2024 on the basis of corresponding consumption of previous year from February 2022 till February 2023 (when the old meter was functioning properly) works out to approximately 157 units per month (as stated by the Respondent Executive Engineer during the hearing dated 03.03.2025) whereas the assessment done by the Electricity Department Chandigarh by considering the base period from October 2021 to October 2022 (Ignoring Four months November & December 2022 and January & February 2023) was on higher side as 369 units per month. Since both the parties have defaulted in complying with the regulations 6.16, 6.18, 6.19, 6.45, 6.46 and 6.47 of JERC Supply Code 2018 and the assessment made in compliance to the orders dated 9.01.2025 in case No 231 of 2024 is not correct, the CPDL (Electricity Department Chandigarh) is directed to revise the assessment bill by considering the base period from February 2022 to February 2023.

As far as raising the billing on monthly basis the Distribution system of Chandigarh has been taken over by the CPDL only on 1st February 2025 and it is too short a period for them to switch over to monthly billing system. However, the Respondent CPDL is directed to make all efforts to switch over to monthly billing system as soon as possible, in accordance with the Regulation 7 sub regulation 7.1(1) to start issuing monthly billing to all categories of the consumers.

In view of the above observations and findings, the Review Petition is allowed to the extent.

The other contents of the order dated 09.01.2025 remains same for all purpose except the revision of bill on the basis of revised base period of One year from February 2022 to February 2023, the period immediately before the meter became defective.



A Certified copy of this order be sent to SE Electricity, Op Circle-1, Electricity Department Chandigarh and Executive Engineer, Chandigarh Power Distribution Ltd

Given these facts, the appeal is disposed of accordingly.


(C M SHARMA) 4/3/25

Electricity Ombudsman
For Goa & UTs (except
Delhi)

Dated: 04.03.2025