

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
(Under the Electricity Act, 2003)
PUDUCHERRY

PRESENT:

THIRU T. GOPALAKRISHNAN, B.E.,
CHAIRMAN

THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,
LICENSEE MEMBER

THIRU R. KRISHNAMURTHY, B.Com., LLB., PGDFL.,
JERC NOMINATED MEMBER

WEDNESDAY, THE 29TH DAY OF MAY 2022

CONSUMER CASE No.104/2022

K. Subramanian,
C/o S. Nagarajan,
No.21/151, Yerikarai Street,
Thulukanathamman Nagar,
Murungapakkam,
Puducherry 605004.

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Complainant

Vs.

- 1) The Executive Engineer, Urban(O&M),
Electricity Department,
Puducherry
- 2) The Assistant Engineer – Marapalam,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer (Rev-I)
Electricity Department,
Puducherry.
- 4) The Junior Engineer- Murungapakkam,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.104/2022 came up before this Forum for final hearing on 24/06/2022. After hearing both sides and having stood over till this date for consideration this Forum has delivered the following:

The case of the Complainant is as follows:

1. A Complaint was received from K. Subramanian on 09/06/2022. In the complaint, the Complainant had stated that he is a Tenant in the house bearing policy code 10-57-03-0070VJ. For the past few years, the meter was not functioning but the bill was raised on average basis. He has paid the bills regularly. Meanwhile, he has not received a bill for the past 18 months. Bills for the months of February 2021, April 2021 and August 2021 was for Rs.5/-, Rs.140/- and Rs.47/- respectively have been paid online. Subsequent bills were shown with credit. In order to change the present meter he approached the Junior Engineer and the defective meter was changed on 01/04/2022. In the bill received on 15/04/2022 the bill was raised for Rs.20,000/-. As per bill for March 2022, there was no amount due to be paid. Whereas, the bill received in April 2022 shows an outstanding of Rs.20,000/-. For the sudden claim of Rs.20,000/- he doubted the malafide action of Meter Reader Kannan Ramasamy, who is taking reading in this area. Earlier, while he came for taking reading he was at home. The Meter Reader said that the meter is not functioning properly and asked to change the meter. While taking reading for March 2022, he was not at home. The Meter Reader has informed his neighbour to get the defective meter changed. The Meter Reader demanded Rs.5,000/- for changing the meter and also assured that the demand for the previous bill will be modified to lesser amount without any problem. Subsequent to this, he approached the Junior Engineer for replacement of defective meter, who asked to give written complaint and also to get 'no due certificate'. He approached the Bill collector, who after verifying with the billing system online, informed that there is no due outstanding. Based on this, the meter was changed. Subsequent to meter change, the bill amount was raised to Rs.20,000/- without any justification. He doubt that the Meter Reader who is behind this huge amount and the Complainant has suspicion on the Meter Reader

Kannan Ramasamy and requested to take action and also prayed to revise the bill amount and issue correct bill so as to remit the dues. Hence, the Complaint.

2. The complaint was registered as C.C. No.104/2022 on 09/06/2022 and notice sent to the Executive Engineer, Urban O&M and others to furnish reply by 20/06/2022. Reply from the Respondents were received on 21/06/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 24/06/2022.

3. In the Affidavit dated 20/06/2022, the Assistant Engineer-Marapalam / Respondent No.2 on behalf of Respondent 1 and 4 had stated that, based on the request of the Complainant vide letter dated 11/03/2022, the struck up energy meter has been replaced with new one on 01/04/2022 and check reading taken on 30/05/2022 and average arrived as 450 units for 2 months i.e., 225 units per month. Simultaneously, the Junior Accounts Officer, Rev-I was requested to revise the current consumption bill. As per JERC Supply Code 7.12, "In case defective 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" The average consumption prior to meter struck is 60 units for the corresponding period but it is noticed that the actual usage seems to be considerably high. Hence, the check meter reading has been taken into consideration for bill revision. Accordingly, the current consumption bill has also been revised for the 'Door Lock' period from July 2020 to March 2022 for 20 months and communicated to the Complainant vide letter dated 07/06/2022.

4. In the Affidavit dated 20/06/2022, the Junior Accounts Officer-Rev.I / Respondent No.2 had stated that the meter pertaining to the said policy under 'Meter Stuck' since December 2014 till February 2022. While on Ist COVID lock down in 2020, all the bills were recorded as 'Door Lock' and claimed average units. In this

Policy, the reading was continuously recorded as 'Door Lock' for 19 months till January 2022 and claims sent for average units for the first 3 months and thereafter minimum charges claimed instead of claiming for average units in Meter Stuck condition. In the month of February 2022, the 'Door Lock' released with 'MS' the amount claimed for the total number of months on 'DL' x Average units i.e., 20×350 units = 7000 units for 20 months for an amount of Rs.20,347/- as per the computer data. At this juncture, based on the request of the consumer, the meter has been replaced on 01/04/2022 with a new meter. The check reading has been taken on 30/05/2022 and average arrived at 450 units / 2 months i.e., 225 units per months. As per JERC Supply Code 7.12, "In case defective 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". Eventhough, the average consumption prior to 'Meter Stuck' is 60 units for the corresponding period, but it is noticed that the actual usage seems to be considerably high. The check meter reading has been taken into consideration for bill revision. Accordingly, the current consumption bill has been revised for the 'Door Lock' period from July 2020 to March 2022 for 20 months and forwarded to the consumer vide letter dated 07/06/2022 amounting to Rs.7,811/- upto the month of April 2022.

5. Hearing was held on 24/06/2022. Both the Complainant and Respondents were present. During the hearing the Complainant reiterated to take action on the Meter Reader. He also requested to furnish the computerised data for the payment made by him month-wise. He has requested to furnish a detailed working of the reading presently taken by the Respondents. The Respondents were asked why the defective meter was not replaced from the year 2014 till March 2022 for more than 96 months. The Respondents are not able to give any reply. Further, the Respondents are also asked the reasons for not serving the bill during 2021. The Respondents are

directed to take the connected load of the Complainant and furnish detailed working of the consumption based on the Annexure XIX of the Supply Code Regulations 2018. The Respondents were directed to furnish additional Affidavit by 27/06/2022.

6. In the additional Affidavit dated 24/06/2022 filed by the Assistant Engineer, Marapalam / Respondent No.2 on behalf of Respondent No.1 and 4 had stated that, the Complainant's house has been inspected and taken the present connected load physically is 12660 Watts i.e., Ground Floor-5300 Watts and First Floor 7360 watts. The released stuck up energy meter has been sent to LTM and lab section for testing the released meter vide letter dated 24/06/2022 and awaiting for the report of the meter. Simultaneously, the Junior Accounts Officer-Rev.I, was requested to update the present connected load in the forthcoming current consumption bill. Accordingly, the current consumption bill has also been revised as per JERC Supply Code 2018.

Observation: The Respondents have not changed the defective meter within 3 months. Whereas it was left for more than 96 months. Further the statement of the Respondents that the house was kept 'Door Lock' continuously for more than 40 months is also not tenable. The Respondents had not followed the time limit as prescribed in the Electricity Supply Code 2018 for change of defective meter i.e., 3 months. There is no software to generate report sent to all such cases of MS or DL systematically for more than 3 months. Had the defective meter was changed in time the Complainant would not have been subjected to hardship on seeing bill amount being raised after 20 months. Continuous MS had rendered the billing system in working the average units periodically and average of 60 units for a 2 storeyed building with air conditioner unit in usage is not justifiable which has present connected load of 12660 watts and computed consumption as per Annexure XIX of the Electricity Supply Code 2018 is more than 1200 units. Hence the average after the change of defective meter be adopted for 20 months of DL as worked out by the Respondents. But the average worked out since January 2015 was 60 which was

subsequently raised to 150 units, then 200 units, 300 units, 350 units was claimed arbitrarily without any justification. It would be more logic that the bill for the Complainant be revised on the average recorded after change of defective meter since January 2015. The Department should ensure that in future, that no defective meter be left in the service connection for prolonged period to avoid loss to the Department or burden to the consumer. The Complainant is also to take up the allegation charge on the Meter Reader separately to the authority which he had already made, as informed by the Respondent.

ORDER

- i. As discussed above, the Respondents are directed to issue revised bill to the Complainant, from January 2015 within 7 days from the date of this Order with a copy marked to this Forum for perusal.
- ii. The Complainant is directed to remit the amount claimed by the Respondent within the due date.
- iii. Thus, the complaint is allowed.
- iv. The Complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF Order by the Licensee, may make an Appeal in prescribed Annexure-IV to the Electricity Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Road, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015; email ombudsman.jercuts@gov.in within 30 days from the date of this Order under intimation to this Forum and the Respondents.
- v. Non-compliance with the directions of Forum by the Licensee shall attract remedial action under Sections 142 and 146, of the Electricity Act 2003.

Dated at Puducherry on this the 29th day of June, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN

