

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

MONDAY, THE 11TH DAY OF SEPTEMBER 2023

CONSUMER CASE No. 111/2023

M. Ganesh S/o Muthukumarasamy,
No.7, Gundu Salai Road,
Mariamman Nagar,
Puducherry-605004.

....

Complainant

Vs.

- 1) The Executive Engineer- Urban,
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 –Town West,
Electricity Department,
Puducherry.

....

Respondents

This case in C.C. No.111/2023 came up before this Forum for final hearing on 23/08/2023. After hearing both sides having stood over till this date for consideration this Forum has delivered the following:

The case of the complainant is as follows.

A Complaint was received from M. Ganesh, on 14/07/2023. In the complaint, the Complainant had stated that a letter dated 02/02/2023 was submitted to the Junior Engineer(West) to change the burnt meter in the above mentioned address. He further states that the house was locked condition for more than 3 years due to demise of his mother. Since it was decided to renovate the house, he submitted the letter to change the meter and requested to correct the bill amount. He assured to pay the pending amount after correcting the bill. Meanwhile a bill was generated by Junior Engineer, West and given to pay Rs. 40,000/-. He has paid an amount of Rs.20,000/- on 03/02/2023 vide Receipt No.RL22170019884 as first instalment and enclosed a copy and requested to change the meter and correct the bill. But, till date the burnt meter has not been replaced, even after several requests in person, no response has been received and he was treated very worst with unfair carelessness and irresponsible answers. Apart from the above, the Complainant stated that as per Chapter 7.1 of JERC Supply Code Regulations 2018, billing shall be done monthly. If the Licensee has difficulty in monthly billing issue, it should get prior approval of the JERC. In this case he had received bill after 4 months and requested to furnish approval if any obtained from the JERC. The Complainant has also stated that as per the Standards of Performance 2015 Schedule III, in case of replacement of burnt meter supply has to be restored within 6 hours by-passing the meter and meter should be replaced within 15 days. In the present case, his complaint was made on 02/02/2023 and till date the meter was not replaced with a delay of 165 days and requested for orders for compensation of Rs.8,250/- from the Department. Hence the complaint.

2. The complaint has been registered as C.C. No.111/2023 on 17/07/2023 and copy of the complaint was sent to the Executive Engineer –Urban and others

for giving reply by 27/07/2023. Reply from the Respondents was received on 28/07/2023. The case was posted for hearing on 09/08/2023.

3. In the Affidavit dated 28/07/2023, the Assistant Engineer -Marapalam/ Respondent No.2 for himself and on behalf of Respondent No.1 and 4 has stated that, the Complainant submitted a letter dated 02/02/2023 to the Junior Engineer, Town-West for replacement of defective meter, but no such letter was received by this Office. It is also verified from the Revenue wing /Town-West, the bill issuing personnel that the bills were being served every month as per schedule. The consumer has submitted a letter dated 01/06/2023 to the Assistant Engineer / Marapalam requesting to replace the defective meter in Policy 08-41-05-0459/A2 and the same was received to the Office of the Junior Engineer/Town West on 07/06/2023. Based on the representation, the consumer's premises was inspected and found that a three phase domestic service connection is existing with three single phase meters. Out of three single phase meters, one meter was found defective. The meter might have become defective due to utilisation of power supply for fabrication of steel gates / steel roof by using welding machines /drilling machines for the said house as the renovation works. Due to non-availability of meter in the Department stores the consumer asked to purchase a single phase meter and to remit a part amount pending current consumption charges bill. On 23/06/2023 the consumer had produced one single phase meter and handed over the same to the O/o the Junior Engineer / Town West and on the same day the meter was sent to the Department Lab for testing purpose. But the consumer did not pay a part amount pending in the current consumption charges bill. On 26/06/2023 the meter which was sent to the Lab for testing purpose was received and the same was given to the staff for replacement. The meter could not be replaced due to defects in the meter board / service connection wires as the meter board was in a deteriorated condition. Therefore, the field staff had asked the consumer orally to rectify the defects in the meter board with prior intimation to the

Junior Engineer / Town West office to replace the defective meter. Since the consumer did not respond, on 24/07/2023 the building was inspected with Department's field staff and Complainant, the copy of the Inspection report with the consumer signature is enclosed. It is observed that the consumer has been using the Domestic service for the renovation of the building without any intimation / obtaining temporary service connection which led to the burning of one of the meters. As per clause 6.50 of JERC Supply Code 2018 which reads *"if the meter is burnt due to causes attributable to the consumer such as tampering, defect in consumer's installation, connecting unauthorized additional load, etc., the procedure laid down in Regulation 6.42 shall be followed with respect to the replacement of meter"*. Hence, it is the responsibility of the consumer to procure a new meter and hand over for testing the meter, separate notice would be issued in this regard. The Consumer's electrician had rectified all the defects in the deteriorated meter board / cut outs / wires in the main switch and in the meter board and after removing all the unauthorised loads on the date of inspection i.e., 24/07/2023 three single phase meters were replaced with Department's single three phase meter in the presence of the Complainant. During inspection, the dilapidated condition of the board was recorded and the consumer has also acknowledged. The delay in replacement of burnt meter was due to the fault on the consumer's side and not on the Department side as the consumer did not take any action to rectify the defects in the meter board, removal of the unauthorized additional load, rewiring in the building and missing of earthing in the building from the period between 26-06-2023 to 24-07-2023. It is also pertinent to point out that as per the inspection report, the meter board is inaccessible and the letter for shifting of the meter by the consumer is enclosed.

4. In the Affidavit dated 26/07/2023 the Junior Accounts Officer-Rev.I / Respondent No.3 has stated that on scrutinizing of the available records, it is noticed that, the current consumption bill pertaining to the said policy has been

issued regularly, based on the readings recorded by the Meter Readers in the tab. The three meters in the said service connection has been recorded as MS with an average unit of 311pm as recorded by the Meter Reader. There is no complaint received from the policy holder by this section for revision of bill. Bill would be revised after receipt of field report.

5. Hearing was held on 09/08/2023. Both the Complainant and Respondents were present. The Complainant informed that he was ill-treated by the Department and they have not adhered to the time schedule. The property in which the policy number is located is under 'Door Locked' for the past 3 years. Based on the representation dated 02/02/2023 he was asked to pay 50% of arrears i.e., Rs.20,000/- which he had paid 03/02/2023. The Respondent No.4 / Junior Engineer, Town-West at one point of time had informed that when the Department staff went for disconnection due to accumulation of arrears. The Complainant had come forward to pay Rs.20,000/- and paid on 03/02/2023 and nothing to do with his petition dated 02/02/2023. On some other occasion the Respondent No.4 informed that after payment of Rs.20,000/- the staff went for reconnecting power supply and at the time of re-connection, the condition of the meters were not checked. When the Forum asked Respondent No.4, whether they have followed the provisions of 6.42 of the Regulations, the Respondents were silent. The Respondents informed that the Complainant has to pay the cost of the meter as per 6.42. They have not conducted the testing of meter as provided for in the same Clause. Further during enquiry, the Respondent No.4 informed that acknowledgment only be given on demand and not for all the complaints. The Forum had asked the Complainant to give any evidence that he has give petition on 02/02/2023 and directed the Respondents to file a copy of the receipt register for the period under question and also send the meter to the lab for testing as required under Supply Code 2018. The Respondents are

directed to file additional Affidavit by 11/08/2023 and the case was posted for final hearing on 23/08/2023.

6. During the hearing held on 23/08/2023, both the Complainant and the Respondents were present. The Complainant stated that he had no proof on the complaint given on 02/02/2023, but payment made on 03/02/2023 itself is a proof of the complaint. The Respondents had also filed a copy of the lab report after testing the meters, wherein it was stated that one meter was in burnt condition and the other was in stuck-up condition and hence could not be tested. Whereas in the third meter, the % of errors is 0 - 17.8% which is above the permissible limit. The Respondent No.3 filed additional Affidavit dated 04/09/2023 had also furnished a copy of the receipt register of Junior Engineer, Town-West. Meanwhile on 01/09/2023, the Complainant had given a letter to the Forum that he has satisfied with the response of the Department and withdrew the petition filed in CGRF.

Observation: (i) The Respondents should issue acknowledgement for all the Complaint received and not only to those who asked for acknowledgement. In the present case the statement of Respondent No.4 is regarding previous para are contrary to each other and this Forum feels that the Complainant had given Representation on 02/02/2023 based on the advise of the Department.

(ii) The Respondent in the Affidavit mentioned that as per 6.42 of the JERC in case of burnt meter and the consumer has to pay for the cost of meter and hence asked the consumer to pay the meter is in order. An extract of 6.42 is reproduced below:

“If, as a result of testing, it is established that the meter was rendered defective / burnt due to reasons attributable to the consumer such as defect in consumer installation, connection of unauthorised load by the consumer, etc., the cost of the meter shall be borne by the consumer.....”

The consumer should be asked to pay for the meter only as a result of testing, in the present case the Department asked the Complainant to pay the cost of defective meter even before it is not tested which is not in accordance with the provisions of Supply Code.

(iii) There is circumstantial evidence to show that the complaint was given on 02/02/2023 and the Department has not replaced meter till he filed case in CGRF. Inspection, preparation of report have been done after filing the case and to build a record against the Complainant. Since the Complainant had withdrawn his complaint, the Forum is not awarding any compensation. But the Respondents are directed to strictly adhere to the time limits of Standards of Performance in all future cases, failing which the Forum will not hesitate to award compensation as deemed fit.

ORDER

i. Since the Complainant had withdrawn the petition and expressed his satisfaction on the action taken by the Department, the complaint is treated as closed.

ii. 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; Phone 0124-4684708; email within 30 days from the date of this Order under intimation to this Forum and the Respondents.

Dated at Puducherry on this the 11th day of September, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-
(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN