

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

FRIDAY, THE 15TH DAY OF SEPTEMBER 2023

CONSUMER CASE No.116/2023

M/s Firdaus Hawiyya,
Represented by A. Ameena,
Managing Director,
R.S.No.125/2, Pandy –Villianur Main Road,
Aranganur, Bahour Commune,
Puducherry.

....

Complainant

Vs.

- 1) The Executive Engineer, MRT & MMC,
Electricity Department,
Puducherry
- 2) The Executive Engineer, Rural-South O&M,
Electricity Department,
Puducherry
- 3) The Assistant Engineer –Bahour
Electricity Department,
Puducherry.
- 4) The Senior Accounts Officer- HT,
Electricity Department,
Puducherry.

....

Respondents

This case in C.C. No.116/2023 came up before this Forum for hearing on 24/08/2023. 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 Tmt. A. Ameena, Managing Director representing M/s Firdaus Hawiyya Industries on 19/07/2023. In the complaint, the Complainant had stated that She is a women entrepreneur and she had filed two complaints against the Department for violation of rules and procedures in revision of current consumption bills. The Complainant has stated that one number of HT industrial service for a CMD of 480 KVA in the name of M/s Firdaus Hawiyya Industries, with a total connected load of 398.8 KW including lighting was approved by the Superintending Engineer vide Memorandum dated 02/11/2012 had been energized on 06/11/2012 at 17 hours under the Tariff HT-1(a) category subject to the following conditions: The connected load should not exceed 398.38 KW including lighting load. The details of metering cubicle and Trivector Meter are furnished below:

Details of Metering Cubicle		Details of Trivector Meter L&T	
Make	: ASCOTT Electricals	Make	:L & T
Serial No	:223944	Serial No	:12037040
P.T. Ratio	:22000/110V	Capacity	:3 x 63.5V,-/5A
CT Ratio available	:20-105/5A	Class	:0.5s
CG Ratio adopted	: 20/5	Mf	:800
Class	: CT:0.5s & P.T:0.5		

The Complainant further stated that she had submitted application for HT service on 02/06/2010; but the Department has taken 28 months for effecting power supply i.e., on 06/11/2012 only. Hence, they were constrained to start production belatedly. The first current consumption bill was raised in 14/12/2012 vide Bill No.4087 for November 2012 for Rs.1,19,974/- with consumption 17,135KWH units. Second bill was raised in 10/01/2023 vide bill No.4561 for December 2012 for Rs.2,73,232/- mentioning escalated consumption of 59,552 kwh. The third bill was raised on 12/02/2013 vide bill No.5037 for January 2013 for Rs.5,01,173/- mentioned escalated consumption of Rs.1,122,480 kwh units. The Complainant has reported the exorbitant demand raised by the Department; but no action was taken. Since her representation was kept in abeyance and thereby causing heavy financial stroke which leads to closure of the factory. It was ascertained that in case of

defective meter reading pertaining to an HT industry of Thattanchavady Industrial Estate, the Hon'ble High Court of Judicature at Madras has issued directions to the Superintending Engineer to cause action against the concerned officials responsible for erroneous billing and demand charges. The Complainant further stated that the intimation letter dated 18/10/2022 issued by the Senior Accounts Officer demanding arrears of current consumption charges including BPSC, Minimum charges and sales tax Rs.67,89,733/- is not issued in accordance with the JERC Supply Code and violation of tariff conditions on the following grounds:

- i. The inaction of the Department for not attending the objections raised in the year 2013 towards defective meter without replacement or paralleling of healthy meter as per the terms and conditions of HT agreement has lead to closure of the industry within 3 months.
- ii. The exorbitant bills without considering actual consumption has caused mental agony
- iii. The HT agreement executed by the Department and the HT consumer was not handed over to the consumer
- iv. The HT agreement was not renewed by the Department as on date.
- v. The escalated meter reading within 3 months was not considered by the concerned officials of the Department.
- vi. The letter addressed to the Superintending Engineer dated 15/10/2015 was totally ignored by the Department.
- vii. The Senior Accounts Officer suo motto issued letter of intimation without considering the representation dated 10/06/2020.
- viii. On 31/10/2022 She had given a letter to the Department; but no reply was given.

The Complainant therefore prayed this Forum to issue necessary directions to the Respondents to revise the current consumption charges, cancel the BPSC /

Minimum charges and refund the Security Deposit and award compensation for insufficiency and suppression of records. Hence, the Complaint.

2. The complaint was registered as C.C. No.116/2023 on 26/07/2023 and copy of the complaint was sent to the Executive Engineer, Rural (South) and others to furnish reply by 07/08/2023. Reply from the Respondents were received on 18/08/2023 and copies of the same were communicated to the Complainant. The case was posted for hearing on 24/08/2023.

3. In the Affidavit dated 01/08/2023, the Executive Engineer, MRT/MMC cum Respondent No.1 had stated that, Tmt. Ameena has filed a complaint related to the excess consumption recorded in HT service during the months January 2013 and February 2013 due to meter defect in HT service M/s Firdaus Hawiyaa Industries bearing consumer code 497 at RS No.125/2 Pondy Villianur Main Road, Aranganur, Bahour, Puducherry. As per the consumer request the HT industry was inspected by HTM wing on 27.02.2013 in the presence of the Complainant. The above HT service was effected on 06/11/2012 vide approval dated 02/11/2012 for a CMD of 480 KVA with a total connected load of 398.38KW including lighting load. The details of meter and metering cubicle fixed at the time of energization are as follows:

Meter Details		CT-PT Cubicle	
Make	:L & T	Make	: ASCOTT Electricals
Serial No	:12037040	Serial No	:223944
Capacity	:3 x 63.5V,-/5A	P.T. Ratio	:22000/110V
Class	:0.5s	CT Ratio available	:20-10/5A
Mf	:800	CG Ratio adopted	: 20/5A
		Burden	: PT:0VA; CT:15VA
		Class	: PT:0.5; CT:0.5s

During the inspection the recording performance of the static Trivector meter was checked with sub-standard reference meter (Accucheck) and the percentage of error were found within the limits. The percentage of error values are as follows:

	KWH	KVAH	KVARH Lag
Percentage error	+0.34%	+0.15%	-0.21%

In this regard, inspection report has been sent to the Assistant Engineer Bahour SS vide letter dated 11/03/2013. Copies of inspection report signed by the Complainant

are enclosed by the Respondent. From the above test values it can be found tht the meter is recording all energies properly. The data downloaded and analysed in the presence of the consumer and the details of load pattern taken by them for every 30 minutes had been also shown to the Complainant on the same day (28/02/2013) at the site itself. The downloaded load survey energy report from 21/12/2012 to 27/02/2013 are enclosed by the Respondents. From the downloaded data it can be observed that the above industry had availed load almost for 24 hours / day. The percentage of load availed during January and February 2013 are as follows:

Month & Year	Period of load availed in percentage	Period of load not availed in percentage	No. of shifts load availed.
January 2013	82%	18%	3 shifts
February 2013	79%	21%	3 shifts

The Respondent enclosed copy of downloaded Daily Demand minimum and maximum report and Daily consumption minimum and maximum report from 21/12/2012 to 27/02/2013. From the above report it can be found that the meter is working satisfactorily during the dispute period. From the above downloaded data, the maximum consumption reached on 26/01/2013 was 5580.64 units. The full load current to this HT service with 480 KVA demand is 12.48Amps in primary and 3.12 Amps in the secondary. The consumer had availed 2.018Amps load on 26/01/2013. The maximum KVA demand reached from 21/12/2012 to 27/12/2013 are as follows:

S.No.	Month	MD reached	Date of MD reach	MF	Resultant MD
1	December 2012	0.3736	27/12/2012	800	298.88 KVA
2.	January 2013	0.3762	01/01/2013	800	300.96 KVA
3.	February 2013	0.3828	06/02/2013	800	306.24 KVA

The Complainant in his letter stated that the energy consumption of the HT service in November 2012 was 17,135 units. It is actually recorded consumption in the industry. The energy consumption for December 2012 was 59,552 units. The energy consumption is not escalated and it is the actual consumption for December 2012. The energy consumption for January 2013 was 11,22,480 units and it is the actual consumption recorded by the static energy meter. Therefore, it is not exorbitant

/escalated consumption and not 12 times of the actual consumption. The consumer request letter dated 21/02/2013 was received on 26/02/2013. The industry was inspected on 28/02/2013. The recording performance of the static Trivector meter was checked with sub-standard reference meter in the presence of O&M officials and the proprietor. The errors are found within the permissible limit. The data downloaded in the presence of the Complainant and the details of load pattern taken by them for every 30 minutes have been shown to the consumer. Therefore, the HTM sub-division has taken bonafide action on receipt of the Complaint.

4. In the Affidavit dated 17/08/2023, the Executive Engineer Rural(South)/ Respondent No.2 for himself and for Respondent No.3 had stated that Tmt. Ameena has applied for power feasibility certificate standing in the name of M/s Firdaus Hawiyaa Industries for a demand of 480 KVA at R.S. No.125/2 Bahour, Puducherry. After getting power feasibility, she had applied for new HT service on 06/05/2010; approved vide Order dated 10/06/2011 and the HT service was effected on 06/11/2011 at 17-00hours. Based on the above, current consumption bill was issued as per reading recorded in Trivector meter. Two months later the consumer has given a complaint letter on 21/02/2013 stating that the energy meter is working erratically. On request of the Assistant Engineer, Bahour, the HTM team has inspected on 28/02/2013 in the presence of the Complainant. It is found that the Trivector meter is working in satisfactory condition and the same was informed to the consumer. The HTM section has recommended to revise the bill since the CMD as mentioned in the CC bill is in the month of January 2013 is 0.3745 instead of 0.3813. The consumer does not pay bills regularly from the date of effecting the service. Either, several times the Senior Accounts Officer-HT has issued disconnection notice, the consumer has paid a meagre amount or highly request for re-connection, on consideration of request the service was re-connected. The Financial Controller has addressed a letter to the Executive Engineer-IX on

14/11/2014, a disconnection notice was issued to the industry for defaulting the current consumption charge amount of Rs.3,66,211/- and old arrears amount of Rs.41,50,085/- based on the disconnection notice the HT service was disconnected on 25/11/2014 and report sent to the Division-IX and Senior Accounts Officer-HT for taking further process. During disconnection, the Trivector meter reading was recorded as KWH:0001281.65 KVAH:001572.60, RKVAH: 000863.53, MD 0.4068. In previous records, it is known that the firm had been run in full swing, and the consumer does not pay the bills in fully, paid only a meagre amount, hence it has the total arrear amount of Rs.45,16,296/-

5. In the Affidavit dated 09/08/2023, the Senior Accounts Officer-HT / Respondent No.4 has stated that M/s Firdaus Hawiyaa Industries, Puducherry consumer code No.497 is a HT consumer. The power feasibility certificate with the proposed load of 480 KVA was issued by the Superintending Engineer vide Order dated 29/06/2010, based on the application dated 02/06/2010. The Complainant applied for new HT service connection vide receipt No.4469 dated 19/01/2011 and registered on 19/01/2011. The estimation for extension of service connection was sanctioned vide Order dated 10/06/2011. The Complainant had paid the Security Deposit, Meter Security Deposit and Additional Security Deposit for the HT service connection. Further the Complainant has submitted the contractor completion report on 20/09/2023 along with CEA approval and energized on 06/11/2012 vide Order dated 02/11/2012. The consumer had remitted Rs.7,16,000/- towards Security Deposit, Rs.15,000/- towards Meter Security Deposit in the form of Fixed Deposit Receipt. The agreement submitted by the firm bearing code No.497 in November 2012 for a period of 2 years from 06/11/2012 to 05/11/2014. The agreement shall be read and construed in all respects in conformity with the provisions of Electricity Act 2003 and Electricity Rules 1956 and Terms and Conditions issued by the Government of Puducherry vide G.O.Ms No.28 dated

19/04/1993 and Tariff Orders issued by the JERC from time to time. The HT section raised bill as per the provisions of JERC and as per actual recorded consumption. The SAO(HT) has addressed a letter dated 18/10/2022 intimating the consumer that net dues payable by the consumer upto May 2015 is Rs.67,89,733/- As per clause 15(a) of the Agreement, the HT Agreement shall continue in force till it is terminated by the Consumer. The consumer vide letter dated 13/07/2022 has requested for permanent disconnection of HT service connection. Accordingly a credit estimate has been prepared by the Executive Engineer-Rural(South) towards cancellation of HT service connection for further necessary action. As per the JERC Regulation, the SAO(HT) has addressed a letter intimating the consumer vide letter dated 18/10/2022 indicating the net dues upto May 2015 is Rs.67,89,733/- and requested the consumer to clear the dues within 15 days to terminate the agreement and cancel the HT service connection failing which the security deposit would be forfeited and adjusted against the dues and the balance amount will be referred to Revenue Recovery Act 1970. The Complainant had already filed a writ petition No.14641 of 2015 before the Hon'ble High Court of Madras, and prayed "to issue a writ of certiorarified Mandamus" or any other appropriate Writ or Order or Direction in the nature of Writ calling for records pertaining to the proceedings in bill 374/2015-16 dated 13/04/2015 and quash the same and direct the Respondents to restore the power supply of the Complainant-industry at Bahour, Puducherry which was disconnected on November 2014 due to non-payment of current consumption and other charges. The contracted maximum demand is not fixed by the Licencee on the other hand it is only based on the requirement of the Industry. As per the JERC Supply Code Regulations 2010 and the agreement entered at the time of power supply, the industry is liable to pay a minimum of 75% of the contracted Maximum Demand. As per the JERC Tariff Order for 2015-16, the monthly average power factor of a consumer shall not be below 90% (0.9 lagging) where, the power factor falls below 90% such consumer shall pay a surcharge in additional to normal tariff @1%

on billed demand and energy charges for each fall of 0.01 in power factor upto 0.7 lagging. Therefore, the low power factor penalty had been levied on the Complainant for not maintaining the power factor. The Petitioner gave a letter on 21/03/2013 regarding doubtfulness of the energy meter, based on the request of the Complainant, HT Metering section inspected and checked the meter performance in the presence of the Complainant and the consumption recorded based on the loads taken by the firm. The Complainant also agreed the goodness of the energy meter. However, there is no doubt about the performance of the Trivectormeter. The JERC in its Tariff Order for 2014-15 had made a provision for Fuel and Power purchase cost adjustment charges for all the consumers except agriculture and one hut one bulb. Therefore, as per the above provision the FPPCA was charged to the Complainant which is legal. The arrear dues of the industry have been arrived during the cancellation process including BPSC applicable for the payment by the Complainant industry. The amount claimed towards the use of electricity power is not denied by the Complainant. During the year 2022 the Complainant was seeking permission to withdraw the Writ Petition No.14641 of 2015 and the same was dismissed by the Hon'ble High Court of Madras as withdrawn with liberty to the Petitioner to approach CGRF with an endorsement to that effect dated 25/04/2022. Right from beginning the Complainant was not regular in remittance of current consumption charges. The Respondent No.4 submitted the details of bill generated and the amount paid / due by the Complainant which shows that an amount of Rs. 67,89,733/- is due to be payable by the Complainant upto May 2015. As per the bilateral agreement the Complainant has agreed to pay the Minimum Demand Charges as stipulated in the Tariff Order in force from time to time on due date. Based on the outcome of the consumer case No.116/2023 at CGRF, the fact will be intimated to the District Collector accordingly.

6. Hearing was held on 24/08/2023. Both the Complainant and the Respondents were present. During the hearing the Complainant reiterated that the testing of meter by CPRI as she is not satisfied with the testing by the Department. The Respondents are directed to take necessary further action for releasing the meter to send to CPRI for testing. The meter was released in the presence of the Complainant who has also signed. The Department is in touch with the CPRI for getting invoice for testing and inform this Forum

INTERIM ORDER

i. The Respondents are directed to file additional Affidavit along with the CPRI test report for issue of final Orders.

Dated at Puducherry on this the 15th day of September, 2023

Sd/-

Sd/-

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

(A.S. JITENDRA RAO)
LICENSEE MEMBER

(T. GOPALAKRISHNAN)
CHAIRMAN