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 11TH DAY OF MARCH 2022

CONSUMER CASE No.12/2022

Kasiammal,
No.116, Muthumariamman Koil Street,
Puducherry. .... Complainant

Vs.

1) The Executive Engineer Urban(O&M),
Electricity Department,
Puducherry

2) The Assistant Executive Engineer –Town-I,
Electricity Department,
Puducherry.

3) The Junior Accounts Officer- Rev-I,
Electricity Department,
Puducherry.

4) The Junior Engineer Town – Central,
Electricity Department,
Puducherry. .... Respondents

This case in C.C. No.12/2022 came up before this Forum for final hearing on 18/02/2022. 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 Kasiammal on 10/01/2022. In the complaint, the Complainant had stated that she has enclosed a copy of complaint letter given earlier on 22/11/2016 to the Electricity Department, Puducherry. However, no action was taken to set right the complaint and based on the excess billing, the service connection was disconnected and caused hardship to her. Even after a lapse of many years no action was taken on the defective meter. Meter was not replaced based on the complaint letter in 2016. For the past three years excess billing was made even after change of meter by digital meter. Current consumption bill was not revised and forced to pay amount totalling to Rs.50,000/- on 4 occasions. Had the bill revised earlier in time, she could have paid to the extent of Rs.30,000/- only but she had paid Rs.20,000/- in excess. Hence, the Complaint.

2. The complaint was registered as C.C. No.12/2022 on 25/01/2022 and the notice sent to the Executive Engineer, Urban and others to furnish reply by 07.02.2022. Reply from the Respondents was received on 07/02/2022 and 08/02/2022. The case was posted for hearing on 18/02/2022.

3. In the Affidavit dated 04/02/2022, the Junior Accounts Officer-Rev.I/ Respondent No.3 had stated that, as per report received on 18/03/2019 in respect of the Policy No.03-15-06-0765/A2 from the Junior Engineer, Town-Central O&M, through the Assistant Executive Engineer-Town-I, in which he has reported that the existing service connection meter is a smart meter which was fixed on 02/02/2018 and the present reading as on 20/12/2019 was 2428 and the average consumption for 12 months from February 2018 to January 2019 was 202 units whereas the average units of the old energy meter from August 2016 to December 2017 was 567 units and to revise the bill based on the average 567 units. Due to discrepancy in the average units, this Office has asked the Junior Engineer, to obtain meter test report from the lab. In response, the Assistant Executive Engineer, Town-I has furnished the report stating that the energy meter has been released from the above

said policy on 02/02/2018 and devaluated to stores long back and normally all the released meters were not sent to lab for testing unless otherwise, if there is any complaint. Hence, the bill revision was made from August 2016 to December 2017 based on the average consumption of the smart meter, the average units were taken as 202 instead of 567units. Based on the ledger, the revision has been made for the period from August 2016 to July 2019 and the revised current consumption charges arrived at Rs.27,362/- as against 62,692/- which is prior to revision and the revised statement was submitted for approval of the Executive Engineer, Urban on 26/09/2019. Before approving, the Executive Engineer, Urban, has sought for some clarification, regarding whether the complaint was made in November 2016 and the reasons for not replacing the meter till 2018 and instructed to revise the bill after reason ascertained from the field. Pending receipt of reasons, however, based on the average consumption from February 2018 to January 2019, 202 units, the current consumption bill has been revised for the period from December 2018 to October 2021 and the excess amount of Rs.5,141/- is available in the above policy as against Rs.70461/- amount prior to revision. The Complainant has made part payments of current consumption bills for an amount of Rs.50,000/- from December 2018 to October 2021. The Consumer has also been intimated in this regard. Statement enclosed for revision of bill and at the end of December 2020 an amount of Rs.5,141/- was found to be excess. On perusal of the statement, it is seen that BPSC is levied from September 2016 to till date i.e., December 2021.

4. In the Affidavit dated 04/02/2022, the Assistant Executive Engineer-Town-I/ Respondent No.2 on behalf of Respondent No.1 and 4 had stated that, the Complainant had earlier requested this Department on 22/11/2016 and 17/07/2018 regarding bill revision in the above mentioned policy. Further, based on the complaint the Junior Engineer, Town-Central had inspected and reported that the existing service connection meter has been replaced and fixed on 02/02/2018 by a new smart meter. Necessary field report sent to the Junior Accounts Officer-Rev.I

on 18/03/2019 for bill revision. The copy of letter along with MFR statement are enclosed. The bill revision proposal has returned to this Office on 01/04/2019 by the Junior Accounts Officer-Rev.I section on 14/08/2019. The copy of the report sent by the field officer is enclosed. Based on the report, the bill revision was made as per current consumption units of 12 months period (from August 2016 to December 2017). An average unit were taken as 202 instead of 567 units. The current consumption bill revision process taken by the Junior Accounts Officer-Rev.I section. A copy of the statement also communicated to the Complainant.

5. The case was heard on 18/02/2022. The aged Complainant was represented by her daughter and the Respondent No.2 attended the hearing. During the hearing the Respondent No.3 have been asked to clarify how the bill was revised from 2016 without the approval of the Executive Engineer, Urban/ Respondent No.1 and the amount has been arrived. The Respondent replied that the Executive Engineer, Urban had called for some clarification. Pending clarification, the bill has been revised. The Respondent No.3 has been directed to revise the bill as levying of BPSC is not justifiable as the bill has been revised and furnished only now. The Respondent No.2 has been enquired, why the disputed meter was not replaced soon after the receipt of the complaint from the Complainant and was not replaced till March 2018. Even in March 2018 the defective meter was replaced under Smart Metering Scheme and the released disputed meter was not sent for testing. The Respondent No.2 could not able to furnish any convincing reply as the matter pertains to old period and all the then Officers have been transferred. Since, the Respondent No.1 did not attend the hearing, he was directed to be present to this Forum for furnishing some clarification. The Respondent No.1 reported before this Forum. The dis-satisfaction of the Forum was communicated, that revision of bill has been made without any application of mind and proper approval of the Division Officer. The amount has been from 62,692/- and presently excess amount of

Rs. 5,141/- including Fixed Surcharges upto December 2021 is shown and then ultimately excess amount is shown as 14,245/- in the revised statement. The Revenue Section staff should be sensitized with the Supply Code Regulations as they are ignorant of the Regulations. Further no separate register for Meter faults and Billing complaints seemed to have been maintained in the Section and Revenue Office and this has caused delay in replacing of defective meter based on the complaint made in November 2016 till March 2018. Even the released meter was not sent for lab testing which should have been a proper course of taking action on the Complaint.

6. The Respondent was directed to furnish explanatory Affidavit by 18/02/2022. But the Respondent did not furnish his explanation till 01/03/2022. In the Affidavit dated 02/03/2022 the Executive Engineer, Urban / Respondent No.1 had stated that the Complaint to the Assistant Executive Engineer, Town-I on 22/11/2016 regarding recording of higher consumption of his meter and requested to arrange to revise the bill. But no reply has been given by the field in this regard and the consumer also has not pursued the matter further. However, when the meter was replaced by smart meter on 02/02/2018 and upon observing the consumption pattern, the consumer has requested vide letter dated 17/07/2018 to revise the bill based on the average present consumption. The Junior Engineer, Town- Central has requested for revision of current consumption bill vide letter dated 18/03/2019 based on the average consumption of 202 units from February 2018 to January 2019 against the average of 567 units form August 2016 to December 2017. The Junior Accounts Officer-Rev.I has sought approval for revision to the Executive Engineer, Urban. The Junior Accounts Officer-Rev.I has been advised to revise the bill and however the reasons for the delay in addressing the consumer’s complaint given in November 2016 be ascertained. Since the reply was yet to be received, the Junior Accounts Officer-Rev.I has revised the units for the period from August 2016 to December 2017 based on the recommendations of the field and the current consumption bill revised

accordingly upto December 2021. The details are enclosed. The Consumer has not elevated her complaint to the next level and preferred to make a petition to the CGRF. Had this been brought to the Divisional level, it would have been resolved. The consumer also has expressed satisfaction to the revision of the bill based on the present average consumption and her grievances addressed. However, as directed by the CGRF, the Revenue wing and the Field Officers have been given instructions to address the consumer grievances on time and to keep track of the complaints. Copies of memorandums issued in this regard are enclosed.

Observation: i. The Respondents did not take a serious note of the Complaint made in November 2016 and not followed the Supply Code Regulations, 2010 in true spirit. The delay in replacing of meter till March 2018 had resulted in claiming excess bill and putting the Complainant into hard ship. The service connection was also disconnected and the Complainant was forced to pay excess amount which is not fair and justifiable.

ii. The released meter was not subjected to testing and the meter was handled in a very casual manner resulting revenue loss to the Department. Had the defective meter replaced in time and tested, it could have resulted in actual correct reading.

iii. Further the statement of the Respondent No.1, that the unattended complaint was not escalated shows that the Complainant should run after each officer in the hierarchy to get the Complaint attended. The Respondents shirked the responsibility in toto. Such laxity in future would be viewed seriously.

iv. Without establishing complaint handling mechanism in the Department as required under Para 9 of the Standards of Performance Regulations 2015, the statement of the Respondent No.1 that, had the Complainant referred the Complaint to the higher level, it would have been solved, is surprising. The complaint of the Complainant has not been solved, since 20/11/2016 to till date. Instead of expressing regrets for such a failure and taking action / fixing responsibility on the officials concerned, passing on such comments to be avoided.

ORDER

i. The Respondents are directed to issue revised bill to the Complainant within one week from the date of this Order and a copy of the bill shall be sent to this Forum for records.

ii. In future, serious view on such lapses, would result in imposing penalty / compensation as per Standards of Performance, on the erring officials of the Department in such cases.

iii. The Department shall take immediate action to comply with Para 8, 9 and 9.7 of Standards of Performance Regulations 2015 of JERC and send a report to CGRF within 30 days on the action by the Department. As per the revised statement of Junior Accounts Officer-Rev-I dated 03/03/2022 an amount of Rs.14,245/- is available excess with the Department. The excess amount should be treated as advance payment and as per Section 7.23 of the Supply Code Regulations 2018, the Department should pay interest on the advance payment as provided in Section 7.23.

iv. The Complaint is allowed

v. The Complainant is at liberty to prefer an appeal against this Order before the Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Lane, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015 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 March, 2022

Sd/-	**Sd/-**	**Sd/-**
(R. KRISHNAMURTHY) **JERC NOMINATED MEMBER**	**(A.S. JITENDRA RAO)** **LICENSEE MEMBER**	**(T. GOPALAKRISHNAN)** **CHAIRMAN**