

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

PRESENT:

THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,
CHAIRMAN I/C AND LICENSEE MEMBER

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

FRIDAY, THE 24th DAY OF JULY, 2020

CONSUMER CASE No.13/2020

V. K. Ganapathy,
No.221, Madakoil Veethi,
Karaikal - 609 602.

....

Complainant

Vs.

- 1) The Executive Engineer- V,
Electricity Department,
Karaikal.
- 2) The Assistant Engineer Town-I,
Electricity Department,
Karaikal.
- 3) The Junior Accounts Officer,
Electricity Department,
Karaikal.
- 4) The Junior Engineer, Town,
Electricity Department,
Karaikal.

....

Respondents

This case in C.C. No.13/2020 came up before this Forum for Orders on 24/07/2020. After perusal of the records and Affidavit filed by both the parties, this Forum has delivered the following Order.

The case of the Complainant is as follows:

1. Thiru V.K. Ganapathy, has given a complaint during the public hearing conducted by this Forum on 26/02/2020 at Karaikal. In the Complaint, the Complainant had informed that he has given several representation about the excess billing in his domestic service connection. But the Department had not considered properly. Though he notified over billing well in advance, he had received reply only in November 2019 and it is not justifiable to levy BPSC for non payment of current consumption charges for this period and hence requested for revision of bills. Hence, the complaint.
2. The complaint has been registered as C.C. No.13/2020 and a copy of the complaint has been handed over to the Executive Engineer, Karaikal on 26/02/2020 to furnish reply by 16/03/2020. The reply was received on 19/03/2020 from the Assistant Engineer, Town-I, Karaikal for himself and on behalf of Respondent No.1.
3. In the reply the Assistant Engineer, Town-I, Karaikal had stated that the Complainant had informed about the energy meter in May 2018 and in response a new energy meter was fixed in October 2018 and released meter was sent to lab for testing in February 2019 the Lab confirmed in March 2019 that the meter is in good working condition. The Department sent the bills regularly, but the Complainant had not made any payment resulting accumulation of arrears to the extent of Rs.1,04,064/- as of March 2020. Since the meter was in good working condition, there is no excess billing and hence revision does not arise.
4. The case was posted for hearing at Karaikal on 26/03/2020. Hearing could not be conducted due to restrictions in travel due to the 'Lock Down' order imposed by the Government due to COVID 19.

5. Since the case is pending for quiet long time a copy of the reply given by the Assistant Engineer, Town –I, Karaikal was sent to the Complainant for furnishing his written objections if any, so that the case could be decided based on the facts and materials available.

6. A Notice was sent to the Complainant on 26/06/2020 requesting for reply and the Complainant furnished reply on 20/07/2020. In the reply the Complainant had questioned, why the Department had installed new meter in October 2018 while the Lab report was given in March 2019 and what is the necessity for replacing the meter which is in good working condition and reiterated that the consumption is in excess and requested for revision of bills.

Observation:

1. The Complainant had given the complaint about the meter in May 2018 and the Department replaced the meter in October 2018. Since this has happened before the issue of Supply Code in November 2018, it has to be dealt in accordance with the Supply Code 2010.

2. As per Section 7.5(2) of Supply Code 2010, the meter has to be tested within 30 days on receipt of the Complaint. If the meter is found working, no action shall be taken and if the meter is found fast or slow, the meter shall be replaced within 15 days.

3. Since there is no facility in Karaikal for testing the meter at the site, the meter in question was released in October 2018 i.e., nearly after 5 months after receipt of the complaint. Further it is observed that the meter was sent to lab for testing in February 2019 and the Lab issued its report in March 2019. It shows that the time schedule given in Supply Code / Standards of Performance have not been followed.

4. Since the Department has released the meter and fixed new meter in October 2018 and the Complainant's dispute was only with regard to the consumption recorded by released meter, the Complainant ought to have paid the bills issued after October 2018, based on the energy recorded in the new meter. But from the records it is observed that the Complainant had not paid any amount since May 2018 except for Rs.5000/- on 01/10/2018.

5. From the data furnished by the Assistant Engineer, Town-I, the reading in the meter is varying according to the season and there is no need to suspect the functioning of the meter since October 2018. The Complainant had expressed his doubt about the functioning of this Meter also in January 2020 i.e. after a period of nearly 16 months, which looks like creating a reason for non payment of current consumption charges.

ORDER

- i. As stated in the above paras in observation, the consumption over the period from May 2018 was under question and the correctness of the functioning of the meter which was released in October 2018 was communicated to the Complainant only in November 2019. Hence, there is no justification in collecting BPSC for the current consumption charges for the period from May 2018 to September 2018 and also till the date of communicating the condition of the meter to the Complainant in November 2019.
- ii. Since the meter is found to be in good working condition, there is no necessity for any revision of bills for this period. Hence the Department is directed to recalculate the bill amount as on date by deducting BPSC on the current consumption charges for the period May 2018 to September 2018 upto November 2019 and issue a revised bill to the Complainant within 7 working days from the date of receipt of this Order and a copy of the revised bill statement shall be sent to this Forum for records.

- iii. The Complainant is directed to pay the amount as per the revised bill on or before the due date mentioned thereon.
- iv. Thus the complaint is allowed to the extent indicated.
- 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 and 4th Floor, Plot No. 55-56, Pathkind Lab Building, Sector -18, Udyog Vihar, Phase IV Gurugram, (122015) Haryana within 30 days from the date of this Order under intimation to this Forum and the Respondents.
- vi. A Compliance report shall be submitted to this Forum on the action taken in this regard within 30 days.
- vii. Non-compliance with the directions of Forum by the Licensee shall attract remedial action under Sections 142 and 146, read with Section 149 of the Electricity Act 2003.

Dated at Puducherry on this the 24th day of July 2020.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER