

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

THURSDAY, THE 29TH DAY OF APRIL 2021

CONSUMER CASE No.15/2021

K. Ganapathy Rao,
S/o K. Thirumala Naidu,
D.No.10-6-005,
Old School Street,
Kanakalapeta
Yanam.

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Complainant

Vs.

- 1) The Executive Engineer, Cables & TTC,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer-(O&M),
Electricity Department,
Yanam.
- 3) The Assistant Engineer (Computer),
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.15/2021 came up before this Forum for final hearing on 22/04/2021. 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 has been received from K. Ganapathy Rao during the camp of this Forum held at Yanam on 25/02/2021. In the complaint, the Complainant had stated that, in the current consumption bill for the month of December 2020 the Department had communicated an amount towards the difference in tariff for the period from June 2020 to August 2020 which is not reasonable and very high and requested for the correction of the amount. Hence, the Complaint.

2. The complaint has been registered as C.C. No.15/2021 on 01/03/2021 and notices were sent to the Respondents on 01/03/2021 for giving reply by 10/03/2021. The reply of the Respondent No.2 was received on 16/03/2021.

3. The Respondent No.2 in his reply stated that:

i. The Complainant has a Pisciculture service connection at D. No. D.No.10-6-005 Kanakalapeta village in Yanam vide Policy No.91-11-04-0310M.

ii. The monthly billing period starts between 20th to 25th of consecutive month for cycle 11. Monthly current consumption charges for April 2020 was issued and distributed to the consumers of 11th cycle with reading taken on 23/05/2020, 24/06/2020 and 23/07/2020 with the final reading 38029, 40729 and 45319 respectively.

iii. Due to COVID-19 pandemic nationwide lock down imposed by the Government of India and 11 numbers of staff working in the sub-division were affected by Corona the sub-division has raised only door lock average bill during May 2020, June 2020 and July 2020 for the consumers and uploaded to Online payment system as directed by Computer billing sub-division, Electricity Department, Puducherry so as to enable the consumer for payment through online mode. The actual monthly current consumption charges bills were issued on 21/10/2020 for the month of August 2020 for cycle No.11 to the consumers. Upto August 2020 the bills are charged and claimed as per Tariff Order 2019-20 which was in force.

iv. As the Tariff Order 2020-21 came into force from 01/06/2020, the rates are revised and raised.

v. Accordingly, the difference amount arrived for the consumption computed with the rate difference between Tariff Order 2019-20 and Tariff Order 2020-21, has been proposed to be collected for the consumption from 01/06/2020 to 31/08/2020 and included in the monthly bills for December 2020.

vi. The programme for the difference claim was received from the Computer billing section, Electricity Department, Puducherry has been adopted which is normal routine practice of the sub-division.

vii. The consumption computed manually from 01/06/2020 to 31/08/2020 is arrived at 9627 units.

Name of the Consumer & consumer code : K. Ganapathy Rao; 91-11-04-0310M

Reading taken on 23/05/2020	: 38029
Reading taken on 24/06/2020	: 40729
Reading taken on 23/07/2020	: 45319
Consumption	: 9627
Duration	: 92 days
Average consumption per day	: 104.6
Consumption for 92 days 1/6/2020 to 31/8/2020 (with new rate as per Tariff Order 2020-21 in units)	: 9627

Rate calculation as per Tariff Order 2020-21

Computed consumption for 92 days (1/6/2020 to 31/8/2020)	: 9,627 Units
Computed consumption for one month	: 9,627 / 3 = 3209/month
Amount arrived as per tariff order 2020-21 1-100 unit @ 1.50 =	150.00
101-200 unit @ 2.55 =	255.00
201-300 unit @ 4.50 =	450.00
Balance 1070 units @ 5.90 =	6,313.00
	Rs.7,168 per month
For 3 months (Rs.7,168 x 3)	<u>Rs.21,504/-</u>

Rate calculation as per Tariff Order 2019-20

Computed consumption for 92 days (1/6/2020 to 31/8/2020)	: 9627 Units
Computed consumption for one month	: 9627 / 3 = 3209/month

Amount arrived as per tariff order 2019-20 1-100 unit @ 1.50 = 150.00
 101-200 unit @ 2.50 = 250.00
 201-300 unit @ 4.35 = 435.00
 Balance 1070 units @ 5.60 = 5,992.00
 Rs.6,827 per month
 For 3 months (Rs.6827 x 3) Rs. 20481/-

Difference amount to be collected from the consumer is
 Rs.21504 (-) Rs.20,481 = Rs.1,023/-

4. The reply from the Respondent No.3 received on 25/03/2021, who has stated that: i. The average units for which billing was done for a month is taken and tariff rates both old and new were applied to calculate the consumption charges. The difference in consumption charges is claimed from the consumer.

ii. While calculating the difference claim for the said consumer, it is observed that the consumption charges based on old tariff had been arrived as zero and hence the entire charges based on new tariff is claimed as difference claim. The reason for this calculation error is observed to be mismatch in cell reference.

iii. Hence the correction in cell reference is now made and the values are recalculated.

Calculation methodology. Consumer reference code: 91-11-04-0310M /D2

Month & No. of Units		Charges on new Tariff	Charges on old tariff	Difference to be claimed	Previously claimed from consumer	Remarks
5/21	2700	15015	14275	532	10792	Billing period 32 days and new tariff effective for 23 days
6/21	4590	26166	24859	1307	26166	
7/21	3716	21009	19965	1044	21009	
8/21	2710	15074	14331	743	15074	
TOTAL		77264	77264	3626	73041	

5. As per usual procedure the hearing of case was fixed on 22/04/2021 at Yanam and notice sent. But due to pandemic situation the case was heard at Puducherry through video conferencing on 22/04/2021. During the hearing the Complainant had agreed with the calculation given by the Department and also agreed to clear the arrears on receipt of revised bill from the Assistant Engineer, Yanam. When

questioned about the arrears, the Complainant had agreed to pay Rs.50,000/- on the same day

6. Since difference in amount of claim has been observed between the working sheet of Assistant Engineer, Yanam and Assistant Engineer, Computer; the Assistant Engineer, Yanam was asked to confirm the working sheet and also BPSC levied in the bill by 26/04/2021.

Observation: i. The Hon'ble JERC has revised power tariff for the year 2020-21 with effect from 01/06/2020. Due to lock down reading were not taken immediately and taken only in the month of October 2020 and bill for actual consumption based on old tariff was issued by the Assistant Engineer, Yanam. However, the difference in tariff due to revision by Hon'ble JERC needs to be collected for the month of June, July and August 2020. It is seen from the workings furnished by the Assistant Engineer, Yanam that the average consumption per day was worked based on the readings taken in May 2020 and October 2020. The Assistant Engineer, Yanam worked out difference in tariff claim for 92 days based on the average consumption per day.

ii. From the calculation of the Assistant Engineer, Computer, it is observed that the difference in tariff has been calculated from May 2020 to August 2020 which shows that the consumer has been billed for more days than actual should have been done. So the calculation shows 23 days of spill over period for the month of May 2020 and another 92 days for June, July and August 2020. This means the consumer has been billed for 115 days instead of 92 days. As such the working of the Assistant Engineer, Yanam looks more logic and the Forum decides to adopt the working of the Assistant Engineer, Yanam and accordingly the difference amount to be calculated due to tariff revision is finalised as Rs.1,023/-

iii. The Assistant Engineer, Yanam is asked to reconfirm the calculation of working and had again confirmed the working on 26/04/2021 by e'mail.

The Assistant Engineer, Yanam had also confirmed that the Complainant had paid Rs.50,000/- on 22/04/2021 vide receipt No.91-64972 dated 22/04/2021.

ORDER

- i. As pointed out in the observation, the working of the Assistant Engineer, Yanam looks more logical and hence the Forum decided to adopt the working of 1,023/- for claim to be collected from the Complainant for the period from 01/06/2020 to 31/08/2020. As such the Assistant Engineer, Yanam is directed to revise the bill by including the revised claim of 1,023/- instead of the original claim of 73,041/-. As per Section 7.2.6 of Supply Code, the Consumer shall be given 15 days for making payment. If the consumer makes payment within that period no BPSC shall be charged. Hence, the Assistant Engineer, Yanam is directed not to charge any BPSC on the amount of difference in Tariff and unpaid CC charges for the period from 12/2020 to till date. The revised bill shall be issued within 7 days from the date of receipt of this Order.
- ii. The Complainant is directed to pay the revised bill amount within 15 days from the date of the bill.
- iii. Thus the complaint is allowed.
- iv. 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.
- 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 April 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN