

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

TUESDAY, THE 18TH DAY OF OCTOBER 2022

CONSUMER CASE No.155/2022

S. Palanikumar,
No.16, First Floor,
Second Cross,
Shanthi Nagar,
Puducherry-605011.

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Complainant

Vs.

- 1) The Executive Engineer, Urban O&M,
Electricity Department,
Puducherry
- 2) The Assistant Engineer –Town-II, O&M,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer-Rev-I,
Electricity Department,
Puducherry.
- 4) The Junior Engineer-Venkata Nagar,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.155/2022 came up before this Forum for final hearing on 07/10/2022. 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 S. Palanikumar on 30/08/2022. In the complaint, the Complainant had stated that Meter Reader from the Electricity Department are taking reading once in two months and paying the amount as shown in the Electricity Portal. Since, the Meter Reader takes reading once in two months, the bills shows surplus amount as maximum amount falls on the higher slab rate for the default of the Department and the burden is imposed on the consumer. Due to this the consumer is subjected to huge loss and mental agony. The Complainant prayed to rectify the bill with provision of slab rate and the excess amount remitted may be adjusted in the subsequent bill. He prays this Forum to issue necessary directions to the Respondents to revise the bill. Hence, the Complaint.

2. The complaint was registered as C.C. No.155/2022 on 01/09/2022 and copy of the complaint was sent to the Executive Engineer, Urban O&M and others to furnish reply by 12/09/2022. Reply received from the Respondents on 09/09/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 27/09/2022. However, based on the request of the Complainant the Hearing was postponed to 06/10/2022.

3. In the Affidavit dated 12/09/2022, the Junior Accounts Officer-Rev-I / Respondent No.3 had stated that, due to unavoidable circumstances, the meter reading for the month of June 2022 has not been recorded for all the policies of the Electricity consumers and the consumers were advised to pay the bills through online or at the Department bill counters based on the average electricity consumption of the previous month. In case, if the meter reading is taken in the next month, consumption for the two months will be calculated and the average for two months will be calculated and the amount will be billed according to the slab rates and the amount already remitted will be deducted and will be set right. This notification has also been published in the Daily newspapers for the convenience of the consumers. In respect of the policy bearing No.05-21-06-0553A/A2 for the

month of April 2022, meter reading was not taken and the IR and FR was 28481. In May 2022, the FR was 29645 and the total consumed units for two months were 1164. Again in the month of June 2022, meter reading was not taken and the IR and FR was 29645. In July 2022, the FR was 30780 and the total consumed unit for two months was 1105. The details of current consumption charges claimed for the above period are detailed below:

I. 04/2022 and 05/2022 = 1164 Units		II. 06/2022 and 07/2022 = 1105 units	
For 1 month	= 1164 / 2 =582 units	For 1 month	= 1105 / 2 =552.5 units
CC charges for 2 month	=2798.9	CC charges for 2 month	=2608.60
For 2 months	2798.9 x 2 = Rs.5598	For 2 months	2608.6 x 2 = Rs.5217
FSC (123 x 2)	= Rs. 246	FSC (123 x 2)	= Rs. 246
Surcharge 5%(5598+246)	= Rs. 292	Surcharge 5%(5217+246)	= Rs. 273
BPSC	= 0	BPSC	= 0
Total	= Rs.6,136	Total	= Rs.5,736
Amount paid	= Rs.1,404	Amount paid	= Rs.1,470
Balance	= Rs.4,732	Balance	= Rs.4,266
Amount paid in July 2022	= Rs.4,783	Amount due for July 2022	= Rs.4,266
Slab Rate: 100-Rs.1.90; 200-Rs.2.90; 300 – Rs.5.00; 300 units and above Rs.6.45			

Since the payment was made after the due date of the bill, BPSC was claimed. Moreover, due to unavoidable reasons current consumption bills was not issued for all the consumers for the month of June 2022 and hence BPSC was not levied. For the month of May and July 2022, as it could not be ascertained, whether, the bill was served within the due date or not, so it is proposed to waive the BPSC amount. Hence, no excess current consumption charges were claimed from the Complainant and the amount paid has been properly adjusted in the current consumption bills.

4. In the Affidavit dated 12/09/2022, the Assistant Engineer-Town-II / Respondent No.2 for himself and on behalf of the Respondent No.1 and 4 had stated that the premises has been inspected by the Junior Engineer, Venkata Nagar O&M along with Assistant Line Inspector on 12/09/2022 and the details of the billing has been informed to the spouse of the Complainant. The Department staff are issuing the current consumption bills regularly in the area except during the month of June 2022 due to unavoidable circumstances. However, the average bill has been raised

by the Revenue Section for the above month and the same has been adjusted during the next month reading i.e., in the month of July for all the consumers. However, the Department will put its very effort for issuance of current consumption bills on time to the consumers.

5. Hearing was held on 06/10/2022. Both the Complainant and Respondents were present. Hearing was not attended by the Respondent No.3, eventhough the matter pertains to billing dispute. During the hearing, the Complainant stated that he is not satisfied with the reply furnished by the Respondents. He has given a Rejoinder and pointed out that

(i) The JERC Electricity Supply Code Regulations 2018 Chapter 7 Billing 7.1(1) states that billing cycle, which shall be monthly for all categories of consumers except agricultural consumers, ie., pump-set connections, in which case, depending upon the local conditions, the Licensee shall specify the billing cycle separately with the approval of the Commission. In case of consumers with LT single phase supply, if the Licensee experiences the difficulty in monthly billing of such a large number of consumer it may carry out the billing on bi-monthly basis with the approval of the Commission. The Commission may consider the difficulties of the Licensee and may approve the billing on bi-monthly basis for a limited time period beyond which the billing cycle shall be on monthly basis. The above JERC Regulations may be perused and clarification shall be made whether any approval has been obtained from the Commission for the billing on bi-monthly basis before distributing the bi-monthly bill to the Consumers?

(ii) Moreover, the bi-monthly bill distributed to the Consumers created heavy burden to pay the bill at a single stretch and heavy financial crises faced by me to pay the huge amount in single payment. It is lot easier to pay the bill monthly but I am forced to pay the bill bi-monthly by the Electricity Department which is injustice caused to me. The 'unavoidable' circumstances of the Electricity Department mentioned in the reply furnished by the Respondent No.3 is purely administrative

lapse on the side of the Electricity Department which should not be imposed on me to pay the two months bill in a single stipulated due date.

(iii) The total amount for the month of April and May 2022 is calculated as Rs.4,732/- in the reply furnished by Respondent No.3 and whereas an amount of Rs.4,783/- (Rs.51 excess) has been paid in the month of July 2022. The total amount for the months of June and July 2022 is Rs.4,266/- whereas an amount of Rs.4,363/- (Rs.97 excess) has been paid. Both the excess payment paid seems not adjusted in the subsequent bills issued by the Electricity Department which may be treated as 'Billing Mistakes' as per the Standard of Performance of JERC, 2015 Schedule-II of 12. The Electricity Department is imposing penalty against the consumers who are not paying the bill within the due date. But whereas, the wrong calculation and additional amount claimed from the consumer is not at all counted and it is adjusted in the next bill. When the consumer is penalized for not paying the bill in the due date, why the Electricity Department cannot be penalized for wrong, careless calculations imposed against the consumers?

(iv) An amount of Rs.3,020/- has been paid for the month of August 2022 before the due date and BPSC for an amount of Rs.87/- has been charged and the same may be clarified.

(v) As per the JERC Electricity Supply Code Regulations 2018 Chapter 6 Reading of Meters 6.21 the meter shall be read once in every billing cycle and no such proper reading of meters effected by the Electricity Department. The billing cycle is beyond the control of the Electricity Department and the copy of the approval for bi-monthly reading from the Commission shall be communicated.

6. The Complainant further stated that the Electricity Department is treating the consumers taken for granted as they desire and imposing burden on the consumers hiding all the irregularities and serious administrative lapse on their side and still justifying their irresponsible act and thereby causing injustice to the consumers. As per the Standard of Performance of JERC, 2015 Schedule-III Compensation there is

no compensation specified for the 'Billing Mistakes' and no compensation specified for not obtaining approval for bi-monthly billing from the Commission. The habitual irresponsible act of the Electricity Department creates depression and mental agony on him and if approval not obtained for bi-monthly billing from the Commission and if no proper adjustment made for the excess amount claimed and the same not reflected in the bill it shall be treated as 'Billing Mistakes' for which he prayed this Forum to issue suitable orders condemning the Department and to pay Rs.1 to him as compensation for the mental agony and depression caused by the Electricity Department.

7. The Respondent No.3 was directed to file additional Affidavit in response to the issues raised by the Complainant and the next hearing was posted on 07/10/2022 with instructions that Respondent No.3 should be present on the hearing to answer the queries.

8. The Complainant had given a letter stating that he is withdrawing his complaint as the defects has been addressed by the Respondents. During the Hearing held on 07/10/2022, the Respondent No.3 filed additional counter to the rejoinder of the Complainant, therein it was stated that prior approval of the Commission was not obtained for issue of spot billing for 2 months as the matter was notified in the paper publication for the consumers. The Respondents stated that 2 slab units is given. However it is pointed out by the Complainant excess amount paid was not adjusted in June 2022 bill. In response the Respondent No.3 stated that the same has been taken care and issued revised working sheet which could be reflected in the system subsequently. The statement of Respondent No.3 that as per Regulation 7.11 of the Electricity Supply Code 2018 of JERC, issue of provisional bill is permitted. The same is not agreed as the Complainant's house falls in the spot billing area. The Respondents are directed to keep the Commission informed about the issues whenever monthly bill is not issued due to administrative reasons.

Observation: The Petitioner in his petition has pointed out issue of one bill for two months consumption is put him under financial burden. Of late, it is observed from various cases / reports, the Department is not taken reading of current consumption every month; but issuing bill for a period more than one month, after taking reading. When the Department could not issue bills every month in time, the Department shall allow payment in instalments while issuing bills to the consumer. The Department should evolve a scheme for granting instalment as provided for in Section 7.39 of JERC Supply Code 2019.

ORDER

- i. Since the grievance of the Complainant has been set right by the Respondents and the Complainant expressed his willingness to withdraw his complaint, 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 ombudsman.jercuts@gov.in within 30 days from the date of this Order under intimation to this Forum and the Respondents.

Dated at Puducherry on this the 18th day of October, 2022

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN