

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 17<sup>TH</sup> DAY OF NOVEMBER 2022

**CONSUMER CASE No.169/2022**

V. Chandravathy W/o S. Veerappan,  
No.26, IXth Cross,  
Dr. Radhakrishnan Nagar,  
Teacher's Colony, Moolakulam,  
Puducherry – 605010.

Vs.

- 1) The Executive Engineer, Rural (North)O&M,  
Electricity Department,  
Puducherry
- 2) The Assistant Engineer –Boomianpet, O&M,  
Electricity Department,  
Puducherry.
- 3) The Junior Accounts Officer-Rev-II,  
Electricity Department,  
Puducherry.
- 4) The Junior Engineer- Boomianpet,  
Electricity Department,  
Puducherry.

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Respondents

This case in C.C. No.169/2022 came up before this Forum for final hearing on 08/11/2022. 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 V. Chandravathy W/o S. Veerappan on 13/10/2022. In the complaint, the Complainant had stated bill for the month of July was prepared on 22/08/2022 but not given in time. She has made payment for the month of June 2022 without bill. She has paid most of the bills through online. On 11/09/2022 and 12/09/2022 she has tried to pay through online but the transaction found 'failed'. The transaction was successful only on 13/09/2022 with one day delay. The transaction history was detailed by the Complainant. On 10/10/2022 her husband met the Officials at Revenue Section for want of clarification for levying penalty amounting to Rs.56/- in the bill for August 2022. However, there is no response from the Office Superintendent / Junior Accounts Officer (Rev-II). Therefore, the Complainant prayed this Forum to solve her grievances for the penalty levied for Rs.56/- and refund. Hence, the Complaint.

2. The complaint was registered as C.C. No.169/2022 on 13/10/2022 and copy of the complaint was sent to the Executive Engineer, Rural-North O&M and others to furnish reply by 25/10/2022. Reply received from the Respondent No.2 on 28/10/2022. The Junior Accounts Officer / Respondent No.3 requested for extension of time till 28/10/2022. Reply from the Respondent No.3 received on 31/10/2022 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 08/11/2022.

3. In the Affidavit dated 28/10/2022, the Assistant Engineer, Boomianpet / Respondent No.2 for himself and on behalf of Respondent No.1 and 4 had stated that, the current consumption bill of the service connection bearing policy code 31-85-02-0387B/A2 for the month of June and July 2022 was delivered to the Complainant by posting readings before 30/08/2022. Therefore, the bill was delivered to the Complainant before 12 days of due date on 12/09/2022. The current consumption bill could not be delivered to the Complainant by the bill dated of 22/08/2022 due to ongoing staff union strike.

4. In the Affidavit dated 28/08/2022, the Junior Accounts Officer Rev-II / Respondent No.3 had stated that the Complainant had attempted for payment of current consumption charges for the month of July 2022 through online only on 11/09/2022 and 12/09/2022. The due date for payment of which is 12/09/2022. The consumer finally attempted the said payment successfully on 13/09/2022 for which belated payment surcharge of Rs.56/- has been automatically calculated and levied by the computer system in the subsequent bill for the month of August 2022. As per available records, the relevant bill was taken by the Meter Reader from Revenue-II section on 22/08/2022 and the stubb was returned back to Revenue Section on 30/08/2022 which was entered in to system by the concerned ledger Clerk on 01/09/2022. The payment due details was made online in respect of the said service on 02/09/2022 i.e., the next day after the stubb entry was made for the billing month of July 2022 and the consumer was having sufficient time to pay the bill before the due date through online. The Complainant has not furnished any authenticated particular cause for the failure in the said online transaction and reason for fixing the responsibility on the part of this Respondent Department. As such the Respondent is not responsible in the said online transaction.

5. Hearing was held on 08/11/2022. The Complainant was represented by her husband Veerappan on authorisation to attend the hearing and Respondents were present. During the hearing, the Complainant has raised the following issues:

- i) What is the percentage of BPSC charged for one day?
- ii) What is the time limit to pay the bill from the date of receipt?
- iii) Whether the strike was the reason for non receipt of current consumption bill amount through online and the same was declined as failed?

Since the Respondent No.3 was not able to furnish the clarification in open court, the Respondent No.3 was directed to file additional Affidavit regarding the above issues. The Respondent No.3 has filed additional Affidavit as directed by this Forum on 09/11/2022. The Respondent No.3 has quoted the provisions of Tariff Order of

JERC for collecting BPSC and has admitted that there is no provision in the billing system to collect proportionately for the delay of less than a month as provided for in JERC's Tariff Order and they have not done manually.

Observation: The clarification for the queries raised by the Complainant during the hearing are as follows: (i) As per Regulation 7.5 of the JERC Supply Code 2018, the Licensee shall ensure that the bill is delivered to the consumer by hand / post / courier, atleast 15 days prior to the due date of payment. In the present case, as per the Affidavit of the Respondent No.2 the reading was taken on 30/08/2022 and as per the Affidavit of the Respondent No.3, the stub entries were made on 01/09/2022 and the online payment system was ready on 02/09/2022 and the last date for payment is 12/09/2022 which shows that the consumer is provided with only 10 days to pay the bill instead of 15 days, as provided in the Supply Code 2018 which is a clear violation of Supply Code provisions.

(ii) The provisions available in the JERC Tariff Order for levying of BPSC is reproduced below:

### **10.3: General Terms and Conditions**

**10) Late payment surcharge** shall be applicable to all categories of consumers. Late payment surcharge of 2% per month or part thereof shall be levied on all arrears of bills. In case the delay is less than a month, the surcharge will be levied at 2% per month on proportionate basis considering a month consists of 30 days. Such surcharge shall be rounded off to the nearest multiple of one rupee. Amount less than 50 paise shall be ignored and amount of 50 paise or more shall be rounded off to the next rupee. In case of permanent disconnection, late payment surcharge shall be charged only up to the month of permanent disconnection.

In the additional Affidavit filed by the Respondent No.3, it has been admitted that there is no provision in the billing software for levying of BPSC on proportionate basis as provided for in the Tariff Order of JERC, which shows that the Department has not taken measures to correct the software incorporating the provisions of Tariff Order in the billing software. It is a deficiency which has come into the light due to the issue raised by the Complainant. Due to this deficiency, the Department might

have charged excess BPSC from many of consumers who might have paid belatedly within a month from the due date. If this deficiency is not rectified immediately, then the accuracy of the billing system in line with Tariff Order gets eroded. Collection of excess amount than provided for in the Tariff Order is against the spirit of the Order and is not acceptable.

### ORDER

- i. In view of the observation in previous para the Forum directs the Respondent No.1 to ensure that the consumer will get minimum 15 days time from the date of updating stub entries in the billing system. If there is any delay due to administrative reasons, the last date mentioned should automatically get extended and the consumer should not be charged any BPSC on account of the Administration delay in serving the bill as per the billing date.
- ii. The Respondent No.1 is also directed to take up to the knowledge of the official concerned for maintaining billing system/ incorporating the provisions for collection of BPSC as per the Tariff Order for making necessary updates / corrections in the billing software and to obtain certificate from the officer concerned to the effect and to file additional Affidavit within 30 days to this Forum from the date of this Order.
- iii. Non-compliance / non-correction of billing software will be treated as non-compliance of the JERC Orders and will be referred to the JERC to Order audit of billing software and to issue appropriate directions to the Department to protect the interest of the consumers.
- iv. In view of the above, the Respondents are directed to refund the excess BPSC of Rs.56/- collected from the Complainant by adjusting in the next bill to be issued and to send a copy of the bill to this Forum showing the adjustment made.
- v. Thus, the complaint is allowed.
- vi. 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](mailto:ombudsman.jercuts@gov.in) within 30 days from the date of this Order under intimation to this Forum and the Respondents.

vi. 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 17<sup>th</sup> day of November, 2022

**Sd/-**

**(R. KRISHNAMURTHY)**  
**JERC NOMINATED MEMBER**

**Sd/-**

**(A.S. JITENDRA RAO)**  
**LICENSEE MEMBER**

**Sd/-**

**(T. GOPALAKRISHNAN)**  
**CHAIRMAN**