

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

PRESENT:

THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,
LICENSEE MEMBER

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

TUESDAY, THE 23RD DAY OF JUNE, 2020

CONSUMER CASE No.25/2020

M/s Magizhini Mugavanmai,
(Dealer: Bharat Petroleum Corporation Ltd.,)
Represented by P. Velmurugan, Proprietor,
No.193/14 Bahour Cuddalore Road,
Soriankuppam,
Bahour Commune,
Puducherry - 10

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Complainant

Vs.

- 1) The Executive Engineer- Rural (South), O & M,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer – Bahour,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer – Revenue – III,
Electricity Department,
Puducherry.
- 4) The Junior Engineer, Bahour,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.25/2020 came up before this Forum for hearing on 15.06.2020. 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 M/s Magizhini Mugavanmai, Represented by P. Velmurugan, Proprietor on 16/03/2020. In the Complaint he has mentioned that for the Policy No.44-35-01-0056E, he had paid Rs.10,786/- for the month of September 2018, Rs.9,430/- on 23/11/2018. On the same date he had paid Rs.12,020/- from his Bank account to the Electricity Department. But the subsequent bills received without adjusting the payments made.
2. The Complainant had further claimed that in respect of the above payment he had met the Junior Accounts Officer (Revenue-III) and Junior Engineer, Bahour several times. But no action has been taken by the Department. Last month the Junior Engineer, Bahour has informed that he had asked the Junior Accounts Officer Revenue III to revise the bill by deducting old bill and BPSC charges and instructed to pay Rs.1,20,000/- and he had paid accordingly on 03/02/2020.
3. The Complainant had further stated that the next month also the bill has been received without deducting the previous payment. He has requested this Forum to give directions to issue bill correctly by deducting previous payment made and also to waive BPSC to enable him to make payment. Hence the complaint.
4. The complaint has been registered as C.C. No.25/2020 and notices have been sent to the Respondents on 16/03/2020 to reply on or before 26/03/2020. On receipt of the reply on 24/03/2020 received from the Respondents, hearing could not be conducted due to restriction in working due to 'COVID 19 Lock Down' condition imposed by the Government.

5. The Junior Accounts Officer Revenue –III, in his reply has stated that intimation about the payment of Rs.10,786/- on 12/09/2018 has been received from the Assistant Engineer, Computer only on 12/02/2020. Hence, he had submitted a revised statement calculating the arrears upto the month of January 2020 by deducting the amount of Rs.10,786/- and BPSC associated with that amount.

6. The hearing was held on 08/06/2020. The Complainant has not agreed with the statement of the Junior Accounts Officer-Revenue(III) and wanted that entire BPSC amount to be waived as the Department had not allowed him to pay the current consumption charges by deleting the amount actually paid in September 2018. Since this is the lapse on the part of the Department, he wanted the bill to be revised indicating only for the current consumption charges. The Complainant has also given a copy of the representation given to the Junior Accounts Officer (Rev- III) on 10/01/2019 requesting him to correct the bill.

7. The Department was asked again to file additional affidavit indicating the action taken on the representation by the Department and whether there is any provision for deduction of BPSC as sought by the Complainant and the hearing was adjourned to 15/06/2020.

8. The additional Affidavit was received on 11/06/2020. A copy of the same was handed over to the Complainant during the hearing. In the additional affidavit the Junior Accounts Officer- Rev-III has claimed that the said letter dated 10/01/2019 has not been received by them. Based on the letter of the Assistant Engineer, Computer, the said amount of Rs.10,786/- and BPSC for the amount are deducted and a revised bill arrived to Rs.1,37,163/- upto the month of March 2020.

9. The Junior Accounts Officer-Rev-III has further stated that the conditions as stated below is printed on the back side of the bill:

“consumer should not refuse payment under pretext of error in the bill. Such bills should be paid before the due date and written complaint made with regard to the accuracy of the bill”.

Since, the Complainant has not represented to the designated official for solving the issue, it is not possible to waive the BPSC as claimed by him.

10. During the hearing the Complainant had mentioned that he met the officials Junior Accounts Officer, Rev-III, Junior Engineer, Bahour several times and also he had not obtained acknowledgement for the petition given on 10/01/2019, because of faith and trust he had on Government machinery. If the CC TV are fixed they can check the recording to prove his claim about his visit to the officers. The Complainant had also mentioned that upto the month of September 2018, he had not defaulted even ones in making payment of current consumption charges to the Department in time.

11. When enquired whether there was a facility for making payment by the consumer as per the provisions of Section 7.25 of Supply Code by the consumer on his own, the Assistant Engineer (Bahour) had replied that the facility was not available at that time and is now available because of the change in software.

12. When enquired with the Junior Engineer, Bahour, why the services was not disconnected when arrears are mounting every month, the Junior Engineer, Bahour had replied that whenever they go for disconnection, the Manager says that there is a dispute in the bill which needs to be resolved by the Department. This proves that the Office of the Junior Engineer, Bahour is aware of the bill dispute.

Observation:

- (i) When the Complainant has stated that there is no default in payment before September 2018, the Department had contradicted the statement. It shows that the Complainant is regular in making the payment.
- (ii) The statement of Assistant Engineer, Bahour that there is no provision in the computer system to collect payment from the consumer on their own proves that the Complainant had made attempt to make payment, but the Bill Collector refused to take the payment, since there is no such provision in the system.
- (iii) When the Junior Engineer, Bahour came to know about the pending dispute, he ought to have taken up the matter to the higher authorities to solve the issue and to enable the Department to get this legitimate due from the Complainant. But the Junior Engineer, Bahour had not taken any action on his behalf to solve the issue.
- (iv) When the Complainant paid the amount of Rs.1,20,000/- on 03/02/2020 he could have not made the payment without necessary authorisation / knowledge of Revenue-III, given after collecting the amount, the Office of the Junior Accounts Officer- Revenue-III had not taken any efforts to solve the issue and sent a revised bill to the consumer.
- (v) The above observation shows that the Department had failed in compliance of the time schedule given in the Supply Code Section 7.24, 7.25 and Standards of Performance of Hon'ble JERC issued in 2015.

ORDER

- i. The extract of the Standard of Performance of Section 7.26 are reproduced below:

Section 7.26 : *If the Complaint is found to be correct by the Licensee, a revised bill shall be issued within 5 working days of intimation of the same to the Consumer. The Consumer shall make the payment within 15 days after receipt of the revised bill. The Consumer shall not be charged any late payment surcharge, if the payment is made by the revised due date.*

The observation in the previous paras shows that the Complainant's claim is correct and the Department has not issued any revised bill within the time frame.

- ii. The Department is directed to issue revised bill for the current consumption charges alone within 5 working days from the date of Order, giving the Complainant 15 days time to make the payment. If the Complainant fails to make payment within 15 days then only the Department could collect BPSC.
- 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 and 4th 3Floor, 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.
- v. A Compliance report shall be submitted to this Forum on the action taken in this regard within 30 days.
- vi. 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 23rd day of June 2020.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER