

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

THURSDAY, THE 17TH DAY OF SEPTEMBER 2020

CONSUMER CASE No.34/2020

M. Krishnamurthy,
New No.182, Old No.180,
Aravindhar Street,
Puducherry – 605001.

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Complainant

Vs.

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

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Respondents

This case in C.C. No.34/2020 came up before this Forum for final hearing on 10.09.2020. 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 Thiru M. Krishnamurthy on 07/08/2020. In the Complaint he had mentioned that he is residing as Tenant on the First Floor of the above address for nearly 17 years and have paid the electricity charges from the year 2003 to 2016 regularly. He had two children studying at different levels. The house owner (who is the Policy holder, normally stays abroad) had changed the meter, (replaced by the Department) on 20/09/2016 and had asked the Complainant to vacate the house. Since he refused to vacate, the Owner arranged for disconnection of power supply on 31/01/2017 violating the laws. Then he locked the meter box and went abroad. Since the meter box is locked M.S was entered by the Meter Reader for two years. He has given representation to the Department on 28/02/2018 and no action taken by the Department. The Electricity employees have broken the lock of the box and disconnected the power supply on 22/11/2018. The representations made by the Complainant is detailed below:

04/12/2018	: Received bill for Rs.90182/-
11/12/2018	: Representation given to the Electricity Department
27/12/2018	: Removed the meter with struck up condition and replaced with new meter by the Department
31/12/2018	: Gave representation for revision of Bill to the Department and paid Rs.10000/- and got reconnection.
24/01/2019	: Again detailed representation given to the Department for revision of bill
21/02/2019	: Department replaced all the three meters with a single meter.
24/05/2019	: Based on the new meter reading, representation given for revision of bill.
28/05/2019	: Received a bill for Rs. 60,677/-. Again requested the section for revision of bill. But the section refused to entertain.

30/05/2019 : Gave representation to the Head of the Department and paid
Rs.10,000/- and got reconnection

As the estimated consumption is about 125 – 175 units only for them, again represented for revision of bill on 02/07/2019 to the Department. On 24/07/2019 the Electricity Department official disconnected the power supply. Again met the Assistant Engineer / Junior Engineer on different occasions. But, no action was taken. On 24/01/2020 again representation given to the Department. But no action was taken. On 27/05/2020 he met the Head of Department cum Superintending Engineer and given representation, but no action was taken. The Revenue Section had informed that an amount of Rs.61,436/- has to be paid.

2. Inspite of his repeated representation, the Department has not taken any action for revision of bill, and since July 2019, there is no power supply, causing hardship to the children who are studying in College and Plus two. In the present situation, it has become difficult to study without power, because the classes are being held online. Considering the above facts, he has requested for appropriate orders. Hence the complaint.

3. The complaint has been registered as C.C. No.34/2020 and notices have been sent to the Respondents on 07/08/2020 to submit reply on or before 17/08/2020. The Respondent No.3 has given reply on 14/08/2020. In the reply the Respondent No.3 stated the following:

(i) As per the report received from the Assistant Engineer, Town-I, vide Note dated 22/02/2019, the current consumption charges bills were revised from December 2016 to April 2019 and after revision the amount was arrived at Rs.62,125/-

(ii) The revised C.C. amount was informed to the Complainant and in turn the Complainant in his letter dated 30/05/2019 has requested to allow him to pay the revised amount in instalments and thus allowed to pay. The Complainant has paid Rs.4,623/- in January 2017, Rs.10,000/- in December 2018 and Rs.10,000/- in May 2019 and further no arrear amount has been remitted by the Complainant till date in respect of the policy bearing No.03-14-06-0741/A2.

(iii) Again in November 2019, a petition by the Complainant addressed to the Grievances Cell, Chief Secretariat, Puducherry was forwarded to this Office regarding revision of CC charges bill. In this regard a letter was sent to the Complainant on 11/12/2019 with a request to pay the amount of CC charges.

(iv) Further, another report of the Assistant Executive Engineer, Town Central O&M was received on 05/06/2020 in respect of the Policy No.03-14-06-0741/A2. Based on the report, a revision is made from December 2016 to May 2020 and an amount of Rs. 61,394/- was arrived for the month of May 2020 and the Complainant was informed accordingly to settle the amount immediately.

4. The Respondent No.2 also furnished his reply on 31/08/2020. In the reply he has stated the following:

(i) Thiru M. Krishnamurthy Complainant (Tenant) residing at No.182, Aravindhar Street, Puducherry has requested for revision of CC charges bill bearing Policy No.03-14-06-0741/A2 standing in the name of Thiru Govindarasu.

(ii) In this connection the field official has reported that, the sanctioned load of the service connection is 32.7 KW with three single phase meters. Since December 2016 the reading of the Meter II was mentioned as 1371 and in due course M.S. The same meter has been sent to Lab for testing the performance. As per the lab report, the meter is working in good condition and the final reading of the meter is 6486.

(iii) The second meter KWH has been arrived as 214 units per month from December 2016 to November 2018 (6486-1371 =5115/24 months – per month 214 units.) In this regard a working sheet was prepared and sent to JAO /Rev-I. Based on the working sheet, an average of 567 units per month (three meters consumption) has been consumed by the consumer, during the above period by three occupants, the owner of the house on the second floor, Thiru Krishnamurthy on the first floor and one more tenant on the Ground floor. The Complainant has requested to revise the CC bill on 21/02/2019. Based on the request, the current consumption charges bills were revised by the Accounts section from December 2016 to April 2019 and after revision the amount was arrived at Rs.62,125/-

(iv) Further, the smart meter has been fixed on 21/02/2019. Since the second floor is vacant as the house owner has gone to France as stated by tenant Krishnamurthy. Now the power is utilised for Ground and First floor only, with a connected load of 3.2KW and 3.24 KW respectively. The third floor's connected load could not be taken as it is under door locked condition. Therefore, the CC bill cannot be revised based on the present consumption of 328 units per month.

(v) The Complainant given a letter dated 24/01/2019 based on the request the field official sent a detailed report to the Junior Accounts Officer /Rev-I, on 22/02/2019. In this connection, CC bills were revised from December 2016 to April 2019 and after revision the amount was arrived at Rs.62,125/-

(vi) The Complainant has already paid Rs.4,623/- in January 2017, Rs.10,000/- in December 2018. On 30/05/2019 the Complainant has requested the Department to allow him to pay the revised amount in instalment and thus allowed to pay. Based on request Rs.10,000/- paid in May 2019 and further no arrear amount has been remitted by the Complainant.

(vii) The service connection was under disconnection since 10/07/2019, due to non-payment of CC charges.

(viii) Further the Junior Accounts Officer /Rev-I revised on the field officer report in respect of Policy No.03-14-06-0741/A2 as on date arrears amount of Rs.61,394/-. The same was informed by the Accounts section to the Complainant to remit the arrears amount immediately.

5. The case was posted for hearing on 02/09/2020. During the hearing, the Respondent No.3 has been directed to produce the additional details like Assistant Executive Engineer Town-I report dated 22/02/2019 and 05/06/2020 along with detailed calculations for arrears worked out.

6. The Assistant Executive Engineer Town-I had been directed to furnish monthly consumption details from 2016 to till date. The Respondents were directed to furnish the additional data by 07/09/2020 and case was posted for further hearing on 10/09/2020.

7. During the hearing, the Complainant again reiterated that the calculation furnished by the Department is not acceptable as they are on the higher side. The Assistant Executive Engineer, Town-I, had informed that the building consist of three floors which is occupied by three different families. The present Complainant is residing in the first floor and the second floor is under locked condition. Then the Complainant informed that when the owner comes he stays in the second floor.

8. The Complainant had been directed to inform the period of visit of their owner in the year 2017 and 2018.

OBSERVATION: (i) The service connection is in the name of Thiru Govindarasu. The Complainant is not having any authorisation from the owner to represent the case. Since, he is making payments to agencies like Electricity, PWD, Local bodies etc., in the name of the owner and is residing in the building, the Complainant is treated as an 'Occupier' and hence the Complaint is entertained.

(ii) The Complainant has given various representations for revision of bill. Taking into consideration the condition of the meters which is shown as M.S. the Department had failed to take action for revision of bills within the time frame provided in the Supply Code 2018.

(iii) In the report of the Junior Engineer Town Central dated 22/02/2019, had mentioned that since December 2016 one meter is under struck up condition as M.S. and the same meter has been sent to the Lab for testing the performance and as per the Lab report, the meter is under good working condition. The initial reading of the meter when it was shown as M.S is 1371 and the reading final is 6486. Considering the consumption from December 2016 to November 2018 the average reading of the meter works out to 214 units per month. Earlier, the billing was done taking average consumption of 457 units per month for the same meter. Hence he has requested the Revenue Section for revising the bill. But no bill was issued to the Complainant by the Department.

(iv) The Complainant had approached the Department on 30/05/2019 to pay the amount in instalments and agreed to pay Rs.10,000/- as first instalment. The Endorsement was made by the Officer concerned to collect Rs.10,000/- immediately and allowed to pay the balance in two instalments. It is observed that no indication was given about the amount covered in the next two instalments and due dates for payment of both the instalments. It shows that the Department has not given a comprehensive reply to the Complainant indicating the arrear amount after revision as stipulated in the Supply Code 2018. But only informed the Complainant the amount of arrears as and when he approached the Department.

(v) The Department had informed the Complainant about the arrears vide letter dated 11/12/2019 and the service is already in disconnected condition when the intimation was sent.

(vi) As per the report of the Junior Engineer Town Central dated 05/06/2020 the connected load of ground floor and first floor is 3.2KW and 3.24KW respectively. The second floor is vacant and the owner is in abroad.

(vi) The number of units recommended by the Junior Engineer for revision of bill after releasing M.S. in one of the meter is furnished below:

Month	Total units used in 2017	Total units used in 2018
Jan	634	587
Feb	1024	731
Mar	624	817
Apr	634	407
May	684	267
Jun	574	314
July	614	314
Aug	557	817
Sep	567	507
Oct	505	330
Nov	537	331
Dec	617	556

The Consumption has been verified theoretically by adopting the Formula of $L \times D \times H \times F$ stipulated in Annexure XIX of the Supply Code 2018 and adopted the values mentioned for D, H and L in Annexure. The connected load of the ground floor and the first floor 6.44 KW. Considering the number of days taken as 30 days per month with average of 8 hours per day and the load factor of 0.4, the estimated consumption is $6.44 \times 30 \times 8 \times 0.4 = 620.16$ units per month. This theoretical consumption is comparable with the units recommended for revision which also shows about similar average except in the month of February 2017, February 2018 and March 2018. As per the information furnished by the Complainant the owner stayed in India during the above said period. Hence, the increase in consumption can be attributed to the usage of electricity in Second floor also.

ORDER

(i) Para 7.26 of the Supply Code 2018 is reproduced below:

“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 Complainant has given several representation right from 2018. The Junior Engineer, Town Central had recommended for revision in February 2019. The Junior Accounts Officer/Rev-I, officially intimated the arrear amount to the Complainant only in December 2019. So the Department can charge BPSC only after the official intimation of arrears.

Therefore, the Respondent No.3 is directed to recalculate the arrears by waiving the BPSC from December 2016 to December 2019 and to intimate the revised arrear amount to the Consumer by giving 15 days time to pay the 1st instalment within 5 days from the date of receipt of the Order. If the Complainant fails to pay the 1st instalment amount within 15 days, then only Department can collect surcharge after the period of 15 days.

(ii) Para 7.39 of Supply Code 2018 is reproduced below:

“The Licensee may frame a scheme for providing facility of payment of bills in instalments for consumer who are for the time being under financial distress to continue the supply of electricity. Late payment surcharge shall however be levied on the amount paid after the due date”.

Since there is no scheme in the Department, the Forum feels that it is appropriate to allow the Complainant to pay the arrears arriving at in Para (i), in 10 equal monthly instalments.

The Respondent No.3 is directed to issue, the instalments order indicating the amount payable in each instalment and due date on which each instalment to be paid, along with the revision of bill.

- (iii) The Complainant is directed to pay the arrears in 10 monthly equal instalments on or before the due date as per the revised bill, in default the Department will collect the BPSC.
- (iv) On collection of 1st instalment the Respondent No.3, shall intimate the Assistant Engineer (Town) about the payment.
- (v) The Assistant Engineer shall arrange for reconnection of the service immediately on receipt of the intimation from the Respondent No.3, after collection of first instalment. A Compliance report shall be sent to this Forum within 15 days.
- (vi) Thus the Complaint is allowed to the extent indicated.
- (vii) 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, (122015) Haryana within 30 days from the date of this Order under intimation to this Forum and the Respondents.
- (viii) 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 17th day of September 2020.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
CHAIRMAN I/C &
LICENSEE MEMBER