

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

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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

WEDNESDAY, THE 2ND DAY OF DECEMBER 2020

**CONSUMER CASE No.47/2020**

S. Muthulakshmi,  
W/o G. Suburayan,  
No.10, Anna Street,  
Govindapet,  
Mutharaiyarpalayam,  
Puducherry 605 009.

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Complainant

Vs.

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

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Respondents

This case in C.C. No.47/2020 came up before this Forum for final hearing on 24/11/2020. 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 Tmt. S. Muthulakshmi on 22/10/2020. In the Complaint she had informed that right from March 2020 no reading was taken by the Department and no bill was issued. However, based on the instructions issued by the Department, online payment were made upto the month of July 2020. On 14/08/2020 Electricity Department staff has taken reading and issued a bill without mentioning the amount. The bill date shows 05/08/2020 and the last date for payment of bill is 26/08/2020 whereas, the reading was taken on 14/08/2020, thereby giving only 12 days time to pay the bill and also the consumption indicated in the bill includes the consumption between 05/08/2020 to 14/08/2020 i.e., for additional 10 days. The Complainant had approached the Respondent No.3 with a request for correction of bill on 26/08/2020 and 27/08/2020. But there is no proper response from the Department. He met the Executive Engineer, Division-I, on 25/09/2020 and given a petition. Based on the petition the Department had given reply only on 30/09/2020. Since, it was purely delay on the part of the Department in giving proper reply, the Complainant could not pay the current consumption charges in time and hence she has requested (1) Bill to be revised by deleting the consumption of 10 days; (2) BPSC and Other Charges to be deleted; (3) To pay compensation of Rs.5 Lakhs for the mental agony suffered by him and to Order the Department to pay the cost of the case. Hence the complaint.

2. The complaint has been registered as C.C. No.47/2020 and notices have been sent to the Respondents on 27/10/2020 to submit reply on or before 05/11/2020. The reply from the Respondents has been received on 05/11/2020 and the case was posted for hearing on 24/11/2020.

3. In the reply the Respondent No.3 had merely furnished the calculation sheet and did not address about the excess consumption and the revision of bill, deletion of BPSC etc., In the reply the Respondent No.3 had mentioned that the Meter Reader had taken reading on 07/08/2020 from the Office. They could not give reply in time to the Complainant as there were several complaints about billing issues and the reduction of working staff due to COVID-19 restriction issued by the Government.

4. During the hearing, the representative of the Complainant had again expressed the difficulties which he had faced in approaching the officials for getting the correct amount. After several rounds of his visit to the office, the billing assistant sitting there had written the amount for the month of August 2020 in the bill which was issued without amount. The other issues raised by him were not answered properly. The Complainant was clarified that the Other Charges like Fixed Surcharges etc., are arrived based on the Tariff Orders issued by the Hon'ble J.E.R.C. and they cannot be waived.

5. The Respondent No.2 was asked to verify with the Laboratory whether there is any possibility of taking the exact reading on 05/08/2020 from the memory of the meter and asked him to inform over phone to the Chairman i/c about the viability. The Respondent No.2 after verification in the Laboratory of the Electricity Department had informed that it may not be possible to take the bill reading and also the reading required is more than 4 months old.

6. The Complainant had stated that he was issued the bill in the month of August 2020 without mentioning the amount. He was asked to produce a copy of the bill for records within 2 days. The Complainant had produced the copy of the bill on 27/11/2020, which was verified with the original.

OBSERVATION: (i) The affidavit of Respondent No.3 (Junior Accounts Officer – Revenue-II) mentioned that the Meter Reader has taken bills from Office on 08/08/2020 which already are shown that the reading is not taken on 05/08/2020 as shown in the bill. The statement of the Complainant that the reading is taken on 14/08/2020 is accepted. The total consumption worked out by the Department based on the meter reading for the period from March 2020 to July 2020 as 2827 and the average for 5 months is 565 units per month. Whereas the Complainant had pointed out that it includes excess consumption of 10 days for the period from 05/08/2020 to 14/08/2020. If 10 days is included, the consumption is for a period of 5.3 months and the average for 5.3 months works out to 533.39 units which can be rounded off to 533 units per month. The total consumption for 5 months at the average of 533 units per month worked out to 2665 units and the difference (2827 – 2665) =162 Units shall be taken as consumption for the period 05/08/2020 to 14/08/2020 and shall be added to the consumption of August 2020.

(ii) The Complainant has requested for payment in 5 instalments which looks reasonable.

(iii) The request of the Complainant to pay the Compensation of Rs.5 Lakhs for mental agony and to Order the Department to pay him the cost of the case, cannot be agreed to, as they are not attracted within the purview of the CGRF.

#### ORDER

i. Para 7.7.21 of the JERC Supply Code 2018 clearly mentions that the bill amount should indicate energy charges for current as well as past arrears etc., Hence issue of bill without mentioning of current consumption charges could not be construed as a valid bill since it is violating the provisions of the Supply Code without mentioning the amount in the bill, it is not known how the Respondent expect the consumer to make payment. It is not reasonable to expect all the consumer to come

to the Department to know the bill amount or to expect all the consumers to have access to internet to know the bill amount online. In spite of repeated reminders, the Department has issued the statement to the Complainant only on 30/09/2020. As per Para 7.26 of the Supply Code 2019, the Consumer shall not be charged BPSC if the payment is made within 15 days from the due date. Since the statement showing the clarification was issued on 30/09/2020, the Department cannot charge BPSC for the month of August and September 2020 and hence Rs.179/- shown as BPSC in the bill for the month of August 2020 shall be deleted.

ii. The Department shall issue a revised bill from the period March 2020 to July 2020 and for the month of August 2020 and September 2020 considering remarks under Observation and directions given in the Order within 10 days from the date of receipt of this Order to the Complainant.

iii. The Department shall also issue instalment Order permitting the Complainant to pay arrears in 5 monthly instalments, mentioning the due date for each instalment.

iv. The Complainant shall make monthly instalment payment along with the regular current consumption charges and in the event of failure in payment, the Department is at liberty to take action as per Supply Code.

v. In view of the remarks furnished under observation, the request of the Complainant to Order for compensation of Rs. 5 lakh for mental agony and cost of case have not been agreed to.

vi. The petition 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 2<sup>nd</sup> day of December 2020.

**Sd/-**

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

**Sd/-**

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