

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 19TH DAY OF JANUARY 2021

CONSUMER CASE No.54/2020

Sayed Faise,
No.216, Anna Salai,
Puducherry.

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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- Revenue-I
Electricity Department,
Puducherry.
- 4) The Junior Engineer, Town-I,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.54/2020 came up before this Forum for final hearing on 11.01.2021. After 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 Sayed Faise on 07/12/2020. In the complaint the Complainant had informed that he is using power under Police No.03-15-05-0618C for commercial purpose. In April 2018 the Department had changed the meter. At that time he had an arrears of Rs.83,000/-. But he has received a bill in the month of August 2018 for Rs.5,00,000/- mentioning the wrong reading of 91600. He had approached the Junior Accounts Officer-Revenue-I with the correct reading of 14260 and the bill has been corrected and he is now making payment in instalments as approved by the Department. Again in July 2020 a bill has been issued for Rs.96,000/- which is on the higher side. Hence he had requested for initial and final reading of his Policy from March 2018 to October 2020 month-wise to verify the actual amount payable. Hence the complaint.

2. The complaint has been registered as case C.C. No.54/2020 on 14/12/2020 and notices have been sent to the Respondents to furnish reply on or before 24/12/2020. The reply received from the Respondent No.4 on 24/12/2020

3. In the reply the Respondent No.4 stated that:

(i) The Assistant Executive Engineer, Town-I vide letter No.CT-TC-1/ED/AEE/TI-U3/F13/2020-21, dated 08/05/2020 has stated that the Junior Engineer/Town Central O&M inspected the premises on 10/03/2020 and found that the existing service connection (C1 tariff) is being utilized for commercial purpose (Hotel Safron) and reported to change the category of tariff from Industrial tariff(C1) to Commercial Tariff(A1) with effect from March 2019.

(ii) Accordingly, as per the report of the Assistant Executive Engineer, Town-I, the change of tariff has been effected in respect of the above policy from March 2019 to

April 2020 and the difference in Tariff from C1 to A1 was arrived (DTR) at Rs.96,297/-. But, on verification of the above policy No.03-15-05-0618C, in the Computer data, it is found that the category of Tariff, is still in C1 Category and since been rectified and further a revision is made for 5 months from May 2020 to September 2020 and the difference in tariff(DTR) is arrived at Rs.12,316/- and the same has been accounted and the total current consumption charges bill (including previous arrears) for the current month i.e., October 2020 payable by the Complainant is Rs.1,90,331/-

4. The case was posted for hearing on 11/01/2021. During the hearing the Complainant had informed that he is running a Hotel for the past 10 years utilising the same policy. When asked whether it has been informed that utilising the power granted for industrial purpose, for commercial purpose is violation of tariff Orders and misuse of power, he replied that no one has informed so far. He had further informed that the reply from the Department stating that inspection carried out on 10/03/2020. But no such inspection was done and he did not sign any inspection report.

5. From the Department side, the Junior Engineer informed that he had inspected the premises and orally informed for change of tariff. But no such application is given though he is recommended for change of tariff from C1 to A1 from March 2019. When enquired about the basis for fixing March 2019 as cut off date, when the Hotel is functioning for more than 10 years, the Junior Engineer could not furnish any reply. When the Department officials asked whether they are aware of the provisions available in the tariff order, they did not give any reply.

6.Observation: (i) When the industrial tariff is being misused for commercial purpose for more than 10 years, it is not known why the Meter Reader who goes to the premises every month, had not reported the fact to the higher officials. When the Department has changed the meter in the month of April 2018, why it was not noticed by the Department and no further action was initiated by the Junior Engineer. Even lack of awareness and how to proceed with such misuse of tariff is really surprising.

(ii) The extracts of Tariff Order for Financial year 2020-21 of Hon'ble JERC, under general conditions of tariff is reproduced below:

11.3. 5) *The power supplied to a consumer shall be utilized only for the purpose for which supply is taken and as provided for in the tariff. If energy supplied for a specific purpose under a particular tariff is used for a different purpose not contemplated in the contract for supply and / or for which higher tariff is applicable, it will be deemed as unauthorized use of electricity and shall be dealt with for assessment under the provisions of Section 126 of the Electricity Act, 2003 and the Supply Code Regulations notified by JERC.*

From the above observation it is clear that there is misuse of power other than for which permission is granted and also power for which higher tariff is applicable and hence, it is a clear case under Section 126 of Electricity Act 2003 and has to be dealt with accordingly by the Department.

ORDER

i. Since this case is falling under Section 126 of Electricity Act 2003 and as per CGRF Regulation 2019, CGRF is not empowered to deal the case and hence the Complaint is dismissed.

ii. 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.

Dated at Puducherry on this the 19th day of January 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER