

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

WEDNESDAY, THE 27TH DAY OF OCTOBER 2021

CONSUMER CASE No.61/2021

M. Nagappan,
No.10, 3rd Cross Street,
SMV, Puram (West)
Villianur,
Puducherry – 605 110

....

Complainant

Vs.

- 1) The Executive Engineer - Rural North,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer – Boomianpet,
Electricity Department,
Puducherry.
- 3) The Junior Accounts Officer – Rev – I,
Electricity Department,
Puducherry
- 4) The Junior Engineer - Villianur,
Electricity Department,
Puducherry.

....

Respondents

This case in C.C. No.61/2021 came up before this Forum for final hearing on 22/10/2021 at Puducherry. 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. Nagappan, No.10, 3rd Cross Street, SMV puram (west), Villianur, Puducherry. The case of the complainant is that he had received July 2021 bill demand for an amount of Rs.17630/- for Policy Code: 32-84-05-0702B which is abnormal. The consumption used to be in the range of 100 – 150 units every month. A complaint was made to the Assistant Engineer and Junior Engineer, They had sent staff to inspect and bill was corrected and revised to Rs.10948/- payable by 31-Aug-2021. But the amount is not in the line with consumption of average of 100 to 150 units. His son is the only occupant staying during night hours and there is no consumption during day time. His prayer is to check and correct the bill accordingly. Hence the complaint.

2. The complaint has been registered as C.C. No.61/2021 on 07/09/2021 and the copy of the complaint was sent to the Executive Engineer – Rural North and others as respondents to furnish reply by 17.09.2021. The respondent requested additional time till 24.09.2021. The reply was received on 27.09.2021 and the copy of reply by respondents was sent to the complainant, The Hearing was posted on 12.10.2021.

3. The Hearing was attended by both parties. In the affidavit dated 27.09.2021 the Respondent submits that the complainant is challenging the C.C. amount for the month of July 2021 is 17,630/- which the complainant feels higher than the usual monthly c.c. charges. The respondent also stated that as per the current consumption statement received from the JAO / Revenue – II in June 2021 it was observed that the complainant has consumed 700 units which is 4 months consumption i.e. from February 2021 to May 2021. The complainant has consumed 175 units per month. Moreover the energy consumption as per the assessment formula $L \times D \times H \times F$ of the JERC Annexure-XIX the units consumption of the domestic service connection bearing Policy Code No.32-84-05-07020B / A2 is worked out below:

Connected Load (L) = 5.060KW
 Period of assessment in day (D) = 30 days
 Average No. of Hrs = 08 Hrs
 Load Factor = 40%
 Units assessed = $L \times D \times H \times F$
 = $5.060 \times 30 \times 08 \times 0.04$
 = 485.76 units.

Further the respondents stated that the above theoretical calculation of 485 units but the complainant monthly consumption is 175 units only. The respondent also submit that based on the complaint the subject meter (Meter No:2072612) was replaced on 17.03.2021 vide MFR No.92985, dated 17.03.2021 and sent to LAB for testing on 21.09.2021. The respondent also submits that the test report was obtained from AE/LTM & LAB on 21.09.2021 wherein the Assistant Engineer / LTM & LAB has certified that the performance of the original meter with Sl. No.2072612 is Good.

4. In the hearing the complainant had stated that the consumption is less as there is no usage of Air Conditioning unit by his son on health grounds. On perusal of the electricity consumption bills for the month of July 2021, it was noted that the bill amount of Rs.223 and arrears of Rs.17407/- was not paid. The complainant was directed to pay 50% of the bill amount by 22/10/2021.

5. On perusal of the affidavit dated 27.09.2021 filed by the respondent, it was seen that the same was silent on the revision of bill amount from Rs.17,630/- to Rs.10,948/- and the grounds of the revision. The bill revision report was also not forwarded to the Revenue section by the Respondent-2. The testing of the released meter at lab was also not witnessed by the complainant and the Respondent was directed to arrange testing in the presence of the complainant. Further the meter was released on 17.03.2021 and was sent to lab for testing only on 21.09.2021 after an abnormal delay of six months. On perusal of the ledger copy extract, the consumption of the complainant is as follows.

Month	Units consumed in 2017	Units consumed in 2018	Units consumed in 2019	Units consumed in 2020	Units consumed in 2021
January		110			200
February		130	123		6
March		120	1200	100	160
April		120	10	100	160
May		120	200	100	160
June		120	300	0	700
July		0	100	500	130
August		0	100	100	
September		0	100	100	
October		770	100	200	
November	110	120	120	100	
December	110	123	100	2300	

The details of the Reading in MFR statement -24512

The details of the reading in Meter Test Report -25169 [Meter Sl. No. 2072612 Make HE (Static) YOM : 12/2012]

6. The Respondents R1, R2, R3, R4 were all directed to furnish their reply on the inconsistencies pointed in the hearing such as abnormal delay in testing of meter, revision of bill by Junior Accounts Officer without Assistant Engineer concerned concurrence, and the next hearing was posted on 22.10.2021.

7. The hearing on 22.10.2021 was attended by the complainant and Respondents. The complainant had paid Rs.5678 vide receipt No. RL21580196069, dt.16.10.2021. The Meter Testing report witnessed by the complainant on 15.10.2021 was furnished. The extract of the result of the report No.37/ED/AE/LTM & Lab/ F-challenging Meter/ 2021-22, Dt.15.10.2021 is

- i) No creeping was found
- ii) Percentage of error is beyond permissible limits (+/- 1%)

OBSERVATION

8. On the testing of the Meter (Make HE Static, S.No. 2072612; Cap – I phase; 5-20A, Class-1; YOM – 12/2012) it has been stated that the 'percentage of error' is beyond the permissible limits (+/- 1%). Hence it is established that the meter was defective when the disputed amount was raised. Another meter was installed on 17.03.2021.

9. From the ledger copy extract on the meter reading and consumption, it is of the opinion that the correct reading was not taken by the concerned Meter Reader but only manipulated reading for more than three years and Regulation 7.12 of the Supply Code, 2018 cannot be applied which is reproduced below:

Billing in case of defective/stuck/stopped/burnt meter

7.12 In case of defective/stuck/stopped/burnt meter, the consumer shall be billed on the basis of higher of monthly consumption of corresponding month of the previous year and average monthly consumption of immediately preceding three months. These changes shall be leviable for a maximum period of three months only during which time the Licensee is expected to have replaced the defective meter.

Hence based on the three months average after change of meter, the disputed bill amount has to be revised, which is the only alternative

ORDER

- i) The respondents are directed to revise the bill for the month of December 2020 based on the average of recorded reading in the newly fixed meter and the excess / short fall of amount paid should be adjusted in the subsequent bill amount. The copy of the revised bill be sent to this forum along with the working sheet within 15 days from the receipt of this order.
- ii) The complaint is allowed
- iii) 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, Haryana-122015 within 30 days from the date of this Order under intimation to this Forum and the Respondents.
- iv) 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 27th day of October 2021

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN