

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

THURSDAY, THE 21TH DAY OF OCTOBER 2021

CONSUMER CASE No.63/2021

U. Gayathri Devi
W/o R. Muruganandam,
No.17, First Cross,
Arul Nagar,
Reddiarpalayam,
Puducherry 605010.

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Complainant

Vs.

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

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Respondents

This case in C.C. No.63/2021 came up before this Forum for final hearing on 08/10/2021. 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 U. Gayathri Devi W/o R. Muruganandham on 15/09/2021. In the complaint, the complainant had stated that for the past one and half years the meter had been malfunctioning in Policy Code 31-62-05-0790C. Till December 2019 the meter reading was normal. But from February 2020 onwards strange and unusual reading was recorded in the meter and reflected in the bill amount of Rs.7,456/-. A complaint had been made to the Assistant Engineer, Boomianpet orally in September 2020. The Assistant Engineer, Boomianpet stated that due to usage of Air conditioner during the lock down period the bill amount might have gone up. The Complainant further stated that, as the tenant occupied the house had gone to the native place due to COVID lock down, the Assistant Engineer, Boomianpet, had asked to produce proof that the house was kept vacant during the lock down period. The second complaint was made in writing on 09/12/2020. But no action was taken. The third written complaint was given on 30/06/2021 to the Assistant Engineer, Boomianpet, after that, the meter was changed on 02/07/2021 after inspection of Department staff. The Complainant stated that due to irresponsible way of answering and carefree way of handling consumer's genuine issue, she had not only lost her money but also under mental pressure for the past six months. Now it is confirmed that the replaced meter was functioning normally. The Complainant has requested to adjust the unnecessarily paid amount because of faulty meter in the forthcoming bills. Hence, the Complaint.
2. The complaint has been registered as C.C. No.63/2021 on 16/09/2021 and the same has been forwarded to the Executive Engineer, Rural(North)O&M, the Assistant Engineer, Boomianpet, the Junior Accounts Officer, Revenue-II, the Junior Engineer (Boomianpet), Electricity Department to furnish reply by 27/09/2021. On receipt of the reply from the Respondents on 24/09/2021, the

same was forwarded to the Complainant and the case was posted for hearing on 08/10/2021. Both the parties have attended the hearing.

3. In the Affidavit dated 23/09/2021 filed by the Respondent No.2 on behalf of Respondent No.1, 3 and 4, it has been stated that due to COVID-19, meter reading was suspended for few months and current consumption charges were charged on average reading after taking final reading on June 2020. As per the statement received from Respondent No.3, the current consumption is furnished below:

Final Reading : 22881 on June 2020
Initial Reading: 20751 on January 2020
2130 units (5 Months consumption) 426 units per month

In this connection it is to be stated that the said period is peak summer combined with lock down period due to COVID-19 during which the complainant and her family would be constrained to stay indoors and hence the complainant might have consumed the above said consumption. Further the energy consumed by the Complainant for the corresponding months of January 2019 to June 2020 is detailed below:

Month	Units consumed	Month	Units
January 2019	350	January 2020	130
February 2019	240	February 2020	426
March 2019	360	March 2020	426
April 2019	350	April 2020	426
May 2019	320	May 2020	426
June 2019	330	June 2020	426

From the above statement it is observed that the difference between corresponding months of February to June 2019 is at an average difference around 100 units per month with February 2020 to June 2020. The difference 100 unit would have been consumed by the Complainant since the period were lock down due to COVID-19 during the peak summer. 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 31-62-05-0790C /A2.

Connected load (L)	6.2W
Period of assessment in day(D)	30 days
Average No. of hours	08 hours
Load factor	40%
Units assessed	$= L \times D \times H \times F$ $= 6.2 \times 30 \times 08 \times 0.40$ $= 595.2 \text{ units.}$

The above calculation of 596 units almost tallies with the readings recorded in June 2020. Based on the complaint the meter was replaced on 02/07/2021 vide MFR No.129009 dated 02/07/2021 and sent to Lab for testing on 31/08/2021. The test report was obtained from the Assistant Engineer/LTM & Lab on 29/09/2021 wherein the Assistant Engineer/LTM has certified that the original meter with S.No.118888 reading (Kwh) has ceased the increment with final reading as 26290.8KWh which is almost the same when compared with the June 2021 monthly reading 26131Kwh of the Revenue section. Hence it is understood that the meter has recorded the consumption upto June 2021 and meter may have got struck up during the meter released period or during transportation of Meter to the Lab.

4. The Complainant had stated in the hearing that the portion of the house in the second floor was let out to single occupant from November 2019 but due to COVID 2019 second wave the tenant had gone out of station and there was no consumption during the above period. Presently, the above portion have been vacated and it has been occupied by two students persuing NEET exam. The Complainant has been directed to furnish a copy of the rental agreement entered with the tenant in November 2019. The Respondent has also been directed to download meter and extract month-wise reading from the lab. The Respondent No.3 have been directed to furnish month-wise consumption from 2019 to till date.

5. The Respondent No.3 has filed additional Affidavit on 13/10/2021 and furnished the consumption from 2019 to August 2021. The same has been reproduced below:

Month	Initial Readg.	Final Readg.	Consum Unit	CC Amt	Total	Paid	Arrear	BPSC	Excess	Bill Date
01/19	17771	18121	350	1069	1069	1069	0	0	0	28.02.19
02/19	18121	18361	240	604	604	604	0	0	0	27.03.19
03/19	18361	18721	360	1128	1128	1128	0	23	0	25.04.19
04/19	18721	19071	350	1098	1121	1121	0	0	0	23.05.19
05/19	19071	19391	320	943	943	943	0	0	0	21.06.19
06/19	19391	19721	330	1146	1146	1146	0	0	0	22.07.19
07/19	19721	19981	260	742	742	742	0	0	0	23.08.19
08/19	19981	20221	240	742	742	742	0	0	0	23.09.19
09/19	20221	20381	160	364	364	364	0	0	0	23.10.19
10/19	20381	20421	40	83	83	113	0	0	30	21.11.19
11/19	20421	20521	100	162	132	0	90	0	0	20.12.19
12/19	20521	20621	100	119	284	90	123	0	0	23.12.20
01/20	20621	20751	130	269	392	392	0	0	0	21.02.20
02/20	20751	DL	110	225	225	0	0	0	0	23.03.20
03/20	DL	DL	110	223	448	448	0	0	0	23.04.20
04/20	DL	DL	110	223	223	0	0	0	0	21.05.20
05/20	DL	DL	0	48	271	0	0	0	0	22.06.20
06/20	20751	22881	2130	7744	7456	0	7456	0	0	22.07.20
07/20	22881	23071	190	724	8180	0	8180	0	0	21.08.20
08/20	23071	23291	220	561	8741	0	8741	175	2	22.09.20
09/20	23291	23601	310	1040	9958	0	9783	369	0	22.10.20
10/20	23601	24001	400	1529	11681	7456	4225	85	0	20.11.20
11/20	24001	24251	250	695	5045	0	4960	144	0	22.12.20
12/20	24251	24751	500	2067	7171	5104	2067	41	0	25.01.21
01/21	24751	25021	270	848	2956	2956	0	0	0	23.02.21
02/21	25021	25301	280	841	841	798	0	0	-43	23.03.21
03/21	25301	25531	230	617	660	660	0	0	0	22.04.21
04/21	25531	DL	0	780	780	780	0	0	0	24.05.21
05/21	25531	26131	600	1840	1105	0	1105	22	0	22.06.21
06/21	26131	6810	0	135	1262	0	1240	47	0	22.07.21
07/21	6810	7101	200	457	1744	0	1697	81	0	23.08.21
08/21	7010	7090	80	192	1970	0	1670		0	22.09.21

Current consumption charges for August 2021	Rs. 192
Total Arrears	Rs.1,697
Total BPSC	Rs. 81
Total	Rs.1,970

6. In the Additional Affidavit dated 12/10/2021 filed by the Respondent No.2 it has been stated that there is no provision for downloading facility in the energy meter of the service connection bearing policy Code No.31-52-05-0790C/A2 and old data could not be retrieved from the meter.

Observation: The Complainant after receipt of inflated current consumption bill for Rs.7,456/- for the period from February 2020 to June 2020 made oral representation to the Assistant Engineer, Boomianpet. But as there were numerous complaints of such similar complaint, it was not duly acknowledged. Due consideration of facts put up by the Complainant was ignored in utter disregard to Regulation 7.24 and 7.25 of the Supply Code 2018 which is reproduced below:

Billing in case of disputed bills

7.24: On receipt of the complaint in case of disputed bills in person, the Licensee shall issue a written /electronic acknowledgement on the spot or within three days of receipt, if received by post and give a complaint number for reference.

7.25: If no additional information is required from the consumer, the Licensee shall resolve the consumer's complaint and intimate the result to the consumer within 7 days of receipt of the complaint. In case, any additional information is required, the same shall be obtained, the issue resolved and result intimated to the consumer within 7 days of receipt of additional information. However, if the consumer does not provide information on time, the Licensee shall not be held liable for the consequent delay. Till the complaint on the bill is resolved, the consumer shall pay the amount based on the average consumption of corresponding period of the previous year when the meter was functional. Amount so recovered shall be subject to final adjustment on resolution of the complaint.

On receipt of written complaint on 09/12/2020, due consideration was not given. The Assistant Engineer, Boomianpet stated that due to dearth of Office assistant, he could not take the follow-up action. It is made clear that such an excuse will not be entertained and he has to find a means to solve this administrative issue.

On third occasion on 30/06/2021, a written complaint was made and reference of higher official name in the Department was used. Things started moving then onwards with inspection of field staff who suspected that the existing meter might have become defective and another section meter was fixed. The released suspected meter in the custody of Junior Engineer should have been handled meticulously as it

was vital piece of evidence in this complaint, but was handled in a casual manner in transit from the Complainant's house to Section Office and from the Section Office to the Laboratory for testing. On testing, it was reported that the reading incrementing register is not working but, whereas at the Complainant's residence the reading was in augmenting as revealed in the monthly reading which causes a strong suspicion. Further, the Complainant was also not intimated to be present at the time of testing of disputed meter. In the hearing, the Assistant Engineer, Boomianpet assured to comply with the observation of the Forum in future while handling such incidents. On perusal of the consumption pattern of 2019, 2020 and 2021 it is seen that the tenants /occupants had been changed and similar patterns of consumption pattern is not there.

Month	Consum Unit	Month	Consum Unit	Month	Consum Unit
01/19	350	01/20	130	01/21	270
02/19	240	02/20	110	02/21	280
03/19	360	03/20	110	03/21	230
04/19	350	04/20	110	04/21	0
05/19	320	05/20	0	05/21	600
06/19	330	06/20	2130	06/21	0
07/19	260	07/20	190	07/21	200
08/19	240	08/20	220	08/21	80
09/19	160	09/20	310		
10/19	40	10/20	400		
11/19	100	11/20	250		
12/19	100	12/20	500		

Consumption from (1) February 2019 to June 2019 = 1600 Units
(2) February 2020 to June 2020 = 2130 Unit (up by 33%)
(3) February 2021 to June 2021 = 1110 Unit (down by 30% compared to 2019 corresponding period)

Computed consumption of 595 units as per Annexure XIX made for reference study does not throw any clarity of consumption in this case. In view of the above reason, Regulation 7.12 of the Supply Code 2018 could not be applied which is reproduced below:

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 charges shall be leviable for a maximum period of three months only during which time the Licensee is expected to have replaced the defective meter.

The meter was replaced only after seventeen months due to usual attitude of the Respondents. Further, the healthiness of the disputed meter was not established beyond doubt by the Respondent. Only one option is left out for this disputed bill to be resolved, which is, readings after replacement of energy meter from 02/07/2021 is to be watched for a period of 3 months and average consumption be worked out and bill is to be revised from February 2020 to June 2021 accordingly. Any shortfall / excess payment made by the Complainant is to be adjusted.

ORDER

- i. The Respondents are directed to revise the consumption bills from February 2020 to June 2021 based on the average consumption recorded in the newly replaced meter from July 2021 to September 2021. On revision of the bills, a compliance report be sent to this Forum within 30 days of this Order.
- ii. Thus 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-12t 2015 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 21st day of October 2021.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-

(T. GOPALAKRISHNAN)
CHAIRMAN