

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 25th DAY OF MAY 2023

CONSUMER CASE No. 72/2023

N. Senthil S/o
Natarajan @ Datchinamoorthy,
No.11, Pudu Nagar,
Chinna Kalapet,
Puducherry-605014

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Complainant

Vs.

- 1) The Executive Engineer Rural(North),
Electricity Department,
Puducherry.
- 2) The Assistant Engineer -Kalapet,
Electricity Department,
Puducherry.
- 3) The Junior Engineer – Kalapet,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.72/2023 came up before this Forum for final hearing on 23/05/2023. 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 was received from N. Senthil S/o Natarajan @ Datchinamoorthy on 12/04/2023. In the complaint the Complainant had stated that he has inherited property at R.S. No.128/3A Chinna Kalapet, Pillaichavady Revenue Village, Oulgaret Block along with building from his father on settlement basis which was registered in the year 30/12/2020. Before giving settlement his father had entered into a lease with M/s Aroma Poly Sacks owned by Abdul Jabar in the year 1998. As a legal Tenant, he has paid the Security Deposit for the service connection and availed connection bearing policy code No.24-73-01-0037 under the category 'A1'. Abdul Abbas owner of M/s Aroma Poly Sacks had obtained service connections for the policy code No. 24-73-01-0038A and 24-73-01-0038B. The above Tenants vacated the premises in 2009. After which the Complainant's father being owner of the land remitted the bill amount regularly. From the year 2020 the above service connection had been utilised for Residential purposes. He has requested to effect name transfer and Tariff change for Residence based on the advise of the Department staff. New panel board were also erected and all the services had been shifted in the year 2021 as detailed below:

i. Policy Code No.24-73-01-0038 –*in the name of Natarajan @ Datchinamurthy which was under disconnection*

ii. Policy Code No.24-73-01-0037- *in the name of Abdul Jabar with defective disc meter*

iii. Policy Code No.24-73-01-0038A- *in the name of Ameer Abbas*

iv. Policy Code No.24-73-01-0038B – *in the name of Ameer Abbas with digital meter*

The Complainant had given a complaint to the Department on 24/08/2021 to change the defective meter, and effect name transfer on the advice of the Department staff as bills are raised under A1 Tariff upto date, under commercial rate but being used for residential purpose. But till date the Department had not taken any action on the above complaint. In June 2021 a bill for Policy Code No.24-73-01-0037C had been raised with initial reading 58839 and final reading 62979 units. He had paid the amount in total, but surprised to note that in the subsequent month the bill was uploaded through online with arrears of Rs.1,07,123/-. Three numbers of

applications for effecting new service connection was given by the Complainant. The Department Official informed to clear all the arrears in the other three policies. Whereas, he has cleared arrears upto date in all the policies. But, subsequent to the payment, the bill has been raised for abnormal amount to of Rs.1,07,123/-, based on the reading. It was surprised to see that the consumption recorded subsequent to the settlement of all the dues. He has requested to effect new service connection without insisting the dues of policies. He is prepared to pay the bills on the correct claim which had already done. Hence, the Complaint.

2. The complaint was registered as C.C. No.72/2023 on 13/04/2023 and notice sent to the Executive Engineer, Rural- North O&M and others to furnish reply by 24/04/2023. The Respondent No.2 sought for time till 15/05/2023 to furnish reply. Reply from the Respondents was received on 11/05/2023 and a copy of the same was the communicated to the Complainant. The case was posted for hearing on 15/05/2023.

3. In the Affidavit dated 10/05/2023, the Assistant Engineer - Kalapet/ Respondent No.2 on behalf of Respondent 1 and 3 had stated that, one petition was filed before CGRF by Thiru N. Sendhil for 4 Nos. of policies as detailed below

i. Policy Code No.98687/A1 (24-73-01-0038) The petitioner has stated that this service has been disconnected already and the meter has been taken by the Department. Whereas bill for the month of October 2022 served for Rs.1,71,797/-. The Petitioner has requested for revision of this amount and the bill has been revised. The petitioner has paid the revised amount of Rs.6,652/- on 20/03/2023. The Petitioner requested to cancel this service connection.

The action taken for the petitioner statement is furnished below:

Pertaining to this policy clear report has been sent on 14/11/2022 to the Junior Accounts Officer-Rev.II for revision of bill. The service was permanently disconnected for ODC reasons and service connection materials were removed

from the consumer premises on 19/07/2017 with final reading 31265. Based on this report, the JAO-Rev-II has revised the bill for no use period from July 2017 to October 2022 with a revised amount of Rs.5,734/-. The consumer paid an amount of Rs.6,652/- dated 20/03/2023 which includes the BPSC and other charges of Rs.530/-. After clearing the dues by the consumer the cancellation estimate was sent to the JAO- Rev.II. The Petitioner has to pay the cancellation charges for this service connection to accord cancellation by the Executive Engineer, Rural(North). Subsequently this issue pertaining to this policy will be resolved.

ii. Policy Code No.124445 (24-73-01-0037): The Petitioner has stated that this service connection was obtained for M/s Aroma Poly Sacks in the name of tenant Abdul Jabbar. The Petitioner stated that the meter reading is erratic from June 2021 onwards and door lock for a long period.

The action taken for the petitioner statement is furnished below:

Pertaining to this policy the existing mechanical meter was replaced on 10/03/2023 and sent to lab on 03/04/2023 for testing. The Assistant Engineer/LTM vide report dated 04/04/2023 stating that meter is in good condition and final reading recorded is 76683kwh. Previous reading recorded during February 2023 is 58837kwh. In between the interval door lock is entered for 26 months. Based on the lab report the bill revision was recommended to JAO-Rev-II on 06/04/2023 and bill has been revised to Rs.1,07,123/-. The last updated reading was 58839kwh in the monthly bill of June 2020. From July 2020 to December 2022 the same reading was entered. From January 2021 to March 2023 the service was under door lock condition. The consumer has paid only minimum charge of Rs.1451/- dated 20/03/2023. Finally the door lock was released with report of AE/LTM with initial reading 58839 and Final reading 76884 kwh. The same was updated and consumption for last 26 months are 18045 units

and arrears amounting to Rs.1,07,123/- which has to be paid by the consumer as given in the report of JAO /Rev-II.

iii. Policy Code No.151556/C1(24-73-01-0038A) C Tariff

The Petitioner has stated that the service has been effected in 1998 in the name of the Tenant Ameer Abbas for running industries in the name of M/s Auroma Poly Sacks. For the policy the petitioner has stated that the arrear amount of Rs.5,142/- for this policy has been paid vide Receipt dated 20/03/2023 and requested name transfer of this policy.

The action taken for the petitioner statement is furnished below:

The petitioner has given application dated 28/03/2023 for name transfer of this policy. During scrutiny and subsequent field inspection to the site, it was explained to the petitioner that there is no machineries available in the premises and name transfer can be processed only on production of municipal license. So the petitioner has accepted and given letter for cancellation of this policy on 25/04/2023. The cancellation proposal is prepared and kept for sanction as per guidelines of the Forum.

iv. Policy Code No.151555(24-73-01-0038B)

The petitioner has stated that the service was effected in 1998 for lighting purpose to M/s Auroma Poly Sacks and obtained in the name of the Tenant Ameer Abbas. The petitioner has requested change of tariff and name transfer.

The action taken for the petitioner statement is furnished below:

The petitioner has given application for change of tariff vide COT No.08 dated 24/03/2023 and name transfer vide NT 100 dated 24/03/2023. During the field inspection, the consumer has informed that one No. of overhead water tank with bore well motor is utilized for 10 separate portion and for car shed. The petitioner has requested to cancel the change of tariff application and to effect name transfer only. This commercial common service will be utilized for overhead water tank bore well motor and common utility. Based on the request, the name

transfer proposal is prepared for this policy to accord sanction as per the guidelines of the Forum. Apart from the above the applicant has given 3 Nos. of new service connection application for domestic service connection and this is under process. The department can extend this service as per the guidelines of the Forum.

4. Hearing was held on 15/05/2023. Both the Complainant and the Respondents were present. It was informed that no guidelines will be issued by this Forum and directed to take action as per the Supply Code Regulations. The next hearing was posted on 23/05/2023. A rejoinder was filed by the Complainant on the Affidavit filed by the Respondent.

5. During the hearing held on 23/05/2023, the Complainant stated that the meter was removed from service without his knowledge and without any intimation to him. Had the Department informed him in advance, he would have noted the readings before release. Now, he doubts whether the meter is the one actually released and whether the meter recordings have been tampered with. As such the Complainant is not agreeable to the reading revised to 76884 after settlement of all dues in March 2021. The Department had furnished the Meter Testing Report of the Electromechanical meter and a copy of the report have been given to the Complainant. As per the report, the meter was certified as normal. The Respondents also produced the Meter which has been examined by this Forum. The reading indicated is 76884. The Complainant stated that he was not satisfied with the method of replacement of meter as the meter was removed in his absence and is doubtful whether the meter was removed from his service connection and the Forum informed the Complainant to carry out testing in NABL approved lab at Chennai if he is agreeable by following the procedure meant for such testing.

6. Since it would take few days for the outcome of the challenge test, Interim Order is passed. The Respondents are also asked to produce a copy of the Policy file, Agreement copy and test report of the service connection 24-73-01-0037 to establish the Department meter in records and in the meter removed for testing are one and the same. The Respondent No.2 was asked to file the consumption details of new meter and the Respondent No.3 was asked to file the consumption details prior to D.L period. The issues raised in respect of the three service connections had been settled as payment of outstanding dues and on payment of Department charges towards the cancellation, the Respondents are to take follow up action.

Observation: i. The Complainant, after the tenant vacating the leased premises, did not apply for cancellation of Industrial service in 2009 and commercial services, but continued to utilise the power for domestic purpose to number of tenants on rental purpose. This had resulted for all the confusion. The Meter Reader taking monthly reading had not informed the higher-up on the change of utilisation purposes. The Respondents should also enquire how D.L was marked in one service and reading entered in other services, when all the meters are fixed in one panel. It has come to light that the Respondent had also not conducted periodical inspection of the Industrial services.

ii. After change of ownership, the Complainant approached the Department for change of defective meter in August 2021. But the Respondent failed to take action in stipulated time as per the Standards of Performance which is highly condemned.

iii. The Complaint was not settled for more than 2 years and the delay in the service made the Complainant unsatisfactory.

iv. The Department had removed meter and fixed a new meter without the knowledge of the Complainant which is a violation of the Section 6.13 and 6.14 of the Supply Code 2018 and the provisions are reproduced below:

6.13: *Initial installation or replacement of meter shall be done by the Licensee's representative in the presence of the consumer or his authorised representative, after giving a notice of 3 days*

6.14: *The Licensee shall evolve a format of Meter Particulars Sheet for recording the particulars of the meter at the time of initial installation or replacement. The Licensee shall retain one copy and the second copy, duly signed by the Authorised representative of the Licensee, shall be given to the consumer under proper acknowledgement. The consumer or his authorised representative shall also sign the Meter Particulars Sheet. Subsequently, details of any faults in the meter, repairs, replacements etc., shall be entered into the Meter Particulars Sheet by the Licensee or his authorised representative.*

INTERIM ORDER

- i. The Respondents are directed to effect new service connection for the pending applications without waiting for clearance of arrears in the disputed service. The Respondents are also directed to take action on other services i.e., cancellation, name transfer etc.,
- ii. The Complainant is directed to pay the cancellation charges and other undisputed pending arrears, charges as per the rules of the Department and the Respondents are directed to inform the Complainant the amount to be paid in each service connection within 10 days from the date of this Order and the Complainant should pay these charges. The Respondents are directed to issue the Cancellation order / Name transfer within 15 days from the date of payment by the Complainant..
- iii. The Respondents are also directed to co-ordinate with the Complainant to arrange for testing the disputed meter in the NABL approved lab at Chennai and furnish a monthly report to this Forum for further review.

iv. In the disputed service connection the Respondents are directed to issue bill for regular monthly current consumption charges to enable the Complainant to settle the bills regularly. The disputed amount may be shown separately till the issue is resolved.

Dated at Puducherry on this the 25th day of May, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-
(A.S. JITENDRA RAO)
LICENSEE MEMBER

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN