

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

TUESDAY, THE 27TH DAY OF JUNE 2023

CONSUMER CASE No. 82/2023

K. Noorjahan,
New Mettu Theru,
MNR Garden,
Sulthanpet,
Puducherry.

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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.II,
Electricity Department,
Puducherry.
- 4) The Junior Engineer-Villianur,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.82/2023 came up before this Forum for final hearing on 21/06/2023. 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.

A Complaint was received from K. Noorjahan, Sulthanpet on 11/05/2023. In the Complaint the Complainant stated that excess amount is being claimed for the service connection bearing policy code No.32-90-06-0492/SW/A2 in the year 2018 and an amount of Rs.1,19,236/- was claimed. She had paid a part amount of Rs.35,000/- on 14/01/2020 on instalment basis. A copy of the receipt is enclosed. After that an excess amount was being claimed in the policy, She had given a representation on 18/12/2018 and 29/01/2020 (copy enclosed). In the representation the Complainant requested to replace the defective meter and revise the bill amount, but no action was taken by the Department for revision as bill for Rs.6,11,575/- was received on 08/05/2023. Due to her economic situation she was not able to pay a huge amount. She had assured to pay a reasonable amount on revision of the bill. She is ready to remit on instalment basis. Therefore, the Complainant prayed this Forum to issue necessary directions to the Respondents for revision of bill. Hence the complaint.

2. The complaint has been registered as C.C. No.82/2023 on 17/05/2023 and copy of the complaint was sent to the Executive Engineer –Rural (North) and others for giving reply by 29/05/ 2023. The Respondent No.3 sought for extension of time till 05/06/2023. Reply from the Respondents was received on 06/06/2023 and a copy of the same was communicated to the Complainant. The case was posted for hearing on 12/06/2023.

3. In the Affidavit dated 18/05/2023, the Assistant Engineer, Boomianpet / Respondent No.2 for himself and on behalf of Respondent No.1 and 3 has stated that the service connection above was inspected along with Junior Engineer, Villianur on 09/05/2023 since huge arrears amount of Rs.6,10,985/- is due in the service connection and receipt of defaulter list for disconnection of service and it is observed

that there is no meter in the service connection and a through connection is given. The consumer Tmt. K. Noorjahan has informed that the meter in the service got burnt out and she had requested the Electricity Department to revise the current consumption bill which has been claimed exorbitantly. Tmt. K. Noorjahan showed the burnt out meter kept in their house. The consumer has been requested to pay one instalment and give a request letter for revision of current consumption bill if claimed excess. The consumer Tmt. K. Noorjahan has requested one week time to pay one instalment and furnish request letter for revision of bill. The consumer has not paid one instalment as assured even after lapse of time prayed by the consumer and not given the request letter for revision. The burnt out meter in the service connection was replaced by a Department meter after getting tested in the Department Lab on 24/05/2023 and necessary charges for burnt out meter has been collected from the consumer. The Assistant Engineer/LTM&Lab also been requested to arrange to download the consumption data of the burnt out meter. The A.E/LTM & Lab reported that a performance of the meter could not be checked due to the terminal block of the meter is completely burnt out condition. The Junior Engineer, Villianur has inspected the premises on 24/05/2023 consequent to filing of case in CGRF and reported that the building is of two storeyed RCC building and in the first floor there are two portions and occupant of the one portion went out of station for 20 days. The Junior Engineer, Villianur furnished the connected load details of the building and present reading of the meter taken on 05/06/2023 as detailed below:

Present reading – 406.8
Total Connected load of the premises – 18.42kw

<u>Breakup details</u>			
i.	Light	80 x 40	3200W
ii.	Fan	12 x 690	720W
iii.	5A	20 x 100	2000W
iv.	15A	8 x 1000	8000W
v.	A/c 1 ton	3 x 1500	4500W

			<u>18420W</u>

The Respondent No.2 further stated that as per the connected load of the premises, assessment of calculation of the consumption by using the formula of Annexure-XIX of the JERC Supply Code 2018 as detailed below:

$$\begin{aligned}\text{Unit assessed} &= L \times D \times H \times F \\ &= 18.42 \times 30 \times 8 \times 04 = 1768.32\end{aligned}$$

A copy of the consumption statement of the service connection was received from the Junior Accounts Officer/Rev.II which is enclosed. On verification of the consumption is in the order of 1000 and above and maximum of 2660 units and the meter was functioning except in the period of meter burnt out condition and recorded the consumption and the bill was claimed based on the consumption recorded by the meter. In comparison with the consumption recorded and approximate assessment made above it is revealed that the current consumption bill was claimed based on the units consumed by the consumer and it is correct.

4. In the Affidavit dated 05/06/2023 the Junior Accounts Officer-Rev.II / Respondent No.3 had stated that based on the relevant ledger records, the current consumption charges bill statement in respect of the said electrical service for the period from January 2017 to April 2023 is enclosed. As per the bill statement, the consumer is due to pay a total amount of Rs.6,31,409/- towards arrears of current consumption charges inclusive of BPSC.

5. Hearing was held on 24/05/2023. Both the Complainant and the Respondents were present. During the hearing the Complainant was asked to who changed the meter and gave direct connection. In case of non-identity of authorised person, it will be construed as a case for unauthorised abstraction of energy and follow-up action will be taken as per Regulation. Further the outstanding amount is Rs.6,11,575/- till April 2023 and no amount was paid by the Complainant after part amount of Rs.35,000/- in 2020. This Forum felt that the Complainant should clear the dues accrued till 2018, at least the date on

which the Complainant had given representation to the Department on the outstanding amount in 2018. The Complainant pleaded that she is not in a position to pay the amount. However, consider to pay Rs.50,000/- before next hearing on 21/06/2023.

6. In the second hearing held on 21/06/2023, both the Complainant and Respondents were present. The Complainant stated that she had paid Rs.50,000/- and submitted a copy of the receipt. The Complainant stated that the meter was by passed and direct connection extended by Department staff and she was not able to identify the staff. The meter was in completely burnt up condition and the data was not downloaded. The second Respondent also not filed any Affidavit but merely stated that the consumption for 26 days is in the range of 1100 units and the Occupier of one rented portion of the building is out of station. The second Respondent was directed by this Forum to find out possibility of sending the meter to the Manufacturer and download the data stored in the meter. Later in the day the Assistant Engineer, LAB/LTM came to the Chamber and informed that the meter is completely burnt and there is no possibility of exploring the source to get the data downloaded from the meter. However he has been directed to take the issue with the manufacturer and confirm the above statement.

Observation: i. It is seen that the Complainant had not paid the amount for the past 8 years and the arrears accumulated, over a period of time. Further the connected load also been exceeded from 2.5 KW to 18KW and two portions have been let out and all the three portions are provided with Air-conditioner units. In view of the above there is a great possibility that the consumption of the service reflected the usage of the Complainant. However, to rule out any possibility of

doubt the Respondent No.2 should arrange to get the opinion of the Manufacturer after testing.

ii. Since the arrears are found to be more than 6 lakhs, the Complainant is advised to approach the Department and remit another instalment of Rs.50,000/- by 27/07/2023, till the opinion of the Manufacturer was received.

iii. It is also seen that the meter was replaced on three occasion on the representation of the Complainant, but based on the Lab report, the consumption was not revised. The inaction of the Respondent is highly condemned.

iv. Had the Department disconnected the defaulter as per the Supply Code 2018, the outstanding amount would not have mounted; thereby the collection of outstanding dues would not be in jeopardy. The Respondent No.2 should fix responsibility on the erring staff in not disconnecting the defaulter in time to avoid repetition in future.

INTERIM ORDER

i. The Respondent No.2 is directed to get the burnt meter tested at the Manufacturer facility and furnish the downloaded data from the storage device. In case if it is not possible to download, the written opinion should be obtained from the Manufacturer within 45 days from the date of this Interim Order.

ii. The Complainant is directed to pay another instalment of Rs.50,000/- by 20/07/2023 and produce a copy of the receipt within a week thereafter.

iii. The Complaint is allowed to the extent indicated.

iv. The Complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF Order by the Licensee, may make an Appeal in prescribed Annexure-IV to the Electricity Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Road, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015; Phone 0124-4684708; email

ombudsman.jercuts@gov.in within 30 days from the date of this Order under intimation to this Forum and the Respondents.

Dated at Puducherry on this the 27th day of June, 2023

Sd/-
(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

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

Sd/-
(T. GOPALAKRISHNAN)
CHAIRMAN