

ELECTRICITY CGRF
(Under The Electricity Act, 2003)
ANDAMAN & NICOBAR ISLANDS
PORT BLAIR

Before :

Shri. R. Ravichandar, Chairman,
Shri. Narayan Chandra Baroi, Member (Licensee)
Smt. Biji Thomas, Independent Member (JERC Nominated)

In the matter of :

Shri. K.C. Sarkar, R/o Chouldari, Nayabasti, South Andaman, bearing
Consumer No. V1/68 (Domestic).

.....Complainant

Versus

The Electricity Department, A & N Administration, Port Blair.

.....Respondent

Complaint No. : ANI/CGRF/276/23-24/08 dated 15/06/2023
Complaint : Excess Billing bearing Consumer No. V1/68 (Domestic)
Date of Hearing : 06/07/2023
Date of Order : 28/09/2023

ORDER

Background

The complainant Shri. K.C. Sarkar, R/o Chouldari, Nayabasti, South Andaman bearing Consumer No. V1/68 (Domestic), filed a complaint vide R.D. No. 52 dated 15/06/2023 regarding excess billing for the month of April 2023.

The complaint was forwarded on 16/06/2023 to the Executive Engineer(SAD) and Assistant Engineer (Chouldhari), Electricity Department for submitting reply/comments and attending the Hearing fixed on 06/07/2023 at 10:30 a.m. in the Hearing Hall in the Office of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Port Blair with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 06/07/2023 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) was represented by Assistant Engineer (Chouldhari), Electricity Department vide letter No. EL/AE/CD/3-21/2023/821 dated 03/07/2023 submitted reply/comments, which was received by the Forum on 04/07/2023, and kept in case file (*Exbt.-1*).



Hearing on 06/07/2023

The Hearing was held on 06/07/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. K.C. Sarkar, Complainant.
- (ii) Shri. Aatish Happy, Assist Complainant.
- (iii) Shri. J. Jaya Kumar, AE(Chouldhari), Elect. Dept.
- (iv) Shri. Ravi Kumar Pates, MRLCC, Elect. Dept.

Statement of the Complainant

Complainant Shri. K.C. Sarkar, R/o Chouldhari stated in his complaint letter dated 15/06/2023 that "I had already given a complaint to the Assistant Engineer, Electricity Department, Chouldari, vide R.D No. 6905, dated 22.05.2023 & R.D No. 6968 dated 26.05.2023 about excessive bill on my Domestic Electric Connection No. V1/68 (smart meter) for the month of April 2023 where I have received a very heavy bill of an amount Rs. 5588/- with unit assessed 708 my average domestic usage is 290 Units. I have also attached some of my previous bill for my reference.

Month	Unit Consumed	Amount
November 2022	295	1563.00
December 2022	292	1540.00
February 2023	286	1438.00
March 2023	446	2741.00
April 2023	708	5588.00

After verbal communication from the staff of Site Office at Chouldari I am again forwarding this complaint so that the smart meter may be checked by connecting an additional meter and re-evaluate my bill so that I may pay the bill at the earliest".

The complainant enclosed the self declaration letter dated 15/06/2023, electricity bills with ID proof as Aadhaar Card, which is kept in the case file (Exbt.-2).

Reply of the Respondent/Licensee (ED)

The Assistant Engineer(Chouldhari) on behalf of the Respondent/Licensee(ED) in the written submission vide letter No. EL/AE/CD/3-21/2023/821 dated 03/07/2023 with enclosures stated that "the complaint filed by Shri. K.C Sarkar R/o Chouldari, South Andaman vide Consumer No. V1/68 (domestic) is a consumer of Chouldari site office. The copy extract of consumer profile and meter reading (consumer ledger) from January 2021 to till date are hereby submitting to your end for further necessary action please.

Further it is to inform you that JE Chouldari has written a letter to Project Head EESL to check the meter vide letter No EL/JE/CD/1-53/2324/388 dt 19/06/2023 and the reply is awaited from the same (copy enclosed).

On receiving of the complaint from K.C Sarkar A/C No. V1/68 in this regard JE (CD) reported that all the connections were checked and it was found correct. The Present connected load of the consumer is 7.0 KW but as per our record it is 1.0 KW. The GP No of actual meter is 7387796. A test meter was also installed at the consumer premises on 24/06/2023 bearing meter No 7357510 and reading for 3 consecutive days was recorded (copy enclosed), it was found that the unit consumption in both the meters are almost same, so the error in energy meter is ruled out".

The Respondent/Licensee(ED) has submitted photocopies of JE's letter dated 19.06.2023, consumer ledger and check meter report, which is kept in the case file **(Exbt.-3)**.

Submission of the Complainant

The complainant Shri. K.C. Sarkar, R/o Chouldhari says that improper billing was recorded in April 2023 i.e. 708 units, which is much high than the normal reading and no alteration has been made for last 1 year in his house. Further he submitted that all the previous bills except the bills of April 2023 are normal as per the electricity usage. Moreover, a year ago he had renovated his house, due to which his connected load had increased and the same was not reported to the Electricity Department, being unaware of this practice.

Submission of the Respondent (Licensee)

The Assistant Engineer (W/shop), Nodal Officer (CGRF) is absent on Hearing and on behalf of the Respondent/Licensee(ED), accordingly, the AE-IV has submitted that the Licensee (ED) had requested to EESL to check the meter and submit a report which is yet to be received vide JE's letter No. EL/JE/CD/1-53/23-24/388 dated 19/06/2023.

Further, he states that digital meter is not communicating some time. After receiving the complaint, the JE had inspected the consumer premises with all the connections and it was found correct. On inspection the connected load was found as 7.0 KW but as per the record the consumer initiate only 1.0 KW, later the consumer increased the connected load in premises, which is not informed to the Electricity Department. Apart from the accuracy of the actual meter, a check meter along with the actual meter was installed at the consumer premises bearing consumer No. V1/68 and readings were taken for 3 consecutive days in which it was found that the unit consumption in both the meters was almost the same. No further discrepancies/errors noted.



Forum's Observation

The Forum observed that the Respondent / Licensee (ED) had requested to EESL to check the meter and submit a report which is yet to be submitted by the EESL as per JE's letter No. EL/JE/CD/1-53/23-24/388 dated 19/06/2023, which is kept in the case file **(Exbt.-4)**.

The Forum observed the electricity bill submitted by the complainant consumer for the month of May & June 2023 shows as 1 KW whereas JE inspected and found connected load is above 7.0 KW.

The Forum observes the check meter report submitted by the Respondent/Licensee (ED) shows a consumption of 10.5 units per day and no discrepancy found with check meter and actual smart meter after, taken 4 days unit consumption and the same was signed by the complainant. Hence, the Forum directs the AE (C/D) to convince the consumer as his load is increased, accordingly his consumption was increased.

The Forum observed the consumer ledger submitted by the Respondent/Licensee (ED) which showed that earlier the consumption was almost around 300 units from 11/2022 to 02/2023 and suddenly the consumption got increased as 446 and 708 units from 03/2023 and 04/2023 respectively. Further, it was reduced to 590 units on 05/2023 per month.

Hence, the Forum directs the Respondent/Licensee (ED) to submit a report by ESSL regarding any leakage in the internal wiring of the said premises, meter testing report, EESL report etc. on or before 20/07/2023 positively.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer(Chouldhari) on behalf of the Respondent/Licensee(ED) submitted a representation to the Project Manager, EESL, Port Blair vide letter No. EL/AE/CD/3-27/2023/865 dated 19/07/2023 as directed by the Forum on the Hearing on 06/07/2023 stated that *"this office received a complaint from CGRF vide complaint No.ANI/CGRF/276/23-24/08 dt 15/06/2023 regarding excess billing of Shri. K C sarkar Consumer No. V1/68 R/o. Chouldari. The hearing was fixed on 06/07/2023. On the day of hearing the Chairman, CGRF asked this office to submit the day wise unit consumption report in respect of Shri. K C Sarkar Consumer No. V1/68. This office. Requested EESL to provide the report but also after repeated request no response has been received from EESL. The MRLCC of Chouldari site office visited the EESL office 3 days to collect the report, but no positive response was received from EESL. Due to non availability of this report the judgment of this case is pending at CGRF.*

Therefore it is requested to provide the day-wise Unit consumption report of April 2023 at the earliest for onward submission to Chairman, CGRF", which is kept in the case file **(Exbt.-5)**.

Forum's Observation

The Forum observed that after installation of actual meter to check meter, 42 units were recorded for 4 days and both the meters reading seems to be identical, thus, there is no discrepancy in reading accuracy of the meter and the average consumption is 10.5 units per day. Further, no leakage of current or any error was found in the consumer premises. **Hence, considering the safety aspect the consumer is directed to provide ELCB or RCCB in the circuit of the internal wiring and to avoid accidents.**

The Forum observed the written statement submitted by the AE(C/D) vide letter dated 03/07/2023 wherein states that the consumer has increased his connected load from 1.0 KW to 7.0 KW.

As per JERC Regulation No. 23/2018 (Electricity Supply Code) under Clause read as: -

"7.7 The following information shall be included in the bill:

(11) Supply details:

b) Contracted load/Connected load".

*8.8 The Authorized Officer shall prepare a report giving details such as connected load, condition of meter seals, working of meter and mention **any irregularity noticed** (such as tampered meter, artificial means adopted for theft of energy).*

8.34 Cases not to be treated as unauthorized use of electricity:

*(1) If connected load of any consumer (including domestic consumer) is found to be at **variance from the sanctioned/contracted load** as a result of **increase of load** or due to any replacement of lamps, fans, fuses, switches, low voltage domestic appliances, fittings, etc., it shall neither fall under unauthorized use of electricity (Section 126 of Act 2003) nor under theft of electricity (Section 135 of Act 2003);*

Conversion of Services

5.89 The applicant shall apply for conversion of the nature of his existing connection in the format given in Annexure VI to this Supply Code, 2018. The Licensee shall process the application form in accordance with Regulations 5.80 to 5.83 of this Supply Code, 2018. For site inspection and issuance and payment of demand note for the estimated cost of works, both the Licensee and applicant shall follow the procedure and timelines as laid down in Regulations 5.40 to 5.51 of this Supply Code, 2018. After payment of requisite charges by the applicant, the Licensee shall give effect to applications for conversion of existing services from Low Tension to High Tension or vice-versa, and from single-phase to three-phase or vice-versa, within the following time limits:



Table 5: Timeline for conversion of services:

	Urban Areas	Rural Areas
Conversion from LT single phase to LT 3-phase or vice-versa	Within two billing cycles from payment of necessary charges by consumer	Within two billing cycles from payment of necessary charges by consumer
Conversion from LT to HT or vice-versa	Within two billing cycles from payment of necessary charges by consumer	Within two billing cycles from payment of necessary charges by consumer
Conversion from HT to EHT or vice versa	Within four billing cycles from payment of necessary charges by consumer	Within four billing cycles from payment of necessary charges by consumer

The Forum observed that the consumer is enjoying 7.0 KW from last one year after renovating his house as stated in the open Forum. The Respondent/Licensee (ED) had failed to serve the notice to the consumer for enhancing his connected load which was noted in the site inspection by the department. ***This clearly shows the negligence of the Respondent/Licensee (ED) where he failed to inform the consumer that the load was increased, and accordingly 3 phase meter should be applied for as per JERC Regulation No. 23/2018.***

Hence, the Forum directs the Respondent/Licensee (ED) to update the connected load of the consumer immediately, as the connected load is more than 5 KW, the connection should be provided with 3 phase as per JERC Regulation. Thus, the Respondent/ Licensee (ED) has to take appropriate steps to convert the existing single phase to 3 phase connection after observing all codal formalities ***or the complainant has liberty to reduce his connected load in the consumer premises as per the norms of single phase connection i.e. below 5 KW and request to the Respondent/ Licensee (ED) to inspect and check the connected load accordingly as per JERC Regulation No. 23/2018 (Electricity Supply Code).***

The Forum issued a direction during the Hearing to the Respondent/Licensee (ED) to submit the smart meter detailed report of EESL and accordingly EESL is not taking seriously the directions of the Forum to submit the report/reply on time which shows the negligence on their part. Hence, the Respondent/Licensee (ED) has to take appropriate steps as per norms/clause of '***Master Agreement***' which was executed on 16/12/2019 between the Licensee (ED) and the EESL for providing smart meter detailed report as and when require by the Licensee(ED), consumer and the Forum also.



The Forum observed the reply submitted by the Respondent/Licensee (ED) wherein stated that at present the connected load of the consumer is 7.0 KW whereas the consumer was applied for single phase connection at the time of commencing while the bifurcation of connected load is not submitted by the Respondent/Licensee (ED). Hence, the complainant consumer has liberty to approach for special reading to the Respondent/Licensee (ED) as per **JERC Regulation No. 23/2018 (Electricity Supply Code) under clause read as "6.30. If the consumer desires to have a special reading taken, the same shall be arranged by the Licensee and the charge, as approved by the Commission shall be included in the next bill of the consumer. and 6.35. A consumer may request the Licensee to test the meter on his premises if the consumer doubts its accuracy, by applying to the Licensee in the format given in Annexure X to this Supply Code, 2018, along with the requisite testing fee. On receipt of such request, the Licensee shall follow the procedure as detailed in Regulations 6.36 to 6.39 of this Supply Code, 2018.** Further, if any, error recorded in the smart meter, the energy bill should be revised from April and May 2023 as per average consumption followed by JERC Regulation No. 23/2018 (Electricity Supply Code), accordingly.

During the Hearing, the Forum directs the Respondent/Licensee (ED) to submit a report by ESSL regarding any leakage in the internal wiring of the said premises, meter testing report, EESL report etc. on or before 20/07/2023 positively, but till date there is no report received from the department through EESL. Due to the exigency to pass an order on time bound manner as per JERC Regulation No. 26/2023, the Forum decided to take a fair decision based on the available documents.

The Forum has come to the conclusion that there is no defect recorded in energy meter of the consumer as per check meter report submitted by the Respondent/Licensee (ED). Hence, no obligation found to further rectify the electricity bills due to excess readings recorded in the month of April 2023 bearing Consumer Nos. V1/68 (Domestic) as requested by the complainant consumer. Further, the Respondent/Licensee (ED) failed to submit the smart meter detailed report of EESL to convince the consumer regarding excess unit consumptions recorded in the month of April 2023 at the consumer premises. The consumer may approach the Respondent/Licensee (ED) for special reading as per JERC Regulation for his satisfaction. In addition, both the Respondent/Licensee (ED) and the complainant has to take appropriate steps to convert the existing single phase to 3 phase connection immediately as per norms/clause of the JERC Regulations, owing to increased of connected load by the consumer or the consumer has liberty to reduce his connected load below 5 KW as per JERC Regulation No. 23/2018 (Electricity Supply Code). Last but not least, considering the safety aspect the consumer is directed to provide ELCB or RCCB in the circuit of the internal wiring and to avoid accidents.



Hence,

It is Ordered:

After detailed deliberations, submissions and documents produced before the Forum, and on the basis of the observation so reached, the following Order is passed:-

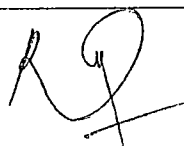
1. The Respondent/Licensee (ED) is directed to convert single phase connection to 3 phase connection bearing Consumer No. V1/68 (Domestic) in consultation with the complainant consumer immediately after completion of all codal formalities of JERC Regulation No. 23/2018 (Electricity Supply Code), since, the connected load had increased above 7 KW from last one year as stated by the consumer on hearing due to renovated his house, and due to the negligence of Respondent/ Licensee (ED) the same was being enjoyed by the complainant consumer till date, which is a violation of JERC Regulation.
2. The complainant consumer has directed to cooperative with the Respondent/Licensee(ED) for conversion single phase to 3 phase connection as stated in above para at sl. No. 1 **or the complainant has liberty to reduce his connected load in the consumer premises as per the norms of single phase connection i.e. below 5 KW and request to the Licensee (ED) to inspect and check the connected load accordingly.**
3. The consumer has liberty to approach the Respondent/Licensee (ED) to take special reading as per **JERC Regulation No. 23/2018 (Electricity Supply Code) under clause 6.30 and 6.34**, and, if any error recorded in the smart meter, the energy bill should be revised from April and May 2023 as per average consumption followed by JERC Regulation No. 23/2018, accordingly.
4. The consumer is directed to provide ELCB or RCCB in the circuit of the internal wiring and to avoid accidents/current leakage for considering safety aspects.
5. The complainant is directed to pay all pending electricity bills bearing consumer No. V1/68 (Domestic) within 7 days positively from the date of issue of this order, or else the supply will be disconnected as per JERC Regulation No. 23/2018.
6. The Respondent/Licensee (ED) is directed to immediately take appropriate steps as per JERC Regulation No. 23/2018 under Clause 8.8 against **any irregularity noticed** in any smart meter be intimated to the consumer.



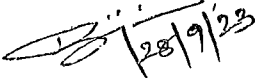
7. The Respondent/Licensee(ED) is also directed to establish a smart meter testing laboratory or a portable testing device for all site office to avoid litigation against smart meter complaints in future, which is yet to be implemented. The Forum was earlier directed in Order dated 31/07/2023 in complaint No. 281 and Order dated 25/08/2023 in complaint No. 273.
8. The Respondent/Licensee(ED) is directed to provide awareness in consultation with EESL for viewing daily consumption, connected load, earthing and neutral leakage and other parameters through a mobile app., online website etc. as per norms/clauses of the '**Master Agreement**' dated 16.12.2019 immediately.
9. The Respondent/Licensee (ED) is directed to submit smart meter detailed reports of EESL in each complaint of excess/abnormal billing in future, which is not done in this case. Further, if not received the said report in time from EESL, necessary steps should be taken as per norms/clause of '**Master Agreement**' which was executed on 16/12/2019 between the Licensee (ED) and the EESL.
10. The Respondent/Licensee (ED) is directed to submit compliance report within 15 days from the date of issue of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1).
11. As per JERC Regulation No. 26/2019 under Chapter-IV of 27, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.
12. The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right, by availing the redressal within his jurisdiction.

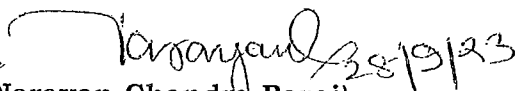
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot No. 55-56, Service Road, Udyog Vihar, Phase-IV, Sector-18, Gurugram - 122015 (Haryana). Phone - 0124-4684708, E-mail : ombudsman.jercuts@gov.in **within one month from the date of receipt of this order**".

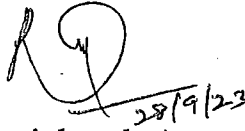
[Annexure – IV Appeal Form can be collected from this Forum in any of the working days].



A certified copy of this Order be sent to the Superintending Engineer (Licensee/Respondent), Executive Engineer (SAD), Nodal Officer (CGRF), Assistant Engineer-IV, Electricity Department, Complainant and the Electricity Ombudsman, JERC for the State of Goa & UTs, Gurugram, (Haryana).


(Biji Thomas)
Independent Member
Electricity CGRF


(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF


(R. Ravichandar)
Chairman
Electricity CGRF
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