

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. Paresh Lal Hawlader, PCT, PMB, Mayabunder bearing Consumer No. W1/47 (Domestic).

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/310/23-24/42 dated 27/12/2023
Complaint : Excess Billing bearing Consumer No. W1/47 (Domestic)
Date of Order : 26/02/2024

ORDER



Background

The complainant Shri. Paresh Lal Hawlader, PCT, PMB, Mayabunder filed a complaint vide R.D. No. 357 dated 27/12/2023 regarding excess billing bearing Consumer No. W1/47 (Domestic).

The complaint was forwarded on 01/01/2024 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer (Rural), Assistant Engineer (Mayabunder), Electricity Department who represents the Respondent/Licensee (ED) for submitting reply/comments. A copy of this letter was also endorsed to the complainant for information.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer (Workshop), Nodal Officer (CGRF), Electricity Department filed a letter No. EL/AE(W/shop)/2-16/2023-24/314 dated 16/01/2024 wherein endorsed AE (Mayabunder)'s letter No. EL/AE/MB/15/2023-24/1012 dated 08/01/2024 against reply/comments on behalf of the Licensee/Respondent (ED), which is self-explanatory and the same is kept in case file (**Exbt.-1**).

Statement of the Complainant

The complainant Shri. Paresh Lal Hawlader stated in his complaint letter dated 27/12/2023 that "I am a single employee residing in Govt. Quarter, PMB, Mayabunder since November 2021. Sir, I have noted that suddenly my electricity bills from September 2023 onwards has hiked excessively, which disappointed me a lot. While I am consuming very less energy and usually paid less than Rs. 100/- every month.

Sir, I have also wrote a letter to Assistant Engineer, Electricity Department, Mayabunder regarding the above matter but its in vain, no action been taken so far.

Therefore sir, my prayer is that: -

1. Kindly redress my grievances and rectify the above bills from September 2023 onwards and I am ready to pay in future.
2. Being an operational staff working under Port Control Tower, PMB, Mayabunder it is not possible to attend Hearing in Port Blair, hence, request kindly inspect in my side at Mayabunder for the above facts and circumstances and do a needful at your end please."

The complainant submitted photocopies of smart meter, Aadhaar Card as ID proof, representation submitted to AE(Mayabunder) dated 18/12/2023, which is kept in the case file (Exbt.-2).

Reply of the Respondent/Licensee (ED)

The AE (W/shop), Nodal Officer (CGRF), Electricity Department on behalf of the Respondent/Licensee(ED) forwarded AE(Mayabunder)'s, reply vide letter No. EL/AE/MB/15/2023-24/1012 dated 08/01/2024 stated that "on inspection alongwith the meter checking the following reports in para-wise as per complaint is as follow: -

1. The bill from Sept. 2023 onwards are correct and is consistent with physical reading available. The latest photo of meter reading of meter No. W1/47 which indicating present reading is enclosed.
2. It is in the purview of the Hon'ble CGRF.
3. The mobile number of the complainant i.e. 9434266900 is already registered in our billing software.
4. Consumer profile : Certified copy enclosed.
5. Smart meter detailed report/reading (Consumer ledger indicating unit consumed and bill raised etc) : Certified copy enclosed.
6. Connected Load : 01 KVA shown in consumer profile. (Physically it is found 5 KVA).
7. Earthing and neutral details : Found satisfactory.
8. Meter reading book details from Jan 2022 to Nov. 2023 : Certified photocopy of meter reading book for A/c No. W1/47 is enclosed".

The Respondent/Licensee(ED) has submitted photocopies of documents as stated above letter dated 08/01/2024, which is kept in the case file **(Exbt.-3)**.

Forum's Observation

The Forum decided to conduct a Hearing on 05/02/2024 at 11:00 AM in the APWD Guest House, Mayabunder alongwith awareness camp and the same was informed to the Respondent/Licensee (ED) and the complainant consumer vide Forum's letter No. ANI/CGRF/3-1/266 dated 30/01/2024 to attend the Hearing as per the above date and venue, which is kept in the case file **(Exbt.-4)**

Due to exigency leave taken by the Chairman, CGRF to visit mainland (Kerala) on 31/01/2023, the Hearing alongwith awareness program is adjourned to a further period. Later on 12/02/2024, the Forum once again decided to conduct the Hearing on 20/02/2024 at 11:00 AM in the APWD Guest House, Mayabunder alongwith awareness camp, and the same was informed to the Respondent/Licensee (ED) and the complainant consumer vide letter No. ANI/CGRF/3-1/271 dated 12/02/2024, which is kept in the case file **(Exbt.-5)**.

In the meantime, the Forum has received a letter from the EE(Rural), Electricity Department, on behalf of the Respondent/Licensee (ED) vide letter No. EL/R/Tech/91/2023-24/283 dated 16/02/2024 read as **"the AE(Mayabunder) informed vide letter No. EL/AE/MB/15/2023-24/1203 dated 15/02/2024 that consumer has withdrawn the complaint and is fully satisfied and as of now all his grievances has been sorted out"**. The Executive Engineer(Rural), Electricity Department enclosed AE's letter dated 15/02/2024 alongwith the complainant's withdrawal letter dated 15/02/2024, which is kept in the case file **(Exbit.-6)**. Under this circumstance, the Forum decided to cancel the Hearing and awareness camp is kept is abeyance vide Forum's letter No. ANI/CGRF/3-1/274 dated 19/02/2024, which is kept in the case file **(Exbit.-7)**.

In this instant case, the Forum observed the consumer ledger submitted by the Respondent/Licensee (ED) wherein complainant is in default of electricity bills from 06/2023 till date, which is a huge loss of the government revenue and the same was viewed seriously ~~noted~~ that the Respondent/Licensee (ED) had not serve any notice to the complainant due to nonpayment of electricity bills for more than 8 months, **which is a violation of JERC Regulation No. 23/2019 (Electricity Supply Code)**, as well as negligence of the concerned field staff of that area.

In this instant case, the Forum observed the negligence part of **the Respondent/Licensee (ED) for not following various clauses of Electricity Act 2003, JERC Regulation No. 23/2018 (Electricity Supply Code) and JERC Regulation No. 06/2010 (Standard of Performance)**, read as follows:

Electricity Act 2003

Disconnection of supply in default of payment as per

56. (1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -

- (a) an amount equal to the sum claimed from him, or
- (b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity:

JERC Regulation No. 23/2018 (Electricity Supply Code)

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 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.

7.13 In case, the Maximum Demand Indicator of the meter at the consumer's installation is found to be faulty or not recording at all (unless tampered), the Demand Charges shall be calculated based on maximum demand during corresponding months/billing cycle of previous year, when the meter was functional and recording correctly. In case, the recorded maximum demand of corresponding month/billing cycle of past year is also not available, the

maximum demand shall be calculated based on the load factor as per the mechanism specified in Annexure XIX of the Supply Code, 2018.

Payment on Self-Assessment by the Consumer

7.19 In case of non-receipt of bill, the consumer may deposit self-assessed bill in the format prescribed in Annexure XII to this Supply Code, 2018 for the period for which bill has not been received, provided that it is not less than the average consumption during the billing cycle over the last six months. The excess/deficient payment so made by the consumer shall be adjusted in the next bill.

7.20 In case of dispute regarding levy of surcharges, the Licensee shall settle the dispute within one billing cycle from the date of protest by the consumer after giving him an opportunity of being heard.

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 acknowledgment 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 the 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 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.

7.26 If the complaint is found to be correct by the Licensee, a revised bill shall be issued within 5 working days of intimation of the same to the consumer. The consumer shall make the payment within 15 days after receipt of the revised bill. The consumer shall not be charged any late payment surcharge, if the payment is made by the revised due date.

7.27 If the complaint was found to be incorrect the consumer shall be notified and directed to make the payment as per the original bill immediately and the consumer shall be liable to pay late payment surcharge if the payment is made after the due date of the original bill.

7.28 Consumers, who intend to get the special meter reading conducted, shall pay the requisite fee for the same as approved by the Commission from time to time.



Payment of Bills

7.30 Consumer may pay the bill by cash (up to Rs. 5,000), Cheque, Demand Draft or Debit / Credit Card, banker's cheque, Electronic Clearing System, net banking, drop boxes, etc. Cheques and Demand Drafts shall be payable at any branch of a scheduled commercial bank that is a member of the clearing house for the area where the concerned Sub Divisional Office is located. The date of depositing of the cheque by the consumer, shall be deemed to be the date on which the payment is received in the Licensee's account.

7.31 The payment may be made

(1) In person at the designated collection offices of the Licensee during specified times; or (2) By post or courier; or

(3) by deposit in the drop-boxes maintained by the Licensee at designated locations; or

(4) By bank transfer through the internet; or

(5) By any other scheme accepted by the Licensee for acceptance of bill payment.

7.33 The Licensee may issue a disconnection notice in writing, as per Section 56 of the Act, to any consumer who defaults on his payment of dues, after giving him a notice period of 15 clear days to pay the dues.

In case a cheque is dishonoured, the Licensee shall inform the consumer and require him to pay the bill within 7 days in cash. The consumer shall be liable to pay the late payment surcharge, as applicable, as well as a charge on account of the dishonour of the cheque/non-realization of the draft. If there are two instances of dishonour of cheques/draft of a consumer in a financial year, the consumer shall be required to make all payments through net banking till the end of the following financial year. In addition, the Licensee may have the option to initiate action against the consumer as per the legal provisions of the Negotiable Instruments Act.

Late Payment Surcharge

7.38 Surcharge for delayed payment shall be levied as per the prevailing Tariff Order.

Instalment Facility

7.39 The Licensee may frame a scheme for providing facility of payment of bills in instalments for consumers who are for the time being under financial distress to continue the supply of electricity. Late payment surcharge shall however, be levied on the amount paid after the due date.

Temporary Disconnection

9.3 The supply may be disconnected temporarily in following cases:

(1) On non-payment of the Licensee's dues: The Licensee may issue a disconnection notice in writing, as per Section 56 of the Act, to any consumer who defaults on his payment of dues, after giving him a notice period of minimum 15 working days to pay the dues. Thereafter, the Licensee may disconnect the consumer's installation on expiry of the said notice period by removing the service line/meter as the Licensee may deem fit;

- (3) If the wiring, apparatus, equipment or installation at the consumer's premises is found to be defective or there is leakage of electricity or if the consumer is found to have altered the position of the meter and related apparatus or if the consumer uses any apparatus or appliance or uses the energy in such manner as to endanger the service lines, equipment, electric supply mains and other works of the Licensee, or is found to be using it in any manner which unduly or improperly interferes with the efficient supply of energy to any other consumer;
- (4) If at any time, the consumer is found to be using energy for a purpose other than for which it was intended / provided or tampers with the meter and/or other apparatus of the Licensee on his premises or extends/allows supply of energy to any other premises from his connection;
- (5) If the consumer remains unavailable for meter reading for two or more billing cycle after factoring in advance payment for the period of absence, if any as per the provisions of this Supply Code, 2018.

9.4 The supply shall be disconnected after giving a notice period of minimum 15 days. The supply shall be disconnected only if the cause of the disconnection is not removed within the notice period.

9.5 The Licensee shall, after the connection is temporarily disconnected as per Regulations 9.3(2), 9.3(3) and 9.3(4), issue a notice to the consumer to remove the cause of disconnection within 45 days for domestic consumer and 15 days for consumer of other categories, respectively, failing which the supply shall be disconnected permanently.

9.6 The Licensee may take steps to prevent unauthorized reconnection of consumers disconnected in the manner as described above. Wherever the Licensee discovers that connection has been reconnected in an unauthorized manner, Licensee may initiate action as per provisions of Section 138 of the Act. Further, in case the Licensee discovers that supply to such premises has been restored through another live connection, the same shall also be disconnected.

JERC Regulation No. 06/2009 (Standard of Performance)

7.3 Complaints about meters

Subject to the Provisions of the Electricity Supply Code:

Nature of complaint	Time to be taken by Licensee
Complaint lodged for accuracy test of meter	Within 30 days of receiving the Complaint, the Licensee shall test the meter and if needed, the meter shall be replaced within 15 days thereafter
Complaint lodged for defective / stuck meter	Within 30 days of receiving the Complaint, the Licensee shall check the meter and if needed, the meter shall be replaced within 15 days thereafter
Complaint lodged for burnt meter	The Licensee shall restore supply within 6 hours upon receipt of complaint bypassing the burnt meter and new meter shall be provided within 3 days

7.5 Complaints about consumer's bills

Nature of complaint	Time to be taken by Licensee
Complaints on billing	Licensee shall acknowledge the complaint immediately, if received in person, or within 3 days from the date of receipt if received by post. If no additional information is required, Licensee shall resolve the complaint and intimate the result to the consumer within 15 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 15 days of the receipt of the additional information, whichever is later.

7.6 Issues relating to disconnection/ reconnection of supply

Issue under consideration	Time to be taken by Licensee
Nonpayment of dues by the consumer	Licensee to give 15 days notice to pay the dues and if not paid, the Licensee may disconnect the consumer's installation on the expiry of the notice period.
Request for reconnection	In case consumer requests for reconnection within a period of six months after disconnection, the Licensee shall reconnect the consumer's installation within 5 days of payment of past dues and reconnection charges. However in case consumer requests for reconnection after six months of disconnection, the connections would be reconnected only after all the formalities as required in the case of a new connection are complied with by the consumer including payment of pending dues, service line charges, security deposit etc., as applicable, for that Category of Consumer.
Consumer wanting upto date bill	Licensee to carry out special reading and prepare final bill, including all arrears upto the date of billing within 7 days

7.7 The time limits prescribed in this Schedule will be computed from the time when the complaint is filed with the designated offices of the licensee or at the call centers.

The Forum going through the statement submitted by the complainant against withdrawal on 15/02/2024 which read as **"my grievance in connection with excess electricity bills has been settled by Electricity Department, Mayabunder. As such we mutually redressed the matter**



and now I am withdrawing my complaint", and the Forum has accepted the plea of the complainant consumer to withdraw the complaint and also feels that no further Hearing is require in this instant case.

The Forum is directs the Respondent/Licensee (ED) to explore the possibility of remote disconnection facility available on the smart meter to be enabled on urgent basis in consultation with EESL for the timely disconnection of defaulted consumers.

The Forum seriously noted that in certain cases, the Respondent/Licensee (ED) has been directed to collect the payment of electricity bills on time and if any default found, to issue '**Notice**' in writing for payment within 15 days otherwise electricity connection will be temporarily disconnected as per JERC Regulation No. 23/2018 (Electricity Supply Code), while the Respondent/Licensee (ED) is not taking seriously, the orders/judgment issuing by the Forum against recovery of electricity bill payments, thereby causing huge loss of government revenue. Therefore, the Forum once again directs the Respondent/Licensee (ED) to issue a 'Circular' to all EEs, AEs & JEs to collect payment of electricity bills on, if default is found immediately serve a notice and make payment within 15 days otherwise electricity connection will be temporarily disconnection as per JERC Regulation No. 23/2018.

Thus, this Forum has come to the conclusion, that both parties are satisfied with their decisions and amicable settled outside the Forum, hence, the case is closed with specific direction to the Respondent/Licensee (ED) and the complainant consumer, which is particularly noted in this instant case.

Hence,

It is Ordered:

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

1. The Case No. 310 is hereby closed with specific direction to the Respondent/Licensee (ED) and the complainant consumer.
2. The Respondent/Licensee (ED) is also directed to take appropriate steps to enable remote disconnection facility on the smart meter in consultation with EESL for timely disconnection of defaulting consumers, which is not done in this instant case as per JERC Regulation No. 23/2018.
3. The Respondent/Licensee (ED) failed to serve '**Notice**' due to default in payment by the consumer for more than 8 months, which shows negligence on the part of the field staff, which is a violation of JERC Regulation No. 23/2018. The Respondent/



Licensee(ED) should take appropriate action as per JERC Regulation immediately.

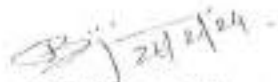
4. The Respondent/Licensee (ED) is directed to collect the late fee after due date on the pending electricity bills from the complainant bearing consumer No. W1/47 (Domestic) within 15 days from the date of issue of this Order. Further, if default in payment is detected once again after the issue of this order, necessary steps will be taken against the consumer as per JERC Regulation No. 23/2018.
5. The complainant/consumer is directed to pay all the pending electricity bills bearing Consumer No. W1/47 (Domestic) within 15 days positively, or else the supply will be disconnected as per JERC Regulation No. 23/2018.
6. The Respondent/Licensee (ED) is directed to issue a '**Circular**' to all EEs, AEs and JEs to collect the payment of electricity bills on time and if default is found immediately serve a '**Notice**' and make payment within 15 days otherwise electricity connection will be temporarily disconnected as per JERC Regulation No. 23/2018 (Electricity Supply Code), which is not done in this instant case.
7. The Respondent/Licensee (ED) is directed to issue a '**Warning**' to the concerned field staff for negligence towards revenue collection and failure to give '**Notice**' due to default in payment by the consumer for more than 8 months as per JERC Regulation No. 23/2018 (Electricity Supply Code).
8. The Respondent/Licensee (ED) is directed to submit **compliance report within 15 days** from the date of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1). **Further, from Sl. No. 2, 3, 4, 6 & 7 of the above said directions compliance should be provide with supporting documents, if any.**
9. 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.
10. 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.

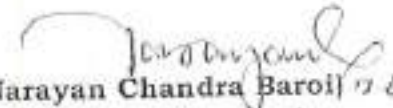



"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot 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 the office of the Forum on any of the working days].

A certified copy of this Order be sent to the Superintending Engineer (Licensee/Respondent), Executive Engineer (Rural), Nodal Officer (CGRF), Assistant Engineer (Mayabunder), 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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