

BEFORE THE ELECTRICITY OMBUDSMAN

(For the State of Goa and Union Territories)

Under Section 42 (6) of the Electricity Act, 2003

3rd Floor, Plot No. 55-56, UdyogVihar - Phase IV, Sector 18,

Gurugram (Haryana) 122015,

Phone No.:0124-4684708, Email ID: ombudsmanjerc@gmail.com

Appeal No.125 of 2020

Date of Video Conferencing : 15.07.2020

Date of Order: 20.07.2020

Thiru Arokianathan,
S/o Thangaprakasa, Puducherry

....Appellant

Versus

The Superintending Engineer,
Electricity Department, Puducherry
and others

....Respondents

Parties present:

Appellant

1. Advocate K. Ravi Kumar-
Appellant's Representative

Respondent(s)

1. Shri G. Kaniyamuthan,
Executive Engineer, Urban O&M

Date of Order: 20.07.2020

The Appellant has preferred an Appeal against the order of the Hon'ble CGRF, Puducherry in C.C. No.50/2019 dated 09.01.2020. The Appeal was admitted on 19.03.2020 as appeal No.125 of 2020. Copy of the same as received was forwarded to the Respondents with a direction to submit their remarks/ counter reply on each of the points. However due to lockdown on account of COVID-19 pandemic, the



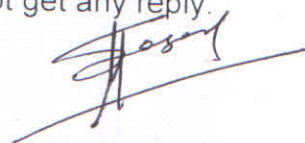
counter reply was received through email on 01.06.2020 and Appellant was supplied a copy of counter reply. Appellant and Respondents also filed their rejoinders on 14/6/2020 and 25/06/2020 respectively through emails and copies of the same was supplied to each other.

(A) **Submissions by the Appellant:**

Appellant submitted the brief facts as under:-

I – FACTS OF THE CASE:-

1. The Appellant/Complainant is using the electricity meter connection with reference code 04-18-05-0553B. The said connection is only used for household electrical equipment. The connection is still in the name of the previous owner. The previous owner of the house has executed a will in name of the Appellant/Complainant and the Appellant/Complainant is taking steps to transfer the connection to his name.
2. The Appellant/Complainant had received a bill dated 01/08/2019, for the consumption month of July 2019, for the above meter, for an amount of Rs.25,809/-. The Appellant/Complainant was shocked by the amount quoted, as there is no huge consumption of electricity by the Appellant/Complainant. Before that there were no dues or arrears.
3. The Appellant/Complainant had immediately approached the office of the Assistant Executive Engineer/Town-I and enquired about the same, and the office staff had stated that they will look into it, but the Appellant/Complainant did not get any reply.



4. As the Appellant/Complainant was waiting for the bill to be corrected, the Appellant/Complainant had not paid the charges.
5. But, again the Appellant/Complainant had received a bill dated 04/09/2019, for the consumption month of August 2019, for the above meter, for an amount of Rs.27,433/-. The Appellant/Complainant was shocked by the amount quoted, as there is no huge consumption of electricity by him and also that the earlier amount of Rs.25,809/- was not rectified and the same was show as outstanding arrears in the new bill.
6. The Appellant/Complainant had immediately approached the office of the Assistant Executive Engineer/Town-I and enquired about the same, and the office staff had stated that they will look into it; but the Appellant/Complainant did not get any reply.
7. As the Appellant/Complainant was waiting for the bill to be corrected, the Appellant/Complainant had not paid the charges.
8. The Appellant/Complainant had received a bill dated 03/10/2019, for the consumption month of September 2019, for the above meter, for an amount of Rs.37,488/-. The Appellant/Complainant was shocked by the amount quoted, as there is no huge consumption of electricity by him and also that the earlier amount of Rs.27,433/- was not rectified and Rs.33,912/- is being now shown as outstanding arrears in the new bill.
9. The Appellant/Complainant had immediately approached the office of the Assistant Executive Engineer/Town-I and enquired about the same, and the



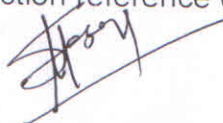
office staff had stated that they will look into it, but the Appellant/Complainant did not get any reply.

10. As The Appellant/Complainant was waiting for the bills to be corrected, he had not paid the charges.
11. The consumption charges for the month of May 2019 (bill dated 04/06/2019) was only Rs.259/- and for the month of June 2019 (bill dated 03/07/2019) was only Rs.92/-. The said connection is only used for household electrical equipment. The Appellant/Complainant had not consumed such large quantities of electricity and hence there was a mistake in the bills dated 01/08/2019, 04/09/2019 and 03/10/2019.
12. As the lineman was threatening to disconnect my connection, The Appellant/Complainant was forced to write a request letter dated 09/10/2019 to rectify the bills dated 01/08/2019, 04/09/2019 and 03/10/2019 for the connection reference code No.04-18-05-0553B, and also requested to permit me to pay the amount of Rs.4,301/-.
13. After the letter dated 09/10/2019 was issued, an Assistant Engineer from the office of the Assistant Executive Engineer/Town-I, had come to visit my house and he could not find the reason why the bills were inflated. He had seen all the electrical appliances and could not give any answer to why the bills were inflated. He just asked the Appellant/Complainant to pay the bills and left.
14. Till date there is no reply given to the appellant/Complainant's letter dated 09/10/2019. Meanwhile, The Appellant/Complainant had received a bill



dated 05/11/2019, for the consumption month of October 2019, for the above meter, for an amount of Rs.42,018/-. The Appellant/Complainant was shocked by the amount quoted, as there is no huge consumption of electricity by me and also that the earlier amount of Rs.37,488/- was not rectified and Rs.35,427/- is being now shown as outstanding arrears in the new bill.

15. The consumption charges for the month of May 2019 (bill dated 04/06/2019) was only Rs.259/- and for the month of June 2019 (bill dated 03/07/2019) was only Rs.92/-. The said connection is only used for household electrical equipment. The Appellant/Complainant had not consumed such large quantities of electricity and hence there was a mistake in the bills dated 01/08/2019, 04/09/2019, 03/10/2019 and 05/11/2019.
16. The Appellant/Complainant is a poor and unwell person and will not be able to pay such huge amounts. The lineman was regularly threatening to disconnect the power connection. The Appellant/Complainant was forced to approach the Consumer Grievances Redressal Forum praying for the following reliefs:-
 - i) to direct the office of the Assistant Executive Engineer/Town-I, Electricity department, Puducherry, rectify the bills dated 01/08/2019, 04/09/2019, 03/10/2019 and 05/11/2019 for the connection reference code No.04-18-05-0553B, by reducing -Rs.24,492/- from both the bills dated 01/08/2019, 04/09/2019 and by reducing Rs.35,106/- for the bill dated 03/10/2019, and by reducing Rs. 42,018/- for the bill dated 05/11/2019, for the connection reference code No.04-18-05-0553B.



- ii) to direct the office of the Assistant Executive Engineer/Town-I, Electricity department, Puducherry: to refrain from disconnecting the electricity connection, till the dispute is resolved.
- iii) And pass any other suitable orders in the interest of Justice.

II- REPLY VERSIONS FILED BY RESPONDENTS:

1. The Respondent/Respondents have filed their reply versions, stating many defenses, but without giving any explanation as to how the first amount of Rs. 25,000/- was added to the bill dated 01/08/2019.
2. The Hon'ble Consumer Grievances Redressal Forum, Puducherry had passed an order dated 09/01/2020, dismissing the Complaint.

Aggrieved by the said order dated 09/01/2020, this Appellant/Complainant is filing the present Appeal on the following grounds:

LIMITATION:- The Appellant/Complainant submits that the impugned Order was passed on 09/01/2020, but the Hon'ble Forum has sent the order only on 13/1/2020, and the Appellant/Complainant received the copy only on 14/01/2020. Hence this Appeal has been filed in time.

GROUND OF APPEAL:

1. The Hon'ble Consumer Forum erred in dismissing the Complaint as the same is against law, weight of evidence and probability of the case.



2. The Hon'ble Consumer Forum passed an order on merits, without carefully understanding the meaning of the contents of the documents filed by the Appellant/Complainant.
3. Though the Appellant/Complainant had requested he be represented by an authorized representative, the said request was not permitted by the Hon'ble Consumer Forum. The Hon'ble Consumer Forum ought to have permitted the Appellant/Complainant to be presented by an authorized representative. The action of the Hon'ble Consumer Forum is against principles of natural justice.
4. Though the Appellant/Complainant had produced a Notarized Will in his name from the previous owner, the Hon'ble Consumer Forum was insisting authorization from the policy holder. The Hon'ble Consumer Forum neither was wrong in observing that the Appellant/Complainant is neither a consumer nor obtained a valid authorization from the policy holder.
5. The Hon'ble Consumer Forum completely misunderstood the complaint as one for irregular meter reading, while the complaint was for revision of bill amount based on how Rs.25,000/- was mentioned in the bill dated 01/08/2019. The Hon'ble Consumer Forum did not even ask the Respondents/Respondents as to how the said amount had crept into the bill dated 01/08/2019. Merely noting that the present meter is running properly was not at all a dispute raised by the Appellant/Complainant. Hence the Hon'ble Consumer Forum completely misunderstood the complaint.



6. The Hon'ble Consumer Forum had erred in stating that one year consumption pattern was produced by 3rd Respondent/3rd Respondent. No such Document was produced by the 3rd Respondent/3rd Respondent during enquiry. No copy of such Document was served on this Appellant/Complainant. Any such Document without the notice of this Appellant/Complainant does not bind this Appellant/Complainant. The order dated 09/1/2020 does not contain any list of documents considered before passing the order. Hence the Hon'ble Consumer Forum erred in relying on an imaginary Document, and held that there was no uniform pattern.
7. The Hon'ble Consumer Forum had erred in stating that the 2nd Respondent/ 2nd Respondent had stated that the Appellant/Complainant had extended power to the adjacent house which could be a reason for variation in consumption. It can be seen that no such a defense was taken by the 2nd Respondent/ 2nd Respondent in his rely version filed before the Hon'ble Consumer Forum. There were no such statements made by the 2nd Respondent/ 2nd Respondent during the enquiry before the Hon'ble Consumer Forum. Hence the Hon'ble Consumer Forum erred in relying on an imaginary statement, and held that this could be a reason for the increase in consumption.
8. The Hon'ble Consumer Forum ought to have seen that as per the Bill dated 04/06/2019 for the month of May 2019, the amount was Rs.1,264/- and the said amount was paid on 25/06/2019. But the Appellant/Complainant had received a bill dated 01/08/2019, for the consumption month of July 2019, for the meter, for an amount of Rs.25,809/-. There was no explanation in the



reply versions of the Respondents/Respondents as to how the amount had increased from Rs.1,264/- in the month of May 2019 to Rs.25,000/- in the month of July, 2019. The Hon'ble Consumer Forum had not gone to the disputed bill, but had blindly invented a reason to dismiss the complaint.

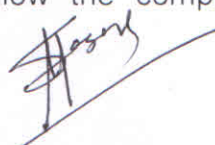
9. The Hon'ble Consumer Forum ought to have seen that after filing the above consumer case, the Appellant/Complainant have received a letter dated 02/12/2019, from 2nd Respondent/2nd Respondent. In that letter it has been mentioned that the Appellant/Complainant had given a letter dated 20/05/2019 and that the 2nd Respondent/2nd Respondent, had given a reply dated 10/07/2019. As, the Appellant/Complainant does not remember having given any letter dated 20/05/2019 and also having received any letter from the 2ndRespondent/2ndRespondent, dated 10/07/2019 the Appellant/Complainant has given a letter dated 23/12/2019 to the Hon'ble Consumer Forum, asking the Hon'ble Forum, to direct the 2nd Respondent/ 2nd Respondent, to provide a copy of the letter dated 20/05/2019 and the letter dated 10/07/2019. But, the Hon'ble Consumer Forum had not directed the Respondents/Respondents to provide the copies. The Hon'ble Consumer Forum ought to have directed the 2nd Respondent/ 2nd Respondent to produce the said letters.
10. The Hon'ble Consumer Forum ought to have seen that as per the bill dated 04.06.2019, for the month of May 2019, the amount was only Rs. 1264/- which Appellant/ Complainant had paid on 25.06.2019. There was no necessity for the Appellant/ Complainant to have complained for excessive billing.



11. The Hon'ble Consumer Forum ought to have seen that It is also false to mention that wiring in the premises are merged with common neutral. The Appellant/Complainant had checked the same with the help of an Electric Contractor and he had clearly mentioned that the neutral are not merged. The Appellant/Complainant had presented the Electric Contractor before the Hon'ble Consumer Forum, but he was not permitted to depose by the Hon'ble Consumer Forum. The Hon'ble Consumer Forum ought to have permitted the said contracted to be examined on the side of the Appellant/Complainant.
12. The Hon'ble Consumer Forum ought to have seen that if the problem was with the wiring then the excessive billing should have been repeated month after month and not for only one month. The problem was only with one bill dated 01/08/2019, for the consumption month of July 2019, for an amount of Rs.25,809/-and not with other bills. The subsequent bills only the penalty and the said sum of Rs.25,809/- is shown.
13. The Hon'ble Consumer Forum ought to have held that there was a mistake in the bills and should have ordered revision of the bills and the complaint should have been allowed.

PRAYER:

14. The Appellant/Respondent/Opposite Party therefore pray this Hon'ble Ombudsman may be pleased to allow the Appeal and set aside the impugned Order dated 09/01/2020 on the file of the Hon'ble Consumer Forum, Puducherry, and to allow the complaint as prayed for in C C

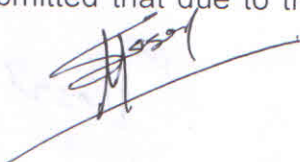


No.50/2019 and pass such further or other orders, as this Hon'ble Commission considers just and necessary and thus render Justice.

15. Rejoinder was filed by the Appellant vide email dated-14/06/2020 countering the position of Respondents regarding Door Lock code and substantiated that there are 5 Electricity Meter in the premises and Reading of all other meters were taken except the Appellant .

(B) **Submissions by the Respondents :**

1. Shri G. Kaniyamuthan, Executive Engineer, Urban O&M, Electricity Department, Puducherry and the 2nd respondent herein, on behalf of 1st respondent and on behalf 3rd respondent to 5th respondent, humbly submit the following counter affidavit for the kind consideration of the Hon'ble Ombudsman vide email dated-01/06/2020 :--
2. I humbly submit Thiru T. Arokianathan residing at No. 51, Advocate Chinnathambi street, Kurusukuppam, Puducherry 605 012 with Electricity Service connection bearing Policy Code 04-18-05-0553B (Domestic category service) in the name of Bani Brata Basak has filed an appeal with the Hon'ble Ombudsman, JERC, Gurugram and the same was registered as appeal No.125/2020 against Hon'ble CGRC order in C.C No. 50/2019 dated 09.01.2020 requesting for reduction of CC Bill charges.
3. I humbly submit that the Hon'ble Ombudsman in his Notice/Order No JERC/EO/39/63-65, dt.19-03-2020 has directed this department to file counter affidavit within 20 days. It is humbly submitted that due to the communication gap



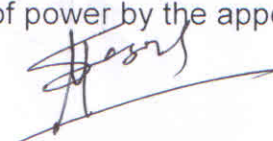
and due to lock down the said notice was passed on to other division and reply could not be filed within 20 days of the said notice. The same may please be condoned.

4. I humbly submit that the orders passed by the Hon'ble Ombudsman in the said notice vide para (5)(i), (ii), (iii), (v) have been complied. The meter has been removed in the presence of the consumer and the same has been tested in the Department's lab in the presence of the consumer and the test report is enclosed. Copies of the requisition letter to the lab and the witness of the appellant while testing has been obtained and enclosed.

5. I humbly submit that the consumption data from 01-08-2018 to 31-04-2020 is enclosed in the desired format.

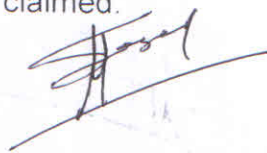
6. I humbly submit that the reply to the grounds of appeal by the appellant is furnished below:

- For para 25 to 28 : No comments on the orders of CGRF
- For para 29 : The bill dated 01-08-2019 was based on the consumption of electricity for three months due to door locked condition and when door locked condition is cleared was based on the actual consumption. The detailed working sheet for three months i.e. from May 2019 to June 2019 for Rs. 25,809 arrived by the Junior Accounts Officer (Revenue) is attached
- For para 30 to 31: The Hon'ble CGRF has issued the orders after recording the observation of one year consumption statement produced by the Department which showed that the consumption variation is drastic and not uniform. The Assistant Executive Engineer-I has informed during the hearing that extension of power by the appellant to the adjacent house could



have been the reasons for the variation in consumption. Further the Junior Engineer during inspection had informed the appellant to segregate the common neutral wiring for the four domestic dwelling units. It is not imaginary and the appellant was well informed to check the wiring in his house.

- For para 32 and 34 : In the month of May 2019, average claim for Door Lock condition was Rs. 1056 for 350 units with arrears of Rs. 208, the bill amount was Rs. 1264 and the consumer has paid the same. When the door lock condition was released in July 2019 bill dated 01-08-2019, actual consumption was arrived and the CC charges for Rs. 25,809 as detailed in the Statement is enclosed.
- For para33 : Copies of letters dated 10-07-2019 and 25-11-2019 given by 2nd respondent to appellant are furnished.
- For para 35 : During the hearing the Hon'ble CGRF has not permitted the Electrical contractor to appear before the Forum as he did not produce any Contractor's Licence as demanded by the CGRF. However, the fifth respondent again visited the premises on 28-05-2020 and has seen that separate neutral wiring has been done for all the services in the same building.
- For para 36 : Billing is based on the consumption recorded only and when the door lock condition was released in July 2019 bill dated 01-08-2019, actual consumption was arrived and the CC charges for Rs. 25,809 as detailed in the Statement was claimed.



- For para 37 : The fifth respondent has explained in person to the appellant that the bill raised is the actual consumption due between May 2019 to July 2019 and the fact was explained to the appellant who has insisted only for replacing the meter.

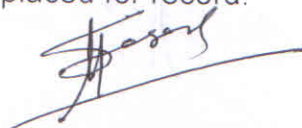
7. I humbly submit that on testing the meter in the presence of appellant on 26.05.2020 at the Electricity Department lab, it was found that the meter was recording properly and the test results indicate that the error (0.389%) is well within the permissible limits. Copy of the test result is attached.

8. I humbly submit that the sudden raise in the bill during the month of August 2019 was only due to adjustment made as per the actual consumption for the months between May 2019 and July 2019.

9. It is further submitted that the consumption pattern is high during the summer months (April 19 to August 19) as the appellant is using air-conditioner.

10. I humbly submit that despite explaining the facts in person by the fifth respondent at consumer premises to provide separate neutral for all the services the appellant was not satisfied and expressed that the meter was reading high. Hence fifth respondent inspected the premises and found that common neutral was being used for all the services and notice was served vide Ir dated 10-07-2019. After due correction by the consumer, the reading for the subsequent months were normal.

11. I humbly submit that a check meter in series was also installed on 24.12.2019 and exhibited to the appellant that both meters read same. The acknowledgment signed by the occupant is also placed for record.



12. I humbly submit that the averment of the appellant therefore may kindly be dismissed as it is not based on facts.

13. I humbly submit that the order of Hon'ble Consumer Grievances forum Puducherry is based on the bonafide consumption by the petitioner.

14. I humbly submit that the respondents reserve to file additional counter affidavit if necessary.

15. I humbly pray that for the reasons stated above, the Hon'ble Ombudsman may be pleased to dismiss the appeal made by the petitioner and restore the order passed by the Hon'ble Consumer Grievances Redressal Forum Puducherry.

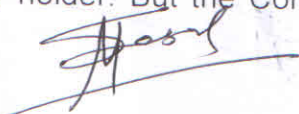
16. Respondents filed additional Rejoinder vide email dated-14/06/2020 clarifying that Door Lock condition was not a false statement because when the bill for the month of May, 2019 was presented by the Meter Reader, the Appellant raised objection for higher consumption and hence Meter Reader has duly written on the bill with a request to meet the Junior Engineer concerned and jotted the average amount in the bill. Average can be claimed only if the **DL flag** is set in the computerized billing system, for the consumer to facilitate payment on average billing.

(C) **CGRF order dated 09.01.2020, preferred for Appeal:**

Hon'ble CGRF has passed the following order :--

OBSERVATION

i. It is observed that the Complainant is neither a consumer nor obtained a valid Authorization from the policy holder. But the Complainant has produced a copy of



the will executed by the Consumer in favour of the Complainant and the will was signed before Notary Public.

ii. The Department had connected another meter in series with the regular meter and the consumption recorded by the both meters is almost identical. Hence the regular meter is functioning normally.

iii. The one year consumption pattern produced by the Junior Accounts Officer Revenue-I, shows that the consumption variation is drastic and there is no uniform pattern. The Assistant Executive Engineer-Town-I, had told that the Complainant had extended power to the adjacent house which could be a reason for variation in consumption.

ORDER

“

i. Since the regular meter and another meter connected in series recorded almost identical consumption, it is felt that there is no reason to order for revision of bill.

ii. Hence, the petition is not allowed.

iii. Since it is not possible, to have any transactions with a deceased person, the Complainant is directed to apply for the name transfer of service connection to the Department based on the WILL and as per the provisions of Supply Code 2018.

iv. 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 and 4th Floor, Plot No. 55-56, Pathkind Lab Building, Sector-18.



UdyogVihar, Phase IV Gurugram, (122015) Haryana within 60 days from the date of receipt of copy of this Order under intimation to this Forum and the Respondent ”

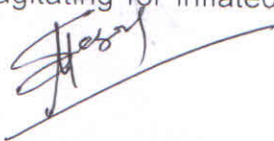
(D) Deliberations during Video hearing on 15.07.2020 :

1. **Appellant submission:**

- a. The Appellant reiterated his version as submitted in appeal.
- b. Mr. K. Ravi Kumar further confirmed that Appellant is residing in this house for last more than 10 years. He further submitted that he should not be charged late Belated Payment Surcharge (BPSC).
- c. Mr. Ravi Kumar further submitted that Appellant is not contesting regarding accuracy of the meter. He is contesting inflated bills of August, 2019 to November, 2019 and subsequent late payment surcharges.
- d. On being asked to clarify why there is 0 (zero) consumption in the month of April, 2019, he confirmed that it cannot be so. The Electricity Department has not taken the reading properly.
- e. He further submitted that meter has been installed on ground floor and is always open for meter reading and Electricity Department has wrongly put “DL” code (Door Lock) in the bills. for the month of April, 2019 to July, 2019.

2. **Respondents Submission:**

- a. The respondents reiterated their version as submitted in counter reply to the appeal and requested to dismiss the appeal.
- b. They further stated that **DL code** was put by Meter Reader as the consumer was agitating for inflated bill in the month of May.

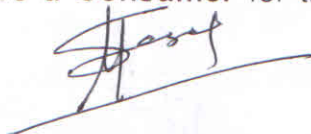


2019. Therefore consumer was advised to meet Junior Engineer for redressal of his grievances and **DL code** was put so that provisional/average billing is done during this period.

- c. They further requested that they should be allowed late payment surcharge (BPSC) as per rules/instructions because the consumer had not paid the bills in time.
- d. They further submitted that the meter was checked on actual consumption from 24/12/2019 to 02/01/2020, by putting a Tested check meter in series with the disputed meter and the accuracy of disputed meter was found to be OK, within permissible accuracy.
- e. They further submitted that on the orders of Electricity Ombudsman, the disputed meter was again tested on 26.05.2020, in the Appellant presence, in the Metering Laboratory of Electricity Department and its accuracy was found to be OK, within permissible limits. Therefore the consumption recorded from April, 2019 to July, 2019 is the actual consumption and accordingly the Respondents be allowed to recover actual consumption billing with surcharges.

(E) **Analysis & Observations:-**

1. I have perused the documents on record and pleadings of the parties.
2. Since the Appellant is having a WILL in his favour duly notarized, as noted by Hon'ble CGRF in its order dated-9/1/2020 and further as confirmed by Mr. Ravi Kumar, consumer representative that Appellant is residing in the premises for last 10 years, therefore Appellant can be considered as a **Occupier and therefore a Consumer** for the purpose of the settlement of this dispute.

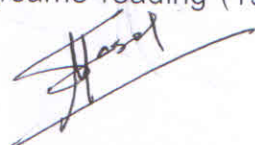


3. As per billing details supplied by the Appellant and Respondent Department, the consumption pattern for the year 2019 is tabulated below:-

| Sr. No. | 2019/ month | As per Bills submitted by Appellant | | | As per Details submitted by Electricity Department | | |
|---------|-------------|-------------------------------------|-----------------|-------------|--|-----------------|-------------|
| | | Final Reading | Initial reading | Consumption | Final Reading | Initial Reading | Consumption |
| 1 | Jan. | - | | | 341 (DL) | 341 | 350 [Av.] |
| 2 | Feb. | - | - | - | 1041 | 341 | 350 [Av.] |
| 3 | Mar. | - | - | - | 1941 | 1041 (DLR) | 900 [Ac.] |
| 4 | Apr. | - | - | - | 1941 | 1941(DL) | 0 [WR] |
| 5 | May | 4941 | 1941 | 3000 [Ac] | 1941 | 1941 | 1738 [Av.] |
| 6 | Jun. | 6181 | 4941 | 1240 [Ac] | 1941 | 1941 | 1738 [Av.] |
| 7 | Jul. | 7157 | 6181 | 976 [Ac] | 7157 | 1941 (DLR) | 1738 [Av.] |
| 8 | Aug. | 8557 | 7157 | 1400 [Ac] | 8557 | 7157 | 1400 [Ac] |
| 9 | Sep. | 9076 | 8557 | 519 [Ac] | 9076 | 8557 | 519 [Ac] |
| 10 | Oct. | 9884 | 9076 | 818 [Ac] | 9884 | 9076 | 808 [Ac] |
| 11 | Nov. | - | - | - | 10254 | 9884 | 370 [Ac] |
| 12 | Dec. | - | - | - | 10904 | 10254 | 650 [Ac] |

- Abbreviation:-
- (1) DL - Door lock code
 - (2) DLR - Door lock code Removed
 - (3) Ac - Actual Consumption
 - (4) Av - Average Consumption
 - (5) WR - Wrong Reading Taken

A perusal of the above consumption pattern revealed that a consumption of 3000 units for the month of May, 2019 was protested by Appellant as Inflated. In fact this was a consumption for two months i.e. April 2019 to May, 2019 and the consumer had not understood/explained properly because the Meter Reader has recorded the wrong/same reading (1941) for the month of April,



2019, due to which consumption was 0 (zero) for the month of April 2019, which cannot be, as also agreed by Appellant/Respondents. Therefore to cover up, the Meter Reader has put **DL code**. This **DL code** put up on 1/4/2019 at a reading of 1941 was removed / rectified on 31/7/2019 at a reading of 7157 units, but billing of 5216(7157-1941) units was considered as 3 months (May, 2019 to July,2019) consumption, at the rate of 1738 units per month. In fact this consumption of 5216 units was a consumption for 4 months i.e. from 1/4/2019 to 31/7/2019 (April, 2019 to July, 2019), at the rate of 1304 units per month, which commensurate with the consumption pattern of the Appellant and it is the actual consumption recorded by a accurate meter as tested at Appellant premises on 24.12.2019 and in the Metering Laboratory on 26.05.2020 in the presence of Appellant.

4. My attention was also drawn to the instructions printed on the back side of bills:-

Notes:-

(1,2,3,4,5)--.....

(6) Supply will be disconnected without notice in the event of Cheque being dishonored or if payment is not made even after 15 days from the due date mentioned in the bill.

(7) Belated Payment Surcharge will be levied if payment is not made before the due date.

(8) Consumer should not refuse payment under pretext of error in the bill. Such bills should be paid before the due date and written complaint made with regard to the accuracy of the bill.

(9, 10)



In view of above instructions the Appellant is required to pay all undisputed bills before due date.

5. Following provisions have been provided in the Electricity Supply Code Regulations-2018, as notified by Hon'ble Regulatory Commission (JERC) under section-7.26, which is reproduced below :-


“ Section 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. ”

(E) DECISION

- (i) The interim order dated-19/03/2020 is hereby vacated.
- (ii) For the reasons discussed above, the appeal of the Appellant is allowed and the order passed by Hon'ble CGRF Puducherry, dated 09/01/2020 in CC No-50/2019 is set aside.
- (iii) The Electricity Department/Licensee is directed to revise the bills for the month of August, 2019, September-2019, October-2019 and November-2019 after considering that consumption of 5216 units (7157-1941) to be a consumption for 4 months i.e. from 1/4/2019 to 31/7/2019, at the rate of 1304 units per month.



- (iv) The Electricity Department/Licensee is directed to issue revised bill within 5 days from the date of this order, giving the Appellant 15 days time to make the payment in **TWO MONTHLY** installments failing which Belated Payment Surcharge can be levied/ disconnection can be effected as per Regulations/Tariff order notified by Hon'ble Regulatory Commission
- (v) In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- (vi) The Electricity Department/Licensee should submit a compliance report to office of Ombudsman on the action taken in this regard within 15 days of the issuance of the Order.
- (vii) Non-compliance of the orders of the Ombudsman by the Electricity Department/Licensee shall be deemed to be a violation of Regulations and shall be liable for appropriate action by the Commission under the provisions of the Electricity Act, 2003.
- (viii) The appeal is disposed of accordingly.


20/7/2020
(M.P. Singh Wasal)

Electricity Ombudsman

Dated 20.07.2020

For Goa & UTs (except Delhi)