

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, Udyog Vihar - Phase IV, Sector 18,
Gurugram (Haryana) 122015,
Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in

Review Appeal No.154 (R)/RC of 2021

**Date of Video Conferencing: 23.12.2021
and 12.01.2022**

Date of Order: 14.01.2022

Smt. Shashi Kanta Chib
Chandigarh

.... Appellant

Versus

The Superintending Engineer,
Electricity Department,
Chandigarh and others

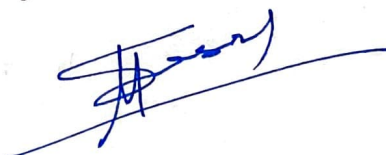
.... Respondents

Parties present:

- | | |
|----------------------|--|
| Appellant(s) | 1. Ms. Shashi Kanta Chib |
| Respondent(s) | 1. Shri Surinder Kumar
Executive Engineer |
| | 2. Shri Gurpreet Singh
Assistant Engineer |

Date of Order: 14.01.2022

- (i) The Appellant has preferred a Review Appeal against the order of the Electricity Ombudsman in Appeal No.-146 of 2021 tiled Smt. Shashi Kanta Chib vs Electricity Department-Chandigarh. The Review Appeal was admitted on 09.11.2021 as Appeal No.154 (R) of 2021. 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. The counter reply received by the Respondents was supplied to the Appellant and she has filed the Rejoinder. Notice for e-hearing was supplied to the



Appellant/Respondents on 15.12.2021 to appear through video conferencing. Final order was issued on 27.12.2021.

- (ii) However, after pronouncement of the order in the Review Appeal, it came to the notice of this authority that though the Respondent Electricity Department has implemented the order of charging average for 3 months (from 26.07.2018 to 26.10.2018) on future consumption basis, as ordered by Ld. CGRF-Chandigarh but the Respondent Electricity Department has also charged average for the defective period from 20.06.2018 to 25.07.2018. This issue was not considered though had relevance for deciding the question involved in this Review Appeal.
- (iii) It is for this reason, prima facie the Final order contains an error and therefor the Final order was stayed vide order dated 03.01.2022 .
- (iv) In view of the aforesaid discussions, I recall the Final order in Review Appeal No-154(R) dated-27.12.2021. As a consequence, the Review Appeal No-154 (R) is restored to its original number for its disposal on merits in accordance with law.
- (v) The Review Appeal was listed for re-hearing on 12.01.2022.

(A) Submissions by the Appellant:

Appellant has taken many grounds for Review Appeal and the same are reproduced in tabular form under the heading (E) "Findings & Analysis" as at para-4 below.

(B) Submissions by the Respondents :

Sh. Surinder Kumar- Executive Engineer, on behalf of the Electricity Department Chandigarh, submitted as under-

Preliminary objections:-

- i. That as per the decision of Hon'ble Electricity Ombudsman dated 16/09/2021 at Page – 14 (F) decision Point (iv) in case the appellant or the respondents are not satisfied with the decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with regulation 37 (7) of Joint Electricity Regulations Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019. But as per Regulations 37(8) of JERC the Ombudsman may review his order within 30 days of the order. The applicant has not approached the Hon'ble Electricity Ombudsman, JERC for review the decision within stipulated period. The Hon'ble Ombudsman has rightly decided the matter after going through detailed consideration and deliberation of facts on record. Hence the review petition of the applicant may please be dismissed on this ground alone.
- ii. That the Electricity Department, UT Chandigarh has rightly been implemented the order of Hon'ble CGRF of dated 13.09.2019 and credited a sum of Rs. 14517/- against account No. 4941/161400K during the period 20.10.2019 to 20.12.2019 in the name of Dr. S.S. Chib. for which the complainant neither contested/challenged and raised any objection of the said amount nor approached to the Electricity Department, UT., Chandigarh. It shows that the complainant was very much satisfied with the action taken by the department on the orders of Hon'ble CGRF.
- iii. That the Electricity Department Chandigarh is not liable to recover any amount against Electricity dues/consumption from any tenant because the Agreement has been made in between Dr. S.S.



Chib (consumer) and the Electricity Department while releasing the Electricity connection at House No. 1614 Sector 49-B, Pushpac Society (Account No. 4941/161400K).

- iv. That the calculations regarding the amount charged and credited to account no 4941/161400K as per orders of Hon'ble CGRF also perused the bills by the Hon'ble Electricity Ombudsman and found that there is no discrepancy. The Electricity Department also rightly implemented order passed by Hon'ble Electricity Ombudsman on dated 16/09/2021 for which the complainant approached this office for change of name by following the procedure as laid down instructions given as per JERC. It shows that the complainant was very much satisfied with the orders of the Hon'ble Electricity Ombudsman.

ON MERITS

That an Electricity connection bearing A/C No. 4941/161400K, Meter No. CHPVT3722 (OLD) exists in the name of Dr. S.S. Chib at House no. 1614, Sector 49-B, Pushpac Society, Chandigarh. As per report given by the Meter Reader as well as Exception list of group /Cycle 04/04, the electricity meter no. CHPVT3722 remained dead stop from 20.06.2018 to 26.10.2018. Moreover, the concerned JE (GSC) on MCO No. 62/230 dated 04.09.2018 also reported as meter dead stop.

1. That there was acute shortage of electricity meters in the Central Store (Electricity Store sub-Division) therefore the electricity meter could not be replaced in the month of 07/2018. Thereafter on receiving the electricity meter from the Central Store, the defective meter was replaced on 26.10.2018 with final Reading 095205 kWh (Reason of change: Dead Stop)
2. The dead stop meter was changed vide MCO No. 62/230 dated 04/09/2018 effected on dated 26/10/2018 in the presence of the consumer's representative Ms. Shruti. The electricity meter installed at the consumer's premises had remained dead stop w.e.f. 20/06/2018 to 26/10/2018. Accordingly, the account of the consumer has been overhauled after replacement of dead stop electricity meter on 26.10.2018 on the basis of previous consumption pattern of the consumer for the period 20/6/2017 to 20/10/2017 after adjusting the electricity bills already paid by the consumer. An average @ 1267 units per month for the defective period (4.25 months) amounting to Rs. 22558/- was charged. A notice in this regard was sent to the consumer vide Memo no. 1675, dated 26/04/2019. The electricity bill for the period 06/2018 to 08/2018 was issued to the complainant on "D" code.

The consumer neither submitted any representation nor contacted the Electricity Department, for any query within the specified period of 15 days as mentioned in the Notice served to the consumer. The average has been charged as per the Electricity Supply Code, Regulation 2010 Rule 8.1(16) amended in 2013. Moreover, while overhauling the Electricity account of the consumer after replacement of defective meter, the bill prepared on average/ "D" code / already paid has been adjusted before issuing the Notice vide memo no. 1675 dated 26.04.2019.

4. That the electricity account of consumer is revised in compliance of orders passed by of Hon'ble CGRF's dated 13.09.2019 on Future Consumption basis which was duly audited. Accordingly, a refund for amounting to Rs. 14517/- credited to the electricity account no. 4941/161400K during the period of 20/10/2019 to 20/12/2019 in the name of Dr. S. S. Chib. It is further added here that as alleged by applicant with regard to incorrect charging of 3 months Electricity charges, the Hon'ble Electricity Ombudsman has already perused the bills/ calculations and found that there



is no discrepancy in calculations with regard to charged amount and adjusted amount as stated in para no. 7 page-12 of the decision.

5. That the applicant applied for change of name in the name of Shashi Kanta Chib vide A&A no 69929 on dated 29/09/2021 after fulfilling the departmental formalities. It seems that complainant/applicant was fully satisfied with the decision of Hon'ble Electricity Ombudsman, JERC dated 16/09/2021. The advice for change of name in electricity account of the consumer has been sent to Computer Cell on dated 02/11/2021, which will be reflected in next coming billing cycle.
6. That the detailed discussion before the Electricity Ombudsman JERC for the state Goa and UTs against Appeal No. 146/2021 filed by appellant was held on dated 09/09/2021 through video conferencing where in each and every point raised by the appellant was discussed in detail. Further, the order passed by the Hon'ble Electricity Ombudsman, JERC for the state of Goa and UTs dated 16/09/2021 is in details with the relevant clauses of JERC Supply Code Regulations 2018. Further, it is added here that the points raised by the review applicant in her review petition no 154 (R), dated 09/11/2021 are already covered in the order's passed by the Hon'ble Electricity Ombudsman.

It is therefore, respectfully prayed that in view of the position stated as above, Electricity Department, Chandigarh has rightly been implemented the orders passed by Hon'ble CGRF dated 13/09/2019 as well as by the Hon'ble Electricity Ombudsman dated 16/09/2021, Joint Electricity Regulatory Commission for the state of Goa and UTs. Hence, the review petition filed by the applicant is not justified, and maintainable which may kindly be dismissed in the interest of justice.

(C) Appeal Order No-146/2021 dated 16.09.2021, preferred for Review :

Appeal No-146/2021 was decided as under: -

“DECISION

- (i) For the reasons discussed above, the appeal of the Appellant is dismissed with no order as to the costs.
- (ii) The Orders in Complaint No- CC -A-90/2010 dated-13.09.2019, passed by Learned CGRF-Chandigarh are partially upheld, partially struck down and modified to the extend as enumerated in para-6 above.
- (iii) Since the existing agreement has become null and void, the Electricity Department-Chandigarh/Deemed Distribution Licensee is directed to issue notice to the Appellant to get the existing connection transferred in her name within 15 days. If the Appellant fails to file an application as per Supply Code Regulations-2018, this electricity connection be disconnected and action be taken to recover the pending dues. If Appellant applies for Transfer of connection/Change of name or a new connection as per provisions of Supply Code Regulations-2018, the same be expedited as per said Regulations.
- (iv) 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.



- (v) The Electricity Department/Licensee should submit a compliance report to the office of Electricity Ombudsman on the action taken in this regard within **30 days** from the issuance of this Order by email.
- (vi) 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.
- (vii) The appeal is disposed of accordingly.

(D) Deliberations during Video hearing on 23.12.2021 and 12.01.2022:

1. Appellant submission:

- a. Ms. Shashi Kanta Chib -the Appellant, reiterated her version as submitted in the Review appeal.
- b. She further submitted an email, for recording/considering more points.

2. Respondents Submission:

- a. Shri Surinder Kumar-Executive Engineer, reiterated his version as submitted in Review appeal.
- b. On 12.01.2022, he was specifically asked if the amount charged from 20.06.2018 to 25.07.2018 is on actual reading basis, he replied in negative and confirmed that average charged is for the defective period from 20.06.2018 to 25.07.2018.
- c. On being asked that as per Regulation and CGRF order, the Licence/Electricity Department can charge average for 3 months only for the defective period of meter, then why the average from 20.06.2018 to 25.07.2018, beyond the 3 months period from 26.07.2018 to 25.10.2018, was charged. He admitted that it is not required to be charged but further stated that due to overlapping period in the same bimonthly billing, this error could not be detected.

(E) Findings & Analysis: -

- 1. I have perused the documents on record and pleadings of the parties.
- 2. As per Consumer Grievances Redressal Forum and Ombudsman Regulation-2019, notified by the Hon'ble Commission, the Review Appeal can be filed within 30 days, as objected by the Respondents. The Appeal order-146/2021 was issued on 16.09.2021 and the Review Appeal was submitted on 11.10.2021, to which the registry raised some observations. The Review Appeal was finally admitted on 09.11.2021. Therefore, there is practically no delay.



3. Following provisions have been provided in the Consumer Grievances Redressal Forum and Ombudsman Regulation-2019, notified by the Hon'ble Commission, regarding preconditions for Reviewing an order: -

(i) "Section 37(8) :-

37(8)- The Ombudsman may, at any time, after affording an opportunity of being heard, review his Order, either on his own motion or on an application of any of the parties to the proceedings, within 30 days of the Order on –

- (i) the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge, or could not be produced by him at the time the order was made;
- (ii) on account of some mistake or error apparent from the face of record;
- (iii) for any other sufficient reasons. "

Therefore, after passing of the order on dated-16.09.2021, this authority has become a "**functus officio**" and can Review the Appellant case, strictly as per above said "Consumer Grievances Redressal Forum and Ombudsman Regulation-2019".

4. The grounds now taken for Review Appeal and its appreciation as per the Regulations are examined/analyzed as tabulated below: -

Sr. Nos	Grounds taken by the Appellant	Examination /Appreciation of Review Appeal facts as required under Section 37(8) of the said Regulations
1.	<p>That brief facts of the case are that I herein, had approached the CGRF with a complaint against Sub elect department sector- 20 Chandigarh and Hon. Court of CGRF passed an order/ mutual agreement) on 13-09-2019 giving some directions to both the parties but the Electy. Deptt. didn't comply in full with the order.</p> <p>I approached this Hon'ble court with the complaint that CGRF's order has not been implemented. while both the parties not only accepted the decision but acted accordingly (may be right may be wrong). Not only this, no party challenged the CGRF's order and since this issue had not been raised by elec deptt. even in this court in its reply, moreover, it was an order cum mutual agreement". (that was the reason that Hon. Court of CGRF didn't touch any other issue and took signatures of both the parties on the decision)</p>	<p>These facts were examined in para-6, of the Order in Appeal No-146/2021, under heading (E) Findings & Analysis.</p> <p>Therefore, the grounds submitted at Sr. Nos. 1 of this table are not new facts which warrant Review as per said Regulations.</p>

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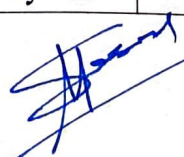
Since I am not a law knowing person and was not aware of any clause of JERC that whether this authority is entrusted any power to review the whole case at this stage when no party had challenged the lower Court's order and my complaint was "CGRF'S ORDER HAS NOT BEEN IMPLEMENTED. Therefore, when Hon'ble authority started reviewing the whole case at the time of Virtual hearing. I couldn't present my case because I was not prepared for that hence I requested the Hon'ble Court, vide email dated 10-09-2021, to give me one more chance to present my case but I was not given any chance. Thus, vide the present review, I am trying to clear all the left-over issues and the same are the grounds of the present review.

These facts were examined in the Order in Appeal No-146/2021, as below under heading **(D) Deliberations during Video hearing on 09.09.2021:**

"1. Appellant's Submission:

- a) Ms. Shashi Kanta Chib, reiterated her version as submitted in the Appeal, Rejoinder, email etc.
- b) She submitted that the Electricity Department has not even implemented the CGRF order fully, regarding charging of 3 months average and bills paid by her has not been adjusted.
- c) After deliberations it was decided that Respondents shall submit the calculations to the Appellant within 3 days and she may file objections within 3 days thereafter, failing which the case shall be decided on its merit as per documents on record.
- d) Respondents has submitted the **Calculation Sheet, which was forwarded vide mail dated-11.09.2021 to the Appellant.**
- e) After the VC hearing the Appellant again sent an email stating that she forgets some points. That as per Clause No. 7.7 sub clause 1 of JERC Supply code 2010, installing the new meter in time is the duty of Electricity Department. She further submitted that as per Clause no- 7.5 sub section 2, the arrears for the dead meter period should have been

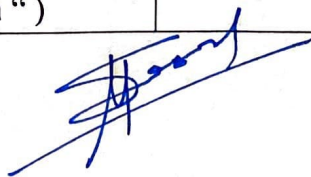
		<p>reflected in the subsequent bill which was not done. These provisions are of Supply Code-2010, which has been repealed by Hon'ble Commission vide notification dated-26.11.2018 by JERC Supply Code-2018 and hence are not relevant in this case.</p> <p>f) As directed in VC hearing the Appellant submitted the objections vide mail dated-14.09.2021, to the calculations on cycle bills, through Notice, during CGRF proceedings etc. She further submitted that ownership of burnt meter is the responsibility of the Respondents. Since, we are dealing a case of defective meter in this case, I do not want to go into the provisions of a burnt meter. It was never the case of the Respondents or the Appellant before the CGRF that meter was burnt.”</p> <p>The submissions submitted by the Appellant even after the VC hearing on 09.09.2021 were duly examined as above and therefore the grounds at Sr. Nos. 2 of this table are not new facts which warrant Review as per said Regulations.</p>
3	<p>The CGRF's order was “that the period should be restricted to 3 months only instead of 4.25 months -----, the complainant is also advised to give the address of her tenant-----. However, in the absence of supply of address by the owner, the amount for three months may be charged. -----the consumption of present tenant--The bill may be</p>	<p>Being Appellate authority, this authority can review the orders passed by CGRF to circumvent the miscarriage of justice.</p> <p>Therefore, the grounds in Sr. No. 3 of this table are not a sufficient</p>



	<p>prepared on future consumption whenever it is available. “</p> <p>However, I supplied my ex tenant address but this Hon. Court rejected that part of CGRF’s order and opened the whole case for review.</p> <p>Here I want to state that</p> <ol style="list-style-type: none"> 1. The judgment passed by CGRF was a sort of mutual agreement between both the parties, 2. If a judgment / mutual agreement can be reviewed by higher authorities even if no party challenged the order and time limit for the same has passed , then an atmosphere of uncertainty regarding judgments will prevail upon every justice seeker party, until he seeks a judgment from Full bench of Supreme Court. 	<p>cause which warrant Review as per said Regulations.</p>
<p>4</p>	<p>This Hon. Court accepted the remaining part of the judgment but again didn’t consider my submission that the bill for 3 months for energy charges was incorrect . Now ,taking a simple logic , I am here trying to prove my point.</p> <p>According to future corresponding bills (billing cycles 06/19-10/19) , the total consumed units are $1431+1313= 2744$ and total amount is $7599+5712 =13311$ (for 4 months while in these bills all the extra charges ie fixed charges , meter rent ,sundry charges etc were also include which were not supposed to be charged in Dead meter case. (copies of the bills are attached).</p> <p>Department charged me 5749 (sop 5466 + ED 283 in the form of provisional bill for 06/18-10/18) + 22558 (in the form of arrears shown in 04/2020-06/2020 bill) total 28307</p> <p>Department adjusted Rs 14517. Thus Department charged from me = $28307-14517= 13790$ and units = 1231 (in provisional bill) + 2058 (final bill) =3289 (and as per elect. Deptt, this amount was for 3 months only)</p> <p>To sum up</p> <p>Department charged Rs 13790 and units 3289 (For 3 months)</p>	<p>These facts were examined in para-7, of the order in Appeal No-146/2021, under heading <u>(E) Findings & Analysis.</u></p> <p>However. after pronouncement of the order in the Review Appeal on 27.12.2021, an error came to the notice.</p> <p>The Respondent /Electricity Department confirmed on 12.01.2022, that amount charged from 20.06.2018 to 25.07.2018 is NOT on actual reading basis and further confirmed that average has been charged for the defective period from 20.06.2018 to 25.07.2018.</p> <p>As per Regulation and CGRF order, the Licensee/Electricity Department can charge average for 3 months only for the defective period of meter (26.07.2018 to 25.10.2018,) and the amount charged from 20.06.2018 to 25.07.2018, beyond the 3 months</p>

<p>According to Future corresponding bills total amount Rs 13311 and units 2744 (for 4 months)</p> <p>(3 months bill is more than 4 months bill)</p> <p>Now the Hon. Court itself decide that whether the bill charged from me was correct or not ?</p>	<p>period is not in compliance to CGRF order.</p> <p>This issue was not considered though had relevance for deciding the question involved in this Review Appeal.</p> <p>It is for this reason, as the Final order contains an error/mistake therefore, the Final order can be reviewed in view of <i>Section 37(8)(ii)</i> of the aforesaid <i>Regulations</i>.</p> <p>I have perused the documents on record and pleadings of the parties. Respondents have confirmed on 12.01.2022, that average has been charged for defective meter from 20.06.2018 to 25.07.2018 and the amount charged for this period is not on the basis of actual meter reading. This charging of amount over and above the 3 months is against the order of the CGRF and is accordingly required to be refunded.</p>
<p>5 Replacement of Meter</p> <p>1) No doubt, my meter was my personal property but there is no separate clause for this that deptt. had the liberty to replace the meter at its own convenience if the meter is consumers personal property. There is separate clauses regarding recovery of cost of testing / repairing of defective meters or cost of new meter replaced in case of dead/burnt meters but as for as the time limit for replacement is concerned , it is the same for every defective/dead/burnt meter that the meter should be replaced within 15 days irrespective of that how the department got this information , the meter belongs to whom or meter got defective / dead /burnt due to whose fault .There is no “provided/ if/ but “ words</p> <p>6.46 If during periodic or other inspection any meter is found to be not recording by the licensee, or a consumer makes a complaint in this regard, the licensee shall follow</p>	<p>These facts were examined in para-7, of the order in Appeal No-146/2021, under heading <u>(E) Findings & Analysis.</u></p> <p>Therefore, the grounds submitted at Sr. Nos. 5 of this table are not any new facts which warrReview as per said Regulations.</p>

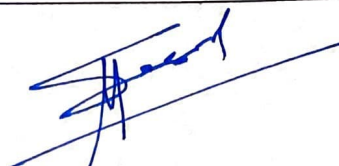
	<p>the procedure detailed in Regulations 6.38-6.40 of this Code.</p> <p>6.47 If the meter is actually found to be not recording, the licensee shall replace the non working (stuck, running slow, fast or creeping) meter within 15 working days</p>	
6	<p>My meter was /is not installed inside my house premises. It is in common place with 4 other meters and accessible to licensee or lineman at all the time</p> <p>It is not practical to visit a common place (in my case have to go downstairs) to check the meter status time and again, therefore 6.16 doesn't apply in my case more over no one can save his meter from faulty power supply, .as the Hon. Court expected from me</p> <p>6.42 If, as a result of testing is established that the meter became defective/burnt due to technical reasons viz. voltage fluctuation, transients etc. attributable to the licensee, the cost of the meter shall be borne by the licensee</p> <p>6.49 "If the meter is burnt due to causes attributable to the licensee, the licensee shall replace the burnt-out meter within 15 working days of receiving the complaint</p> <p>Therefore, it is the responsibility of the licensee (6.18) to maintain the meter and keep it in working order at all times.</p>	<p>These facts were examined in para-7, of the order in Appeal No-146/2021, under heading <u>(E) Findings & Analysis.</u></p> <p>Therefore, the submissions submitted at Sr. Nos. 6 of this table are not new facts which warrant Review as per said Regulations.</p>
7	<p>As the Hon. Court rejected my submission that "since my personal meter got burnt due to faulty power supply, it is the duty of licensee to replace my meter within 15 days ", stating that we are dealing a case of " DEFECTIVE METER. "In this regard , I want to bring into your kind notice that department didn't follow the procedure required in case of defective meters as mentioned in clause 6.38-6.40 of JERC Supply code 2018 .because it was not a case of defective meter . it was the case of DEAD/BURNT meter therefore my submission should be considered (Here I want to clear it that " defective /dead/ burnt meters are placed in one category in so many other clauses, i.e. non recording the consumption ")</p>	<p>These facts were examined in para-7, of the order in Appeal No-146/2021, under heading <u>(E) Findings & Analysis.</u></p> <p>Therefore, the grounds submitted at Sr. Nos. 7 of this table are not new facts which warrant Review as per said Regulations.</p>



	<p>The meter got dead/defective along with many other meters including my immediate neighbor's and his next block neighbor's on the same day. (This is the proof that my meter became dead/defective due to attributable to the licensee .) In case of failure of power supply , Obviously, every aggrieved party must have telephonically informed the department. And if the power supply remained the same, nobody could detect that the meter was not recording.</p> <p>Thus it is the duty of line man to check the meter and inform the Department And licensee should replace the meter within 15 days .</p> <p>In the case meter is not recording, licensee should replace the meter within 15 days as mentioned in following clauses: -</p> <p>6.46 If during periodic or other inspection any meter is found to be not recording by the licensee, or a consumer makes a complaint in this regard, the licensee shall follow the procedure detailed in Regulations 6.38-6.40 of this Code.</p> <p>6.47 If the meter is actually found to be not recording, the licensee shall replace the non-working (stuck, running slow, fast or creeping) meter within 15 working days</p>	
8	<p>Arrears Clause 7.40 is not applicable in my case because this is not the case of default in Payment rather it is the case of default in reflecting the arrears in immediate subsequent bill.(Department should have send provisional bills till the meter was not replaced and then reflect the arrears in the subsequent bill , which was not done)</p> <p>On page 9 of this Judgment “ heading Section 56”</p> <p>This clause didn't apply in my case since I didn't neglect to pay any charges .rather it is the negligence on the part of department by not sending the provisional bills and not reflecting the arrears in subsequent bill .</p> <p>In this regard, I humbly wants to bring into the notice of this Hon. Court that no arrears were reflected in any bill except the bill delivered after two bills with no arrears . And no bill including the bill showing 7-11 old months</p>	<p>These facts were examined in para-7, of the order in Appeal No-146/2021, under heading <u>(E) Findings & Analysis.</u></p> <p>Therefore, the grounds submitted at Sr. Nos. 8 of this table are not new facts which warrant Review as per said Regulations.</p>




	<p>charges older charges in the form of arrears was due for payment therefore this clause is also irrelevant in my case.</p>	
<p>9</p>	<p>Hon. Court rejected my submission of quotation of clause 7.5 sub section 2 and clause 7.7 sub section 1 by quoting a clause which came into force on 26-11-18 .</p> <p>I again humbly bring into the kind notice of Hon. Court that my dead meter period was from 06/18-10/18 therefore this clause does not apply in my case. in my case 7.5 sub section 2 and clause 7.7 subsection 1 is applicable in my case.</p> <p>The above mentioned errors in the order dated 16-09-2021 passed by this Hon'ble authority make it liable that the said Order be reviewed . Moreover, the respondent Department by charging such frivolous amounts has been unduly enriching itself, which is illegal in the eyes of law.</p> <p>It is, therefore, most humbly prayed that the above mentioned orders may kindly be reviewed and the department should refund the amount charged by the department, to me with interest mentioned in clause 8.62 of JERC supply code 2018 and also the respondent be burdened with compensation to the consumers like me for harassing by illegally charging the undue amount.</p> <p>Hon. Court may like to punish the Electricity Department, Chandigarh for not replacing the dead/burnt/defective meter within 15 days.</p>	<p>These facts were examined in the order in Appeal No-146/2021, as below under, heading <u>(D) Deliberations during Video hearing on 09.09.2021 and para-7:-</u></p> <p>“ 1.Appellant’s Submission:</p> <p>a) After the VC hearing the Appellant again sent an email stating that she forgets some points. That as per Clause No. 7.7 sub clause 1 of JERC Supply code 2010, installing the new meter in time is the duty of Electricity Department. She further submitted that as per Clause no- 7.5 sub section 2, the arrears for the dead meter period should have been reflected in the subsequent bill which was not done. These provisions are of Supply Code-2010, which has been repealed by Hon'ble Commission vide notification dated-26.11.2018 by JERC Supply Code-2018 and hence are not relevant in this case.</p> <p>It is clarified that even in clause-,7.5 sub section 2, of Electricity Supply Code-2010, it has been clearly provided that consumer can request the licensee to test the meter after paying the requisite testing fee but in the present case , it has neither been brought on record that Appellant had ever requested the licensee for testing of the Defective meter or contested before the Ld. CGRF. Similarly, the clause-,7.7 sub section 1, of</p>



		<p>Electricity Supply Code-2010, is for Burnt meter and it has neither been brought on record that Appellant had ever complained to the licensee or the licensee has found it Burnt on inspection. However, in Regulations 2010 and Regulations, 2018, the charging of average for the defective period is limited to 3 months only.</p> <p>Therefore, the grounds submitted at Sr. Nos. 9 of this table were duly examined as above and therefore these are not new facts which warrant Review as per said Regulations.</p>
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(F) DECISION

- (i) For the reasons discussed above, the Review Appeal of the Appellant is partly allowed.
- (ii) Final order in Review Appeal No-154(R) dated-27.12.2021 is hereby recalled.
- (iii) The Respondents/Electricity Department is directed to refund the amount charged on account of average for defective meter from 20.06.2018 to 25.07.2018 along with interest at the Bank rate declared by the Reserve Bank of India prevailing on the 1st April for the year, payable annually with effect from the date of deposit/payment with the Electricity Department.
- (iv) In case, the Appellant or 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.
- (v) The Review Appeal is disposed of accordingly.


14.01.2022

(M.P. Singh Wasal)
Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated-14.01.2022