

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

Appeal No.143 of 2021

Date of order : 14.06.2021

Smt. Senthamaraiselvi,
Puducherry

....Appellant

Versus

The Superintending Engineer cum HOD,
Electricity Department,
Puducherry and others

....Respondents

Date of Order: 14.06.2021

The Appellant has preferred an Appeal against the order of the Hon'ble CGRF, Puducherry in C.C. No.-20/2021 dated -16.04.2021. The appeal/representation received in this office on 20.05.2021 by email and the same was admitted for examination and consideration on 24.05.2021. Copy of the same as received was forwarded to the respondents with a direction to endeavour to settle the representation through mutual agreement within 10 days. In case no settlement is achieved through mutual agreement, respondents should file the affidavit of counter reply in the required format, to the appeal/representation within 20 days from the date of Admission Notice on dated 24.05.2021.

(A) Submissions by the Appellant:

Appellant submitted the brief facts as under: -

1. FACTS OF THE CASE: -

- (i). I am using the connection since 1988 and have been prompt in paying all the charges. In the year 2012, I (and my family) had to relocate for my treatment. Since no one was not staying in the premises and the doors were locked, the meter reader earmarked the Meters as 'MS' (Meter Struck- not working) and levied charges based on the average usage when I and my family were staying in the said premises.



I informed the authorities that the Meters are working in good condition and requested for revision of the bills. In the year 2013, I was assured that the Meters would be inspected and the issue will be fixed, if I pay arrear amount. Based on the assurance, I paid a substantial portion of the pending charges. However, my request was put in cold storage and no action was taken.

In spite of the ailments, I had been following up with the authorities regularly and made several Representations including Representations dated 21.02.2014 and 20.01.2017, however, was made to run from pillar to post. After consistent follow ups, the Meters were inspected and found that the Meters are in good condition.

In the month of February 2017, there was a nominal reduction in the charges but there's no proper explanation as to the BPSC calculation. Again, I escalated the issue and followed up regularly, however, there was no avail. Hence, I filed an appeal before the Consumer Grievance Redressal Forum on 10.02.2021.

The Forum, without giving me an opportunity to put forth my case, passed an order saying that there was no proof that I submitted Representations to the Licensee. It's worthwhile to mention here that the Licensee, as a matter of practice, never issued nor issues any acknowledgement for the letters and Representations submitted. That being the case, rejecting my plea on the ground that there's no proof nor acknowledgement is arbitrary.

In the meantime, although the Licensee had inspected the Meters thrice and found that the Meters are in good condition, however, in the consumption charge bill dated 03.03.2021, 31.03.2021 and 04.05.2021, one of the Meters is earmarked as DL (Door Locked). It is worthwhile to mention that all three Meters are placed in one single meter box. That being the case earmarking one single meter as 'Door Locked' is not reasonable.

Further, the consumption charges were arbitrarily fixed around Rs. 530 (it used to be Rs. 40) and there's only minimum usage of power in the said premises. When I reached out for clarification, there's no proper response by the authorities. I requested for installation of smart meter so that the consumption is calculated accurately, however, the same was also denied without valid reason. It's worthwhile to mention that the Licensee had been instructed by the commission to replace all the electromagnetic Meters time again. Being so, denying installation of smart meter makes me apprehend that I am singled out for escalating the issue.

Adding insult to injury, Licensee issued notices to me thereby pressuring to pay the entire amount and threatened disconnection if I fail to do so when the matter was pending before the Forum. In the uncertain pandemic situation, I had no choice other than to yield to the licensee's pressure and pay the entire amount. The Licensee's act does not only amount to harassment but also shows its disregard towards the process.

- (ii) The Appellant nominated her son Thiru Rajaganpathy. J, to represent this Appeal.



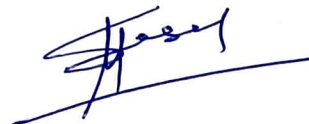
(B) Submissions by the Respondents :

Sh. G. Kaniyamuthan , Executive Engineer - Urban, Puducherry, on behalf of the Superintending Engineer cum HOD, Electricity Department, vide his email Dated-05.06.2021 has submitted as under:-

As directed by the Hon'ble Ombudsman, a meeting with the appellant Smt. J. Senthamaraiselvi represented by Shri. J. Rajaganapathy has been held on 01.06.2021 at the Electricity Head Office, Puducherry.G.Kaniyamuthan, Executive Engineer – Urban Division in whose jurisdiction the consumer falls held the meeting. The list of participants is attached.

During the meeting the following deliberations were made.

- a) The representative of the appellant requested the mode of calculation of CC charges and arrears for the period between February 2017 and December 2020.
- b) The Executive Engineer – Urban has explained that for the period of 47 months, total consumption of 449 units has been divided for 47 months and calculated accordingly without any other current consumption charges from February 2017 to December 2020.
- c) The total arrears was Rs.30,036 before revision. Subsequently it was calculated for 10 units per month until December 2020 and total amount of arrears as on February 2017 was Rs. 13,489 and as on date, it is Rs. 26,725. The appellant has also paid the charges of Rs. 26,186 vide receipt No.58032028, dated 02.05.2021 with a balance of Rs.539/-. The same average amount of Rs.539 /month was kept claimed in the bills subsequently served during the months of January, February and March 2021 on DL condition and due to non-taking of reading by the MRs in the month of May 2021 due to surge in COVID 19 as per the decision taken by the Department. The appellant has objected and requested for correction. Accordingly, the Assistant Executive Engineer- Town – I was requested to furnish the current reading and he has furnished the current reading which is 383, 3426 and 8092 respectively for all the three meters which comes to 278 units for three months. The Junior Accounts Officer - Revenue has been directed to correct the bill for three months and a revised statement submitted.
- d) In the meantime, the appellant has paid the amount of Rs. 539 also vide receipt No.58058119 on 25.05.2021 and as of now an amount of Rs.1011/- is credited to the consumer and the same has been explained and consumer expressed satisfaction. It is also informed to the appellant during the meeting that if the consumer's premises is not door locked, charges will be based on actual units consumed and bill claimed accordingly.
- e) The appellant had raised some doubts regarding the calculation of arrears on average basis until 2017. However, in the light of the solutions offered now during the meeting, the appellant is not willing to pursue this calculation of arrear amount arrived up to 2017.



- f) When the Department has offered to test the meters fixed in the consumer's premises at the Department Lab, the appellant has expressed that the meters need not be tested and the same has been agreed to.
- g) Furthermore, during the meeting, the appellant has expressed that he wished to change the name of the service which has since been held in the name of S. Sundararajan to the name of the appellant who is in possession of the house. The Executive Engineer – Urban has requested to furnish the requisite documents related to transfer of property and legal heir if any. The Assistant Executive Engineer – Town I has been requested to process the name transfer application submitted accordingly.
- h) The appellant has also been informed to approach the Assistant Executive Engineer –Town I / Junior Engineer - Central O&M with the requisite application and necessary documents.
- i) Regarding the request of the appellant to change the existing three single phase meters into three phase smart meter, the Assistant Executive Engineer has been advised to replace the same at the earliest.

With this a mutual agreement has been arrived between the appellant and the Electricity Department.

(C) CGRF-Puducherry Order in C.C. No.-20/2021 dated-16.04.2021, preferred for Appeal:

Learned CGRF has passed the following order: -

ORDER

- (i) It is the view of the Forum that as the Complainant could not give any substantial proof of making the representation in 2014, the claim could not be upheld. The Complainant had also then not bothered to follow-up the representation or escalated the matter for resolution. After lapse of nine years, the Complainant had prayed to waive the interest and penalty levied, stating the delay in payment is not wilful or intentional but only due to ill health. The casual approach of the Complainant is revealed by not attending the hearing as scheduled.
- (ii) The Complainant had enjoyed power without paying any amount for the past nine years. The Licensee had also not taken any effective measures to collect the dues on the grounds that the premises was kept door locked. Therefore, the Department is directed to take action as per the provisions of the Supply Code Regulations 2018 and recover the arrears without any further lapse of time. A Compliance report on the action taken shall be filed to this Forum within 30 days from the date of receipt of this Order.
- (iii) Hence the Complaint is dismissed.



(D) ANALYSIS AND DECISION :-

- (i) The Appellant was requested vide email dated-07.06.2021, as under to confirm if she is satisfied with the mutual agreement :-

Email	Dated-07.06.2021
Dear Appellant,	
1. Pl refer to email dated-05.06.2021, from Electricity Department-Puducherry with copy to you, vide which it has been intimated that your grievance has been mutually settled as per direction of this office.	
2. You are requested to confirm within 7 days ,if you are satisfied with the mutual agreement , so that your Appeal is disposed of accordingly.	
Regards,	
Registrar O/o Electricity Ombudsman Joint Electricity Regulatory Commission for Goa & UTs Gurugram(Haryana)	

- (ii) The Appellant vide email dated-08.06.2021 has confirmed as under :

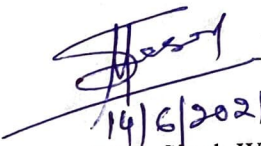
Email	Dated- 08.06.2021
Hi Sir,	
Yes. It's satisfactory. Request you to dispose the appeal, accordingly.	
Thanks, Rajaganpathy	

- (iii) I have perused the documents on record. Both the parties have mutually agreed to reconcile the issue and Appellant has confirmed that she is satisfied and grievance has been redressed by the Electricity Department. Accordingly the appeal of the Appellant is allowed.
- (iv) The Electricity Department/Licensee is directed to adhere to their mutual reconciliation as stated above.
- (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 the office of Ombudsman on the action taken in this regard within 15 days of the issuance of this Order by email.
- (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.



14/6/2021

(M.P. Singh Wasal)

Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated: 14.06.2021