

Before the Electricity Ombudsman

(Appointed by the Joint Electricity Regulatory Commission
for the State of Goa and UTs, under Section 42 (6) of the Electricity Act, 2003)
Second Floor, HSIIDC Office Complex, Vanijya Nikunj, Udyog Vihar, Phase-V, Gurgaon (Haryana)
Ph: 0124-2340954, Telefax: 0124-2342853, E-mail: vkkhanna2002@gmail.com

Appeal No. 8/2012

Representation/ Appeal Before the Electricity Ombudsman for JERC for the State of Goa and UTs against the order dated 03.04.2012 of CGRF, Puducherry (received by the Consumer on 21.04.2012) by Thiru, M. Mohamed Kasim (Policy No. 09-53-06-0491 G2/A2 and 09-53-06-0491 G3/A2- Single Phase, Domestic Service Connections) at Plot No. 61, 4th Cross Street, Nehru Nagar, Thengaithittu, Puducherry, on the matter of replacement of burnt out meters at free of cost due to fault on the Licensee side and violation of JERCs Standard of Performance Regulations, 2009.

1. Thiru M. Mohamed Kasim,
Plot No. 61, 4th Cross Street,
Nehru Nagar, Thengaithittu,
Puducherry- 605 004.

Appellant

V/s

- 2.(i) The Superintending Engineer-I,
Electricity Department,
No. 137, NSC Bose Salai,
Puducherry- 605 001
- 2(ii) The Executive Engineer- I,
Electricity Department,
No. 137, NSC Bose Salai,
Puducherry- 605 001.
- 2(iii) The Assistant Engineer/ Marapalam,
Electricity Department,
Puducherry

On behalf of Licensee

Respondent

Present: Shri V. K. Khanna, Electricity Ombudsman for JERC for Goa and UTs

On behalf of Appellant: Shri K. Parthiban, Plot No. 61, 4th Cross Street, Nehru Nagar, Thengaithittu, Puducherry- 605 004.

On behalf of Respondent: Shri V. Sridharan, Executive Engineer-I, Electricity Department, Puducherry- 605 001.
Shri G. Manoharan, Assistant Engineer, Marapalam, Electricity Department, Puducherry.
Shri S. Madavane, JE, Mudaliarpet O&M, Puducherry.
Shri S. Adiraiyappan, AE (LTM & Lab), PED,
Shri C. Sivagamu, JE (LTM & Lab), PED.
Shri C. Umesh Chandra, JE, Division I, PED.

Contd...

ORDER/ Recommendation

(Settlement through mediation and conciliation)

19.07.2012

The above cited representation delivered in the office of the Ombudsman on 15.05.2012 was admitted on 16.05.2012 and a copy of the same as received from the Complainant was forwarded to the Respondent on the same day with the direction to submit their remarks/counterstatement on each of the points/issues relating to the matter of this representation supported by copies of relevant documents by 26th May, 2012, which were received in the office of the Ombudsman on 28.05.2012.

Brief Facts of the Case

The Appellant is a domestic service consumer (single phase) having electricity connections bearing Policy numbers cited in the caption above. In case of connection with first Policy number it came to his notice on 29.09.2011 that the input terminal of the meter was getting burnt. He could see melting of the insulation of wire and also that the display on meter was intermittent. However, there was no interruption of power supply in his house. Immediately, thereafter, he lodged a written complaint with the Assistant Engineer, Marapalam, Sub- division, PED, reporting that the energy meter belonging to this Policy number got defect (incoming connecting terminal burning out) and requested to change the meter with new one at the earliest possible. After a gap of 11 days, he encountered the same problem with the energy meter belonging to the second Policy number. He similarly lodged the complaint for the same on 11.10.2011. According to the submission of the Appellant, the problem of incoming terminal burnt could be due to voltage fluctuation, poor quality of meters or due to loose connection at the input terminal end. As the complaints lodged by him with the concerned AE of PED were not attended to, he again sent the written complaint to the concerned AE for both the Policy numbers on 01.11.2011 with a copy to SE- I, PED and again on 14.11.2011 with a copy to SE- III, PED, requesting for replacement of these two energy meters at no extra cost to him at the earliest and restore them to normal working condition giving him the opportunity to pay towards the actual electricity units utilised by him instead of paying on average consumption basis.

According to the Appellant, as his complaints were not addressed by PED even after a lapse of about four months he filed his grievance application before the Consumer Grievances Redressal Forum (CGRF) , Puducherry on 20.02.2012, praying that:

- a. PED shall be directed to replace the two meters at no extra cost as the fault was on input terminals, and
- b. To claim the bill for electricity consumption on actual consumption and not based on average consumption.

Contd...

The Appellant in his representation stated that subsequent to his filing grievance application with CGRF on 20.02.2012, the Assistant Engineer, Marapalam, PED, issued a notice to him on 23.02.2012, directing to pay an amount of Rs. 635/- as cost of replacement of each of the burnt out meters as the meters are found to have been burnt due to fault on the consumer side (as per their lab test reports). It is further stated by the Appellant that he was neither present at the time when the meter testing was done in Department's Lab. nor was he provided copies of test reports as required under JERC Supply Code. The above action including replacement of defective meters on 24.02.2012 was only after he had filed a grievance/ complaint with CGRF. The Appellant also brought out in his representation that one of the meters replaced on 24.02.2012 (bearing Identification No. 495872/8/11 with Serial No. 237134) developed display problem on the very next day and was again replaced by the Department on his oral complaint. This gives rise to the suspicion and even confirms the Appellant's contention that that the meters supplied by PED were sub standard meters.

The CGRF in its order dated 03.04.2012 rejected the contentions of the Appellant and ordered replacement of meters at the cost of the Appellant. The CGRF, finding that the meters have been replaced by the Department by drawing the same from their Rolling Stock Meters, observed that the relief sought by the Appellant with respect to restoring supply to normal working condition, stands fulfilled. The CGRF did not order payment of compensation, as sought by the Appellant in his rejoinder to CGRF, on the ground that SOP provisions are not applicable till the additional load is removed.

Aggrieved by this order passed by CGRF, Puducherry, the Appellant filed this representation before the Electricity Ombudsman for JERC, with the following prayer:

Prayer

1. Set aside the impugned order of the CGRF, Puducherry dated 23.03.2012 in case No. 8 of 2012.
2. Order replacement of burnt out meters at licensee's cost.
3. Order compensation as per Standard of Performance set by the Hon'ble JERC.
4. To direct the licensee to test the Digital Static Meters in Accredited Labs only having proper facilities, which has not been done till date.
5. Any other relief as may be deemed fit in the circumstances of the case.

Settlement by Agreement

Both the parties to the dispute under this representation were informed by the Office of Electricity Ombudsman on 04.07.2012 to appear before the Ombudsman for the hearing at 1030 Hrs on 12.07.2012 at Training Hall, Technical Training Centre, Marapallam, 110/22 KV Sub- station premises, Cuddalore Main Road, Puducherry. It was indicated to both the

Appellant and the Respondent to put forth and explain their position in person or by an authorised representative (not advocates), to answer all material questions and produce relevant documents relating to all the issues on the subject matter of the said representation. It was also indicated that the endeavour of the Ombudsman, in the first instance, during this hearing will be to facilitate settlement of the grievance/ dispute in the representation through mediation or conciliation.

Both the parties appeared and were heard including the reply dated 24th May, 2012 to the representation filed by the Respondent and the Appellant's rejoinder dated 12th July, 2012 to this reply of the Respondent.

According to the Respondent's reply, field staff of the Department, in response to the complaint of the Consumer, inspected the premises of the complainant and noticed that the meters were defective. However, there was no interruption of the supply in the premises. The Appellant also confirmed that there was no interruption in supply. Defectives meters were replaced by the Department on 17.10.2011 from out of their Rolling Stock Meters which according to the Respondent is within the time limit stipulated for replacement of defective meters as specified in JERC's SOP Regulations. The complaint of the Appellant was infact about burning of the input terminal of the meters. The Respondent Department was not able to satisfy as to how the field staff which inspected the site came to the conclusion that the meters were defective.

On demand, the representative of the Respondent brought the burnt meter for physical inspection/ verification during the course of the hearing. Visibly and apparently, it prima-facie, appeared a case of loose connection at the input terminal side which first caused melting of the insulation of wire and gradually burning of this input terminal end. If this is visibly so, why did the field staff of the Respondent Department did not attend to this complaint promptly and corrected the loose connection to avoid further damage to the meter and in turn allowed the meter to burn. Why did the concerned Assistant Engineer of the Respondent Department allowed this problem of loose connection to continue which over a period of hours or days led to damage or burning of the meters. This is a serious lapse on the part of the field staff of PED. Further, as per the Respondent's reply, burnt/ defective meters after replacement were sent to Department's Meter Testing Lab. for examination and testing and as per this report the meters were found to have been burnt due to fault on load side by excessive use of load exceeding the connected load.

As for meter testing, the Appellant consumer was neither informed nor was he present at the time of testing which is a basic requirement as per the provisions under JERC's Supply Code Regulations. Respondent's failure to comply with this requirement is again a serious lapse. Secondly, as regards fault on load side, no documentary evidence as required as per JERC Supply Code Regulations could be produced during the hearing nor they had any to be able to produce later to prove that the actual load of the Consumer was more than the connected load which as per the contention of the Respondent caused burning of the meter.

After having heard both the Appellant and the Respondent on the matter as observed above, it was ascertained as to whether at this stage they were willing for any settlement mutually agreeable to both of them.

Recommendation on Mutually Agreeable Settlement:

Shri K. Parthiban, appearing on behalf of the Appellant Mr. M. Mohamed Kasim agreed for a settlement with the Respondent on the condition that the charges for replacement of the defective energy meters in respect of Policy Nos. 09-53-06-0491 G2/A2 and 09-53-06-0491 G3/A2 shall not be recovered from him by the Electricity Department, Puducherry. Further, the Appellant shall not prefer any other claim against the Respondent in the matter of this representation.

Shri V. Sridharan, Executive Engineer- I, representing Electricity Department, Puducherry being the Respondent gave an undertaking in writing that he is directed to submit that the Electricity Department, Puducherry, accepts to compromise with the Appellant and abide by the rulings of the Ombudsman, JERC.

Copies of the Undertakings/ submissions made to the Ombudsman in writing both by the Appellant and the Respondent at the hearing on 12.07.2012 at Puducherry, are attached.

Given the above, the recommendations are:

- a. That the cost/ charges towards replacement of burnt/ defective energy meters by the Electricity Department, Puducherry, in respect of Policy Nos. 09-53-06-0491 G2/A2 and 09-53-06-0491 G3/A2, shall not be recovered from the Appellant Consumer by the Respondent Electricity Department, Puducherry.
- b. That the Appellant consumer shall not prefer any other claim against the Respondent Department relating to the matter of this Representation nor shall the Respondent Department liable to entertain or accept any other claim on the matter of this representation.

Both the Appellant and the Respondent, shall confirm in writing within 15 days of the date of the above recommendations, their acceptance and stating clearly that the settlement communicated is acceptable to them, in totality, and in full and final settlement of this complaint/ representation.

Dated: 19th Day of July, 2012

Sd/-

(V. K. Khanna)

Electricity Ombudsman for JERC for the State of Goa and UTs

Forwarded to :

1. Thiru M. Mohamed Kasim,
Plot No. 61, 4th Cross Street,
Nehru Nagar, Thengaithittu,
Puducherry- 605 004.

- 2(i) The Superintending Engineer-I,
Electricity Department,
No. 137, NSC Bose Salai,
Puducherry- 605 001

- 2(ii) The Executive Engineer- I,
Electricity Department,
No. 137, NSC Bose Salai,
Puducherry- 605 001.

Copy to:

1. The Chairman, CGRF
Electricity Department,
No. 4, 3rd Cross Street,
Sathya Nagar, New Saram,
Puducherry- 605 013.

Copy also to:

Secretary, JERC.

To the Ombudsman,
JERC, Gurgaon.

I K. Parthiban representing the petitioner/Appellant
Mr. M. Mohamed Kasim, do hereby agree for a
settlement with the respondents subject to
condition that the charges for replacement
of the energy meters in policy NO. 09-53-06-0491/612
and 09-53-06-0491 G3/A2, ^{should not be recovered} ~~From~~ ^{As} ~~me.~~ ^{from me.}

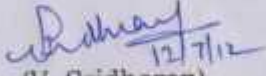
I further state that I shall not portor
any other claim against the respondents in
this matter.

(K Parthi
(K PARTHIBAN)
12-07-2012

Submission to the Hon'ble Ombudsman, JERC

I, V. Sridharan, Executive Engineer-I representing Electricity Department, Puducherry being the first Respondent in the Appeal No:8/2012 filed before the Ombudsman, directed to submit that the Electricity Department, Puducherry accepts to compromise with the appellant and abide by the rulings of the Ombudsman, JERC.

Puducherry,
Dt 12/07/2012


12/7/12
(V. Sridharan)
Executive Engineer-I
Electricity Department

No. 3998 /ED/EE-I /JE-T/F^{JERC} /2012-13
GOVERNMENT OF PUDUCHERRY
ELECTRICITY DEPARTMENT

Puducherry,
Dated: 30.07.2012.

To
The Electricity Ombudsman,
Joint Electricity Regulatory Commission
for the State of Goa & U.Ts.,
2nd Floor, HSIIDC Office Complex,
Vanijya Nikunj, Udyog Vihar,
Phase-V, Gurgaon - 122016 (Haryana)

Sir,

Sub: Electricity Department - Division-I - Acceptance on the
recommendations of Hon'ble Ombudsman - Furnished-Reg.

Ref: Order/Recommendations dated 19.07.2012 of Ombudsman.

With reference to the order / recommendations forwarded by the
Hon'ble Electricity Ombudsman, JERC for the State of Goa and Union
Territories on the appeal No.8/2012, it is to be informed that the
recommendations of the Hon'ble Ombudsman issued on 19.07.2012 is
acceptable to the Electricity Department in full and final settlement of the
complaint/representation.

Yours faithfully,


(V. SRIDHARAN)
EXECUTIVE ENGINEER-I

31/07/2012

No. 404/ED/SE-1/DIV-1/F^{JERC}/2012-13
GOVERNMENT OF PUDUCHERRY
ELECTRICITY DEPARTMENT

Puducherry,
Dated: 31.07.2012.

To
The Electricity Ombudsman,
Joint Electricity Regulatory Commission
for the State of Goa & U.Ts.,
2nd Floor, HSIIDC Office Complex,
Vanijya Nikunj, Udyog Vihar,
Phase-V, Gurgaon - 122016 (Haryana)

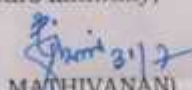
Sir,

Sub: Electricity Department - SE-1 - Acceptance on the
recommendations of Hon'ble Ombudsman - Furnished-Reg.

Ref: Order/Recommendations dated 19.07.2012 of Ombudsman.

With reference to the order / recommendations forwarded by the
Hon'ble Electricity Ombudsman, JERC for the State of Goa and Union
Territories on the appeal No.8/2012, it is to be informed that the
recommendations of the Hon'ble Ombudsman issued on 19.07.2012 is
acceptable to the Electricity Department in full and final settlement of the
complaint/representation.

Yours faithfully,

S/1/2012

(K. MATHIVANAN)
SUPERINTENDING ENGINEER-1

NC 243133

From :

M. MOHAMED KASIM
Plot No. 61, 4th Cross Street, Nehru Nagar,
Thengaithittu, Puducherry-605 004.
Phone No. : +919487435711
Email ID : mrkasim1970@gmail.com.

To

The Electricity Ombudsman for JERC for the State of Goa & UTs,
VanijyaNikunj (HSIIDC Office Complex),
2nd Floor, UdyogVihar, Phase-V,
Gurgaon- 122 016

Dear Sir,

Sub: Acceptance of the Ombudsman Recommendation- Regarding .

Ref: Appeal No. 8/2012 to the Electricity Ombudsman.

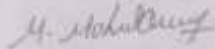
Foremost, I wish to express my gratitude to the Hon'ble Ombudsman for conducting the case in a impartial manner , taking into consideration true facts without any bias and also the rights of the consumer .

Hence , I whole heartily submit my acceptance of the recommendation pronounced by you in the Order dated 19-07-2012.

Further I like to state that your kind office has brought FAITH in the system of addressing the grievance to JERC by any ordinary consumer.

Thanking You ,

Yours truly,


(M. MOHAMED KASIM)

Date : 01-08-2012.
Place : Puducherry .