

BEFORE THE ELECTRICITY OMBUDSMAN, ASSAM STATE
Assam Electricity Regulatory Commission, A.S.E.B. Campus,
Dwarandhar, G. S. Road, Sixth Mile, Guwahati – 781 022

PETITION NO. : 2/2014
FILE NO. : EOM.23/2014

Petitioner : Shri Ganesh. Ch. Das,
S/o Late Nirod Mohan Das,
House No.: 37,
Lane-3, Joymati Nagar,
Pandu, Guwahati – 781012

Represented by : 1) Shri Ganesh Ch. Das

Respondents : 1) The Chairman,
Consumer Grievance Redressal Forum (CGRF),
ASEB Campus, Dwarandhar, Six Mile
Guwahati – 781022

2) The Managing Director,
Assam Power Distribution Company Ltd.,
Bijulee Bhawan, Paltan Bazar,
Guwahati – 781001

3) The Deputy General Manager,
Electrical Circle-II, Maligaon,
APDCL, Guwahati – 781012.

4) The Sub-Divisional Engineer,
Jalukbari Electrical Sub-Division,
Guwahati Circle-II, Kamrup,
Guwahati – 781013.

Represented by : 1) Shri P.R. Goswami
General Manager cum Chairman,
CGRF, Guwahati Zone

2) Shri B. Barpujari
CEO, GEC-II, APDCL
Guwahati

3) Shri Manoj Kr. Amchi
SDE, Jalukbari ESD, APDCL
Guwahati

4) Shri Jatin Bordoloi
AGM, Guwahati Zone

5) Shri Jyotishka Barua,
Sub-divisional Engineer, RESD-1,
APDCL, Rangia

6) Shri Apurba Das,
Junior Manager,
Jalukbari ESD

::: PROCEEDINGS :::

The petition dated 03.11.2014 submitted by Shri Ganesh Ch. Das, S/o late Nirod Mohan Das, Pandu, Guwahati -22 has been taken up for conciliation under clause 6(3) of the Guidelines for Redressal of Consumer Grievances and hearing was held on 21.11.2014 and 25.11.2014 wherein petitioner and respondents were present.

Recommendation has been made under clause 7(1) and the recommendation was sent to the petitioner and respondent on 27.11.2014.

The petitioner filed objection vide objection petition dated 18.12.2014 which indicates non-acceptance of the recommendation made under clause 7(1) of the Guidelines.

Therefore, the proceeding restarted on 20.12.2014 under clause 8(1) of the Guidelines.

Hearing has been taken on 9th January, 2015, 30th January, 2015 and 10th February, 2015, where in petitioner and respondents viz. Shri Jatin Bordoloi, Assistant General Manager, APDCL, Shri Manoj Kumar Amchi, SDE, Jalukbari ESD, Shri Apuba Kumar Das, Junior Manager, Jalukbari and Jyotiska Baruah, Sub-divisional Engineer, Rangia were present.

Petitioner in his petition dated 03.11.2014 states that he has submitted request for testing of meter by depositing Rs. 80/- on 22.02.2011 as meter testing fees. Meter had been taken by APDCL for testing on 26.02.2011. Earlier APDCL informed him to apply for extension of connected load to 5 KW as per new scheme. The petitioner accepted new scheme and deposited Rs. 4950/- on 10.02.2011 as meter security, Rs. 2910/- as load security on 10.02.2011. But his connected load had not been extended. On the other hand, APDCL request him to apply for 2 KW meter as 5 KW meter is not available. The petitioner again paid Rs. 1300/- as meter cost on 24.02.2012 and Rs. 1000 as load security on 24.02.2012 for 2 KW meter. Thereafter on 27.02.2012, new meter with connected load 1.99 KW was installed in his residence.

The main contention of the petitioner is that the bill no. 10001430339 dated 09.10.2014 which indicates previous consumption 6465 units and present consumption 6731 units with gross arrear amount of Rs. 99888.18 and gross current amount of Rs. 2983.03, is not acceptable. The petitioner also informed that no meter reading was taken before preparing the bill. As such bill dated 09.10.2014 may be set aside and fresh bill may be made considering the actual consumption.

On the above contention of the petitioner, APDCL, Jalukbari Sub-division prepared a fresh bill with due calculation of energy consumption w.e.f. 11.01.2011 to 08.05.2013 which was about 300 to 310 units per month in average on the basis of explanation and discussion held for reconciliation on 21.11.2014 and 25.11.2014. While considering the unit consumed, APDCL has examined the consumption pattern during the period w.e.f. 11.01.2011. Accordingly, APDCL ascertained consumption of 9480 units w.e.f. 11.01.2011 to 08.05.2013. The Petitioner objected vide petition dated 18.12.2014 to accept the recommendation under clause 7(1) of the Guidelines on the grounds that meter no. AS831125 installed on 27.02.2012 is also defective and not recording unit consumed properly.

Respondent vide letter no. APDCL/JESD/R-10/2013/1168 dated 08.08.2013 explains that after receipt of meter testing fees of Rs. 80/- on 22.02.2011, the meter no. 309082 was sent to MTI division for testing vide letter no. SDE/JESD/APDCL/TECH30/EM/2011 dated 26.02.2011. Meter testing report from MTI, Amingaon Division received on 31.05.2011. The report stated meter no. 1 B 309082 is found failed.

Connected load of the petitioner has been raised to 5 KW on his petition by the respondent as per new scheme. But no meter with 5 KW connected load was installed in his residence as there was

no meter available with 5 KW connected load capacity. Thereafter connected load was reduced to 2 KW on 24.02.2012 and a new meter no. AS831125 with 2 KW capacity was installed on 27.02.2012.

Petitioner contention is that bill has been raised stating meter capacity as 5 KW whereas no such meter of 5 KW capacity was installed at his residence. Further no meter reading was taken after installation of meter on 27.02.2012. Therefore, the bills raised are not on the basis of meter reading. The petitioner submitted two petitions to the concerned authority of APDCL on 02.07.2013 and 30.09.2013 wherein he stated all bills raised after September, 2010 without having meter reading.

The petitioner again requested APDCL on 24.11.2014 to test the meter no. AS831125 as it appeared that the meter is defective and therefore he refused to pay the bill raised after reconciliation held on 21.11.2014 and not accepted the recommendation made under clause 7(1) of the Guidelines.

Respondent on receipt of representation dated 24.11.2014 from the petitioner requested MTI Division, APDCL, Amingaon to test the meter no. AS831125. The MTI Division report dated 03.12.2014 after testing the meter no. AS831125 is that the meter is found as (+) 7.48 error. On the basis of the receipt of the MTI meter testing report a new meter no. AE015830 is installed at the residence of the petitioner on 02.01.2015.

Findings: Petitioner submitted petition on 11.02.2011 and 21.02.2011. It is also seen that earlier petitioner approached to sub-divisional engineer, Jalukbari on 19.12.2010 and 21.12.2010. He has also deposited meter testing fees on 22.02.2011, Meter was taken for testing on 26.02.2011 and report available on 31.05.2011. Thereafter new meter no. AS831125 has been installed on 27.02.2012 just after one year.

There is no record available to prove that there was meter at the residence of the petitioner during the periods after taken over of the meter for testing on 26.02.2011 and installation new meter no. AS831125 on 27.02.2012.

The above status has been put before the respondents. Shri Apurba Das, Junior Manager and Shri Jyotishka Baruah, SDE who were officiating during the period w.e.f. 26.02.2011 to 27.02.2012. They were not sure about availability of meter at the residence of the petitioner in that period. However, there was connection for supply of electricity at the residence of the petitioner as reported by the petitioner.

Besides at the time of removal of meter for testing on 22.02.2011 and installation new meter on 27.02.2012 joint statement of respondents and petitioner is not prepared as per laid down procedures of electricity Supply Code.

The petitioner on 02.07.2013 and 30.09.2013 informed the General Manager, Commercial Revenue and the Sub-divisional Engineer, Jalukbari including two other top officials of APDCL that the meter reading of meter no. AS831125 installed on 27.02.2012 was not taken before preparation of Bill. It is seen after receipt of further complain from the petitioner on 24.11.2014, the meter no. AS831125 was sent for testing on 03.12.2014. The report is that meter is found (+)7.48 error.

Consumer ledger statement shows bill type as provisional and average in several months of the bill period w.e.f. 09.06.2010 to 01.11.2014 which indicated meter reading was not regular by the meter reading staff.

It appears there is no coordination among the staffs engaged for distribution and collection of revenue.

In view of the above observation, it can be established that standard operating procedures not followed as laid down in Electricity Supply Code and Related matters notified under section 50 and 181 of the Electricity Act, 2003.

Awards: On the basis of above discussion, observation and finding, it is concluded that the consumer deserves protection under the procedures laid down at clause 4.2.2.4 of the Assam electricity Regulatory Commission (Electricity Supply Code and Related Matters) regulations, 2004 (First amendment), 2007.

While determining average consumption, previous three months shall be prior to 22.02.2011 and the next three months shall be w.e.f 02.01.2015, the date of installation of meter no. AS015830.

Adjustment if any as per procedures shall be made and final bill be prepared by APDCL.

The petitioner consumer shall furnish letter of acceptance of the above award as full and final to the APDCL within thirty days from date of receipt of this award.

The completion of this proceeding requires a few days more than the stated period of three months in view of that proceeding was first taken up under clause 6(3) and later on restarted under clause 8(1) of the guidelines. No cost is to be paid.

Date: 09.03.2015
Guwahati

Sd/-
(R.L. Duarah, IAS (Retd.))
Electricity Ombudsman

Memo No. EOM. 23/2014/134
Copy to:

Dated Guwahati the 9th March, 2015

1. **Shri Ganesh. Ch. Das**, S/o Late Nirod Mohan Das, House No. 37, Lane-3, Joymati Nagar, Pandu, Guwahati – 781012.
2. **The Chairman**, Consumer Grievance Redressal Forum (CGRF), ASEB Campus, Dwarandhar, Six Mile, Guwahati – 781022.
3. **The Managing Director**, Assam Power Distribution Company Ltd., Bijulee Bhawan, Paltan Bazar, Guwahati – 781001.
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5. **The Sub-Divisional Engineer**, Jalukbari Electrical Sub-Division, Guwahati Circle-II, Maligaon, Guwahati – 781011.

Secretary,
O/o the Electricity Ombudsman