

**OFFICE OF  
THE ELECTRICITY OMBUDSMAN  
ASSAM ELECTRICITY REGULATORY COMMISSION**

FILE NO. EOM. 13/2011

Petition No. 4/2011

Name of Petitioner: Director,  
Luhit Tea Co. (P) Ltd.  
Rahman Building, 1<sup>st</sup> Floor, Rupahi Ali  
Jorhat - 785001  
Assam

**ORDER SHEET**

30.01.2012

The Director, Luhit Tea Co. (P) Ltd., Rahman Building, 1<sup>st</sup> Floor, Rupahi Ali, Jorhat – 785001, vide their ref. no. LTCPL/153/11-12 dated 05.12.2011 made an appeal before the Electricity Ombudsman which was received in the office of the Electricity Ombudsman on 05.12.2011.

The Appeal Petitioner, hereinafter called the Petitioner informed that they received a bill no. 23553 dated 20.04.2011 from the Area Manager, Industrial Revenue Collection Area, UAEDCL (ASEB) Jorhat amounting to Rs. 873285.00 for the meter stopped period w.e.f. 01.05.2009 to 01.10.2009. The Petitioner made an appeal before the General Manager cum Chairman, Consumer Grievances Redressal Forum (CGRF), UAZ, APDCL, Jorhat against the bill during CT/PT failure with a request to cancel the bill no. 23553 for the period 01.05.2009 to 01.10.2009 vide no. LTCPL/110/11-12 dated 16<sup>th</sup> June, 2011. As per minute of discussion held in the chamber of General Manager, Upper Assam Zone, Bidyut Bhawan, Jorhat, APDCL, the CGRF came to the decision “that the bill should be revised on the basis of rule 4.2.2.4 applicable for seasonal consumers i.e. energy consumed shall be determined by taking average consumption of the immediate identical 3(three) months period consumption. For calculation of consumption for May 2009 average consumption for May 2006, May 2007 and May 2008 shall be considered and so on for other months.” The decision of the CGRF was communicated to the Petitioner vide memo no. GM/CGRF/2011/2236-41 dated 08.08.2011. Thereafter, the Petitioner received a revised supplementary bill no. 23562 dated 30.09.2011 amounting to Rs. 623542.00, due date being 30.10.2011. The Petitioner raised objection and again made an appeal to review the case as the amount charged was very high and not reasonable considering the basis of the tea production against consumption of the electricity.

Although the petitioner mentioned in the appeal petition before the Electricity Ombudsman that they objected and made an appeal before the CGRF to review the case as the amount charged was very high and not acceptable considering the basis of tea production against consumption of the electricity amounting 2,69,309.88 units and their own generation 2,40,210 units i.e. 7,09,519.88 units against the production of 6,21,849 kg of made tea of made tea. But it was not clear when they made the appeal before the CGRF and what was the decision of the CGRF on the review petition.

Being not satisfied with the decision of the CGRF, the Petitioner has made this appeal before the Electricity Ombudsman for review of the bill no. 23553 dated 20.04.2011 against the revised supplementary bill no. 23562 dated 30.09.2011 praying for relief for a reasonable bill acceptable to them.

Since the decision of the CGRF was communicated to the Petitioner on 08.08.2011 but the appeal petition was made before the Electricity Ombudsman on 05.12.2011, therefore, a date was fixed on 19.12.2011 for a hearing asking the petitioner to show cause why the appeal was not filed within the time schedule under clause 5(1) of the Assam Electricity Regulatory Commission (AERC) “Guidelines for Redressal of Consumer Grievances”.

On 19.12.2011, Suraj Protim Baruah, Accountant, authorized representative of the Director of M/s. Luhit Tea Co. (P) Ltd., appeared before the Electricity Ombudsman and submitted a letter no. LTCPL/160/11-12 dated 19.12.2011. From the contents of this letter dated 19.12.2011, it is seen that after receiving the bill no. 23562 dated 30.09.2011 from the Area Manager, IRCA, Jorhat which was prepared as per Chairman, CGRF vide memo no. GM/CGRF/2011/2236-41 dated 08.08.2011, the petitioner again made an appeal before the General Manager cum Chairman, CGRF UAZ APDCL, Jorhat (Assam) to review further the bill vide no. LTCPL/146/11-12 dated 20<sup>th</sup> October, 2011. The Chairman CGRF UAZ APDCL, Jorhat vide no. GM/UAZ/APDCL/CGRF/11/2902 dated 04.11.2011 informed the Petitioner that the bill (dated 30.09.2011) was prepared by the Area Manager, IRCA, Jorhat as per decision of the CGRF taken in the hearing dated 20.07.2011 and as such question of review does not arise.

From the reasoning given by the petitioner, it is clear that although the CGRF took a decision in the meeting held on 20.07.2011 which was communicated vide memo no. GM/CGRF/2011/2236-41 dated 08.08.2011, there was an appeal before the Chairman, CGRF to review the bill vide petition dated 20<sup>th</sup> October, 2011 and that the Chairman, CGRF UAZ APDCL informed the petitioner on 04.11.2011 that the question of review does not arise. Taking into consideration of the decision given by the Chairman CGRF, UAZ APDCL Jorhat vide letter dated 04.11.2011, I am satisfied that the appeal petition dated 05.12.2011 filed by the petitioner before the Electricity Ombudsman which was received by the office of the Electricity Ombudsman on 05.12.2011 is within the time limit. Therefore, under clause 5(1) and 6(4) of the Assam Electricity Regulatory Commission (AERC) "Guidelines for Redressal of Consumer Grievances", I admitted the appeal petition dated 05.12.2011.

Next date of hearing was fixed on 06.01.2012 requesting the Respondents namely (1) the Chairman, Consumer Grievance Redressal Forum, Upper Assam Zone, Jorhat Assam and (2) Area Manager, Industrial Revenue Collection Area (IRCA), APDCL, Jorhat to submit parawise comments on the appeal petition along with supplementary documents.

The Petitioner was present along with Suraj Protim Baruah, Accountant and Bikash Gogoi, Manager on the date of hearing on 06.01.2012.

Respondent no. 1 namely the Chairman, Consumer Grievance Redressal Forum, Upper Assam Zone, Jorhat, Assam did not appear without showing any reason on the date of hearing.

Respondent no. 2 namely Dwipendra Kumar Baruah, Area Manager, Industrial Revenue Collection Area (IRCA), APDCL, Jorhat appeared on the date of hearing on 06.01.2012. The Respondent no. 2 submitted parawise comments vide no. EOM.13/2011 dated 30.12.2011.

Heard both the petitioner and the respondent no.2. Perused all the documents submitted by the petitioner and the respondent no. 2 before the Electricity Ombudsman.

Main grievance of the petitioner is that they received a supplementary bill no. 23553 dated 20.04.2011 against defective meter for the period 01.05.2009 to 01.10.2009 amounting to Rs. 8,73, 285.00. the petitioner made an appeal before the General Manager cum Chairman, the CGRF UAZ APDCL, Jorhat vide their petition no. LTCPL/110/11-12 dated 16.06.2011. As per para 6 of the minutes of discussion held in the office chamber of General Manager, UAZ, Bidyut Bhawan, Jorhat, APDCL on 20.07.2011, the CGRF took the following decision:

"The Forum after going through all the statements, papers and AERC terms and conditions, Regulation, came to the decision that the bill should be revised on the basis of rule 4.2.2.4 applicable for seasonal consumers i.e. energy consumed shall be determined by taking average consumption of the immediate identical 3(three) months period consumption. For calculation of consumption for May 2009 average consumption for May 2006, May 2007 and May 2008 shall be considered and so on for other months....."

In compliance with the decision of the CGRF, the respondent no. 2 served a revised supplementary bill no. 23562 dated 30.09.2011 amounting to Rs. 6,23,542.00 on the

petitioner. The petitioner on receipt of the bill no. 23562 dated 30.09.2011, again made an appeal before the CGRF to review the supplementary bill no. 23562 dated 30.09.2011 praying for a reasonable bill acceptable to them. The CGRF did not consider to review their decision as the bill was prepared as per decision of the CGRF taken in the hearing dated 20.07.2011.

It is seen that the bill no. 23562 dated 30.09.2011 was prepared as per provision contained under clause 4.2.2.4 procedure for assessment of consumption in case of incorrect or stopped meter of the Assam Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations, 2004 (First Amendment) 2007. Under this clause ".....For seasonal consumers, in event of any meter being found incorrect (which includes stopped, slow or fast meter) the quantity of energy consumed shall be determined by taking the average consumption of the immediate identical 3 months period consumption. For consumers whose contract demand/ connected load varies in the concerned period, consumption should be assessed proportionate to the contract demand/ connected load.....".

After hearing both the petitioner and respondent no. 2 and after examining all the documents submitted before the Electricity Ombudsman, I have come to the conclusion that the respondent no. 2 has rightfully followed the above clause 4.2.2.4 of the Assam Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations, 2004 (First Amendment) 2007 and prepared the bill no. 23562 dated 30.09.2011 amounting to Rs. 6,23,542 in compliance with the decision of the CGRF which was communicated vide memo. No. GM/CGRF/2011/2236-41 dated 08.08.2011.

It was made known to the petitioner during hearing on 06.01.2012 that the AERC has made provision in the AERC (Electricity Supply Code and Related Matters) Regulations, 2004 (First Amendment) 2007 under clause 4.2.2.4 the procedure for assessment of consumption in case of incorrect or stopped meter and that the respondent no. 2 has prepared the bill no. 23562 dated 30.09.2011 under this provision and that no discrepancy was found in the bill no. 23562 dated 30.09.2011. Therefore, the petitioner will not get any relief as prayed for in their appeal petition dated 05.12.2011 and the appeal petition is disposed off accordingly.

The petitioner accepted the decision of the Electricity Ombudsman in writing and at the same made a request vide no. LTCPL/179/11-12 dated 06.01.2012 to waive the current surcharge on arrear principal for supplementary bill amounting to Rs. 6,23,542/- showing reason that their financial condition is not good.

Now, the prayer of the petitioner to waive the current surcharge on arrear principal of the bill amounting to Rs. 6,23,542 could not be considered because in the tariff order of AERC for APDCL for the FY 2010-11 to 2012-13, under schedule of tariff (Chapter: 10) for HT category VI – Tea, coffee and Rubber: Seasonal consumer under para (b) (f), the AERC have levied surcharge @ 1.5% per month or part thereof at simple interest if payment is not made on or before the due date. This is a mandatory provision of the AERC Tariff order for APDCL for FY 2010-11 to 2012-13. And the APDCL is to execute the same accordingly.

It is for record that Respondent no. 1 namely the Chairman, CGRF UAZ APDCL, Jorhat neither appeared nor submitted parawise comments with supporting documents as asked for on 06.01.2012 vide no. EOM.13/2011/40 dated 20.12.2011 without showing any reason. By not submitting parawise comments with supporting documents, the CGRF has violated clause 3(a) of the Assam Electricity Regulatory Commission (AERC) "Guidelines for Redressal of Consumer Grievances".

Let copy of this order be served to the Petitioner and the Respondents for necessary compliance.

Let copy of this order be sent to the Chairman, ASEB, for favour of information and necessary action.

Let copy of this order be sent to the Secretary, Assam Electricity Regulatory Commission for favour of information and necessary action.

Sd/-  
(Neelima Dewri Dutta)  
Electricity Ombudsman