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,
Email ID: ombudsman.jercuts@nic.in
Phone No.:0124-4684708

Appeal No-231 of 2024 **Date of Video Conferencing: 27.12.2024**

Date of Order: 09.01.2025

In the matter of

NARINDER SINGH
H.No.50,
Old Ropar Road,
Manimajra-160001 **.... Appellant**

Versus

Executive Engineer,
Division No. 2, Industrial Area Phase -II,
Chandigarh.

.... Respondent

Parties present:

Appellant(s) Shri. Narinder Singh in person

Respondent(s) Sh. U K Patel,
Executive Engineer,
Division No. 2, Industrial Area Phase-II,
Chandigarh

ORDER

The Appellant has preferred an Appeal No-CHD/231 of 2024 against CGRF-Chandigarh order dated-21.11.2024 in Complaint No-F-27/2024 filed by Shri Narinder Singh. The Appeal was examined and admitted on 12.12.2024, as Appeal No. CHD/231 of 2024. 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 Respondent, Executive Engineer Submitted his comments/ reply vide letter No EE/OP2/2024/Tech/CGRF (Ombudsman)-F-27/2024/1887393 dated 20.12.2024.

A. **Submissions by the Appellant**

An application for the replacement of a defective meter was submitted by the Appellant to the SDO, Electricity Operation Sub-Division No. 8, Manimajra on 30th August 2024.The application also included a request for the correction of billing made on average basis for the preceding several months i.e. from the date the meter stopped working. However, neither any response was received from the Electricity Department, nor was the defective meter replaced until the filing of the complaint before the CGRF, Chandigarh on 20th September 2024.

Following the filing of the complaint, the officials of the Sub-Division inspected the Appellants premises on 26th September 2024 without prior notice, as required under Regulation 5.142 of the Supply Code, 2018, and Section 163 of the Electricity Act, 2003. This caused unnecessary harassment to the Appellant and his family and violated the provisions of Commercial Circular No. 10 dated 11th November 2011, issued by the SE, Electricity Operation Circle, Chandigarh, which clearly advises field officers against harassing consumers who approach the CGRF for redressal of grievances.

The Ld. CGRF, Chandigarh, vide their order dated 21st November 2024, passed the order with following directions:

i. The CED/Respondents are directed to charge the complainant for the period from February to August 2023 (six months) as per JERC Supply Code Regulations and refund all charges levied through average billing for the period from August 2023 until the installation of the new meter on 26th September 2024.

ii. The Respondents are further directed to refund the meter rentals paid from February 2023 to 26th September 2024, along with interest at the bank rate declared by the Reserve Bank of India for the year 2023-24, payable annually.

iii. The CED is directed to pay compensation at the rate of Rs. 100 per day from 15th September 2024 to 25th September 2024 (11 days) for failing to replace the defective meter within 15 days of lodging the complaint on 30th August 2024, as per the Standards of Performance (SOP) Regulations.
iv. The Electricity Department/Distribution Licensee is required to submit a compliance report to the office of the CGRF on action taken in this regard within 10 days from the date of issuance of the Final Order, via email.
v. Non-compliance with the CGRF's order by the Electricity Department/Distribution Licensee will be considered as a violation of the regulations notified by the JERC and may result in appropriate action under Section 142 of the Electricity Act, 2003.
vi. The complainant, if aggrieved by the non-redressal of his grievances by the Forum or the non-implementation of the CGRF's order by the Licensee, may prefer an appeal to the Electricity Ombudsman, JERC for the State of Goa and UTs, as per prescribed Annexure-IV.

It is observed that in its final order, the Hon'ble CGRF did not specify the relevant section of the Supply Code Regulations under which the six-month billing period was allowed for the defective meter. According to Regulation 7.12 of the Supply Code, 2018, with its amendments, the period for average billing in case of a defective meter is limited to three months. The decision to charge for six months, as directed in the CGRF's order, requires further clarification and may need to be decided by the Hon'ble Ombudsman, as per the applicable regulations.

The respondent, Executive Engineer, OP Division No. 2, Chandigarh, in his response to the Hon'ble Forum, vide office memo No. 1761338 dated 14th November 2024, admitted that the meter remained defective from February 2023 and bills were issued continuously on an average basis, indicating the defective status of the meter. An MCO (Meter Change Order) No. 16/557 was issued on 6th November 2024, and the meter was finally changed on the same date. Therefore, the meter was not replaced within the stipulated 30 days from the receipt of the complaint on 30th August 2024, and the total delay in meter replacement was 67 days. This delay constitutes a clear violation of the Standards of Performance (SOP) Regulations, which mandate the replacement of a defective meter within 30 days of the complaint.

The Hon'ble CGRF has allowed compensation for the period from 15th September 2024 to 25th September 2024 (11 days) at Rs. 100 per day for the failure to replace the defective meter within the prescribed 15-day period. However, the delay in replacing the meter extended beyond this period and continued for 37 days (from 30th August 2024 to 6th November 2024). As such, I respectfully request that compensation be calculated for the entire 37-day delay, in line with the provisions of the SOP Regulation.

It is further submitted to

i. Clarify the period of average billing for the defective meter, as the Supply Code limits this period to three months, and the CGRF's order for six months requires review.
ii. Direct the Respondents to pay compensation for the full delay of 37 days in replacing the defective meter, at the rate of Rs. 100 per day, as per SOP Regulations.
iii. Direct the Respondents to comply with the CGRF's final order within the stipulated time frame.
iv. Grant any other relief deemed fit in the interests of justice and equity.

B. <u>Submissions by the Respondent</u> :

The consumer filed a complaint on 20.09.2024 before the Hon'ble Consumer Grievance Redressal Forum (CGRF) regarding the replacement of a defective meter and requested the overhauling of the electricity account in accordance with Clause 7.12 of the Electricity Supply Code Regulations, 2018, notified by the Hon'ble Joint Electricity Regulatory Commission (JERC).

This office filed its initial reply to the CGRF vide Memo No. 1761338 dated 07.10.2024 and subsequently submitted a reply to the complainant's rejoinder vide Memo No. 1761338 dated 14.11.2024.

The electricity connection bearing Account No. MA42/006301G was released on 26.09.2013 in the complainant's name at House No. 50-A, Old Ropar Road, Manimajra, U.T., Chandigarh.

Billing for the said connection was based on actual meter readings from 2013 to February 2023.

In the billing cycle of February 2023 to April 2023, the complainant's electricity meter was found to be defective (dead stop).

The area Meter Reader recorded a "D" Code in the meter book during the reading for the complainant's connection and issued average billing of 1520 units bi-monthly, as per advice sent to the Computer Cell via Form-83.

This average billing was continued from February 2023 to June 2023, after which the average consumption was increased to 1720 units bi-monthly for the period from June 2023 to August 2024.

Due to the non-availability of 3-phase meters in the Sub-Division Office and Central Store, a notice was issued to the complainant vide Memo No. 1010 dated 07.03.2023, advising the complainant to purchase their own meter.

On 26.09.2024, the connected load at the complainant's premises was inspected via ECR No. 001/004. The connected load was found to be 21.004 kW against a sanctioned load of 8.440 kW. Based on the detected load and as per the LDHF Formula notified by JERC, the estimated consumption was calculated to be 3034 units bi-monthly.

Despite the meter being declared dead stop, the complainant raised no objections to the average billing issued from February 2023 to August 2024 and did not approach the Sub-Division Office for a replacement meter.

On 30.08.2024, the complainant submitted an application to the Sub-Division Office requesting the replacement of the defective meter and to avoid further financial loss.

On 20.09.2024, the complainant approached the Hon'ble CGRF, requesting:

- Replacement of the defective meter.
- Refund of excess billing done on an average basis for the previous months.
- Refund of meter rentals for the defective meter.
- Action for the alleged deficiency in service by the Respondents.

The Ld. CGRF, after hearing both parties, passed the order on 21.11.2024 directing the Respondents to:

- Adjust charges for the period February to August 2023 based on JERC Supply Code Regulations.
- Refund all excess billing amounts post-August 2023 till 26.09.2024 (the date of meter replacement) with interest.
- Refund meter rentals paid from February 2023 to 26.09.2024 with interest.
- Pay compensation of ₹100 per day for the delay in replacing the defective meter for 11 days, from 15.09.2024 to 25.09.2024.
- Submit a compliance report to CGRF within 10 days of the order.

As per Regulation 7.12 of the Electricity Supply Code, 2018, the billing period for a defective meter should not exceed six months. The Hon'ble CGRF correctly directed the Respondents to charge for six months (February to August 2023) on average.

The complainant was repeatedly informed to purchase their own meter due to the non-availability of meters in the department (Memo No. 1010 dated

07.03.2023). However, the complainant failed to act and continued to pay average bills without objection.

It is a matter of record that the complainant paid meter rent, even though the department had advised purchasing their own meter. The CGRF's direction to refund meter rent is not contested, subject to verification of records.

The department faced an acute shortage of meters, and despite efforts, only a used (old) meter could be arranged, which was installed on 06.11.2024. The imposition of compensation for 11 days by the Hon'ble CGRF is excessive and does not consider the logistical challenges faced by the Respondents.

In view of the above, it is respectfully prayed that:

1. The Hon'ble Ombudsman may rectify the CGRF order regarding the billing period for a defective meter, as Regulation 7.12 of the Supply Code limits this to three months.
2. Compensation awarded by the CGRF for the delay in replacing the meter be reduced from 11 days to reflect the actual delay in compliance, considering the notice issued to the complainant.
3. The Respondents' efforts in arranging a replacement meter amid a shortage be considered, and any adverse findings regarding service deficiency be set aside.
4. The appeal of the complainant be dismissed, and the CGRF order be upheld with necessary modifications as per the facts and regulations cited above

C. **<u>Deliberation during e-hearing on 27.12.2024:-</u>**

Mr. Narender Singh (Appellant) appeared in person, while the Respondent Electricity Department, Chandigarh, was represented by Mr. U.K. Patel, Executive Engineer, Operation Division No. 2, Electricity Department, Chandigarh.

The Appellant stated that his meter had been malfunctioning (stuck/stopped) since February 2023. He applied for its replacement on 30.08.2024. He further submitted that due to the defective meter, his bills have been generated on an average basis, resulting in financial loss. The Appellant argued that since the department did not replace the meter for nearly one and a half years, he is entitled to compensation under the SOP Regulations 2015, as notified by JERC. He also mentioned that the Respondent did not inform him about the load assessment inspection carried out on 26.09.2024.

The Respondent, represented by the Executive Engineer, reiterated their earlier submissions. They acknowledged that the meter reading had been stuck at 59218 since February 2023. The Respondent informed the Appellant that the meter was faulty and that bills were being raised based on average consumption. They also mentioned that there was a shortage of meters in stock, both at the local and central stores, and that the Appellant was given the option to purchase his own meter. However, the Appellant did not respond to this offer until 30.08.2023, when he submitted a complaint regarding the faulty meter.

The Respondent further clarified that due to an acute shortage of meters, they were only able to arrange an old meter and replaced the defective meter on 06.11.2024. The Respondent expressed their intent to challenge the order of the Ld. CGRF, dated 21.11.2024, in the High Court of Punjab and Haryana. The Superintending Engineer, through Memo No. SEE/OP/C1/02/C-1761338 dated 18.12.2024, has approved filing a review petition against the CGRF's orders.

The Respondent raised objections regarding the compensation of 11 days granted by the CGRF and submitted that the Appellant had not approached the Sub-Division Office for the meter replacement until 30.08.2024. Additionally, they requested a three-month extension in their review petition, which was dismissed by the Ld. CGRF on 19.12.2024.

D. **Findings & Analysis: -**

1. The Forum have perused the documents on record and pleadings of the parties.
2. The main objections raised by the Appellant against the Orders passed by the Ld. CGRF in case No F-27/2024 on 19.12.2024 are as under: -
   i. Rectification of CGRF orders on charging of defective meter as per Clause 7.12 of Electricity Supply Code (JERC) 2018 with up-to-date amendments.
   ii. Rectification of CGRF order on Compensation as per Schedule-III of SOP Regulation, 2024from 11 days to 37 days as Respondents has not changed the defective meter within 30 days from the receipt of complaint on dated 30.08.2024.
   iii. Refund of meter Rental charged for defective meter. Meter rentals from w.e.f. 01.04.2023 was also abolished as per Tariff Order 30.03.2023.
   iv. Action against the Respondents due to violation of 5.142 of Supply Code 2018 and section 163 of Electricity Act 2003 as no prior notice of inspection of my premise was given while inspecting the premise on

26.09.2024. For calculating the internal load of the house has not been followed as per JERC guidelines.

3. Ld. CGRF in its order dated 19.12.2024 has ordered as under: -
    a. The CED/Respondents are directed to charge the complainant for the period February to August 2023 Ie, for six months as per JERC Supply Code Regulations and refund all charges claimed through average billing after, August 2023 till 26.09.2024 when the new mete was installed.
    b. The Respondents are further directed to refund the meter rentals paid since February 2023 till 26.09 2024, with interest at the bank rate declared by the Reserve Bank of India prevailing on the 1st of April for the year 2023-24 and payable annually
    c. The CED s also directed to pay Rs 100/- per day as compensation from 15.09.2024 to 25.09.2024 (11days) in terms of SOP Regulations for not replacing the defective meter within 15 days after lodging the complaint on 30.08 2024.
4. The electricity connection with Account No. MA42/006301G was activated on September 26, 2013, in the complainant's name at House No. 50-A, Old Ropar Road, Manimajra, U.T., Chandigarh. Billing for this connection was based on actual meter readings from 2013 until February 2023. During the billing cycle from February 2023 to April 2023, the complainant's electricity meter was found to be defective (dead stop).
5. The area Meter Reader noted a "D" Code in the meter book for the complainant's connection and issued an average bill of 1520 units bi-monthly, as per the advice sent to the Computer Cell via Form-83. This average billing continued from February 2023 until June 2023, after which the average consumption was increased to 1720 units bi-monthly for the period from June 2023 to August 2024. Finally, the meter was replaced vide MCO No 16/557 on 06.11.2024 by the Electricity Department.
6. The stop /defective meter has been noticed by the meter reader in February 2023. It was observed during the meter reading that the meter reading is constant at Reading 59218. The Respondent sent a letter vide Memo No 1010 dated 07.03.2023 to the Appellants registered address. In their letter the Respondents intimated the Appellant that the same Capacity/Rating of meter is not available with the Electricity Department and requested Appellant to purchase their own meter to be installed at Appellants premise in place of defective after following due process of calibration.

As per the provision of Regulation 6.3 of JERC Electricity Supply Code 2018 the purchase of New Meter by the consumer is applicable only for New Connection only. The Regulation 6.3 states as under: -

"6.3 At the time of seeking a new connection the consumer shall have the option to either:

(1) Purchase the meter, MCB/CB and associated equipment himself as per

specifications issued by the Licensee from time-to-time; or

(2) Require that the meter, MCB/CB and associated equipment be supplied by the Licensee.

The consumer shall indicate this option in the application form and Licensee shall supply him with the meter specifications. Once the consumer has procured the meter as per the specifications, the Licensee shall test, install and seal the meter.

The Licensee shall make available on its website, specifications of meters and other equipment."

As per Regulation 6.42 of JERC Electricity Supply Code Regulations-2018

6.42 If, as a result of testing, it is established that the meter was rendered defective/burnt due to reasons attributable to the consumer such as defect in consumer installation, connection of unauthorized load by the consumer, etc., the cost of the meter shall be borne by the consumer as specified below:

(1) If the meter was owned by the consumer, the Licensee shall inform the consumer to replace the meter and associated equipment as per provisions of Regulations 5 to 6.4 of this Supply Code, 2018 within 7 days, after which the Licensee may be empowered to install a new meter and seek additional security deposit and start charging meter rent, if applicable;

(2) If the meter was owned by the Licensee, the Licensee shall install a new meter at its own cost and recover the cost of the burnt meter from the consumer in proportion of the remaining useful life of the meter (useful life of the meter as per the depreciation schedule of the Commission - number of years after date of first instalment of the aforesaid meter) that was rendered defective/burnt.

Provided further that if, as a result of testing, it is established that the meter was rendered defective/burnt due to tampering or any other deliberate act by the consumer to interfere with the meter, the consumer shall be assessed as per Regulation 8.50 of this Supply Code, 2018 and action as permissible under law shall be taken against the consumer for pilferage and tampering

It is evident from the above that it is the responsibility of the Licensee/Electricity Department to replace the defective/Burnt Meter. As such the Respondent Electricity Department erred on this aspect as far as procurement of meter for replacement by the Appellant is concerned. The option to buy "own" meter is allowed only for New Connection as per the provisions of Regulation 6.3 of JERC Electricity Supply Code 2018 which states as under: -

6.3 At the time of seeking a new connection the consumer shall have the option to either: (1) Purchase the meter, MCB/CB and associated equipment himself as per specifications issued by the Licensee from time-to-time; or (2) Require that the meter, MCB/CB and associated equipment be supplied by the Licensee. The consumer shall indicate this option in the application form and Licensee shall supply him with the meter specifications. Once the consumer has procured the meter as per the specifications, the Licensee shall test, install and seal the meter. The Licensee shall make available on its website, specifications of meters and other equipment.

7. The Appellant has lodged his complaint regarding replacement of Stop/Stuck meter on 30.08.2024 but he continued getting Power supply inspite of the fact that the meter was declared defective by the Electricity Department. The Appellant also continued to pay the bills regularly as and when the demand is raised by the Electricity Department on average basis. As per Regulation 6.16 & 6.45 of JERC Electricity Supply Code 2018

   6.16 The consumer shall be responsible for safe custody of meter(s), MCB/CB, etc., if the same are installed within the consumer's premises. The consumer shall promptly notify the Licensee about any fault, accident or problem noticed with the meter.

6.45 "The consumer is expected to intimate the Licensee as soon as it comes to the notice of the consumer that the meter has stopped or is not recording"

In the present case the Appellant came to know that his meter is stuck/stopped working vide Memo No 1010 dated 07.03.2023 sent by SDO, Electricity Department, Chandigarh but he did not lodge any complaint for the same with the Electricity department till 30.08.2024 (app 18 months).

8. Thereafter, the Appellant approached CGRF Chandigarh and filed his complaint on 20.09.2024 along with the copy of the complaint addressed to SDO, Electricity Department, Chandigarh. The Ld. CGRF vide its order dated 21.11.2024 has passed the directions as mentioned above in Point #3.
9. In the meantime, the Respondent have replaced the Electricity meter on on 06.11.2024 vide MCO No 16/557.
10. The main questions before me are as under:
    a. Whether the provisions of Regulation 7.12 of Electricity Supply Code 2018 had been correctly applied by the Ld. CGRF and the order for assessment for six months i.e. from February 23 to August 2023 is as per the provisions of Electricity Supply Code 2018 or not?

    As per the provisions of Regulation 7.12 of JERC Electricity Supply Code 2018 *"These charges shall be leviable for a maximum period of **three months only** during which time the Licensee is expected to have replaced the defective meter".* As per Regulation it is **"expected"** to replace the meter within three months. In the present case the defective meter is not replaced for almost 18+ months and the Appellant continued getting the services without any interruptions. The Appellant has also discharged his financial obligations by paying the demand as and when raised by the licensee. The Ld. CGRF has incorrectly considered three billing cycles (One Billing cycle = 2 months) i.e. 2 x 3 (billing cycles) = 6 months. It is clearly evident from the reading chart that Appellant has been billed @1520 units for Two billing cycles and @1720 units for 8 billing cycles. This is comparatively on a higher side. It is unfair to the Appellant that he had paid almost the double or more than double the assessment actually it should have been.

    As per Regulation 7.12 of JERC Electricity Supply Code 2018 which states as under: -

7.12 In case of defective/stuck/stopped/burnt meter, the consumer shall be billed on the basis of higher of monthly consumption of corresponding month of the previous year and average monthly consumption of immediately preceding three months. These charges shall be leviable for a maximum period of three months only during which time the Licensee is expected to have replaced the defective meter.

In the present case the meter became defective on February 2023 and Respondent informed to Appellant accordingly vide memo No 1010 dated 07.03.2024. However, the Appellant lodged his complaint on 30.08.2024 i.e. after 18 months when the meter became defective. There is absolutely no doubt that as per Regulation 6.18 of JERC Electricity Supply Code 2018 *"It shall be the responsibility of the Licensee to maintain the meter and keep it in working order at all times"* but at the same time as per Regulation 6.45 of JERC Electricity Supply Code 2018 *"The consumer is expected to intimate the Licensee as soon as it comes to the notice of the consumer that the meter has stopped or is not recording".* As such the total defective period which is required to be assessed is from February 2023 till 06.11.2024 when the meter is replaced. The formula as given in the Regulation 7.12 of JERC Electricity Supply Code 2018 *"In case of defective/stuck/stopped/burnt meter, the consumer shall be billed on the basis of higher of monthly consumption of corresponding month of the previous year and average monthly consumption of immediately preceding three months."* has to be applied and any extra units billed on Average basis during this period has to be refunded back to the registered consumer.

As such Ld. CGRF has erred in identifying the defective period liable to be assessed. Moreover, as per Section 45 of I.E. Act 2003 the licensee is entitled to recover the charges of electricity as per specified Tariff Order prevailing during this period as the consumer has availed the services provided by the licensee for supplying Electricity to the Appellant/consumer/complainant.

b. Is there any provision of Refund available in Electricity Supply Code 2018 for the period any consumer has utilized the Power Supply and meter remained defective/stuck?

   There is no provision in Electricity Supply Code 2018 for the refund of energy charges, consumed during the period meter is defective and consumer continued getting services from the licensee.

c. Is there any provision for not charging the meter rent in case the meter is defective/Stuck/Burnt?

   There is no provision in JERC Electricity Supply Code 2018 in which the Meter Rent cannot be charged during the period the meter is stuck/ defective.

d. Whether the provisions of Compensation as per Schedule-III of Standard of Performance Regulations 2015 correctly applied or not?

   As per Regulation 14 (ii) of JERC Standard of Performance Regulations 2015, which is as under:

Sr No	Nature of Complaint	Time to be taken by the licensee
ii	Complaint lodged for defective/stuck meter	Within 15 days of receiving the Complaint, the Licensee shall check the meter and if needed, the meter shall be replaced within 15 days thereafter.

   In the present case the meter is declared defective by the Licensee Electricity Department Chandigarh in the month of February 2023 and intimation regarding this has been sent to the Appellant vide Memo No 1010 dated 07.03.2024 intimating therein that the same capacity/rating of meter is not available with the Electricity Department.

   On the contrary, the consumer has lodged his complaint on 30.08.2024 and meter replaced on 06.11.2024 vide MCO No 16/557 by the Electricity Department. Since the meter has been replaced in 67 days of lodging complaint by the Appellant on dated 30.08.2024. As per Regulation 14(ii) of Standard of Performance Regulations 2015 the meter should have been replaced within 30 days of lodging the complaint. Besides this, the Respondent is well aware of the fact that meter is stuck/defective since February 2023 the total period of approximately 21 months is good enough to procure the meter. Nevertheless, the solution which has been worked out after 21 months can also be taken earlier also. There must be some efforts made by the department for procurement of energy meters as per the prevailing process but the replacement of meter after 67 days of lodging the complaint by the Appellant cannot be appreciated. As such the Appellant is entitled for a compensation @ Rs 100/- per day as per Schedule-III Serial No 15 of Standard of Performance Regulations 2015 for 37 days (67 days-30 days (as per SOP regulations 2015) = 37 days). As such a compensation in terms of SOP Regulations 2015 for not replacing the defective meter is allowed.

Ld. CGRF has also erred on this issue probably because they considered 26.09.2024 as the date of meter replacement however, as per MCO No 016/557 the actual date of meter replacement is 06.11.2024 and not 26.09.2024.

e. Whether there is any provision for Refund of meter Rental charged for defective meter?

   The meter rentals are charged as per the provisions of Tariff Orders passed by Hon'ble Commission (JERC) on year-to-year basis. As per Tariff orders dated 11.07.2022 for the year 2022-23, meter Rental charges are applicable till 31.03.2023. Thereafter as per Tariff order dated 30.03.2023 for the year 2023-24 the meter rental has been abolished by the Hon'ble Commission (JERC). Abolishment of Meter Rental in the Tariff Order for the year 2023-24 has been clarified again in the Tariff Order for the year 2024-25 dated 13.06.2024. The Respondent Electricity Department Chandigarh has already implemented the order and refunded the meter rental charge w.e.f. 1.04.2023 along with Interest. The Appellant in the present case will also be benefited by this order. Further, at no point of time there was any provision for refund of meter rent in case the meter is defective/stuck/burnt prior to 2023-24.

f. Whether there is any violation of Regulation 5.142 of JERC Supply Code 2018 and section 163 of Electricity Act 2003 as no prior notice of inspection of my premise was given while inspecting the premise on 26.09.2024 for calculating the internal load of the house?

   As per Regulation 5.142 of JERC Electricity Supply Code 2018 which states as under: -

5.142 *The Distribution Licensee or any person duly authorized by Distribution Licensee shall have access to consumer's premises in accordance with the provisions of Section 163 of the Electricity Act, 2003.*

Section 163 of IE Act 2003 states as under: -

Power for licensee to enter premises and to remove fittings or other apparatus of licensee.

1) A licensee or any person duly authorised by a licence may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which electricity is, or has been, supplied by him, of any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of--

    (a) inspecting, testing, repairing or altering the electric supply-lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee; or

    (b) ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or

    (c) removing where a supply of electricity is no longer required, or where the licensee is authorised to take away and cut off such supply, any electric supply-lines, meters, fittings, works or apparatus belonging to the licensee.

2) ...

3) ...

In the present case No prior intimation was given by the department to the Appellant regarding inspection of premise to ascertain the connected load. Although, the connected load has been recorded in the inspection report vide ECR No 001, Book No 004 but the onus of following the due laid down process as per Section 163 of IE Act 2003 lies with the Respondent Electricity Department.

As such it is ordered as under: -

A. For the reasons discussed above, the appeal of the Appellant is dismissed with no order as to the costs.

B. The Order in Complaint No- F-27/2024 dated 21.11.2024, passed by Learned CGRF-Chandigarh is set aside.

C. The Respondent Electricity Department is directed to overhaul the Appellant's account vide A/c No 208 MA42 006301G by considering the defective period from February 2023 and the date of replacement of meter i.e. 06.11.2024 as per the formula as per Regulation 7.12 of JERC Electricity Supply Code 2018 and the extra units charged during this period be refunded back to the Appellant.

D. Since the meter was replaced in 67 days of the complaint lodged on 30.08.2024, with the replacement occurring on 06.11.2024, the Appellant is entitled for a compensation for 37 days @ Rs 100/- per day as per Schedule-III Serial No 15 of Standard of Performance Regulations 2015.

   As such a compensation in terms of SOP Regulations 2015 14(ii) for not replacing the defective meter within 30 days is allowed.

E. The Meter Rentals charged after 01.04.2023 shall be refunded back along with applicable Interest, to the Appellant in accordance with the Tariff Order dated 30.03.2023 for the year 2023-24.

F. Necessary instructions must be issued by the competent authority to follow the processes as stipulated in the IE Act 2003 shall be issued to all concerned departments/Engineers/Officers.

G. A certified copy of the order be sent to the Ld. CGRF Chandigarh.

H. A certified copy of the order be sent to Executive Engineer Op Divn 2, Electricity Department, Chandigarh for compliance.

I. 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.

J. The appeal is disposed of accordingly.

Chander Mohan 9/1/25

(C M SHARMA)

Electricity Ombudsman

For Goa & UTs (except Delhi)

Dated: 09.01.2025