

OFFICE OF THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
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Appeal No. *228 of 2024*

Date of Video Conferencing: 17.12.2024, 23.12.2024,
27.12.2024

Date of Order: 02.01.2025

In the matter of:

Mr Charan Singh,
H.No 225, NAC, Shivalik Enclave,
Mani Majra, Chandigarh. 160001

.... Appellant

Versus

Executive Engineer OP Divn No 2,
Electricity Department,
Chandigarh

.... Respondent

Parties present:

Appellant(s)

Shri Charan Singh

Respondent(s)

Mr U K Patel,
Executive Engineer OP Divn No 2,
Electricity Department,
Chandigarh

Order

The Appellant has preferred an Appeal No-CHD/228 of 2024 against CGRF order in Complaint No. F-25/2024 dated-08.10.2024 filed by Shri Charan Singh, R/o H. No. 225, NAC, Shivalik Enclave, Mani Majra, Chandigarh-160001.

The Appeal was admitted on 11.11.2024, as Appeal No. CHD/228 of 2024. A 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 Electricity Department Chandigarh filed their reply through Executive Engineer Op Divn No 2 vide letter No EE/OP2/2024/TECH/CGRF(Ombudsman)-F-25/2024/1843917 Dated 28.11.2024.

Submissions by the Appellant

The Appellant submitted a complaint concerning the refund of excess meter rentals charged against Account (A/c No. 208/MA43/0298000U). The chronology of events is as follows:

The Meter rentals have been charged in his electricity bills since 1.4.2023. These charges are not approved by the Hon'ble Commission as per the Tariff Order dated 30.03.2023 for the year 2023-2024 as mentioned on page 217 of the Tariff Order on True Up of FY 2021-22 and APR of FY 2023-24, ARR and Retail Tariff for FY 2024-25 Electricity Wing of Engineering Department, Chandigarh.

A complaint regarding the above issue was sent via Speed Post on 12.08.2024 to the office of the SDO OP Sub Division No. 8, Manimajra. Despite this, no action was taken by the concerned office.

Subsequently, a complaint was submitted to the Consumer Grievance Redressal Forum (CGRF), Chandigarh, via Speed Post on 9.9.2024.

The Ld. CGRF, after due consideration, allowed the complaint and issued the following directives:

The Respondent/Licensee was directed to refund the excess meter rentals charged from 1.4.2023, along with interest at the SBI base rate applicable as of 1st April for the prevailing year, payable annually. The electricity bill was to be rectified accordingly within seven days of the issue of this final order.



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In case of failure to comply within the stipulated period, the respondent/licensee was made liable to pay compensation to the complainant at the rate of Rs. 100/- per day of default, as per SOP Regulations.

Despite the CGRF's clear orders, the respondent has neither refunded the excess meter rentals nor rectified my electricity bill to date. Furthermore, the current bill dated 15.10.2024 (copy enclosed) still includes meter rentals. The bill has been paid under protest.

In light of the above, The Appellant, requested the for directions to the respondent/licensee to:

Refund the excess meter rentals charged since 1.4.2023, along with penal interest as per the CGRF's orders.

Award compensation to the complainant as per Schedule III of SOP Regulations, 2024, for failure to revise the electricity bill and refund the amount within seven days of receiving my complaint and the CGRF's order.

Cease further imposition of meter rental charges in my future bills.

Submissions by the Respondent:

The Complainant filed Complaint No. CGRF/F-25/2024 before the Hon'ble Consumer Grievances Redressal Forum (CGRF) on 10.09.2024, seeking a refund of meter rent from 01.04.2023 to date, along with interest. The Hon'ble CGRF issued its order dated 08.10.2024 (Exhibit-A), directing the Respondent to:

Refund the excess meter rentals charged from 01.04.2023 along with interest at the State Bank of India Base Rate, payable annually.

Rectify the Complainant's electricity bill within 7 days from the date of the final order.

Submit a compliance report within 10 days of the issuance of the order.

Pay compensation of Rs. 100/- per day of delay in compliance, as per SOP Regulations.

The Respondent, being bound by financial and administrative protocols, sought approval from the competent authority to implement the order, as meter rent was uniformly charged to all consumers under the Chandigarh Electricity Department.

Executive Engineer Op Divn No 2 communicated with the SE, Electricity Operation Circle, U.T., Chandigarh, vide Memo No. 1785852 dated 10.10.2024 (Exhibit-B), requesting





approval for the refund of meter rent and instructions to M/s NIELIT (billing agency) for compliance.

Clarifications were sought from the Secretary, JERC, regarding refund methodology and recovery of meter costs vide Memo No. 1785852 dated 22.10.2024 (Exhibit-C).

Due to the above-mentioned procedural requirements, the Respondent sought an extension of three months under Section 30(1) of JERC Notification (CGRF & Ombudsman Regulations, 2024):

Memo Nos. 1785852 dated 15.10.2024, 21.10.2024, and 06.11.2024 (Exhibits-D, E & F) were submitted to the Hon'ble CGRF, citing delays due to pending approval from the competent authority.

The Hon'ble CGRF, vide order dated 30.10.2024 (Exhibit-G), denied the request for an extension and directed adherence to the original timeline.

Despite procedural challenges, the Respondent implemented the Hon'ble CGRF's orders as follows:

The refund amount of Rs. 885/- (Rs. 850/- as meter rent and Rs. 35/- as interest) was processed on 30.10.2024 under Sundry Item No. 37/34. This refund will be reflected in the forthcoming bill dated 15.12.2024 under the Sundry Allowance column.

Intimation of compliance was communicated to the Complainant on 04.11.2024 (Memo No. 3314) and to the Hon'ble CGRF on 11.11.2024 (Memo No. 1785852).

The Hon'ble CGRF, vide communication dated 11.11.2024 (Exhibit-H), directed the Respondent to desist from further requests for time extensions and recorded the matter as closed.

SE, Electricity Operation Circle, issued directions to M/s NIELIT to cease levying meter rent in electricity bills effective immediately, vide Memo No. 1785852 dated 05.11.2024 (Exhibit-I).

Given the above, the Respondent respectfully submits that:

The delay in compliance was not deliberate but due to procedural requirements involving approvals from higher authorities.

The Respondent has fully implemented the Hon'ble CGRF's orders dated 08.10.2024 and 30.10.2024.



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The Ombudsman is requested to consider the procedural challenges faced by the Respondent under Section 30(1) of JERC Notification (CGRF & Ombudsman Regulations, 2024), especially in matters with wider implications requiring administrative approval.

In light of the compliance already effected, the appeal may kindly be quashed, and no further adverse action may be taken against the Respondent.

Deliberation during e-hearing on 17.12.2024, 23.12.2024 and 27.12.2024: -

The Appellant did not appear on the scheduled date of hearing and sent an Email stating that he could not join the hearing due to some emergency and requested for adjournment. On the next date of scheduled hearing on 23.12.2024 the Appellant once again submitted that due to lack of connectivity at his residence he could not join the Videoconferencing and requested again for another date.

On the scheduled date of hearing on 27.12.2024 arrangements were made by the Electricity Department for Appellant to provide him a system with proper connectivity in a separate room in their office to attend the hearing. The Appellant submitted that he has got his corrected bill with refund amounting to Rs 885/- (Rupees Eight Hundred and Eighty-Five) of meter rent from 1.4.2023 (Rs 850 as meter Rent and Rs 35 as Interest). The amount is clearly reflected in the bill.

He stressed further that the compensation as directed by CGRF is still pending.

Findings and Analysis

All records submitted by both parties have been carefully examined and considered.

- As per TARIFF ORDER for approval of True-up of FY 2020-21, Annual Performance Review of FY 2021-22 and Aggregate Revenue Requirement (ARR) for FY 2022- 23 to FY 2024-25 and Determination of Retail Tariff for FY 2022-23 in Petition No. 80/2022 for Electricity Wing of Engineering Department, Chandigarh (EWEDC) dated 11th July 2022, at (10.4) Schedule of Other Charges Table 136 on page 151, the charges for the Meter Rental applicable to various categories have been defined.
- As per TARIFF ORDER for approval for True-up of FY 2020-21 and True-up of FY 2021-22, Annual Performance Review (APR) of FY 2022-23, and Aggregate Revenue Requirement (ARR) and Determination of Retail Tariff for FY 2023-24 in





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Petition No. 99/2023 for Electricity Wing of Engineering Department, Chandigarh (EWEDC) dated 30.03.2023, at (11.4) Schedule of Other Charges Table 170: on page No 181-185, the charges for Meter Rentals have been removed.

- As per TARIFF ORDER for approval for True-up of FY 2021-22, Annual Performance Review (APR) of FY 2023-24, Aggregate Revenue Requirement (ARR), and Determination of Retail Tariff for FY 2024-25 in Petition No. 125/2024 for Electricity Wing of Engineering Department, Chandigarh (EWEDC) dated 25th July, 2024 at Page No 217, it has been clarified that "The Meter Rent has been abolished by the Commission vide its Tariff Order dated 30th March 2023."

A plain reading of the Tariff Orders dated 11.07.2022, 30.03.2023, and 25.07.2024 clearly establishes that the charging of meter rent has been abolished by the Hon'ble Commission (JERC) with effect from 01.04.2023. It is, however, surprising to note that the Respondents have not taken any action to modify their billing software to ensure compliance with the Tariff Orders and stop charging meter rent. This is despite continuous communication and updates from the offices of the Division and Sub-Divisions to the higher authorities on this matter. This is an error on the part of Electricity Department Chandigarh.

In addition to individual requests for meter rent refunds, the Indian Citizen Forum has filed a complaint before the CGRF Chandigarh on behalf of all consumers of the Chandigarh Electricity Department. The learned CGRF has issued orders for the refund of meter rental charges effective from April 1, 2023, in both cases.

The appellant in this case submitted a representation to the department on August 12, 2024, nearly 17 months after the issuance of the Tariff Order.

Despite the CGRF's orders, the Electricity Department Chandigarh has not yet implemented the refund of meter rental charges in compliance with the Tariff Orders. This issue only came to light when consumers began applying for refunds. Given the widespread impact on all electricity consumers, the department processed an approval note (Memo No. 1785852, dated October 10, 2024) to seek approval from the competent authority for the refund, as the decision affects a large number of consumers.

The approval note for seeking financial approval for refund of Meter Rent has been processed by the Electricity Department two days after the passing of the orders by the



Learned CGRF Chandigarh in Case No. F-25/2024. During this period, the Electricity Department has also submitted a representation dated 21.10.2024 to CGRF Chandigarh under Regulation 30(1) of the JERC CGRF & Ombudsman Regulations 2024, requesting a three-month extension for the comprehensive implementation of the CGRF's orders for all consumers of the Electricity Department. The excerpts of the said Regulation 30(1) is reproduced hereunder

30. Compliance of the order of Forum. –

(1) The licensee shall comply with the order of the Forum within 15 days or within such shorter period as may be directed by an order made by the Forum, from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the licensee, may extend the period for compliance of its order up to a maximum of three months. Non-compliance of the order of the Forum shall be treated as violation of the Regulations of the Commission and accordingly liable for action under section 142 of the Act.

A letter dated 22.10.2024 from the Superintending Engineer, Electricity Circle, UT Chandigarh has also been placed on record for the perusal of the Learned CGRF Chandigarh. This letter indicates that the Electricity Department has sought clarification from the Secretary, JERC regarding the refund of meter rent from 1.04.2023.

In its order dated 30.10.2024, the Learned CGRF dismissed the representation filed by the Electricity Department on 21.10.2024 for the following reasons:

- ❖ There was no evidence to suggest that the CGRF's orders had been challenged before the appropriate authority.
- ❖ No stay order was issued by any court of law.
- ❖ The Respondent did not present any evidence showing that the Tariff Order dated 30.03.2023, for FY 2023-24, which formed the basis for the CGRF's decision, had been challenged or its operation suspended by the Hon'ble Commission (JERC) or any other court of law.
- ❖ In fact, the Nodal Officer admitted that an office circular dated 12.05.2023, issued by the O/o Superintending Engineer, Electricity Op Circle, UT Chandigarh, was circulated with the approval of the Chandigarh Administration, directing all divisions to implement the Tariff Order dated 30.03.2023 for FY 2023-24.



The Ld. CGRF ignored the fact that appeal filed by the Respondent was solely confined to requesting a time extension under Regulation 30(1) of the JERC CGRF & Ombudsman Regulations 2024 and they were not challenging the orders. If the order had been challenged or stayed by any court of law, there would have been no need to approach the CGRF again.

The Learned CGRF also failed to acknowledge that the implementation of the order has significant financial implications, which require approval from the competent authorities. Consequently, compliance with the CGRF's order within the stipulated seven-day period was deemed impractical.

Notwithstanding these challenges, the order of the Learned CGRF has been implemented by the Respondent, as confirmed by Memo No. 3314 dated 04.11.2024, addressed to the Appellant. Furthermore, the Superintending Engineer, Electricity Op Circle, UT Chandigarh, has issued instructions via Memo No. SEE/OP/C-1/210/C-1785852 dated 05.11.2024 to the Additional Director, M/s NIELIT, to immediately cease charging meter rent for all consumers of the Electricity Department, Chandigarh.

Furthermore, as per STANDARD OF PERFORMANCE REGULATIONS dated 24.07.2015 in Regulation 16

Complaints about consumer's bills

Sr No	Nature of Complaint	Time to be Taken by Licensee
1	Complaints on Billing	Licensee shall acknowledge the complaint immediately, if received in person, or within 3 days from the date of receipt if received by post. If no additional information is required, Licensee shall resolve the complaint and intimate the result to the consumer within 7 days of receipt of the complaint. In case any additional information is required, the same shall be obtained, the issue resolved and result intimated to the consumer within 7 days of the receipt of the additional information, whichever is later.



The undersigned is of the opinion that in this matter, the Respondent Executive Engineer filed a representation on dated 21.10.2024, requesting a time extension for compliance. Following this, the Superintending Engineer, Operation Circle, UT Chandigarh, sought clarification from the Secretary, JERC, through a letter dated 22.10.2024, which has not been responded to by the Secretary JERC or the Hon'ble Commission. Despite the dismissal of the representation by the Learned CGRF on 30.10.2024, the Electricity Department proceeded to implement the orders issued by the Learned CGRF in Case No. F-25/2024. These details constitute as "Additional Information" from Secretary JERC which is unreplied so far. Moreover, the orders dated 30.10.2024 have been complied in less than 7 days in accordance with the provisions of above Regulations.

Given these circumstances, undersigned, finds no delay attributable to the Electricity Department in this case. As such, the Appellant's request for compensation is not maintainable and is, therefore, dismissed.

Hence, it is ordered

- I. For the reasons discussed above, the appeal of the Appellant is dismissed with no order as to the costs.
- II. The main grievance in the appeal regarding refund of Meter Rent w.e.f. 1.04.2023 along with Interest has already been paid by the Electricity Department.
- III. The Order in Complaint No- F-25/2024 dated 8.10.2024, passed by Learned CGRF-Chandigarh is partly upheld to the extent that Meter Rent and applicable Interest thereof has already been paid by the Electricity Department and the same is also reflected in the bill for December 2024, as confirmed by the Appellant.
- IV. A certified copy of this order be sent to CGRF Chandigarh.
- V. A certified copy of this order be sent to the Executive Engineer 'Op' Electy. Division No 2 for their record
- VI. The appeal is disposed of accordingly.



(C M SHARMA)

Electricity Ombudsman

For Goa & UTs (except Delhi)

Dated: 02.01.2025