

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@gov.in
Phone No.:0124-4684708

Appeal No-235 of 2025

**Date of Video Conferencing: 19.02.2025,
25.2.2025, 05.03.2025, 09.04.2025**
Date of Order: 16.04.2025
Date of Revised Order 21.04.2025

In the matter of

India Citizen Forum (Regd.),
Plot No 134, Industrial Area Phase-II,
Chandigarh.
(Through Mr. S K Nayar President)

.... Appellant

Versus

Executive Engineer,
Division-2, Industrial Area Phase-1,
Electricity Department,
Chandigarh and Others.

Executive Engineer,
Division-2, Industrial Area Phase-1,
Chandigarh Power Distribution Ltd. (CPDL),
Chandigarh.

.... Respondent

Corrigendum to Order Dated 16.04.2025

It has come to notice that in the Order dated 16.04.2025 in the matter of India Citizen Forum (Regd.), Chandigarh (Through Mr. S K Nayar President) Versus Executive Engineer, Division-2, Industrial Area Phase-1, Electricity Department, Chandigarh and Executive Engineer,



Division-2, Industrial Area Phase-1, Chandigarh Power Distribution Ltd. (CPDL), Chandigarh at page # 15 & 16 of Appeal Number 235, there was an inadvertent typographical error. Therefore, in exercise of powers conferred under Regulation 28 "Power to Review" of CGRF and Ombudsman Regulations 2024

"(1) The Forum may at any time, after affording an opportunity of being heard, review its Order either on its own motion or an application of any of the parties to the original proceedings, within 30 days of the order on-

- a) the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time the order was made;
- b) on account of some mistake or error apparent on the face of the record;
- c) for any other sufficient reasons."

As such the following necessary corrections have been made in the original order for all purpose

Page # 15 last para

The text currently reads:

Upto 31st March 2025-the date on which the Chandigarh Electricity Reforms Transfer Scheme, 2025 was notified by the Chandigarh Administration".

Whereas the corrected text should read as follows:

Upto 31st January, 2025 -the date on which the Chandigarh Electricity Reforms Transfer Scheme, 2025 was notified by the Chandigarh.

Page # 16 Point # (E) DECISION in Para V:

The text currently reads:

31st March 2025 i.e. the date of notification issued by "the Chandigarh Administration regarding Chandigarh Electricity Reforms Transfer Scheme, 2025". The new entity CPDL is no way responsible for any delay because they have acquired Distribution Operation w.e.f. 01.04.2025 only and they still under transition phase.

Whereas the corrected text should read as follows:

31st January 2025 i.e. the date of notification issued by Chandigarh Administration regarding "the Chandigarh Electricity Reforms Transfer Scheme, 2025". The new entity CPDL is no way responsible for any delay because they have acquired Distribution Operation w.e.f. 01.02.2025 only and they still under transition phase.

The other contents of the order remain same for all purpose.

The revised order after necessary correction is enclosed with this order.



We sincerely apologize for any inconvenience caused to the parties due to this typographical mistake.

Dated: 21.04.2025


(C M SHARMA)
Electricity Ombudsman
For Goa & UTs (except Delhi)

**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
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Chandigarh and Others.

Executive Engineer,
Division-2, Industrial Area Phase-1,
Chandigarh Power Distribution Ltd. (CPDL),
Chandigarh.

.... Respondent

Parties present:

Appellant(s)

Mr S K Nayar President, India Citizen Forum.
Mr Narinder Sharma, General Secretary, India Citizen
Forum

Respondent(s)

1. Mr Balbir Singh,
Executive Engineer,
Division-2, Industrial Area Phase-1,
Chandigarh Power Distribution Ltd. (CPDL),
Chandigarh.
2. Mr. Sukhwinder Singh, SDO,
Chandigarh Power Distribution Ltd. (CPDL),
Chandigarh.
3. Mr Dhruv Shakuntlam,
Executive Legal,
Chandigarh Power Distribution Ltd. (CPDL),
Chandigarh.
4. Mr Alok Sharma,
Chandigarh Power Distribution Ltd. (CPDL),
Chandigarh.

ORDER

This representation was filed on 27th January, 2025 by Shri S K Nayar, President, India Citizen Forum, Plot No 134, Industrial Area Phase-II, Chandigarh under Section 42(6) of the Electricity Act 2003 read with Regulations 35 & 36 of Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations 2024 against the order dated 26.11.2024 and 20.12.2024 in case No. F-31/2024 passed by the Ld. Consumer Grievance Redressal Forum (CGRF), Chandigarh.

Following a thorough examination of the documents supporting the representation, the Ombudsman issued an admission notice on 30th January, 2025. The Ombudsman directed the respondents to file the reply to the appeal filed by the appellant vide this office letter dated 30.01.2025.

As per the tariff order for FY 2023-24 the meter rental charges have been abolished by JERC. Further, as per SE (Elect) letter vide Memo No. SEE/OP/C-1/210/C-1785892 dated 5.11.2024 the meter rental charges had been removed for all the consumers of Electricity Department.



A letter dated 30.01.2025 was also addressed to the Superintending Engineer, 'Op' Circle, Electricity Department requesting him to confirm within 10 days if

I. the meter rental charges paid by all the consumers w.e.f. 01.04.23 have been refunded back to all the consumers including 7 complainants who filed complaint on 15.12.2024.

II. the interest as per the orders of Ld. CGRF has been paid to all the consumers or not. Thereafter on 1st February, 2025 the Distribution function has been taken over by the successor Company "Chandigarh Power Distribution Ltd" in accordance with the Gazette notification No G1/2025/120 dated 31.01.2025.

As per the Clause D Transfer of Electricity Distribution Business Sub Clause 2 which states as under:

On such transfer and vesting of the electricity distribution and retail supply function of EWEDC as per the terms of Para(5) of Part D, the Company shall be vested with and shall stand responsible for the contracts, rights, deeds, schemes, bonds, agreements, and other instruments of whatever nature to the extent transferred, to which the Administration was a party, subsisting or having effect on the Transfer Date, in the same manner as the Administration was liable immediately before the Transfer Date and the same shall be in full force and effect against or in favour of the Company and shall be enforced as fully and effectively as if the Company had been a party thereto instead of the Administration.

As per the Company Act 2013 Section 240 which states as under: -

240. Liability of officers in respect of offences committed prior to merger, amalgamation, etc.—

Notwithstanding anything in any other law for the time being in force, the liability in respect of offences committed under this Act by the officers in default, of the transferor company prior to its merger, amalgamation or acquisition shall continue after such merger, amalgamation or acquisition.

Accordingly, the new/successor entity Chandigarh Power distribution Ltd. has been made party to this case as Respondents in addition to the Electricity Department, Chandigarh.



The Respondent Executive Engineer, CPDL Chandigarh vide his Affidavit dated 3rd March, 2025 has also submitted its comments in reference to the directions issued during the hearing dated 25.02.2025 vide email dated 25.02.2025 has submitted his comment on 16.01.2025.

Reason for Delay in Disposal of Representation Filed by India Citizen Forum

There has been a delay of approximately 21 days in the disposal of the representation filed by India Citizen Forum through Mr. S K Nayar.

The representation was filed by the appellant, *India Citizen Forum*, on **27th January 2025**, concerning the non-implementation of the CGRF orders dated **26th November 2024**. The Respondent in the case was the *Electricity Department, Chandigarh*.

However, with effect from **1st February 2025**, the distribution operations of the Electricity Department were taken over by the successor company, *Chandigarh Power Distribution Ltd.* (hereinafter referred to as "CPDL"), in accordance with *Gazette Notification No. G1/2025/120* dated **31st January 2025**.

In compliance with the Gazette notification and the provisions under Section 240 of the Companies Act, 2023, the Executive Engineer, Division 2, CPDL, was served with a copy of the petition on his registered email on **24th February 2025**, i.e., one day prior to the scheduled hearing on **25th February 2025**.

The delay occurred primarily due to the transition of distribution responsibilities from the erstwhile Electricity Department to CPDL and the associated procedural realignments during this period. SDO of Division 2, CPDL appeared on the scheduled date of hearing on 25.02.2025. On 3.03.2025 Executive Engineer 'OP' Division-2 vide its affidavit submitted the reply stating that CPDL is not the party to this case as such they are not required to submit the reply to the petition filed by the Appellant. Thereafter, in hearing on 5.03.2025 the Appellant were directed to file the reply by 28.03.2025. The Appellant "CPDL" has filed their reply vide their affidavit dated 28.03.2025.

Due to the transition of operations between the Electricity Department of Chandigarh and CPDL, the adjudication of this case was delayed by 21 days.



(A) **Submissions by the Appellant:**

As per the Tariff Orders issued by the Joint Electricity Regulatory Commission (JERC), meter rents have been abolished effective from 1st April 2023 for the financial years 2023-24 and 2024-25. This directive, in line with the JERC's Tariff Orders dated 30th March 2023 and 25th July 2024, clearly mandates the cessation of meter rents for electricity consumers.

A few consumers of the UT Electricity Department have approached this Non-Governmental Organization (NGO) to raise concerns regarding the improper charging of meter rents, despite the JERC's order. These consumers have already submitted their individual complaints to the concerned sub-division seeking a refund for the erroneously charged meter rentals and a discontinuation of further charges in future bills. The list of consumers is as under: -

Sr No	Name & Address	Account No	Complaint Submitted on dated to the O/o SDO Manimajra
1	Sh. Charanjit Singh # 1646. Moh. Arrorian, Manimajra.	208MA26032402K	15.12.2023
2	-Do-	208MA26018805R	-Do-
3	Sh. Tarlochan Singh B.No.814, Mot.Mkt	208MA44078701Q	15.12.2023
4	Sh. Chaman Lal. B.No.820, Mot. Mkt Manimajra	208MA44026202X	20.12.2023
5	S.Komal Kumar B.No. 812, Mot. Mkt. Manimajra	208MA44081201R	15.12.2023
6	S.Satish Kumar B.No.817, Mot.Mkt,	208MA44066200H	15.12.2023
7	Sh. Ganga Parshad B.No.818, Mot. Mkt., Manimajra	208MA44018300G	15.12.2023

In response to these grievances, the NGO, India Citizen Forum (Regd.), through Sh. Narinder Sharma, Secretary of ICF, raised the issue with the SDO, Operation Sub Division No. 8, via formal communication (Reference No. ICF/2024/319) dated 19th March 2024. However, the Sub-Divisional Officer did not address the matter as expected, leading to further escalation. As no action was taken, a WhatsApp message was sent to Er. Anil Dhamija, SE, Electricity Operations Circle UT Chandigarh, on 9th August 2024, with the following message:



"UTED (UT Electricity Department) is charging meter rents after 1st April 2023 for meters supplied and installed by the department, even though such rent is not approved in the current year's tariff order. Please ensure that such charges are stopped."

However, no response was received from any concerned authority, leading to the filing of a formal complaint before the Consumer Grievance Redressal Forum (CGRF), Chandigarh.

The Ld. CGRF, in its order dated 26th October 2024, made the following directions:

- a) The Respondent/Licensee is hereby ordered to refund the excess amount of meter rentals charged from all electricity consumers of Chandigarh since 1st April 2023, along with interest at the SBI Base Rate applicable on 1st April of the relevant year. This refund, along with the necessary corrections in the bills, must be completed within 30 days of the issue of this final order and communicated via email.
- b) The Respondents are further directed to compensate each of the seven consumers identified in this case with Rs. 100 per day, starting from the date of receipt of their representations in the sub-division, until the meter rental charges are rectified and the bills are amended. This payment should also be made within 30 days from the issue of this Final Order, through email.

The Respondents, seeking an extension of time for compliance, submitted a representation before Ld. CGRF on 11th December 2024. However, the CGRF dismissed this representation on 20th December 2024, stating that no extension was warranted and that the Respondents were expected to comply with the final order issued on 26th November 2024. The Respondents were thus directed to adhere to the original time frame specified in the decision.

Despite the clear and unequivocal directives from the Ld. CGRF, the Respondents have not fully complied with the orders as follows:

- a) The meter rentals for six out of the seven consumers were refunded, but no interest has been paid. The consumer at S.No. 5, who had already provided his own meter, did not require any refund, as no rent was charged to him.



b) Four consumers (S.No. 3, 4, 6, and 7) have received the refund of meter rents in their bills dated 15th December 2024, but no interest or compensation has been provided as per the CGRF's orders.

c) Two consumers (S.No. 1 and 2) received their refund of meter rents in the bills dated 5th January 2025, but again, no interest or compensation has been provided.

As such, the Respondents have not fully complied with the CGRF order in both letter and spirit, as the necessary interest and compensation payments have not been made.

It is further highlighted that the Respondents took almost a year to process the refund of meter rentals that were recovered without approval in the tariff order issued by JERC. This undue delay in refund processing has caused inconvenience to the affected consumers, and the full implementation of the CGRF's orders is still pending.

In light of the above, the Respondents have now stopped charging meter rents from all electricity consumers in Chandigarh, following the issuance of CGRF orders on 26th November 2024. However, the rents already paid by the consumers (except for the seven mentioned above) must be refunded with the applicable interest, as stipulated in the CGRF's orders. The failure to fully comply with the CGRF orders indicates a lack of adherence to the directions provided by the Hon'ble Forum.

It is therefore requested that the matter be addressed to ensure that the Respondents comply fully with the CGRF order and implement the refund process, along with the necessary interest and compensation, in the interest of the consumers

(B) **Submissions by the Respondent:**

Copy of the complaint as received was initially forwarded to Executive Engineer, Div-2, Electricity Department, Chandigarh and thereafter to Executive Engineer, Div-2, Chandigarh Power Distribution Ltd (as the Distribution Business is taken over by the CPDL w.e.f. 01.02.2025) to file the parawise comments.

A letter dated 30.01.2025 was also sent to SE (Elect) 'Op' Circle to clarify that as per the tariff order for FY 2023-24 the meter rental charges have been abolished by JERC. Further, as per SE(Elect) letter vide Memo No. SEE/OP/C-1/210/C-1785892 dated 5.11.2024 the



meter rental charges have been removed for all the consumers of Electricity Department w.e.f.5.11.2024. SE(Elect) was further requested to also confirm

- I. If the meter rental charges paid by all the consumers w.e.f. 01.04.23 have been refunded back to all the consumers including 7 complainants who filed complaint on 15.12.2024.
- II. If the interest as per the orders of Ld. CGRF has been paid to all the consumers or not.

SE(Elect) vide his Memo No SEE/Op/2025/179 dated 14.02.2025 informed that Electricity Department Chandigarh has filed a Petition before the Hon'ble Commission, JERC vide Memo No 1785852 dated 13.01.2025 for seeking clarification for refund of meter rental charges and compensation to the electricity consumers of EWDC for the period 01.04.2023 to 5.11.2024 as the meter cost has not been recovered by Electricity Department, Chandigarh through ARR. It was further, requested that they may be allowed to charge the meter rental in accordance with the Regulation 6.11 of JERC Electricity Supply Code Regulations 2018 as the meter rent collected has already been deposited in Consolidated Funds of India.

The Respondent Executive Engineer, Div-2, CPDL filed an affidavit dated 03.03.2025 stating that

- a) The CPDL is neither a party to the present appeal nor they are responsible for the non-compliance of orders dated 26.11.2024.
- b) Regarding status of approval note processed by SE Electricity OP circle, CPDL Chandigarh informed that they are not aware of any such note.
- c) Furthermore, CPDL submitted that they had no role in the implementation of orders of CGRF Chandigarh as they came into existence after the passing of orders by Ld. CGRF.

The Respondent CPDL vide their affidavit dated 28.03.2025 submitted as under:

The Indian Citizens' Forum, represented by Mr. S.K. Nayar, filed Complaint No. F-31/2024 before the Ld. Consumer Grievance Redressal Forum (Ld. CGRF) on 29.10.2024. The complaint centered on the alleged wrongful collection of meter rental charges by the



Electricity Wing of Engineering Department Chandigarh (EWEDC) from its consumers. The Appellant cited the Joint Electricity Regulatory Commission's (JERC) Tariff Order dated 30.03.2023, which they interpreted as prohibiting such charges, and sought immediate stoppage of these collections and a refund with interest.

The Ld. CGRF, on 26.11.2024, issued an order directing EWEDC to refund the meter rental charges collected from 01.04.2023, along with interest at the SBI base rate and compensation of Rs. 100/- per day for specific consumers who had previously filed representations. EWEDC subsequently sought a time extension, which was denied. The Appellant then filed the present appeal before the Hon'ble Ombudsman on 20.01.2025.

The Ministry of Power, Government of India, initiated the corporatization and privatization of EWEDC's functions in May 2020.

- The Administration of UT Chandigarh notified the Transfer Scheme on 31.01.2025, and the effective transfer date of EWEDC's electricity distribution functions to Chandigarh Power Distribution Company Ltd. (CPDL) was 01.02.2025.
- CPDL is now the respondent in this appeal.

CPDL's Submissions:

1. CPDL acknowledges the transfer of EWEDC's functions but emphasizes that the Transfer Scheme explicitly delineates the liabilities assumed.
2. According to the Scheme, CPDL's liability is confined to:
 - Liabilities reflected in the notified Opening Balance Sheet.
 - Consumer-related contingent liabilities arising from EWEDC's dealings prior to 01.02.2025.
3. Crucially, the Scheme explicitly excludes "unpaid arrears/disputed power purchase bills pertaining to past period having due date prior to Transfer Date."
4. The meter rental refunds, stemming from the JERC's 2023 Tariff Order and the Ld. CGRF's 2024 order, constitute "unpaid arrears" pertaining to a period prior to CPDL's operational commencement.
5. The opening balance sheet is still provisional, and has not yet been finalized.
6. Therefore, CPDL asserts it is not legally obligated to honor these refunds.



7. Despite its position on liability, CPDL has actively sought to understand and assist in resolving the matter.
8. CPDL has discovered that EWEDC had corresponded with JERC seeking clarification on the meter rental issue, indicating ambiguity in the initial Tariff Order.
9. EWEDC filed a clarification petition with JERC, requesting exemption from the refund and associated costs, which is currently pending.
10. CPDL has actively attempted to acquire the consumer master data from NIELIT. Letters were sent on 17.02.2025, 10.03.2025, and 19.03.2025 requesting this data.
11. NIELIT has refused to provide data until EWEDC's past debts are settled. Without this data, CPDL is unable to accurately calculate and process refunds.
12. CPDL has also requested information from EWEDC regarding the compliance of the CGRF order.
13. CPDL respectfully requests the Hon'ble Ombudsman to keep the present appeal in abeyance pending JERC's decision on EWEDC's clarification petition.
14. This would allow for a comprehensive resolution of the underlying regulatory issues.
15. CPDL also requests that the Hon'ble Ombudsman direct EWEDC to comply with the Ld. CGRF's order, as the liability pertains to EWEDC's operational period.
16. CPDL is willing to assist to the best of its ability, once the data is available.

CPDL reiterates its position of limited liability under the Transfer Scheme. However, it demonstrates a willingness to cooperate and facilitate a fair resolution. CPDL seeks a temporary abeyance of the appeal and requests that the Hon'ble Ombudsman direct EWEDC to fulfill its obligations, while CPDL attempts to gain access to the required data.

(C) Deliberation during e-hearing: -

On 19th February 2025, neither party attended the scheduled hearing. However, on 25th February 2025, both parties were present. The appellant, represented by Mr. S.K. Nayar, President of ICF, reiterated his petition concerning the refund of meter rental charges, the interest accrued on those charges, and compensation as per the Standard Operating Procedures (SOP) for the seven consumers involved in Case No. F-31/2024 before the CGRF, Chandigarh. Additionally, the appellant requested a refund of meter rental charges for all



consumers of the Electricity Department, Chandigarh, who had been incorrectly charged for meter rentals despite the abolition of such charges in the tariff order for the year 2023-24.

The Respondent CPDL submitted that since they have taken over the Distribution operations from 1st February, 2025 only no details regarding earlier correspondence are available with them and requested for one week to file the reply.

Mr. Alok Sharma, Legal Head of CPDL, has forwarded a letter No. CPDL/DIR/2024-25/04 dated 11th March, 2025, from the Director of CPDL. This letter, which was also forwarded via email on the same date, informs that CPDL has raised the matter with the Chief Engineer of the Engineering Department, Chandigarh, concerning the implementation of the orders passed by the Ld. CGRF Chandigarh on 26th November, 2024. This communication is also taken on record.

Additionally, Mr. Dhruv Shakuntlam, Executive Legal of CPDL, has submitted that a request was made to the Chief Engineer of the Engineering Department, Chandigarh, for deputing the concerned officer from EWEDC to attend the hearing on the scheduled date, ensuring compliance with the orders of the Ld. CGRF. However, no officer from EWEDC attended the hearing scheduled for 12th March, 2025, despite the fact that a separate email notice was sent to the Superintending Engineer, Electricity, Op Circle, directing attendance.

Moreover, in reference to letter vide Memo No SEE/OP/2025179 intimating therein that Electricity Department has filed a petition before Commission JERC on 13th January, 2025 an additional email was also sent on 6th March, 2025, to the Superintending Engineer, EWEDC, requesting the submission of copy of the petition filed before the Commission (JERC), along with the admission notice issued by JERC.

From: Chandra Mohan Sharma <ombudsman.jercuts@gov.in>

Thu, 06 Mar 2025 12:30:04 PM +0530Sent

To:"seelecty"<seelecty@gmail.com>,"seelo-chd"<seelo-chd@nic.in>

Cc:"reenachawla919"<reenachawla919@gmail.com>,"ce-chd"<ce-chd@nic.in>

This is about your letter vide Memo No SEE/OP/2025/179 dated 14/02/2025 it has been intimated that the Electricity Department Chandigarh has filed a



Petition before the Commission, JERC, seeking clarification regarding the refund of meter rental charges and compensation to the Electricity Consumers of Chandigarh for the period 01.04.2023 to 05.11.2024.

In this regard, it is requested that a copy of the Petition filed be shared along with the Admission Notice issued by the Commission, JERC, so that the matter related to the Appeal filed by the India Citizen Forum can be adjudicated. The next hearing date has been fixed for 12.03.2025 @ 2:30 PM. Your reply to this mail must be sent before the next hearing date.

The Respondent has submitted vide letter No CPDL/DIR/2024-25/04 dated 11.03.2025 that EWEDC has not yet submitted the requisite fees for filling the petition before the Hon'ble Commission, JERC.

The Respondents further submitted that since the matter is related to the period prior to 01.02.2025 (the date on which the operations of Chandigarh Distribution is taken over by the CPDL) and CPDL is still struggling to compile the consumer data for working out the amount to be refunded back to the consumers. The respondents further assured that they have already initiated the process to sort out this issue with EWEDC but requested for some time to sort out the issue in a positive direction.

The Appellants did not raise any objections to it.

Considering that the implementation of the order will have a widespread impact on all consumers of EWEDC/CPDL and entails significant financial implications, the undersigned, in adherence to the principles of natural justice, has decided to grant CPDL a period of three weeks to finalize the matter in consultation with EWEDC.

Furthermore, CPDL is also directed to submit its detailed reply latest by 28.03.2025. A copy of the reply must also be provided to the opposite party.

The Appellant is permitted to file rejoinder, if any, within one week thereof from the date of receipt of CPDL's reply.

The next date of hearing is hereby fixed for 09.04.2025.

On 09.04.2025, the scheduled date of hearing following were present:



Mr. S K Nayar and Mr. Narinder Sharma President and General Secretary of India
Citizen Forum for Appellant and

Mr. Anil Dhamija SE OP Circle and Mr. Umakant Patel XEN from EWEDC

Mr. Balbir Singh XEN and Mr. Sukhwinder Singh SDO, Mr. Alok Sharma and Mr. Dhruv
Shakuntlam of CPDL along with their legal team represented by Ms. Divya Chaturvedi
on behalf of Respondents.

The Appellant confirmed receipt of the comments submitted by the Respondent,
Chandigarh Power Distribution Ltd. (CPDL), and further stated that they have no
additional submissions beyond what has already been placed on record in their petition.
The Respondent, *Superintending Engineer, Operation Circle, EWEDC*, submitted that he
has been instructed to file a petition before the Hon'ble Joint Electricity Regulatory
Commission (JERC). However, he also confirmed that the requisite petition fee, as
communicated via email dated **28th February 2025**, has not yet been paid. This fee is
mandatory in accordance with *Regulation 12(ii) of the Conduct of Business Regulations*.
Learned Legal Counsel, *Ms. Divya Chaturvedi*, appearing on behalf of CPDL, submitted
that CPDL has no objection to the refund of meter rental charges deposited by electricity
consumers, subject to the condition that *EWEDC disburses the amounts due to the
respective consumers*.

(D) Findings & Analysis: -

- 1) Undersigned has reviewed the records of the case as well as the pleadings submitted
by both parties.
- 2) Undersigned has examined the Tariff Order dated 11.07.2022 issued by the Hon'ble Joint
Electricity Regulatory Commission (JERC) for the Financial Year 2022-23. As per the said
Tariff Order, the Hon'ble JERC had permitted the levy of meter rentals, which is reflected
at page 151 of the document.
- 3) Undersigned has also examined the Tariff Order for the Financial Year 2023-24, issued
by the Hon'ble Joint Electricity Regulatory Commission (JERC) on 30th March 2023,
which is effective from 1st April 2023. It is observed that the Hon'ble JERC has not
approved the charging of meter rentals in this Tariff Order.



- 4) Additionally, we have also perused the Tariff Order dated 25th July 2024, issued by the JERC for the Financial Year 2024-25. Similarly, this Tariff Order does not approve the charging of meter rentals. A noteworthy statement appears on page 217 of this Tariff Order, which reads:

"Note: The meter rent has been abolished by the Commission vide its Tariff Order dated 30th March 2023."

4. The SE, OP Circle, through his letter Memo No. SE/OP/2025/179 dated 14th February 2025, submitted that he has filed a petition before the Hon'ble Commission, JERC, seeking clarification regarding the refund of meter rental charges and compensation to the electricity consumers of EWEDC for the period from 1st April 2023 to 5th November 2024, as the meter cost has not been recovered through FAR. While the petition has been filed, it is noted that the requisite fees, as per Regulation 12(ii) of the applicable regulations of Conduct of Business Regulations 2009— which states,

"Every petition/application filed before the Commission shall be accompanied by a fee in accordance with the provisions of Chapter VIII"

— have not been deposited by the EWEDC up to the time of the release of this order. As such, no cognizance can be taken of the said petition in this case.

This raises a clear issue of misrepresentation by the SE, OP Circle. Despite several communications urging the SE, OP Circle, to attend the hearing, no response was received from the Respondent SE OP Circle. Efforts to communicate through the Chief Engineer, Chandigarh Administration, also proved unfruitful.

5. It is also pertinent to note that the Respondents have not produced any stay order or contrary directive passed by any authority.
6. However, a plain reading of the subsequent Tariff Orders dated 11.07.2022, 30.03.2023, and 25.07.2024 clearly indicates that the Hon'ble JERC has abolished the practice of charging meter rent from all electricity consumers with effect from 01.04.2023.
7. Despite the abolition of meter rental charges in the tariff order dated **30.03.2023**, the *Electricity Department, Chandigarh* continued to levy such charges up to **05.11.2024**, when the Electricity Department Chandigarh came to know about the petition filed by



India Citizen Forum before the Learned CGRF. Even after the issuance of directions by the Learned CGRF, Chandigarh, the said orders have not been complied with by EWEDC.

8. The act of the licensee (EWEDC, in this case) in not refunding the excess amount collected from electricity consumers constitutes a violation of Section 62(6) and Section 146 of the Electricity Act, 2003, which state:

Section 62(6):

If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate, without prejudice to any other liability incurred by the licensee.

Section 146:

Whoever fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction, or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to one lakh rupees, or with both, in respect of each offence. In the case of a continuing failure, an additional fine may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence.

The Learned Consumer Grievance Redressal Forum (CGRF) has rightly observed that EWEDC was incorrectly levying meter rental charges from 01.04.2023 onwards. Moreover, there has been an unreasonable delay in resolving the grievances raised by the Seven applicants regarding the incorrect charges.

Accordingly, these applicants are entitled to compensation under the provisions of the Standard of Performance Regulations, calculated from the 15th day of filing their complaint with the SDO, Manimajra (resolution to be completed within 7 days of receipt of the complaint, or within 7 days of receiving any additional required information), up to 31st January 2025 — the date on which the Chandigarh Electricity Reforms Transfer Scheme, 2025 was notified by the Chandigarh Administration.



Furthermore, even those consumers who have not formally lodged a complaint are equally entitled to a refund of the excess charges, as per Section 62(6) of the Electricity Act, 2003. Should the Respondent (EWEDC) seek to revise the Annual Revenue Requirement (ARR), they are at liberty to do so by following the due regulatory process. However, under no circumstances can the licensee withhold the excess amounts lawfully due to the consumers.

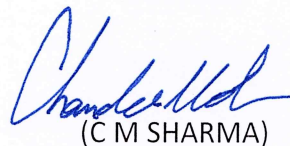
(E) DECISION

- I. For the reasons discussed above, the appeal of the Appellant is allowed.
- II. The Order in Complaint No- F-31/24, passed by Learned CGRF-Chandigarh is upheld to the extent.
- III. The Electricity Department Chandigarh (The former licensee) and Chandigarh Power Distribution Ltd (The present deemed licensee) should make efforts to refund the meter rental charges wrongly charged from all the consumers of Electricity Department Chandigarh along with Interest at the State Bank of India Base Rate as on 1st April for the prevailing year, payable annually.
- IV. The bills shall be corrected accordingly within 15 days from the date of issue of this order through email.
- V. The Respondent (EWEDC) is also directed to pay a compensation @RS 100 per day from the from the 15th day of filling the complaint (Resolve within 7 days of receipt of complaint, if no additional information is required. If required, within 7 days of receipt of additional information) with SDO Manimajra till 31st January, 2025 i.e. the date of notification issued by Chandigarh Administration regarding "*THE CHANDIGARH ELECTRICITY REFORMS TRANSFER SCHEME, 2025.*" The new entity CPDL is no way responsible for any delay because they have acquired Distribution Operation w.e.f. 1.02.2025 only and they still under transition phase.
- VI. There has already been a delay of almost Four months that consumers have not been refunded their legitimate amount along with admissible interest any further delay on same grounds shall be viewed seriously and it will amount to contempt.



- VII. 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.
- VIII. The appeal is disposed of accordingly.

Dated: 16.04.2025



(C M SHARMA)

Electricity Ombudsman
For Goa & UTs (except Delhi)