

Territorial Jurisdiction: State of Jharkhand

AUTHORITY OF THE ELECTRICITY OMBUDSMAN: JHARKHAND

Present: Gopal Kumar Roy
Electricity Ombudsman
2nd Floor, Rajendra Jawan Bhawan
Main Road, Ranchi- 834001.

Dated- Ranchi, the 5th day of February, 2025

Appeal No. EOJ/01 of 2024

(Arising out of Judgment/Order passed in Case No.-04 of 2023 by the learned VUSNF, Ranchi)

Sunil Kumar Sinha, Son of Late Alakhdeo Narayan Ambasth,
resident of Shashi Bhawan, Old Argora Road, Harmu,
P.O. and P.S. Argora, District Ranchi

-----Appellant

Versus.

1. Jharkhand Bijli Vitran Nigam Limited,
having its office at the Engineering Building,
H.E.C. Dhurwa, P.O. & P.S. Dhurwa, District Ranchi,
through its General Manager - cum - Chairman.

2. The General Manger-cum- Chairman,
Jharkhand Bijli Vitran Nigam Limited

having its office at the Engineering Building,
H.E.C. Dhurwa, P.O. & P.S. Dhurwa, District Ranchi,

3. Executive Engineer, Ranchi Centre,
having his office at Sainik Market Main Road, Ranchi.

4. Assistant Engineer, Electric Supply Sub-Division Harmu,
having his office at Harmu Ranchi (Jharkhand)

----- Respondents

Counsel/Representative

On behalf of Appellant: Mr. Pappu Kumar, Advocate
Mr. Sunil Kumar, Advocate
Ms. Ladli Kumari, Advocate

On behalf of Respondent: Mr. Mohan Kumar Dubey, Standing Counsel
Mr. Utpal Kant, A.C. to Standing Counsel

ORDERS / AWARD

1. The consumer Sunil Kumar Sinha has preferred this appeal under Clause 15 of the Jharkhand State Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman and Consumer Advocacy) Regulations, 2020. (hereinafter shall be referred as These Regulations, 2020)

2. Relief sought for in appeal :

The appellant has filed this appeal to set aside the judgement and order dated 21.12.2023 passed by the learned Vidyut Upbhokta Shikayat Niwaran Forum (hereinafter

shall be referred as VUSNF), Ranchi. A prayer is made to direct the respondents to issue electric bills as per domestic connection installed by the JBVNL in the year 2011 after accepting required fee as security money and depositing required documents after rectifying or modifying the bills issued to him on 30.4.2023.

3. The operative portion of the impugned Order of the learned VUSNF, Ranchi.

“Based on the above facts as observed by the Forum the respondent specially respondent no.3 is hereby directed to revise the bill as per rule and serve to the petitioner for its payment within a week from receipt of the order. And the petitioner is also directed to pay the bill within 10 days from receipt of the revised bill from the JBVNL. Hence the case is disposed of with above direction.”

To understand the operative portion of the impugned order of the learned VUSNF, Ranchi, I feel it expedient to quote the decision arrived at by ‘Findings’ by the learned Forum at page 8 of the impugned Order. It reads:

“Based on the above facts it is clear that the applicant has not been granted domestic electric connection and since no new connection was ever granted by JBVNL the bills were raised as per commercial consumption till April 2023. So there is no illegality in the bills that have been served to the petitioner.”

4. Case of the consumer and grievance of appellant :

The consumer at para 7 of his memo of appeal has stated the brief facts of his complaint and divulged his dissatisfaction in subsequent paragraph 8 on the impugned judgement of the learned VUSNF, Ranchi. The para 7 reads - **(i)** That the complainant has taken domestic electric connection in the year 2011 having Consumer No.HW2093 dated 14.12.2011, which was allotted by the Jharkhand Bijli Vitran Nigam Limited, Electric

Supply Sub-Division, Harmu after depositing requisite documents and required fee of Rs.600/- as security deposit vide receipt no. EST no.432/11-12 dated 14.12.2011 (vide RT no.266954). **(ii)** That right from taking domestic electric connection in the year 2011, neither meter reader has come to the residence of the complainant to read the electric unit consumed by him nor issued any electric bill in his favour by the department to enable him to deposit the electric bill in time. **(iii)** That all of a sudden on 30.04.2023, the complainant had received an electric bill of Rs.3,80,000/- which was commercial electric bill, in which as per Government Scheme a sum of Rs.1,31,000/- as D.P.S. has been given a discount, but a sum of Rs.2,49,000/- has to be deposited by him in five installments, failing which the electric connection will be disconnected. **(iv)** On threat, he had deposited a sum of Rs.49,700/- as a first installments and also deposited four cheques as a 2nd , 3rd , 4th and 5th installments amounting to Rs. 49,700/- each. (Copy of the receipt showing deposit of Rs.49,700 is being enclosed herewith for your Lordships kind consideration). **(v)** It is very necessary for the complainant / appellant to state some facts for your Honour kind consideration that he had never taken commercial connection at his residence but bill has been issued to him as commercial bill in a most illegal, arbitrary and unjustified manner without considering the fact that he had applied for domestic connection and accordingly domestic electric connection has been installed at his residence and the complainant had never applied for commercial connection. **(vi)** It is also relevant to make a mention here that on 02.06.2023, the Electricity department has also installed a new meter in place of old meter, which is also a domestic meter and the old meter was taken by them, which also shows that he had never taken commercial connection, but the bill has been generated and issued as commercial connection, which is absolutely wrong and blatant misuse of power by the concerned officer. **(vii)** That time without numbers the appellant had represented to the Executive engineer, Electric Supply Division, Harmu, Ranchi, Jharkhand Bijli Vitran Nigam, Ranchi (Central) as well as Assistant engineer, Bijli Vitran Sub-Division, Harmu Ranchi for redressal of this grievance,

but of no avail. **(viii)** That finding no alternative or expeditious remedy a complaint petition was filed before the learned Vidyut Upbhokta Shikayat Niwaran Forum, Artisan Hostel No. 03, Dhurwa, Ranchi as per reference made by the Hon'ble Chairman of the Commission for kind consideration and necessary direction upon the concerned officers of Jharkhand Bijli Vitran Nigam, Ranchi to rectify and correct my electric bill in the following manner:

- a. Rate of electric (electricity) consumed power from time to time from 14.11.2012 to till date as per tariff issued from time to time.
- b. Subsidy / rebate may be allowed to the complainant from time to time as applicable.
- c. Load of consumption may be examined and considered.
- d. A fresh bill duly prepare (prepared) accurately, methodically, all aspects keeping in mind the beneficiary (consumer) may also be issued in favour of the appellant for social and financial survival.

The opposite party appeared before the learned VUSNF, Ranchi and filed their counter affidavit on 19.9.2023. They have admitted at para 11 of said counter affidavit that an application for fresh domestic Commission had been filed in the year 2011 along with requisite fee of Rs 600 which was accepted by the respondents but has been wrongly stated by the respondents that no domestic connection has been granted to the appellant.

The learned VUSNF, Ranchi in impugned judgment held that there is no illegality in bills.

5. Grounds of Appeal:

The appellant has taken following grounds to impugn the Judgement / Order of the learned VUSNF, Ranchi.

- I. The impugned judgement and order passed by the learned Member Presiding and Member, Vidyut Upbhokta Shikayat Niwaran Forum, Artisan Hotel No. 03, Dhurwa, Ranchi, is not tenable either on law or on facts and as such it is fit to be set aside by this learned Electricity Ombudsman, Ranchi.

- II. The learned Forum has failed to appreciate the fact that the complainant has taken domestic electric connection in the year 2011 having Consumer No. HW2093 dated 14.12.2011, which was allotted by the Jharkhand Bijli Vitran Nigam Limited, electric Supply Sub – Division, Harmu after depositing requisite documents and required fee of Rs.600/- as security deposit vide receipt no. EST no. 432 /11-12 dated 14.12.2011 (vide RT no. 266954).
- III. The learned Forum has also failed to consider the submissions and arguments advanced by the appellant before the learned Forum while deciding the claim of the appellant.
- IV. Without assigning any reason the claim of the appellant has been rejected and accepted the claim of the respondent, which is not tenable in the eye of law and the same is liable to be set aside by this Hon'ble Electricity Ombudsman.

6. Counter Affidavit of Respondents:

The Respondents have filed a common counter affidavit on 6.6.2024. The counter affidavit of respondents reads that- the Appellant is a consumer of the respondent J.B.V.N.L. having consumer no. HW 2093. The Appellant was having electrical connection under NDS-2 (Non Domestic Supply) Tariff, having consumer No. HW2093 since March 2006, with the permitted load capacity of 3 KW, which comes under commercial connection. The Appellant in the year of 2011 made an application with the payment of the required fee of 600/- for fresh Domestic connection. The said application cannot be approved as according to the prevailing rules, no new connection can be granted if there was an outstanding dues in the same premises. As there was an outstanding due of Rs.18,278 (Rupees eighteen thousand two hundred and seventy eight) against the Appellant, as the connection was not provided to the Appellant. The Appellant has neither cleared his outstanding due nor has deposited the MR /DC amount which ought to be deposited for disconnection of the commercial connection. As no new connection

was granted to the Appellant the Respondents continued to charge the Appellant on the current Tariff and the Arrears of bill was still not paid by the Appellant the bill was raised on the basis of the previous commercial Connection till April 2023. Subsequent to April 2023 the connection of the petitioner has been changed from NDS – 2 tariff to DS -2 tariff. The being aggrieved of the raised bill the Appellant has approached the Court of Hon'ble Chairman of Jharkhand State Electricity Regulatory Commission whereby the Hon'ble Chairman has referred the issue to the Ld. V.U.S.N.F. Ranchi, thereafter the Appellant has approached the Ld. V.U.S.N.F. Ranchi Vide Case No. 04/2023 with prayer to issue fresh electricity bill after necessary rectification and correction in the bill issued to him with other prayers. Upon receiving the complaint by way of the instant petition, the respondents conducted an inspection in the premises of the petitioner / Appellant on 02.09.2023. The Ld. V.U.S.N.F. Ranchi has pleased to pass the order dated 21.12.2023 whereby and where under the Ld. V.U.S.N.F. has pleased to pass the order dated that “Based on the above facts it is clear that the applicant has not been granted domestic electric connection and since no new connection was ever granted by the JBVNL the bills were raised as per commercial consumption till April 2023. So, there is no illegality in the bills that have been served to the petitioner”.

FINDINGS

7. On going through the cases of both the parties and after hearing both the parties, I am of the considered view that the following crucial issues crop up for determination of this appeal:

- I. Whether it is a case of disconnection of commercial connection and issuance of a new domestic connection or a simple matter of change of Tariff from NDS-2 to DS-2 ?
- II. Whether in the year 2011 (more particularly on 14.12.2011 after receiving security deposit & other charges), the distribution licensee had issued a new

domestic connection or changed the existing commercial connection to domestic connection of consumer Sunil Kumar Sinha ?

- III. Whether there was an outstanding dues of Rs.18,278 of consumer during his commercial / non domestic connection ? Whether the distribution licensee had generated any bill or had made a claim of this amount from the consumer on 14.12.2011 or soon after receiving security deposit for domestic connection?
- IV. Who is at fault for non clearance of outstanding due of Rs. 18,278 before granting Domestic Connection?
- V. What remedy is available to the Consumer to redress his grievances? Whether the Order / Judgement passed by the learned VUSNF, Ranchi on 21.12.2023 in Case No. 4/23 is justified or liable to be set aside?

8. Crucial Issue No. I: Whether it is a case of disconnection of commercial connection and issuance of a new domestic connection or a simple matter of change of Tariff from NDS-2 to DS-2 ?

The record of this appeal has witnessed that on 9.5.2024 the Respondent No. 3 Electrical Executive Engineer, Ranchi Central had appeared before the authority of Electricity Ombudsman and had filed a Letter having No – 848 dt. 14.3.2024 as “Counter Affidavit”. But it was neither a para wise reply of memo of appeal nor supported with an affidavit on behalf of all the respondents. The Annexure B of the counter affidavit is the above letter of the respondent no. 3 having Letter No. 848 dated 14.3.2024.

It is expedient to project the image of Letter No. 848 dt.14.3.2024 to understand the crucial issue for determination. The letter of the Respondent No. 3 Electrical Executive Engineer, Ranchi Central is a bit confusing. The para 4 of the letter indicates that this might be a case of applying for ANOTHER domestic connection.



झारखंड बिजली वितरण निगम लिमिटेड

विद्युत कार्यपालक अभियन्ता

विद्युत आपूर्ति प्रमंडल राँची, (केन्द्रीय)

E.mail id - eee.ranchicentral@gmail.com

पत्रांक...**848**..... /

दिनांक...**14.10.2024**.....

सेवा में

पीठासीन पदाधिकारी
इलेक्ट्रिसिटी ओमबड्समैन, सैनिक मार्केट, राँची।

विषय : - सुनील कुमार सिन्हा के उपभोक्ता सं० HW2093 को विद्युत सुधार हेतु दिए गए आवेदन के संबंध में।

महाशय,

श्री सुनील कुमार सिन्हा के उपभोक्ता सं० HW2093 के परिसर के जाँच की गई थी व कार्यालय में उपलब्ध अभिलेख के अनुसार :-

1. श्री सिन्हा के परिसर में NDS-2 विद्युत संबंध मार्च 2006 से ही है। जिनका उपभोक्ता संख्या HW2093 व स्वीकृत भार 03 KW है।
2. श्री सिन्हा द्वारा उपरोक्त परिसर में 01 KW DS-2 नये विद्युत संबंध हेतु जमानत राशि 600/- रुपया रसीद संख्या 909037 तथा आवेदन रसीद संख्या 266954 द्वारा दिनांक 14/12/2011 को जमा किया गया था। कार्यालय में उपलब्ध अभिलेख के अनुसार उपभोक्ता संख्या HW2093 जो श्री सुनील कुमार सिन्हा के नाम से है पर माह 12/2011 से विद्युत बकाया 18278/- रु० था।
3. निगम/बोर्ड के नियमानुसार किसी भी परिसर के बकाया विपत्र जमा करने के उपरांत ही विद्युत संबंध देने का प्रावधान है।
4. संभवतः बकाया रकम 18278/- रुपया का भुगतान श्री सिन्हा द्वारा नहीं किये जाने के कारण तात्कालिन पदाधिकारी द्वारा एक ही परिसर में दुसरा घरेलू विद्युत संबंध नहीं दिया गया है।
5. कार्यालय अभिलेख के अनुसार उपभोक्ता संख्या HW2093 के विद्युत संबंध विच्छेद हेतु श्री सिन्हा के द्वारा दिसम्बर 2011 तक 18278/- रुपया तथा MR/DC राशि जमा नहीं की गई है।
6. श्री सिन्हा द्वारा प्रतिमाह विद्युत विपत्र का भुगतान नहीं किये जाने के कारण बकाया रकम बढ़ता चला गया। श्री सिन्हा द्वारा NDS-2 उपभोक्ता संख्या HW2093 को घरेलू विद्युत संबंध में परिवर्तन करने हेतु की गई अनुरोध के आलोक में निरीक्षण प्रतिवेदन के अनुसार 04/2023 से NDS-2 tariff से DS-2 tariff में परिवर्तित कर दिया गया है।

वर्तमान में उपभोक्ता सं० HW2093 का विपत्रीकरण DS-2 टैरिफ में किया जा रहा है।

श्री सिन्हा के द्वारा बकाया भुगतान नहीं करने के कारण बाध्य होकर 15 Days Notice निर्गत किया गया तब इनहोने आंशिक विपत्र जमा किया है।

उपरोक्त तथ्य से स्पष्ट है कि श्री सिन्हा HW2093 के विपत्र में कोई गडबड़ी नहीं है।

अतः श्री सिन्हा को बकाया विपत्र जमा रखने के निर्देश पारित आदेश देने हेतु श्री सिन्हा के आवेदन को निरस्त करने की कृपा की जाए।

विश्वासभाजन

(सी० एम० शर्मा)

विद्युत कार्यपालक अभियन्ता
विद्युत आपूर्ति प्रमंडल राँची (केन्द्रीय)

The following inconsistent facts are apparent from the letter: (It is mentioned in this letter that the facts mentioned in that letter are based upon the office record.)

1. Shri Sinha had applied for **NEW CONNECTION (?)** having application receipt no – 266954 dt. 14.12.2011. (Para 2 of letter). The term “नये विद्युत संबंध हेतु” has been chosen by the author in this paragraph of the letter.
2. Shri Sinha had applied for **ANOTHER DOMESTIC CONNECTION (?)** (Para 4 of letter). The term “एक ही परिसर में दुसरा घरेलू विद्युत संबंध ” has been chosen by the author in this paragraph of the letter.
3. Shri Sinha had applied for **CHANGE OF CONNECTION CATEGORY (?)** (Para 6 of letter) The term “घरेलू विद्युत संबंध में परिवर्तन करने हेतु” has been chosen by the author in this paragraph of the letter.

The Electrical Executive Engineer, the Respondent No. 3 has made inconsistent statements in his letter. The respondents can not be permitted to take alternative pleas in defence. If it was a matter of new connection or reconnection, there should not be any outstanding dues. If it was a matter of obtaining another domestic connection or parallel connection over same premises, permissibility of such connection shall be a guiding factor. And if it was a matter of change of connection (service) category or change of tariff, the bill amount of the previous category shall not be a deciding factor.

Now I turn to the Counter Affidavit of the Respondents. The Respondents in their joint Counter Affidavit at Para – 8, 9, 10 & 11 have made out a case that this is a matter of DISCONNECTION of Commercial Connection and after disconnection, a matter of FRESH Domestic Connection. The crucial issue arises as to whether it is a case of disconnection of commercial connection and issuance of a new domestic connection or a simple matter of change of Tariff from NDS-2 to DS-2?

8.1 I have gone through the impugned Judgement/Order of the learned VUSNF, Ranchi. The order of the learned Forum is based upon its finding that the applicant (consumer) has not been granted domestic connection and since **no new connection** was ever granted by JBVNL the bills were raised as per commercial consumption till April 2023. So there is no illegality in bills that have been served to the petitioner (Consumer).

The learned VUSNF Ranchi has arrived at a finding that this is / was a matter of disconnection of the commercial connection and thereafter issuance of fresh domestic connection.

8.2 This Authority of Electricity Ombudsman, having appellate Jurisdiction, now scrutinises the materials available on record to find out as to whether any interference of this Authority is required?

The following facts are apparent from the record of learned VUSNF Ranchi and the record of this appeal having no. EOJ/01/2024.

1. On 14.12.2011, the appellant Sunil Kumar Sinha was a Electricity Consumer having commercial connection.
2. On 14.12.2011, the commercial connection was running and was not disconnected. There is no evidence on record to establish that his existing commercial connection was disconnected. The generation of electricity consumption bill till April 2023 also confirms the same.

3. The Energy Bill issued by Jharkhand Bijli Vitran Nigam Limited on 30.04.2023 having Bill No – 924402014255257406 is of Area - Ranchi, Circle - Ranchi, Division - Ranchi Central, Sub Division - Harmu, Consumer ID - 1822421, Consumer No. HW2093, K No. 160142007780, Consumer Name: Sunil Kumar Sinha, Mobile No -XXXXXX6688, Address - Bali Bagicha, **TARIFF DS-2**, Load - 3 KW Meter SI No.C46362, Meter Owner – JBVNL. (copy of bill is available with the Record of Case No – 4/2023 of the learned VUSNF Ranchi).

The above energy bill confirms that on 30.4.2023, the electricity connection was domestic connection and the Consumer Number is HW2093. In other words the Consumer No. HW2093 remained the same for both commercial and domestic connection.

4. The Electrical Executive Engineer, the Respondent No. 3, in his 15 days notice for line disconnection due to non payment of bill (u/s 56 of the Indian Electricity Act, 2003) issued to the Consumer Sunil Kumar Sinha vide letter No. 3221 dated 05.11.2022 shows that consumer no. HW 2093 also stood for Tariff : NDS 2 i.e. commercial connection. (The document is available with the Record of Case No – 4/2023 of the learned VUSNF Ranchi).

The Distribution Licensee JBVNL has used the same Consumer Number HW 2093 for both commercial connection and domestic connection.

5. Subsequent to April 2023, the connection of the petitioner (consumer) has been **CHANGED** from NDS-2 TARIFF. (As per case of the Respondents in para – 12 of the Memo of Appeal).

It confirms that the matter involved in this case is not the disconnection of commercial connection and issuance of fresh/reconnection of domestic

connection rather a matter of **CHANGE OF SERVICE (TARIFF) CATEGORY** from NDS-2 Tariff to DS-2 Tariff.

And if it was a simple matter of change of tariff from NDS-2 to DS-2, the provision of clearance of dues as required for reconnection shall not apply in this Case.

6. The Jharkhand State Electricity Regulatory Commission, Ranchi (Electricity Supply Code) Regulations, 2005, is applicable in this case, since the cause of action of this matter has arisen on 14.12.2011. After These Regulations 2005, the JSERC, Ranchi (Electricity Supply Code) Regulation, 2015 came into effect.

The Clause 9.3 of JSERC (Electric Supply Code) Regulations, 2005 deals with change of Service (Tariff) Category or shifting of service connection.

The Clause 9.3.1 reads as follows: "Consumer may get done the change of service (tariff) Category or Shifting of Service Connection on mutually agreed terms and conditions with the Distribution Licensee if the licensee agrees to do so."

It becomes crystal clear from Clause 9.3 of the JSERC (Electric Supply Code) Regulations, 2005 that on 14.12.2011, there was a prescribed provision in These Regulations, 2005 regarding **CHANGE OF SERVICE (TARIFF) CATEGORY** from Commercial (NDS Tariff) to Domestic (DS Tariff) connection. The Clause 9.3 does not mandate that before changing service category, clearance of existing bill amount or dues is mandatory.

Now a question arises as to whether the Distribution Licensee had agreed to change the existing commercial connection of consumer (HW 2093) to domestic Connection? The Clause 9.3.1 prescribes that it is necessary to get the service category changed that the distribution licensee has/had agreed for that.

The Annexure – A of the counter affidavit of Respondents filed before both the learned VUSNF Ranchi and this Authority of Electricity Ombudsman, is the Joint Inspection Report. The Distribution Licensee has relied upon this document. The Joint Inspection Report discloses the fact that the consumer had made an application for change of commercial connection to domestic connection.

I find and hold that receiving of security deposit alongwith application for change of commercial connection to domestic connection and receiving of other charges, on 14.12.2011, from the consumer by the distribution licensee, confirm that the Distribution Licensee had agreed to change the service (tariff) category.

7. The Respondents at para 8 of their Counter Affidavit have pleaded that – “The Appellant in year of 2011 made **an application** with the payment of required fee of Rs. 600 for **fresh Domestic Connection** (emphasis supplied by bolding).

According to this assertion of the respondents, the application made by consumer Sunil Kumar Sinha on 14.12.2011 was for getting a fresh domestic connection and the payment of Rs.600 was made for that purpose. But the Annexure – A of the counter affidavit itself, filed by the respondents, discloses a different fact. The Annexure – A is a Joint Inspection Report (संयुक्त जाँच प्रतिवेदन) and it bears the signature & official rubber stamp of the Assistant Electrical Engineer, Electric Supply Sub Division, Harmu, Ranchi. The report says that the application made by the Consumer was for **CHANGE IN TARIFF**. The relevant portion, at para 6 of report, reads as follows: “ श्री सिन्हा द्वारा NDS2 उपभोक्ता सं HW2093 को घरेलू विद्युत संबंध में परिवर्तन करने हेतु दी गई आवेदन के आलोक में 04/2023 से D/S2 टैरिफ़ में निरीक्षण के उपरान्त कर दिया गया ।”

8. The Energy Bill, described at para 8.2 (3) of this order, was generated for the energy consumption passing through Meter No. C46362 (though the status of Meter has been shown defective). But the consumer Sunil Kumar Sinha in his rejoinder to the counter affidavit of the JBVNL, filed on 12.10.2023 before the learned VUSNF Ranchi has claimed (at para – 7) that – “ The respondents JBVNL has issued electric bill in my favour for the meter no. C/46362 from the year 2011 to 2023, but the said electric meter no – C/46362 has not been found in the premises of the Complainant after 2011, rather from the year 2011 Domestic Electric Meter No. 6753378 has been allotted and shifted in the premises of the Complainant.”

Apparently meter number C 46362 was a commercial meter whereas meter no. 6753378 is / was a domestic meter. If a domestic meter was installed in the premises, it can be safely held that the commercial connection of the consumer was changed to domestic connection or at least under process of change.

The documents available in the record of learned VUSNF, Ranchi in Case No. 04/2023 are very relevant. The Electrical Executive Engineer Mr. C. M. Sharma in his letter having no – 8168 dt. 22.8.2023 addressed to the Presiding Officer of the Vidyut Shikayat Upbhokta Forum, Ranchi has attached a compiled copy of electricity bills of Consumer Sunil Kumar Sinha from **March, 2006** to **June, 2014**. The entire bills bear Consumer No –HW2093 and **METER No –C46362**.

A Copy of consumer ledger of the Consumer Sunil Kumar Sinha, consumer no – HW 2093 covering period 28.3.2017 to 29.7.2023. The bill dates 30.4.2023 and 29.7.2023 which show DS – 2 Tariff, the remaining all bills show NDS – 2 Tariff. In 30.4.2023 bill, where DS – 2 Tariff has been shown the Meter SI. No – has been shown C46362. In 29.7.2023 bill, the Meter SI. No – has been shown JB108182. The remaining entire bills bear **Meter No.- C46362**.

Mr. C. M. Sharma, Electrical Executive Engineer, Electric Supply Division Ranchi (Central) in his letter addressed to the Presiding Officer of the learned VUSNF Ranchi having Letter no -8945 dated 08.12.2023 has admitted that - “ उपभोक्ता के परिसर में मीटर सं 8753378 (6753378 as per annexure of this letter) लगा हुआ था तथा मानवीय भूल के कारण बिलिंग पर्टल में मीटर सं C40362 अंकित है ।”

The above letter of the Respondent No. 3 gives strength to the pleading of the consumer that after 2011 Domestic Electric Meter No – 6753378 had been allotted and shifted in the premises of the Complainant. The letter no. 195 / AEE, MRT sub Division – II, Ranchi dated 08.12.23, a letter of Assistant Electrical Engineer, MRT Sub-Division II Ranchi addressed to the Assistant Electrical Engineer, Electric Supply Division, Harmu, Ranchi (An annexure of Letter No. 8945 dt. 8.12.2023 of Electrical Executive Engineer) confirms that Indotech Meter having SI. No – 6753378 was found on the premises **WITHOUT LOAD**.

Though Respondents No. 3 has used the term HUMAN ERROR (मानवीय भूल) but to my dogma, these are **LATCHES** on the part of the Distribution Licensee and its officers. I find that the grievances of the consumer have occurred due to the latches of distribution licensee and require to be redressed in favour of the consumer.

8.3 Decision on Crucial Issue No. I - I find & hold that this is a matter of change of Tariff for existing running consumer and not a matter of disconnection of Commercial Connection and issuance of new / fresh domestic connection.

The learned VUSNF Ranchi has committed an error to arrive at a decision that since no new connection was ever granted by the JBVNL, there is no illegality in bills, as if it was a matter of disconnection of existing commercial connection and thereafter granting of new domestic connection.

The Authority of the Electricity Ombudsman finds & holds that this is a matter of change of Tariff (from NDS-2 to DS-2) during continuation of the electricity connection and not a

matter of disconnection of commercial connection and new connection of Domestic Connection.

Since this is not a case of Disconnection and Reconnection, the RIDER for clearance of outstanding Dues, shall not be applicable in this case.

9. Crucial Issue No. II : - Whether in the year 2011 (more particularly on 14.12.2011 after receiving security deposit & other charges), the distribution licensee had issued a new domestic connection or changed the existing commercial connection to domestic connection of consumer Sunil Kumar Sinha ?

The consumer Sunil Kumar Sinha has raised his grievances that he has taken domestic electric connection on 14.12.2011 allotted by the Electric Supply Sub-Division after getting deposit of required documents and security deposit. A Domestic Electric Meter having SI. No. 6753378 was allotted in the year 2011 and installed in the premises. Right from taking domestic electric connection in the year 2011, neither meter reader visited to read the meter nor issued any electric bill. All of a sudden on 30.04.2023, an electric bill of Rs.3,80,000 was generated, which was a Commercial bill. A sum of Rs.1,31,000 as Delay payment Surcharge (DPS) was waived and Rs. 2,49,000 was charged by the distribution licensee.

The respondents have not given parawise reply of pleadings of the consumer for the reasons best known to them through it is mandatory for the respondents to provide paragraph wise comments to the Forum on the grievances of consumer as per Clause 11.2 of the JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumer, Electricity Ombudsman and Consumer Advocacy) Regulations, 2020. A comprehensive counter affidavit has been filed on their behalf. The respondents have not denied the allegation of the consumer that after 14.12.2011 the distribution licensee had not issued any electric bill to the consumer and for the first time on 30.04.2023 i.e.

after a lapse of 11 years 4 months, an electric bill was generated. The distribution licensee has also not denied the fact that in the year 2011 a domestic electric meter having SI. No. 6753378 was installed in the premises of the consumer. The distribution licensee in counter affidavit has maintained stoic silence as to under what circumstances, in electric bills “Meter SI.No. C/46362” (a commercial meter) has been shown while a domestic meter having SI.No. 6753378 was found installed in the premises.

9.1 I find & hold that the counter affidavit of the respondents, filed before the learned VUSNF, Ranchi or before this Authority of Electricity Ombudsman is vague and evasive. I have gone through the record of the learned VUSNF Ranchi of Case No. 04/2023, Consumer No. HW 2093. The learned Forum vide order dated 6.11.2023 and 22.11.2023 had directed the Distribution Licensee JBVNL to provide proof (details) of the meter, (which was installed in the premises of the consumer), and which was replaced prior to installation of a new smart meter.

The Clause 11.3 of the Jharkhand State Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Electricity Ombudsman) Regulations, 2020 empowers the learned Forum to call for any record either from the distribution licensee or from the consumer, as is relevant for examination and disposal of the grievances.

9.2 In compliance with the directions of the learned Forum vide Order Sheet dated 6.11.2023 and 22.11.2023, Mr. C.M. Sharma, Electrical Executive Engineer, Electric Supply Division Ranchi (Central) had submitted required details of the meter of Consumer number HW 2093 having Letter No – 8945 dated 8.12.2023.

I feel expedient to project the image of the letter for better appreciation of evidence.



झारखंड बिजली वितरण निगम लिमिटेड

विद्युत कार्यपालक अभियन्ता

विद्युत आपूर्ति प्रमंडल राँची, (केन्द्रीय)

E.mail id - eee.ranchicentral@gmail.com

पत्रांक.....**8945**...../

दिनांक.....**08.12.2023**.....

सेवा में,

पीठासीन पदाधिकारी

विद्युत उपभोक्ता शिकायत निवारण फोरम, राँची

विषय :- श्री सुनील कुमार सिन्हा उपभोक्ता सं० HW2093 का मीटर विवरण उपलब्ध कराने के संबंध में।

प्रसंग :- सं० वि० अ० हरमू का पत्रांक 898 दिनांक 08/12/2023 महाशय,

उपरोक्त विषय के संदर्भ में कहना है कि उपरोक्त प्रसंगाधीन पत्र द्वारा सहायक विद्युत अभियन्ता हरमू द्वारा अधोहस्ताक्षरी को सूचित किया गया है कि उपभोक्ता के परिसर में मीटर सं० 8753378 लगा हुआ था, तथा मानवीय भूल के कारण बिलिंग पोर्टल में मीटर सं० C40362 अंकित है। चूंकि उपभोक्ता के परिसर में लगे मीटर सं० 8753378 खराब है (MRT की रिपोर्ट संलग्न है) इसलिए उपभोक्ता का विपत्र औसत आधार पर बनाया जा रहा था। अतः विपत्र में कोई गड़बड़ी नहीं है।

श्रीमान् से अनुरोध है कि श्री सिन्हा को बकाया विपत्र भुगतान हेतु निर्देश देने की कृपा की जाए।

अनु: यथोपरि।

विश्वासभाजन

(सी० एम० शर्मा)

विद्युत कार्यपालक अभियन्ता
विद्युत आपूर्ति प्रमंडल राँची (केन्द्रीय)

Since the above letter was furnished in response to the directions of the learned Forum asked under Clause 11.3 of the Jharkhand State Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Electricity Ombudsman) Regulations 2020, the contents of the shall be used as admission of the respondents / distribution licensee. It is admitted by the distribution licensee that meter having serial no. 8753378 (6753378) was found installed in premises and bills were wrongly generated showing meter C40362. (उपभोक्ता के परिसर में मीटर सं 8753378 लगा हुआ था , तथा मानवीय भूल के कारण बिलिंग पोर्टल में मीटर सं C40362 अंकित है I)

9.3 The Jharkhand State Electricity Regulatory Commission, Ranchi (Electricity Supply Code) Regulations, 2005 does not make it mandatory to clear outstanding dues for changing categories. The distribution licensee has not produced any internal administrative direction, if any, to justify their defence about dues.

If the change of Service (Tariff) Category from commercial (NDS -2 Tariff) to domestic (DS-2 Tariff) was not changed by the Distribution Licensee due to the fault of the customer the distribution licensee should inform the consumer, within a reasonable time, to remove the defect. In this case, the application to change service (Tariff) category was given by the consumer on 14.12.2011 and the next/subsequent bill was generated on 30.4.2023, after a lapse of more than eleven years. The distribution licensee sat tight over the application of the consumer to change his category for eleven long years. The distribution licensee can not be and should not be permitted to do so.

The Jharkhand State Electricity Regulatory Commission, Ranchi (Electricity Supply Code) Regulations, 2015 came into force on 9th September, 2015. Through These Regulations,

2015 the distribution licensee was restricted to ten days only for this purpose. The Clause 7.15.5 of the JSERC (Electricity Supply Code) Regulations, 2015 reads that - "If the Distribution Licensee does not find the request for reclassification valid, it shall inform the applicant in writing, specifying reason(s) for the same, within ten (10) days from date of inspection."

If the process of change of service category (Tariff) was not completed by the Distribution Licensee, it was the fault of the said Licensee. This apart, since this was not a matter of Disconnection & Reconnection, clearance of dues of Rs.18,278 can not be a ground for non-changing of service category.

9.4 Decision on Crucial Issue No. : II -

In absence of denial of the pleading of the consumer that in the year 2011 a Domestic Electric Meter having SI. No -6753378 had been allotted and shifted in the premises of Consumer, it gives effect to admission. The report of the Electric Executive Engineer (the Respondents No. 3) also confirms that the meter having SI.No. 6753378 was found installed in the premises, and since there is no denial of the distribution licensee that the meter having SI.No. 6753378 was not a "**domestic electric meter**", I find & hold that since 14.12.2011, after receiving application from the consumer to change the tariff from NDS-2 to DS-2 and after receiving security deposits etc, the Commercial Connection was processed to change to Domestic Connection.

10. Crucial Issue : III - Whether there was an outstanding dues of Rs.18,278 of consumer during his commercial / non domestic connection ? Whether the distribution licensee had generated any bill or had made a claim of this amount from

the consumer on 14.12.2011 or soon after receiving security deposit for domestic connection?

The Distribution Licensee has not claimed that it had ever claimed or informed the consumer about outstanding dues of Rs.18,278 since 14.12.2011 till before 30.04.2023. I have gone through the records of both the learned Forum and this Authority of Electricity Ombudsman. There is not a chit of paper available on record to show that the Distribution Licensee had ever issued any information to the consumer for outstanding dues of Rs.18,278. The Consumer has not challenged that there were no dues but has fairly stated that he was not aware about the dues. The duty casts upon the distribution licensee to generate dues bill of Rs.18,278 if it was necessary to change the service (Tariff) Category under Clause 9.3.1 of the JSERC (Electric Supply Code) Regulations, 2005.

I find and hold that there was an outstanding dues of Rs.18,278 of consumer during his non domestic connection on 14.12.2011 but it had not been brought into the knowledge of consumer. The distribution licensee had NOT generated any bill or had made any claim of this amount from the consumer on 14.12.2011 or soon after receiving security deposit for domestic connection.

11. Crucial Issue No. : IV- Who is at fault for non clearance of outstanding dues of Rs.18,278 before granting Domestic Connection?

I have come to a conclusion in earlier paragraphs of this Orders/Award that this is a matter of change of Service (Tariff) Category from NDS-2 Tariff to DS-2 Tariff under Clause 9.3.1 of the JSERC (Electric Supply Code) Regulations, 2005 and not a matter of Disconnection & Reconnection. The clearance of outstanding dues was not mandatory.

And if at all, it was required to clear the outstanding dues before the changing of service (Tariff), it was the duty of the Distribution Licensee to bring it to the knowledge of the consumer and also make claims of dues from the consumer.

I find & hold that in this case, the Distribution Licensee is at fault for getting non clearance of outstanding dues of Rs.18,278 from the consumer. And if the Distribution Licensee is at fault, the redressal shall be in favour of the consumer.

12. Crucial Issue No. V - What remedy is available to the Consumer to redress his grievances? Whether the Order / Judgement passed by the learned VUSNF, Ranchi on 21.12.2023 in Case No. 4/23 is justified or liable to be set aside?

In view of my findings & comments made above and the decision arrived at crucial issues, I find & hold that the learned VUSNF Ranchi has committed error -

1. to negate the prayer of Consumer Sunil Kumar Sinha and arrived at a finding that there is no illegality in bills as per commercial tariff, generated by the Distribution Licensee JBVNL, till the month of April, 2023.
2. to direct the Distribution Licensee JBVNL to generate electric bills under Non Domestic Connection since 14.12.2011 and directed the Consumer Sunil Kumar Sinha to clear the bill amount.

The Judgement & Order passed by the learned Vidyut Upbhokta Shikayat Niwaran Forum, Ranchi in Case No – 04/2023 on 21.12.2023 requires it to be set aside.

The consumer appellant in his prayer has simply made a prayer for generation of domestic bills since 14.12.2011, the appellant is entitled to be redressed by passing such direction to the distribution licensee.

13. In view of my findings and comments made above, it is therefore

ORDERED

that the appeal be and the same is

ALLOWED

on contest in favour of the consumer Sunil Kumar Sinha and against the Respondents Jharkhand Bijli Vitran Nigam Limited & its officers.

The impugned Judgement / Order of the learned Vidyut Upbhokta Shikayat Niwaran Forum Ranchi in Case No. 04/2023 on 21.12.2023 is hereby set aside.

The Respondents are directed to generate electricity bills of Consumer Sunil Kumar Sinha having consumer no. HW 2093 under DS-2 Tariff (Domestic Connection) since 14.12.2011. The Respondents shall be at liberty to make a claim of Rs.18,278, the outstanding dues amount as on 14.12.2011, but without interest or delayed payment surcharge.

The amount paid by the Consumer under OTS Scheme shall be adjusted to DS-2 Tariff bills. The Consumer Appellant shall clear the entire DS-2 Tariff bill amount, within the period, as on bill.

There shall be no order of cost. The parties shall bear their own cost. Let a physical copy of this Orders / Award be served to the parties.

(Dictated & Corrected by me)

Pronounced by me

(G.K.ROY)

(GOPAL KUMAR ROY)

Electricity Ombudsman: Jharkhand.