BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 69 OF 2021

In the matter of excess billing

Ravindra Ramdas Desale…… Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Nashik Urban I…….. …….. Respondent
(MSEDCL)

Appearances:

For Appellant : R.R. Desale

For Respondent : 1. D. R. Dixit, Executive Engineer, Nashik Urban Div. I
2. P.B. Dalu, Addl. Ex. Engineer, Panchvati S/dn.

Coram: Deepak Lad

Date of hearing: 15th November 2021

Date of Order : 26th November 2021

ORDER

This Representation is filed on 28th October 2021 under Regulation 19.22 (d) of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF Regulations 2020).

Preamble

2. The Appellant had initially filed the grievance in Consumer Grievance Redressal Forum Nashik (the Forum) on 10th February 2021. However, the Forum not being operational due to vacancy of Chairperson and Independent Member, the case could not be heard for more than 60

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days. Therefore, the Appellant was informed that it can file the Representation under Regulation 19.22 (d) if he so desires. Accordingly, the Appellant filed this Representation.

3. The Appellant has filed this Representation stating in brief as under: -

(i) The Appellant is a Commercial consumer (No. 049016291390) from 31.03.2005 at Shop No. 19, Sanjay Nagar Shopping Centre, Nashik.

(ii) Due to outbreak of Covid-19 epidemic, the Government of India had declared complete lockdown country wide from 23.03.2020. Public were restricted to stay at home. During this period, despite limited usage of computer and fans at the shop, the Appellant has received an abnormal bill for 1016 units of Rs.15315/- in the month of June 2020 compared to the previous normal consumption. The Appellant had raised this complaint verbally many times with the Respondent between July 2020 to October 2020. However, no corrective action was taken. The Appellant filed written complaint on 21.11.2020. The Respondent vide its letter dated 27.11.2021 stated that the bill is correct.

(iii) The Appellant then filed the grievance with the Internal Grievance Redressal Cell (IGRC) on 09.12.2020. The IGRC, by its order dated 01.02.2021 has rejected his grievance. The IGRC failed to understand that the present consumption compared to the consumption during lockdown period which is double the consumption and he is getting bills for 60/ 70 units per month at present. This was argued in the IGRC hearing. The Appellant not satisfied with the order of the IGRC, approached the Forum on 10.02.2021. The Forum being not constituted, the Appellant filed the instant Representation.

(iv) The Appellant prays that the bill of June 2020 be revised as per consumption pattern of July 2020 onwards (60 / 70 units per month) with waival of interest and delayed payment charges (DPC).

4. The Respondent filed its reply dated 20.10.2021 to the Forum which states as under:

(i) The Appellant is a Commercial consumer (No. 049016291390) from 31.03.2005 at Shop No. 19, Sanjay Nagar Shopping Centre, Nashik.

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(ii) A complaint for excess billing dated 21.11.2020 was received from the Appellant on 23.11.2020. Accordingly, the Respondent tested the meter and informed the Appellant on 27.11.2020 that the meter is in order. The bill of June 2020 for 1016 units is for 3 months and system has already given credit of average billing under RNT status for April and May 2020. The Appellant is billed on actual reading from July 2020 onwards.

(iii) The Appellant not satisfied, again complained on 07.12.2020. The Respondent tested the meter again on 08.12.2020 in presence of the Appellant. The test result of the meter found in order. Accordingly, the Appellant was informed by letter dated 14.12.2020 that the bills issued are as per actual readings of the meter.

(iv) The Appellant then filed the grievance with the IGRC on 09.12.2020. The IGRC, by its order dated 01.02.2021 has rightly rejected the grievance. The Appellant approached the Forum on 10.02.2021 and thereafter filed this instant Representation on 28.10.2021.

(v) The Respondent prays that the Representation of the Appellant be rejected.

5. Routine physical hearing was held on 15.11.2021 at Conference Hall of SCADA Control Room of MSEDCL, Nashik. The Appellant argued in line with his submission stating that he runs the Maha E-Seva Kendra from March 2005. Due to Covid-19 epidemic, lockdown was imposed from 23.03.2020 by the Government. As a result, the premises was not in use during balance period of March, and it was operational not more than two hours in April, May, June, July and August 2020 as per Government's directives. Therefore, the bill for 1016 units served by the Respondent in the month of June 2020 for Rs.15315/- is highly exorbitant and needs to be revised.

6. Respondent argued that the meter was tested twice on receipt of complaint from the Appellant. The meter is found in order in both the tests and therefore, there is no any scope for revision of bill because consumption has been recorded. The Appellant was running various digital gadgets such as computers, lamination machine, etc. along with regular light and fan, and fridge at the premises. Since the meter has been tested twice and found in order, the Appellant has been billed as per actual reading and the consumption is related to the load that was being used by the Appellant notwithstanding the lockdown period. Therefore, there is no question of revision of bill.

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Analysis and Ruling

7. Heard both the parties and perused the documents on record. On two complaints of the Appellant, the Respondent has tested the meter which is found in order. The Respondent also pointed out that despite the regular gadgets of E-Seva Kendra, the Appellant was having a fridge. It is a matter of investigation as to whether the fridge and other gadgets were shutdown down during the disputed period of billing. The Appellant, in its own submission has stated that from 23.03.2020 to November 2020, the schools and colleges were closed hence zerox and lamination activity was almost negligible. Similarly, cold drinks and ice-creams were banned for sale during the lockdown period, hence, the fridge was not in use. Since the business comes under essential service, fans, lighting, and computers were minimally used. After lockdown was eased out, the consumption pattern is about 53 units per month. Since the meter is not inside the shop, its security lies with the Respondent.

8. I noted that during the period of lockdown and subsequent easing of the same, consumers in general in the State of Maharashtra were issued bills as per the Practice Direction of the Maharashtra Electricity Regulatory Commission. The Appellant was therefore served bills for the month of April and May 2020 for 27 and 14 units respectively. The Appellant was billed for 186 units in the month of March 2020. The billing cycle of the Appellant as could be seen from the bill is 15th of the month to 15th of the next month. Therefore, the Appellant has consumed energy in a routine manner from 15th of March 2020 to 22nd March 2020 (i.e., 1 day prior to lockdown). Then the reading of 19691 was taken on 16.06.2020. Therefore, consumption from 15th March to 16.06.2020 works out to 1016 units. The Respondent has accordingly issued the bills.

9. The meter being in order during testing on two occasions, and further there is no abnormal jump in consumption, there is no propriety of revising the bill notwithstanding the submission of the Appellant about the minimal use which cannot be vouched. The CPL shows that the Appellant is in arrears of Rs.37303/- for September 2021 which includes the bill for the impugned period.

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10. I, therefore, pass the following order:

(a) The bill issued by the Respondent for the disputed period is correct, however, interest and DPC levied, if any, is waived of.

(b) The amount paid towards deposit by the Appellant needs to be adjusted.

(c) The Appellant to pay balance outstanding amount within one month.

(d) The current bills to be paid by the Appellant as usual.

(e) Compliance to be reported by the Respondent within two months from the date of this order.

11. The Representation is disposed of accordingly.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)

(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

Electricity Ombudsman Mumbai
M.E.R.C.