

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 141 OF 2022

In the matter of billing

Central Govt. Employees CHS Ltd., Bungalow No.4/D..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Mulund (MSEDCL)..... Respondent

Appearances:

Appellant : Subramaniam Iyer

Respondent : 1. Shri Dattatray P Bhanage, Executive Engineer, Mulund
2. Shri Haridas V Chonde, Addl. Ex. Engineer, Sarvodaya S/Dn

Coram: Vandana Krishna [I.A.S. (Retd.)]

Date of hearing: 4th October 2022

Date of Order: 12th October 2022

ORDER

This Representation is filed on 30th August 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 27th July 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup Urban Zone (the Forum).


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2. The Forum, by its order dated 27th July 2022 has disposed of the grievance. The Forum observed that the Respondent has itself cancelled the provisional assessment bill of 24 months and revised the bill for 3 months as per Regulation 16.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021(Supply Code& SOP Regulations 2021). Hence, no grievance remains considering the factual position of the case.

3. The Appellant filed this Representation. The hearing was held on 04.10.2022 through Video Conference. Both the parties have attended the hearing. Appellant's written submission and arguments are in brief as under: -

- (i) The Appellant is a residential consumer (No.000094096286) from 25.09.1999, having sanctioned load of 11 KW at Central Govt. Employee CHS Ltd, Bungalow No 4/D, Shabari Niwas, Row House D-4, Highland Park, Mulund Colony Road Mulund (West).
- (ii) The Appellant requested to replace the old meter by a new meter on 01.06.2021, as his residential meter was old and was installed over 20 years back.
- (iii) The Respondent inspected the electric installations of the Appellant on 01.07.2021. During inspection, the meter (No. 9000936963) was tested by accucheck and was found 39.29 % slow. No report was given but only verbally communicated to the Appellant. The Respondent made a Panchnama for suspected tampering of the meter onsite.
- (iv) The Respondent opened the old meter on 05.07.2021 in the presence of the Appellant for suspected tampering. No tampering was observed, but the meter was running slow due to age and climatic factors. The Respondent did not give a copy of the report to the Appellant, but signature was taken from the Appellant on a handwritten note.
- (v) The Appellant received a handwritten provisional bill of. Rs. 1,19,870/- for 7808 units on 05.11.2021. The Appellant vide letter dated 08.11.2021 requested for



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clarification on the bill, since his monthly consumption in the months prior to meter replacement was quite low, as below:

April - 707 units, May - 670 units, June - 585 units, and subsequent 3 months from Jul-Sep 2021 - 1580 units.

- (vi) There was no response from the Respondent till 14.01.2021. After that a fresh bill for Rs. 19,430/- charged for 1269 units for the months of April to June 2021, was delivered in person on 14.01.2022. During the hearing, the Appellant said that it was not clear to him whether this second bill of Rs.19,430/- was in addition to the earlier bill of Rs.1.19 lakhs, or whether it was a revised and reduced bill. In other words, it was not clear to him whether the earlier bill of Rs.1.19 lakhs was being cancelled or not. Vide letter dated 18th Jan 2022, the Appellant requested for clarity on the fresh bill. However, no clarity was received.
- (vii) The Appellant filed a complaint before the Forum on 21.01.2021. During the hearing on 17.06.2022, the Forum directed the Respondent to clear the Appellant's doubts and apprehensions raised in his letters.
- (viii) The Forum, by its order dated 27th July 2022 disposed of the grievance. The Forum has overlooked certain facts while arriving at its decision strictly going by rules and Regulations. As instructed by the Forum, the Appellant received the Test Report and Billing details on 09.07.2022 by Registered Post from the Respondent.
- (ix) The Appellant received the regular energy Bill of July 2022 on 30.07.2022, and later received an SMS Message on 03.08.2022 of revised bill for July 2022, by adding the supplementary bill of Rs.19430/- to the regular bill of July 2022. Even so, there was no mention on this bill whether it was a 'revised' bill or not, and whether the earlier bill of Rs.1.19 lakhs stood cancelled or not.
- (x) Based on above background, the Appellant would like to present certain facts/data overlooked/ignored by the Forum, and seek valid and logical response to some queries:


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1) **Load Test**

A) Going by the Load Test result, the Appellant calculated that his monthly energy consumption, post the meter replacement, should have gone up by maximum 15-20%, but not by 39.29%. The Appellant put on record the following table giving a comparison of Energy Consumption of one-year pre and post meter change.

| Energy Consumption Data past and Pre-Meter Change | | | | | | | |
|---------------------------------------------------|------------|--------|------------|--------------------------|------------|-------------|--------------|
| 1 Year Pre Meter Change | | | | 1 Year Post Meter Change | | | |
| Month | Cons Units | Remark | Mthly Cons | Month | Cons Units | Remark | Monthly Cons |
| Jul-20 | 481 | | 530.338 | Jul-21 | 1824 | 3.07 Months | 544.5724 |
| Aug-20 | 413 | | | Aug-21 | | | |
| Sep-20 | 506 | | | Sep-21 | | | |
| Oct-20 | 501 | | | Oct-21 | 542 | | |
| Nov-20 | 526 | | | Nov-21 | 519 | | |
| Dec-20 | 461 | | | Dec-21 | 488 | | |
| Jan-21 | 469 | | | Jan-22 | 586 | | |
| Feb-21 | 470 | | | Feb-22 | 531 | | |
| Mar-21 | 522 | | | Mar-22 | 561 | average | |
| Apr-21 | 707 | | | Apr-22 | 1135 | 2 months | |
| May-21 | 670 | | | May-22 | 510 | | |
| Jun-21 | 707 | | | Jun-22 | 487 | | |

Meter changed in July 2021 **Data source : Monthly Electricity Bills**

- a) Pre and Post meter change, there is only a marginal/insignificant change in average monthly consumption
- b) The monthly consumption in last 2 years has hardly ever crossed 600 units, barring the 3 months of Apr-Jun 2021 which was an aberration, and formed the basis of his request for meter change. In fact, a 10 years' consumption data shows that Apr and May 2021 were the only 2 months when monthly consumption ever crossed 650 units/month.
- c) Taking into account the seasonal variations in usage the above table amply proves that the Load Test has erroneously factored a 39.29% slow speed of the earlier meter.


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2) **Meter Replacement**

- A) Reference to **sub-clause 14.4.1 under clause 14.4 of MERC Supply Code 2005** reproduced hereunder

14.4 Testing and Maintenance of Meter

14.4.1 The Distribution Licensee shall be responsible for the periodic testing and maintenance of all consumer meters.


The Respondent is responsible for checking the meter and ensuring its proper functioning. After the new meter installation, the old meter was manually broken open in his presence to check for tampering without giving the option to verify the Load Test result by getting a separate Lab Test done.

- B) The finding of the Respondent shows that the old meter was running slow due to **“age and climatic factors.”** An analysis of 10 years’ consumption data from 2013-2022, shows that the average consumption/month **has remained consistent** (between 450-500 units/month) **and not declined in line with this finding.**

| Energy Consumption Data - 2013-2022 | | | | | |
|-------------------------------------|----------------|---------|------|----------------|----------|
| Year | Avg Cons Units | Remarks | Year | Avg Cons Units | Remarks |
| 2013 | 430 | | 2018 | 461 | |
| 2014 | 488 | | 2019 | 456 | |
| 2015 | 499 | | 2020 | 491 | |
| 2016 | 456 | | 2021 | 560 | |
| 2017 | 442 | | 2022 | 528 | 7 months |

Data Source : Past Electricity Bills

But for the spike in Apr-Jun 2021, the monthly average was in line with previous year’s average, thereby disproving the MSEDCL conclusion.


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(xi) The Appellant prays that


1. Revoke the decision of MSEDCL to impose the slow meter reading arrear recovery bill and adjust the paid amount with interest in subsequent bills

Or

2. Appoint an independent approved authority/organization/agency authorized to conduct a Load Test on the new meter installed after his complaint.


4. The Respondent, by its letter dated 15.09.2022 has submitted its written reply. The hearing was held on 04.10.2022. The written submission along with its arguments is stated in brief as below: -

- (i) The Appellant is a residential consumer (No.000094096286) from 25.09.1999, having sanctioned load of 11 KW at Central Govt. Employee CHS Ltd, Bungalow No 4/D, Shabari Niwas, Row House D-4, Highland Park, Mulund Colony Road Mulund (West).
- (ii) The Assistant Engineer of the Respondent inspected the electric installations of the Appellant on 01.07.2021. During inspection, the installed meter (No. 9000936963) of Elymer make of electromechanical induction type was tested by accucheck and was found to be 39.29 % slow. It was suspected that there might be some tampering inside the meter for pilferage of energy. Hence, a Panchnama was made in presence of the Appellant. The meter was replaced by a new meter on the same day. The old meter was opened in front of the Appellant. However, no irregularities were noticed.
- (iii) The Appellant's recorded consumption before meter replacement was in the range of 500 to 700 units, which was 60.71% of the actual consumption. This is because the meter was recording 39.29% less. The actual usage would be in the range of 750 to 1100 units.


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- (iv) The Appellant's actual connected load is 20.62 KW, and as per connected load the standard expected calculated monthly consumption of Appellant comes to around 919 units, considering diversity factor.
- (v) Initially, the Respondent issued a provisional bill of Rs. 1,19,869.68 for 24 months, considering total consumption of 19872 units (828 units per month), as recorded consumption was found 12064 units while unrecorded assessed consumption was calculated as 7808 units (39.29% slow meter) for the period of 24 months from July 2019 to June 2021. This was as per provision of Section 56(2) of the Electricity Act, 2003(the Act).
- (vi) The Appellant, by his letter dated 08.11.2021, took a strong objection on the provisional bill at Sarvodaya subdivision office.
- (vii) The provisional assessment issue was internally discussed as per the Appellant's objection. It was realised that the Appellant was overcharged due to wrong interpretation of the Act. The mistake was rectified. The provisional bill was revised for the period of three months i.e. from April 2021 to June 2021. The recorded units were found to be 1962 (92058-90096) units (60.71%) from April 2021 to June 2021. Hence the Appellant was assessed additionally for 1269 units (39.29%) of Rs.19,426.65 as per Regulation 16.4.1 of the Supply Code & SOP Regulations 2021. The revised bill was issued on 12.01.2022. However, the Appellant, by his letter dated 18.01.2022, took an objection on the revised bill also.
- (viii) The said revised bill was paid by the Appellant on 06.08.2022, after a lapse period of 8 months.
- (ix) The Appellant approached the Forum on 21.01.2022 challenging the final bill issued. The Forum, by its order dated 27th July 2022 has disposed of the grievance, stating that the Respondent has taken a decision as per prevailing rules and regulations.
- (x) The Appellant has not raised any other issue in this instant Representation.


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- (xi) It is requested that the Appellant's current consumption should not be considered for charging earlier recoveries, since the Appellant might have controlled his usage after the dispute arose and the meter was replaced.
- (xii) In view of above, it is requested to reject and dispose of the Appellant's application.


Analysis and Ruling

5. Heard the parties and perused the documents on record. The Appellant is a residential consumer (No.000094096286) from 25.09.1999 having address at Central Govt. Employee CHS Ltd, Bungalow No 4/D, Shabari Niwas, Row House D-4, Highland Park, Mulund Colony Road Mulund (West). The Appellant has sanctioned load of 11 KW and connected presently with Meter No.05316754204. On the request of the Appellant, the old Meter No. 9000936963 was checked on site on 01.07.2021 when it was found that the meter was slow by 39.29%. It was confirmed that it was no fault of the Appellant.

6. The Respondent issued a provisional bill of Rs. 1,19,869.68 for 24 months of 7808 units, considering total consumption of 19872 units (828 units per month). Recorded consumption was found to be 12064 units which was 39.29% slow. Accordingly unrecorded assessed consumption was calculated as 7808 units (39.29% slow meter) for the period of 24 months from July 2019 to June 2021.

7. The Appellant raised an objection on the provisional bill of Rs.1,19,869.68, which was then further revised by the Respondent in accordance with Regulation 16.4.1 for only three months i.e. from April 2021 to June 2021 amounting to Rs.19,426.65 for 1269 units, which was issued on 12.01.2022.

8. The Appellant not satisfied with the revised bill, immediately approached the Forum on 21.01.2022. The Forum has thoroughly gone through the case and found that the Respondent has proceeded with its action as per the prevailing rules and regulations, hence no grievance


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remains. The Forum has actually settled the case between both the parties by directing the Respondent to give the necessary documents sought by the Appellant.

9. In view of the above, I am of the opinion that nothing survives relating to the said grievance, since the Forum already settles it. The Appellant was explained about this and has shown his satisfaction. Hence, the order of the Forum is upheld. It was clarified by the Respondent that the earlier provisional bill of Rs. 1,19,869.68 stands cancelled. The Respondent was directed to inform the Appellant in writing accordingly.

10. The instant Representation is disposed of accordingly.

Sd/-
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

