

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 72 OF 2021

In the matter of abnormal billing

Indus Towers Ltd. (C.No. 135825090161) Appellant
At & Post Vadgaon, Tal. Chopda, Dist. Jalgaon

V/s.

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

Appearances:

Appellant : 1. D.S. Talware, Representative

Respondent : 1. R. S. Pawar, Executive Engineer, Dharangaon
2. N. S. Raskar, Dy. Ex. Engineer, Chopda -1

Coram: Deepak Lad

Date of hearing: 11th November 2021

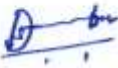
Date of Order : 19th November 2021

ORDER

This Representation is filed on 3rd November 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 19th March 2021. However, the Forum not being operational due to vacancy of Chairperson and Independent Member, the case could not be heard for more than

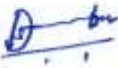

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60 days. Therefore, the Appellant was informed that it can file the Representation under Regulation 19.22 (d) if it deems it fit. Accordingly, the Appellant filed this Representation.

3. Being the grievance not resolved by the Forum, the Appellant's submission in brief is as under: -

- (i) The Respondent issued exorbitant bill in the month of August 2020 for Rs.41,29,138.70/- for 599188 units for the period January 2019 to August 2020 (20 months). The Appellant followed up the matter for revision of bill with the Respondent's local office at Chopda but did not receive any satisfactory response. Besides, the Respondent did not give any documents showing computation details for this abnormally high bill.
- (ii) The Respondent disconnected the power supply of the Appellant on 17.02.2021 at 12.00 hours without notice. The Appellant again approached the Respondent for correct bill so as to make the payment and the supply could be restored. On its request the supply was restored on 19.02.2021 at 16:00 hours without payment of reconnection charges. There was no supply to its site for 52 hours.
- (iii) The grievance was filed with IGRC Jalgaon Circle on 05.03.2021. No order has been issued.
- (iv) The bill was subsequently revised, and provisional bill of Rs. 13,15,460/- was issued as against Rs.41,29,138.70/-. The same was received by the Appellant on 12.03.2021 on WhatsApp. Here also there was no explanation for revision of the bill and no calculation sheet was given. Even this bill was not acceptable to it.
- (v) The Respondent SDO again threatened for disconnection of supply for non-payment of unjustified bill. Therefore, it filed a grievance with the Forum on 19.03. 2021. Since the Forum was not in session due to vacancy, the case was not heard, and no interim relief as sought could be given. Despite the case being filed with the Forum, the Respondent SDO again disconnected the supply on 28.03.2021 at 11.00 hours without any intimation, for non-payment of illogical and unjustified bill.
- (vi) The case was intervened by the senior officers of the Respondent and the Appellant was informed to pay 50% of the revised bill of Rs.13,15,460/-.


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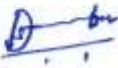
Accordingly, the Appellant paid 50% amount of Rs. 6, 57, 730/- on 30.03.2021. The supply to the site was restored on 31.03.2021 at 18.00 hours after a gap of 79 hours, on payment of Rs. 590/- as reconnection charges.

(vii) Nature of relief sought under this Representation is as below:

- a) The abnormal bill of Rs.13,15,460/- is given without any thought and observing any rules and regulations. It therefore needs to be withdrawn along with DPC and interest.
- b) Calculation sheet for the impugned bill amount of Rs.13,15,460/- may be ordered to be given.
- c) Grant of compensation of Rs. 9850/- as per Regulation 2 (i) & 6 (ii) (ii) under Appendix A of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations 2014).
- d) Rs. 10,000/- towards action not in consonance with the provisions of the Electricity Act 2003 and mental agony.
- e) Out of 50% amount paid, some amount has been adjusted by the Respondent towards the arrears of tariff difference from Commercial to Industrial category. However, this issue of applicability of tariff to the installation of the Respondent and many others is pending with the Hon'ble Supreme Court which has granted stay for its recovery. This disputed amount (Principal Rs.67932.38, and interest Rs.84116.74) be shown separately in the bill.
- f) Compensation towards unlawful disconnection on 17.02.2021 at 12.00 to 19.02.2021 at 16:00 hours. Total 52 hours at the rate Rs. 50/- per hour, Rs. 2600/- and disconnection on 28.03.2021 at 11.00 hours to 31.03.2021 at 18.00 hours after a gap of 79.00 hours at the rate of Rs. 50 per hour amount Rs. 3950/-Therefore, total compensation of Rs. 6550 (2600+ 3950) be granted.

4. The Respondent filed reply by email dated 10.11.2021 stating as under:

- (i) The Appellant is a LT Industrial consumer (No.135825090161) from 22.04.2009 at Vadgaon Tal. Chopda, Dist. Jalgaon.


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- (ii) The Appellant was billed with zero unit by mistake for the period from January 2019 to July 2020. Reading of the meter through Meter Reading Instrument (MRI) was carried out in the month of August 2020. The report shows that the current KWh reading for August 2020 was 877831. The immediate previous KWh reading being 278643, the Appellant was billed for 599188 (877831-278643) units for Rs.41,29,138.70 for August 2020.
- (iii) The Appellant has requested for testing of the said meter vide its letter dated 03.11.2020. Therefore, the meter was replaced by new meter on 13.01.2021. The final KWh reading of the old meter was 891000. The said meter has recorded 13169 (891000 – 877831) units from September 2020 to 13.01.2021. The average consumption per month approximately comes to 2980 units. The meter was tested in the testing laboratory and was found in order for percentage error.
- (iv) Since the consumption of 599188 units for the period January 2019 to August 2020 (20 months) was found abnormal, the meter was retested in presence of Mr. Yogesh Shewale, the consumer representative. The meter was found in order. However, in the interest to solve the abnormal billing, the meter data was sent to the Manufacturer (M/s. Genus) for its opinion. The Manufacturer has given the following remarks:

“After analysis of raw data for meter serial number 1889716 following are our observations.

Meter RTC found OK.

Difference in cumulative kwh readings found with TOD readings in all 6 months billing data.

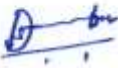
Also meters KVAh readings found difference with TOD readings in all 6 months billing data.

No suspicious tamper event observed in tamper data.

It looks like the meter memory register has gone faulty which caused abnormal consumption.

Meter found to be faulty. We suggest you please go for average manual billing.”

- (v) Hence, the Appellant was billed on average basis considering the average consumption pattern of 4136 units for 14 months for the period November 2017 to December 2018. The bill was revised accordingly for 82720 units for Rs.13,15,460/- without charging any interest.


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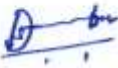


- (vi) As requested by the Appellant, all the documents pertaining to this case was given to the Appellant on 08.04.2021.
- (vii) Hence, the Respondent states that the bill of the Appellant is revised as per its average use though the meter was found in order by the testing division of the Respondent.
- (viii) The Respondent prays that the Representation be rejected.

5. Hearing was held on 11.11.2021 at the conference hall of MSEDCL, Jalgaon. The Respondent was physically present however the Appellant was connected on e-platform through video conferencing.

6. During the hearing, the Appellant argued in line with its written submission. It mainly argued as below:

- (a) The action of the Respondent in adjusting the partial payment made by the Appellant against the impugned arrears towards application of Commercial / Industrial tariff is not correct in view of pendency of the stay granted by the Hon'ble Supreme Court in the petition filed by the Appellant and others. The Respondent ought to carve out and show separately, the amount of arrears towards application of tariff from the current disputed arrears under this Representation.
- (b) It does not receive energy bills regularly from the Respondent. It received energy bills for January 2019 to July 2020 for zero consumption. In absence of furnishing the calculation sheet for the impugned bill for the period January 2019 to March 2021, the Appellant is unable to scrutinize the same and offer comments.
- (c) The action of the Respondent in disconnecting the supply on two occasions without serving proper notice, is bad in law and therefore, the Appellant needs to be compensated for the same.
- (d) The Respondent replaced the meter in January 2021, and it was requested to test the old meter.
- (e) The consumption pattern is in the range of 3000 to 3200 units per month.


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7. The Respondent argued that: -

- (a) CD of the Appellant is 12 kVA.
- (b) It did serve bills of zero consumption from January 2019 to July 2020 (19 months) and further raised bill of 599198 units in August 2020 to the Appellant.
- (c) The impugned meter was replaced on 13.01.2021 at the request of the Appellant for testing. While taking the MRI data, Mr. Ganesh Chaudhary and Mr. Ajay Suralkar from Appellant side were present. The MRI data on the date of removal of meter is tabulated below.

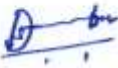
	KW	KVA	KWH	KVAH	RKVAH
Header	0.00	0.00	891000.10	338365.70	369593.30
Slot 1	0.00	0.00	644802.90	80028.90	277002.80
Slot 2	0.00	0.00	127688.30	133761.60	47278.80
Slot 3	0.00	0.00	48269.10	50677.20	18513.30
Slot 4	0.00	0.00	70239.80	73898.00	26798.40

- (d) Due to abnormal consumption, meter was tested twice, first on 15.01.2021 and 01.03.2021 by the Testing Division. During the second testing, the Testing Division observed that total KWh consumption is not matched with summation of Slot-wise KWh consumption. Hence, the meter data was referred to the Manufacturer who in turn informed that Meter RTC is found in order and suggested that average billing be considered.
- (e) Accordingly, the Appellant was billed on average of 14 months' healthy period of November 2017 to December 2018 at the rate of 4136 units per month. Therefore, the issue has been suitably resolved and Representation may be rejected.

Analysis and Ruling

8. Heard the parties and perused the documents on record. I noted following important points in the case.

- (a) The Appellant has been billed for zero consumption for the period January 2019 to July 2020.


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- (b) Sum of consumption of all 4 TOD Slots does not match with summation display. This has been noted both by the Testing Division and Meter Manufacturer. Meter Manufacturer further observed that Meter RTC is found in order.
- (c) Average consumption during healthy period of November 2017 to December 2018 as calculated by the Respondent is 4136 units and for another healthy period of September 2020 to 13.01.2020 (approximately 4.19 months) is 2980 units. Therefore, considering both the healthy periods, average consumption per month works out to $[(4136 + 2980)/2]$ 3558 per month.

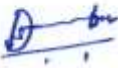
9. On query, the Appellant informed that it did not receive energy bills regularly from the Respondent. It also informed that its email ID and mobile number is not registered with the Respondent and the premises is normally unattended. However, it received energy bills for January 2019 to July 2020 for zero consumption. The Respondent did not furnish the calculation sheet for the impugned bill for the period from January 2019 to March 2021.

The action of the Respondent in disconnecting the supply on two occasions without serving proper notice, is bad in law and therefore, the Appellant needs to be compensated for the same. It further stated that its monthly consumption is around 3000 to 3200 units, however, in its letter dated 28.10.2020, it stated that its monthly consumption is 4400 units as per load and equipment use. The Meter Manufacturer also suggested to bill the consumer on average basis in view of peculiar issue of the meter.

Therefore, in view of following sequence of events such as,

- (a) Correct recording of consumption during November 2017 to December 2018.
- (b) Sum of all TOD blocks not matching the summation display.
- (c) Recording the correct consumption for September 2020 to 13.01.2020 till the date of replacement of meter.

I am, of the opinion that it would be justified to bill the Appellant on the average worked out, on the basis, of two healthy periods which is 3558 per month.


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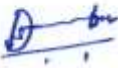
The Appellant argued that the Respondent disconnected the supply without any notice on two occasions. It is not understood how the Respondent could disconnect the supply without any notice particularly when correct bills are not issued. The Respondent did not contest this issue. Therefore, the Respondent is seriously warned to be very careful in future. The Respondent is further directed to pay Rs.1000/-to the Appellant towards wrongful disconnection.

10. I, therefore, pass the following order.

- (i) The Respondent is directed to revise the bill for the period from January 2019 to August 2020 considering consumption of 3558 units per month.
- (ii) The amount of the bill so worked out shall not attract DPC and Interest.
- (iii) The Appellant's request to carve out the arrears on account of tariff issues and Hon'ble Supreme Court order may suitably be addressed by the Respondent.
- (iv) 50% of amount paid by the Appellant shall be adjusted against the revised bill calculated as per (i) above.
- (v) The Respondent may grant maximum three instalments without any interest if the Appellant so desires. The Appellant to pay the instalment (if availed) with the current bill failing which interest and DPC shall be levied.
- (vi) The Respondent to adjust payment of Rs.1000/- towards wrongful disconnection in the ensuing bill of the Appellant.
- (vii) Other prayers of the Appellant are rejected.
- (viii) The Respondent to comply the order within three months from the date of issue.

11. The Representation is disposed of accordingly.

(Deepak Lad)
Electricity Ombudsman (Mumbai)


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