

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 80 OF 2023

In the matter of high billing

Mumtaz Usman Shaikh.....Appellant  
(Cons. No. 000170239521)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. TUC (MSEDCL)..... Respondent  
Torrent Power Limited (TPL), Distribution Franchisee, Shiv, Mumbra, Kausa and Kalwa

### Appearances:

Appellant : Usman Shaikh, Consumer Representative

Respondent: 1. Ajay N. Bhasaketre, Addl. Executive Engineer, TUC, MSEDCL

2. Mahesh Ghagare, Manager, TPL

3. Zahir Sayyad, Manager, TPL

**Coram: Vandana Krishna [IAS (Retd.)]**

Date of hearing: 27<sup>th</sup> October 2023

Date of Order : 20<sup>th</sup> November 2023

## ORDER

This Representation was filed on 14<sup>th</sup> August 2023 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 13<sup>th</sup> July 2023 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup (the Forum). The Forum has partly allowed the grievance application. The operative part of the order is as below:

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- “2. The Respondent is entitled to recover the bill issued to the consumer.*
- 3. The Respondent may grant suitable installments for payment of the pending dues to the Applicant if the Applicant so desires.”*

2. Aggrieved by the order of the Forum, the Appellant filed this representation. A physical hearing was held on 27<sup>th</sup> October 2023 where all the parties were present. The Appellant's submissions and arguments are as follows: -


- (i) The Appellant is a commercial consumer (Service No.000170239521) having sanctioned load of 0.3 KW at Shop No. A/03, Tahseen Apt, Pipe Compound, Amrut Nagar, Mumbra, Thane. The shop is given on rent to an Estate Agent. The shop has a computer system, along with the necessary lighting and fans. No Air Conditioner was installed which generally consumes more units.
- (ii) The Appellant was receiving electricity bills in the range of 20 to 120 units per month of about Rs. 900/- to 1800/- per month. The shop of the Appellant was closed during the year 2018-2019. The supply of the Appellant was disconnected in January 2019 because of alleged outstanding dues of Rs. 8829/-. The Appellant paid Rs. 1000/- on 07.01.2019 and requested to reconnect the supply. She visited the MSEDCL office many times for reconnection and requested to withdraw the fictitious billing. She was advised to change the existing defective meter. The meter was changed by MSEDCL in June 2019 and the supply of the Appellant was reconnected in June 2019. [Note: It is not clear why the supply was reconnected despite unpaid arrears.]
- (iii) Even after changing the meter, the Appellant was continuously receiving very high bills from June 2019 onwards in the range of 300 to 350 units per month. The then MSEDCL Staff checked the meter and informed that the meter was okay. The Appellant visited the MSEDCL officials many times, but every time was told that she should pay the charges to resolve the issue.
- (iv) TPL had taken the franchisee of MSEDCL from March 2020. When the Appellant followed up about the grievance with TPL, the Staff informed that

  
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MSEDCL would organize a camp for solving pending grievances, and her grievance would be taken up in the Camp. However, no camp was organized by MSEDCL.

- (v) There was a lockdown in the entire State from 22.03.2020 due to the Covid - 19 pandemic. Hence, the Appellant was not able to register her grievance.
- (vi) After continuous follow-up with TPL for testing of the meter, TPL advised her to pay meter testing charges of Rs.210/-, and the same was paid on 26.10.2020. The TPL Staff informed that someone has tapped the service of the Appellant after the meter point and has stolen power supply from the meter. The staff of TPL advised her to take photographs of the unauthorized tapping service line. However, after that, the Appellant visited the meter cabin and observed that the unauthorized tapping line was removed from her connection.
- (vii) The Appellant is paying current monthly bills regularly as per the advice of TPL for the last 2 years, but the pending bill is continuously increasing due to interest and penalty on the arrears.
- (viii) After the control of the Covid-19 pandemic, the Appellant filed her grievance with the Forum on 22.12.2022. The Forum in its order dated 09.02.2023 dismissed the grievance application by observing that the Respondent is entitled to recover the bill issued to the consumer.
- (ix) The Appellant pleaded that she is a diary seller to merchants. The financial position of the Appellant is very critical, and she is barely able to earn enough for survival. There are disrupting elements in society who might have tapped her service line, and the Appellant is unable to fight against them.
- (i) In view of the above, the Appellant prays that the Respondent TPL be directed to withdraw outstanding dues of the unauthorized tapping in toto, along with interest and delayed payment charges, as the Appellant is paying monthly bills regularly.

  
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3. The Respondent MSEDCL and its Franchisee, TPL filed their written replies dated 06.09.2023 and 02.09.2023 respectively. The Respondent's written submissions along with their arguments on 27.06.2023 are as below:

- (i) TPL has been appointed as the Distribution Franchisee by the Respondent MSEDCL from 01.03.2020 for the purpose of operation and maintenance of electricity supply along with its billing to consumers in the area of Shil, Mumbra, Kausa and Kalwa.
- (ii) The Appellant is a commercial consumer (Service No. 000170239521) billed under LT II Commercial Tariff Category having sanctioned load of 0.3 KW from 12.04.2012 at Shop No. A/03, Tahseen Apartment, Amrut Nagar, Mumbra, Thane.
- (iii) The supply of the Appellant was disconnected by MSEDCL for non-payment of dues of Rs. 8,829/- in January 2019, however, the same was reconnected in June 2019 by installing a new meter (No. 6504915054). The details of consumption can be seen from the Consumer Personal Ledger (CPL) as below: -

Table 1:

Meter No.	Month	Initial Reading (KWH)	Current Reading (KWH)	Units Billed /month	Status	Remarks	Month	Initial Reading (KWH)	Current Reading (KWH)	Units Billed /month	Status	Remarks
5801562004	Apr-18 to Dec-18	465	465	100	Faulty		Sep-20	10140	10445	305	Normal	Arrears of Rs. 74,233/-
5801562004	Jan-19 to May-19			Nil	PD	Arrears Rs. 8829/- .Paid only Rs. 1000/on 07.01.2019	Oct-20	10445	10749	304	Normal	Arrears of Rs. 79,417/-/-
6504915054	Jun-19	5689	5689	120	RNT	New meter (No. 6504915054) installed for reconnection (Arrears of Rs. 10,489/-)	Nov-20	10749	10825	76	Normal	These arrears of Rs.79,407/- (Oct. 2022) increased to Rs. <b>93,081/-</b> upto Jan.2022. (Paid only Rs. 3500/- on 08.02.2021 & further current bills from March 2021 onwards)
	Jul-19	5689	6175	486	Normal	Accumulated bill for 2 months with system refund of avg. billed (Arrears of Rs.14,907/-)	Dec-20	10825	10862	37	Normal	
	Aug-19	6175	6528	353	Normal	These arrears of Rs. 14,907/- increased to Rs.47906/- upto May 2020. Not paid any bill amount during this period.	Jan-21	10862	10890	28	Normal	
	Sep-19	6528	6858	330	Normal		Feb-21	10890	10894	4	Normal	
	Oct-19	6858	7161	303	Normal		Mar-21	10894	10899	5	Normal	
	Nov-19	7161	7513	352	Normal		Apr-21	10899	10927	28	Normal	
	Dec-19	7513	7829	316	Normal		May-21	10927	10953	26	Normal	
	Jan-20	7829	8145	316	Normal		Jun-21	10953	10991	38	Normal	
	Feb-20	8145	8449	304	Normal		Jul-21	10991	11030	39	Normal	
	Mar-20	8449	8449	0	Inaccessible		Aug-21	11030	11058	28	Normal	
	Apr-20	8449	8449	0	RNT		Sep-21	11058	11084	26	Normal	
	May-20	8449	8449	0	RNT		Oct-21	11084	11096	12	Normal	
	Jun-20	8449	9583	1134	Normal	Accumulated bill for 4 months with system refund of avg. billed ( Arrears of Rs. 60,546/-)	Nov-21	11096	11127	31	Normal	
	Jul-20	9583	9874	291	Normal	Arrears of Rs. 64,497/-	Dec-21	11127	11153	26	Normal	
	Aug-20	9874	10140	266	Normal	Arrears of Rs. 69,043/-	Jan-22	11153	11168	15	Normal	




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- (iv) There was high consumption in the range of 300 to 500 units per month for the period from June 2019 to October 2020, including the lockdown period from 22.03.2020. The lockdown was partially opened after some months. A bill showing arrears of Rs. 64,497/- was issued in July 2020. No complaint about high billing was made by the Appellant immediately.
- (v) The Appellant visited the Respondent's office on 26.10.2020 and enquired about the alleged high bill and suspected unauthorised tapping from the meter. The Respondent TPL explained the situation to her in detail. The Appellant requested to test the existing meter and she paid the meter testing charges on 26.10.2020. The meter was tested onsite on 27.10.2020 in the presence of the Appellant, and the accuracy of the meter was found within the permissible limits. Hence there was no question of wrong functioning of the meter resulting in high bill.
- (vi) The Appellant filed a grievance application with the Forum on 22.12.2022. The Forum by its order has principally rejected the grievance but allowed payment in instalments.
- (vii) The Appellant was irregular in payment of the bills. She paid Rs. 1,000/- in the month of January 2019 during MSEDCL tenure. The Appellant made a payment of Rs. 3,500/- in Feb. 2021 as part payment against the accumulated dues of Rs. 85,051/- as on Feb.2021 during TPL tenure (i.e. March 2020 onwards). There was a huge period of non-payment resulting in huge arrears. Thereafter she has been paying only the current bills regularly.
- (viii) The Respondent denies that TPL had replied to her that someone had unauthorizedly tapped the line. TPL is not aware of or responsible for unauthorized tapping beyond the meter.
- (ix) All bills are as per actual readings of the meter which are for consumed units, and the Appellant is liable to pay this outstanding amount.
- (x) The Respondent referred to the Regulation 15.2.4 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) which is reproduced below:

  
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*“15.2.4. The Consumer shall be responsible for safe custody of meter(s) and accessories if the same are installed within the Consumer’s premises. The Consumer shall promptly notify the Distribution Licensee about any fault, accident or problem noticed with the meter.”*

It was the prime responsibility of the Appellant to keep a watch on the meter or any unauthorized tapping after the meter.


- (xi) A spot inspection of the premises was carried out on 05.01.2023. The connected load of the Appellant was found to be 1.199 KW against the sanctioned load of 0.3 KW. The load of the Appellant was on account of: - LED Bulbs: 9, Fan: 1, Exhaust Fan: 1, Computer: 1, etc.
- (xii) In view of the above, the Respondent prays that the representation of the Appellant be dismissed.

### **Analysis and Ruling**

4. Heard the parties and perused the documents on record. The Appellant is commercial consumer (Service No. 000170239521) having sanctioned load of 0.3 KW from 12.04.2012 at Shop No. A/03, Tahseen Apartment, Amrut Nagar, Mumbra, Thane.

5. The Appellant contended that the normal electricity consumption of the shop is less, and the consumption pattern is 15 to 50 units per month. The Appellant received high bills for the period from June 2019 to Oct. 2020 in the range of 300 to 350 units per month against the expected use of 15 to 50 units per month. During the discussion it was revealed that some neighbour might be using the supply from his electricity connection.

6. The Respondent contended that there was high consumption in the range of 300 to 500 units per month for the period from June 2019 to October 2020, i.e., about 17 months, which included the lockdown period. During this period, the Appellant was aware of the high and increasing bills as seen from Table 1. He neither cleared these bills in full, nor did he raise any complaint of high billing up to 26.10. 2020. The meter was tested on site on 27.10.2020 in the presence of the Appellant. The accuracy of the meter was found in order. Hence, there was no substance in the grievance of wrong functioning

  
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of the meter. A spot inspection of the shop was carried out on 05.01.2023. The connected load of the Appellant was found to be 1.199 KW against the sanctioned load of 0.3 KW. The load of the Appellant was on account of: - LED Bulbs: 9, Fan: 1, Exhaust Fan: 1, Computer: 1, etc.


7. It is observed from the CPL of the Appellant, as shown in Table 1 of Para 3 (iii), that the Appellant was billed as per actual consumption from June 2019 onward. High consumption was recorded in the range of 200 to 500 units per month for the 17 months period from June 2019 to October 2020. Thereafter the consumption pattern reduced to 5 to 70 units per month from November 2020 onwards till date. The possibility of theft / tapping from the Appellant's meter cannot be ruled out during the period of 17 months from June 2019 to October 2020. It is also possible that based on some mutual understanding, the Appellant allowed his neighbour to use his electricity connection unauthorisedly during this period, leading to high consumption.

8. The fact is that the meter was installed inside the Society's meter Room, and the Society is the trustee for the meter cabin. The outgoing supply from the meter is maintained by the Appellant. Any unauthorized tapping of the service after the meter point comes under the responsibility of the Appellant. The meter was tested and found in order. The said meter is still working on the premises.

9. The Forum has given a reasoned order in principle. In view of the facts of the case, the order of the Forum is partially modified to the extent below:

10. The Respondent is directed as under: -

- a) to withdraw the interest and delayed payment charges levied from 22.12.2020 (previous two years from the date of filing the grievance with the Forum i.e., 22.12.2022) onwards till the date of this order.

  
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- b) to allow the Appellant to pay the revised bill in fifteen equal monthly instalments. If the Appellant fails to pay any instalment, proportionate interest will accrue, and the Respondent has the liberty to take action as per law.
- c) Compliance to be submitted within two months from the date of issue of this order.
- d) Other prayers of the Appellant are rejected.

11. The representation of the Appellant is disposed of as above.

12. The secretariat of this office is directed to refund the amount of Rs. 25000/- to the Respondent taken as a deposit from the Appellant by adjusting in the ensuing bill of the Appellant.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)

(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

