

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 66 OF 2021

In the matter of exorbitant bill and disconnection thereof

Little Flower Cooperative Housing Society Ltd. Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Nashik U-I (MSEDCL)... ..Respondent

Appearances:

Appellant : 1. G. H. Jahagirdar, Secretary
2. N. U. Nerkar, Member

Respondent : 1. D.R. Dixit, Executive Engineer, Nashik Urban I
2. E.B. Ahire, Asst. Accountant


Coram: Deepak Lad

Date of hearing: 15th November 2021

Date of Order : 26th November 2021

ORDER


This Representation is filed on 26th 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).


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Preamble

2. The Appellant had initially filed the grievance in Consumer Grievance Redressal Forum Nashik (the Forum) on 14th January 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 days. Therefore, the Appellant was informed that it can file the Representation under Regulation 19.22 (d) if it so desires. The Appellant, therefore, filed this Representation.
3. The Appellant has filed this Representation stating in brief as under: -
- (i) The Appellant is a Cooperative Housing Society (CHS) on Rachana Vidyalaya Road, Purandare Colony, off Sharanpur Road, Nashik having Registration No. NSK/HSG/459/ dated 01.11.1972.
 - (ii) The Appellant is having two separate electric meters for common use of the Society namely Consumer No. 049012590805 for 0.5 HP water pump, and 049012093330 for common lighting. The society building is G+2 with 11 flats.
 - (iii) The Appellant had always been prompt, and punctual in payment of electricity dues and never defaulted in past.
 - (iv) The Appellant was being billed as per actual reading of the meter for Consumer No. 049012590805 (water pump) till July 2019 and the consumption was in the range of 40 to 70 units per month.
 - (v) However, the Appellant was billed abnormally for Rs.95354.19 towards 6009 units consumption in the month of August 2019. The Appellant raised its grievance of high bill to the Respondent and requested to revise the said bill with normal consumption pattern.
 - (vi) The meter was sent for testing by the Respondent. The Appellant was not involved in the process of testing. It was informed by the Respondent that the meter is in order, the bill is correct, and the Appellant must pay the same.
 - (vii) The Respondent however revised the impugned bill for Rs. 43450/- and served it to the Appellant for payment as per its complaint dated 10.09.2019.



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- (viii) Aggrieved by the revised bill too, the Appellant filed its grievance in Internal Grievance Redressal Cell (IGRC) on 01.10.2019. The electric supply of the meter was disconnected on 10.10.2019 even though the grievance was pending in IGRC. This was pointed out to IGRC by letter dated 11.10.2019. The matter was heard on 20.11.2019. The decision in the matter was conveyed to Appellant after a delay of about one year. The IGRC, by its order dated 30.09.2020 has rejected the grievance application. The Appellant's submission does not appear to have been considered. Non availability of the meter reading photos even at Bhadrakali office of the Respondent was not taken into consideration. No action is taken against the meter reading agency.
- (ix) The Appellant then approached the Forum for redressal of its grievance on 14.01.2021. However, the Forum not being operational, the grievance could not be redressed. In the meanwhile, the Respondent removed the meter and disconnected the supply permanently.
- (x) The Respondent threatened the Appellant for alleged theft of electricity as the Appellant was compelled by the situation to extend the supply of its other existing meter having Consumer No. 049012093330 which was meant for common lighting. In the opinion of the Appellant, this is not a theft of energy and drinking water supply is an essential activity for all 11 number of flats. The Appellant ended up paying the outstanding dues of Rs. 48140/- under coercion.
- (xi) The Appellant prays as under:
- (i) To refund the amount of Rs.48140/- collected wrongly from the Appellant.
 - (ii) To initiate action for wrong meter reading against the agency.
 - (iii) To compensate suitably for mental agony and harassment.

4. The Respondent's reply with the Forum dated 20.10.2021 which is stated in brief is as below:-

- (i) The Appellant is a Cooperative Housing Society having two separate Consumer No. 049012590805 and 049012093330 for its common use of the Society. Out of these, the Consumer No.049012590805 is used for water pump of the society from 18.02.1981. The Appellant is billed under Residential tariff category.



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- (ii) The meter No.09005210597 of Elymer make was installed to the Appellant. The Respondent noticed the reading of 13108 KWh reading on 09.08.2019 while taking meter reading of August 2019 bill. Hence, the Appellant was billed for 6009 (13108-7099) units for Rs. 95354.19.
- (iii) The Appellant has raised high bill complaint immediately and requested to test the meter. Accordingly, the said meter was tested in Testing Laboratory on 28.08.2019 in presence of Consumer's Representative. The test result of the meter is found in order. The bill of the Appellant is revised for 53 months for Rs. 43450/- to get slab benefit and issued to the Appellant for payment purpose.
- (iv) The Appellant has paid the same. The grievance is resolved and it is requested to dispose the grievance.

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 its written submission. It further informed that the Consumer No. 049012590805 is in the name of the Chairman of the CHS and the other one, having Consumer No. 049012093330 is in the name of Secretary of the CHS. The testing report of the Respondent shows that one Mr. Amol Jadhav witnessed the test, however, there is no person by this name from his side. Meter is also not sent to the Manufacturer. No photos of the meter were taken for a pretty long period including the impugned period. Its consumption from the beginning is in the range of 60 to 70 units per month which is in line with the electrical load of 0.5 HP of the water pump. Moreover, when the water pump load was shifted on the other Consumer No. 049012093330 which is meant for common lighting, consumption of this connection increased by almost similar number of units compared to when this load was not connected. This substantiates the Appellant's view that consumption of the disputed meter is in the range of 60 to 70 units.

6. The Respondent agreed that there are no photos on both the bills as the monthly readings were not properly taken by the meter readers. However, reading shown on the disputed meter No.09005210597 (C. No. 049012590805) was 13236. Hence, the Appellant was billed for 6009 units for Rs. 95354.19 in August 2019 bill. The Respondent also disclosed the readings of April 2019 to


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November 2019. It also informed that the meter was found in order when tested. The Appellant was given revised bill of Rs. 43450/- by considering consumption as an accumulated one for 53 months by giving slab benefit. The Appellant has paid the same. The Respondent has also informed that water pump is of 1 HP and not 0.5 HP.

Analysis and Ruling

7. Heard the parties and perused the documents on record. The Appellant is a Cooperative Housing Society with two separate connections having Consumer No. 049012590805 (Society water pump) and 049012093330 (common lighting). The meter No.09005210597 (Elymer make) for Consumer No. 049012590805 (water pump) was installed. The Respondent noticed 13108 KWh reading on 09.08.2019 for August 2019 bill. The Appellant was billed for 6009 (13108-7099) units for Rs.95354.19. The meter of the Appellant was tested on 28.08.2019. The meter was found in order during testing. The Appellant not being satisfied with the bill, the bill of the Appellant was then revised for 53 months for Rs.43450/- by the Respondent by giving slab benefit.


8. The data of Consumer Personal Ledger (CPL) of Consumer No. 049012590805 (water pump) from April 2018 onwards till meter is permanently removed, is tabulated below. Similarly, KWh consumption of Consumer No. 049012093330 (common lighting) after clubbing it with water pump load by the Appellant is also tabulated for the period December 2020 to November 2021.


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Society Common Water Pump Consumer No. 049012590805 (Chairman)				Common Lighting Consumer No. 049012093330 (Secretary)	
Month	Initial Reading	Final Reading	Difference (KWh)	Month	Units consumed (KWH)
Apr-18	6259	6323	64	Water Pump load shifted on Lighting Meter from Nov 2019 onwards**	
May-18	6323	6378	55	Dec-20	84
Jun-18	6378	6415	37	Jan-21	83
Jul-18	6415	6445	30	Feb-21	80
Aug-18	6445	6508	63	Mar-21	69
Sep-18	6508	6561	53	Apr-21	81
Oct-18	6561	6608	47	May-21	74
Nov-18	6608	6661	53	Jun-21	70
Dec-18	6661	6718	57	Jul-21	74
Jan-19	6718	6777	59	Aug-21	72
Feb-19	6777	6836	59	Sep-21	77
Mar-19	6836	6885	49	Oct-21	77
Apr-19	6885	6942	57	Nov-21	92
May-19	6942	6991	49	** This data is taken from the web portal of the Respondent	
Jun-19	6991	7050	59		
Jul-19	7050	7099	49		
Aug-19	7099	13108	6009*		
Sep-19	13108	13174	66		
Oct-19	13174	13231	57		
* Meter was tested on 26.08.2019 at 13150 reading and found in order. The same meter was again installed at the premises after testing.					

The Respondent stated that the meter is in order, and it is reinstalled after testing at the same premises for the same water pump of the Appellant on 26.08.2019. Consumption after such reinstallation for the month of September and October 2019 is 66 and 57 units respectively. This consumption is also in line with monthly consumption during May 2018 to July 2019. It, therefore, inter-alia, proves that average monthly consumption of water pump connection is in the range of 50 to 70 units. The Respondent could not throw light on how the reading shot up abnormally (and in turn consumption) in the month of August 2019 compared to consumptions of earlier months. The Appellant says that the water pump is 0.5 HP whereas the Respondent in its argument has stated that it is 1 HP. Considering the load of 1 HP (higher side), and pumping hours as 3 hours daily, monthly consumption for 30 days will be $(1\text{HP} \times 0.746 \text{ KW} \times 3 \text{ hrs} \times 30 \text{ days} \times 0.85 \text{ PF})$ 57 units. The average consumption after considering consumption of 2 months (September & October 2019) after the meter is tested and reinstalled, is $(66+57 = 123/2)$ 61.5 units. Equity therefore demands that the Appellant needs to be billed for 62 units for the month of August 2019 as against 6009 billed units. In sum, testing of the meter prima facie appears to be superficially done because the Respondent has not


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debated on consumption of September & October 2019 which is recorded after the meter is tested and certified to be in order, besides no any proof of appropriate meter reading with photos for various previous bills including that of 53 months has been brought out on record by the Respondent. In addition, no explanation was offered for sudden rise of consumption in the month of August 2019. Therefore, the logic of accumulated consumption stands defeated. Hence, equity goes in favour of the Appellant.

9. In view of the above, I pass the following order:

- (a) The Respondent to withdraw the bill of August 2019 for 6009 units and bill the Appellant for 62 units only.
- (b) Interest & DPC levied, if any, be waived of.
- (c) Clubbing of Water Pump with Common Lighting meter (C.No.049012093330) be continued.
- (d) Credit on account of revision of bill to be passed to the extent of 50% to Consumer No. 049012093330 and balance 50% to be refunded to the Appellant within 3 months from the date of issue of this order.
- (e) The Respondent to pay Rs.1000/- to the Appellant towards cost.
- (f) Other prayers of the Appellant are rejected.

10. The Representation is disposed of accordingly.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

