

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 25 OF 2022

In the matter of billing

Global Builders Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Ulhasnagar I (MSEDCL).... Respondent

Appearances:

Appellant : J. S. Rajput, Representative

Respondent: Pravin Chakole, Executive Engineer, Ulhasnagar I

Coram: Vandana Krishna (Retd. IAS)


Date of hearing: 1st April 2022

Date of Order : 8th April 2022

ORDER

The Representation is filed on 8th February 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 29th November 2021 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).

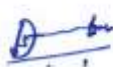
2. The Forum, by its order dated 29.11.2021 has rejected the Grievance Application No. K/E/1798/2232 of 2021-22.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



3. Aggrieved by the order of the Forum dated 29.11.2021, the Appellant has filed this Representation which is taken in brief as under: -

- (i) The Appellant is a LT Consumer (No.021510477747) from 07.11.1988 having sanctioned load of 4.8 KW at Hollywood Apartment, BK-767, Ulhasnagar. The electric connection is used for common use of lift and water pump of the Co-operative Housing Society.
- (ii) The Appellant had Meter No. 5500-243644 prior to April 2013 and onwards. The Appellant was billed with average and faulty status on the said meter for the period from October 2016 to February 2017. The Appellant was further billed with accumulated consumption of 14696 units in the month of March 2017. Afterwards, the same meter was working properly, and it was not necessary to replace the said meter. Even then, it was replaced by a new Meter No.15421635 without any intimation to the Appellant.
- (iii) The common use of lift and water pump is almost constant. The new Meter No.15421635 was fast and recording abnormal consumption from July 2017 to December 2017. The units recorded in the meter was in the range of 1926 to 4957 units per month. The meter was defective.
- (iv) As soon as this meter was replaced by another meter, the consumption of the Appellant was significantly reduced in the range of 700 to 1100 units per month. The grievance was accepted by the Respondent, and it was allowed to pay the current bill keeping aside the fictitious billing till date.
- (v) The Appellant filed its grievance in Internal Grievance Redressal Cell (IGRC) on 09.02.2018. The IGRC, by its order dated 25.06.2018 has directed to retest the meter. However, the Respondent did not test the meter again till date. The Respondent assured to withdraw the fictitious bill, however, did not act accordingly. The Appellant approached the Forum on 22.09.2021. The Forum, by its order dated 29.11.2021 has rejected the Grievance. The Forum failed to understand the basic issue and not given opportunity to decide the grievance on merit.


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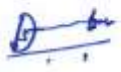
- (vi) In view of the above, the Appellant prays that the Respondent be directed to revise the bill for the period from July 2017 to December 2017 by considering the consumption pattern recorded on the old and existing meter and grant suitable compensation towards cost and mental torture in the interest of justice.

4. The Respondent, by its letter dated 17.03.2022 filed its reply which is in brief as under:

- (i) The Appellant is a LT Consumer (No.021510477747) from 07.11.1988 having sanctioned load of 4.8 KW at Hollywood Apartment, BK-767, Ulhasnagar. The electric connection is used for common use of lighting, lift and water pump of the Housing Society.
- (ii) The Appellant has raised billing dispute for the period of October 2016 to March 2017 and July 2017 to December 2017. Both these periods are time barred as per grievance mechanism. Despite being time barred, the merit of both the instants are summarised as below: -

A. Bill for the period from Oct-2016 to Mar-2017: -

Bills were issued on Faulty Status from Oct-2016 to Feb-2017 inadvertently and unintentionally. The Meter (No. 5500-243644) was recording the consumption correctly on site as per the usage of the Appellant. However, the meter digit code was wrongly fed in the Billing System as five digits instead of six digits. When the situation of reading of six digits in the meter counter occurred, the System was not accepting the readings of six digits from Oct-2016 onwards. The meter reading agency has wrongly entered the Faulty Status in billing System for the period from Oct-2016 to Feb-2017, hence the bills were issued on Faulty Status. The mistake was rectified, and the Appellant was billed with accumulated consumption in March 2017. The bills were revised for the period Oct-2016 to March-2017. The Refund of Rs.100824.69 was given to the Appellant by way of credit adjustment in the month of June 2017. Hence, the grievance was solved in June 2017. The


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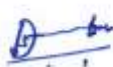


Appellant was billed with actual consumption on April- 2017 and May- 2017. Subsequently, the meter was replaced as per request of the Appellant.

B. Bill for the period from July-2017 to Dec-2017: -

The new Meter No.15421635 (Make: L&T) was installed in place of Meter (No. 5500-243644) on 06.06.2017. The Appellant was billed as per actual meter reading for the period from July-2017 to Dec-2017. However, the Appellant, by its application dated 27.11.2017, had requested to test the said meter (No.15421635). The meter was tested in MSEDCL Testing Laboratory on 05.12.2017 which was found in order. As per Appellant's further request, the meter was replaced by new Meter No.650-3374005 (Genus Make) on 22.12.2017 and the replaced meter (No.15421635) was sent to Manufacturer (L&T) for testing in its Testing Laboratory on 10.01.2018. The Test Result of the meter was also found in order. As per the Report of Assistant Engineer of the Respondent, there was maintenance issue of common water pump set of 3 HP which was consuming excess electricity. This has resulted in excess units recorded in the meter for the period from July 2017 to December 2017. Meanwhile, the Appellant Society has replaced the submersible water pump. Hence, the reading recorded further is found in order. There is no fault or defect in meter.

- (iii) The dispute of Appellant pertaining to the period of Oct-2016 to Dec-2017 is already solved, however, the Appellant was not satisfied. It filed its grievance application in Internal Grievance Redressal Cell (IGRC) on 09.02.2018. The IGRC, by its order dated 25.06.2018 has directed to retest the meter. The meter was sent for testing to the manufacturer as per request of the Appellant. The test result of the meter is found in order. The Appellant approached the Forum on 22.09.2021. The Forum, by its order dated 29.11.2021 has rightly rejected the grievance being time barred as per Regulation 7.9 (c) of the CGRF & EO Regulations 2020.

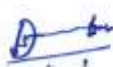

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(iv) It is stated that the cause of action actually happened in the year 2017 and the Appellant approached the Forum on 22.09.2021 nearly after four years instead of two years as per the Grievance Redressal Mechanism. Hence the grievance is time barred and not maintainable as per Regulation 7.9 (c) of the CGRF & EO Regulations 2020. In view of this, the Respondent prays that the grievance of the Appellant be rejected.

5. The hearing was held on 01.04.2022 by following Covid-19 epidemic safety norms. The Representative of the Appellant was present in person; however, the Respondent attended the hearing through Video Conferencing. The representative of the Appellant argued in line with its written submission. The Appellant further argued that common use of lift, lighting and water pump is almost constant, and the Meter No. 5500-243644 was functioning correctly. Even though, this same meter was replaced by new meter No.15421635 in May 2017, which was shown as June 2017 in CPL. The units recorded in the new meter was in the range of 1926 to 4957 units per month from July 2017 to December 2017. The meter was fast and recording abnormal consumption, hence defective. The Appellant argued that when this meter was replaced by another meter in December 2017, the consumption of the Appellant was significantly reduced in the range of 700 to 1100 units per month. The IGRC, by its order dated 25.06.2018 has directed to retest the meter. However, the Respondent did not retest the meter. The Forum, by its order dated 29.11.2021 also rejected the Grievance. The grievance is not time barred as cause of action is continuous. In view of the above, the Appellant prays that the Respondent be directed to revise the bill for the period from July 2017 to December 2017 by considering the consumption pattern recorded on the old and existing meter, and award suitable compensation for failure of standards of performance and mental agony.

6. The Respondent argued that the grievance for the billing dispute for the period of Oct-2016 to March-2017 and July-2017 to Dec-2017 is time barred as grievance pertains to the year 2017. The Appellant was supposed to approach Grievance Redressal Mechanism within two years from the date of cause of action, however, the Appellant approached the Forum on 29.11.2021 nearly after four years. The Respondent further argued that the Meter No. No. 5500-


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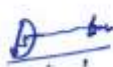


243644 was in service up to 06.06.2017. The bill was revised by bifurcating consumption of Mar-2017 for the period Oct-2016 to Mar-2017 and by withdrawing faulty status bill for the period from Oct-2016 to Feb-2017 as the meter was working satisfactory. The Appellant also accepted during the hearing that the said meter is working satisfactorily. The said meter has recorded 2742 and 2760 units in April 2017 and May 2017, respectively.

7. The Respondent further argued that the said meter No.5500-243644 was replaced by new meter No.15421635 on 06.06.2017 as per request of the Appellant. This meter was in service from June 2017 to Dec-2017. As per further request of the Appellant, the new meter was tested on 05.12.2017 in Testing Laboratory and test result of the meter was found in order. However, being not satisfied, the Appellant further requested to send this meter for retesting to the manufacturer. Hence, the said meter was replaced by new meter No. 650-3374005 (Genus Make) on 22.12.2017. The manufacturer (L&T) tested the meter No.15421635 and found in order. Hence, the question of again testing the meter does not arise. In short, all three meters of the Appellant are working satisfactorily. The Respondent argued the real problem lay with the submersible water pump set, and after its replacement with a new one, the high consumption recording was regular. Hence, the Respondent is not responsible for high consumption and prays to reject the Representation.

Analysis and Ruling

8. Heard both the parties and perused the documents on record. The Appellant is a LT Consumer (No.021510477747) from 07.11.1988 having sanctioned load of 4.8 KW at Hollywood Apartment, BK-767, Ulhasnagar. The electric connection is used for common use of lift, lighting, and water pump of the Housing Society. The Meter (No. 5500-243644) was in service in 2016. The said meter was recording the consumption on site as per the usage of the Appellant. The Respondent billed as per reading up to Sept-2016, however, further billed with Faulty Status from October 2016 to February 2017. The meter digit code was wrongly fed as five digits in the Billing System instead of six. When the situation of six digits reading occurred, the System was not accepting the readings of six digit from October 2016 onwards. Hence, the mistake of Digit Code was rectified, and the Appellant was billed with accumulated


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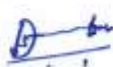
consumption of six months in March 2017 and therefore, the bills were revised for the period October 2016 to March 2017. The accumulated consumption for six months was 14696, which comes to an average of 2449 units per month. The refund of Rs.100824.69 was credited in June 2017. The Appellant was billed with actual consumption in April-2017 and May-2017.

9. The consumption recorded for the period of January 2016 to December 2018 as per CPL of the Appellant is tabulated below: -

Consumption for the period from Jan-2016 to Dec-2018							
Month	Cons. (Units)	Remarks	Month	Cons. (Units)	Remarks	Month	Cons. (Units)
Jan-16	650		Jan-17	868	Faulty	Jan-18	1014
Feb-16	779		Feb-17	868	Faulty	Feb-18	680
Mar-16	641		Mar-17	14696	Accumulated consumption (6 months)	Mar-18	1005
Apr-16	638		Apr-17	2742	Actual Cons.(2742=116350-113608)	Apr-18	940
May-16	592		May-17	2760	Actual Cons.(2760=119110-116350)	May-18	976
Jun-16	1042		Jun-17	1800	RNA	Jun-18	1191
Jul-16	970		Jul-17	5056	Accumulated cons.(2 months)	Jul-18	944
Aug-16	868		Aug-17	1926		Aug-18	1037
Sep-16	868	RNA	Sep-17	2568		Sep-18	1037
Oct-16	2604	Faulty	Oct-17	2437		Oct-18	3141
Nov-16	868	Faulty	Nov-17	4360		Nov-18	800
Dec-16	868	Faulty	Dec-17	4957		Dec-18	1095

From the table, it is seen that the Meter (No.5500-243644) recorded high consumption of 2742(116350-113608) and 2760 (119110-116350) units in April 2017 and May 2017, respectively. According to the Respondent, the said Meter (No.5500-243644) was replaced by new Meter No.15421635 (Make: L&T) on 06.06.2017 as per request of the Appellant.

The Appellant contended that Meter No.15421635 (Make: L&T) was recording high consumption. As per Appellant's request dated 27.11.2017, the said meter was


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tested in Testing Laboratory on 05.12.2017 which was found in order. The said Meter (No. 15421635 of L&T make) was further replaced by new Meter No.650-3374005 on 22.12.2017 again as per request of the Appellant. The said meter was sent to Manufacturer (L&T) in 2018. The manufacturer has tested the said meter (No. 15421635) and the test result was found in order. Thus, it seems that the high consumption, recorded was not due to meter issue, but due to some other factor. The Respondent argued that the real reason for high consumption seems to be defective submersible water pump.

The defective submersible common 3 HP water pump set was replaced by the Housing Society in December 2017 as reported by Assistant Engineer of the Respondent. This defective water pump seems to have consumed excess electricity for the period from April 2017 to December 2017. Out of this, for April and May 2017 the meter No. 5500-243644 was in service, and for July to December 2017 the meter No.15421635 (Make: L&T) was in service. The Meter No.15421635 (Make: L&T) was tested in Testing Laboratory of the Respondent as well as by the Manufacturer and in both cases, meter was found in order. Hence, the Representation of the Appellant fails on merit.

10. It is to be noted here that the cause of action arose in 2017 whereas the Appellant approached the Forum on 22.09.2021 which is more than two years from the cause of action. The erstwhile Regulation 6.6 of CGRF & EO Regulations 2006, and now Regulation 7.8 of CGRF & EO Regulations 2020 is quoted below:

“The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”

The above Regulation clearly states that the Appellant should approach the Forum within two (2) years from the date on which the cause of action has arisen. This Regulation is appropriately evaluated in W.P. No. 6859, 6860, 6861 and 6862 of 2017 decided on 21.08.2018 by the Hon’ble Bombay High Court, Bench at Aurangabad which is relevant to the instant Representation.


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11. In view of the crucial observations detailed above, the case is not only time barred as per Regulation 6.6 / 7.8 of CGRF Regulations 2006/2020 but does not stand on merit too. Therefore, the Representation of the Appellant is rejected.

12. The secretariat of this office is directed to refund the amount of Rs.25000/- deposited by the Appellant by way of adjustment in the ensuing bills.

13. The Representation is disposed accordingly.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

