

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

### REPRESENTATION NO. 71 OF 2023

In the matter of accumulated consumption and high billing

Sangita Kailash Pawar ..... Appellant  
(Consumer No.073034083255)

Vs.

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

Appearances:

Appellant : 1. Sandeep Kailash Pawar  
2. Jayant Mutha, Representative

Respondent: 1. Keshav Kalumali, Executive Engineer, Chandwad  
2. Kisan Kopnar, Dy. Executive Engineer, Pimpalgaon


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

Date of hearing: 26<sup>th</sup> September 2023

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

### ORDER

This Representation was filed on 30<sup>th</sup> June 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 18<sup>th</sup> May 2023 passed by the Consumer Grievance Redressal Forum, Nashik (the Forum). The Forum has partly allowed the grievance application. The operative part of the order is in Marathi which is translated as below:

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



*“1) The accumulated bill of Rs. 79,900/- of 5416 units of February 2021 is hereby treated as cancelled.*

*2) The Subdivisional Officer of MSEDCL is directed to issue a revised bill with average of 133 units per month (which was arrived as per MSEDCL Circular No. 133 dated 15.02.2011) for the period for 42 months from **August 2017 to January 2021**. Suitable monthly installments be given for payment of the revised bill.*

*3) Interest and delayed payment charges be withdrawn while revising the bill.*

*4) Compensation of Rs.250/- be given within one month for failure of Standards of performance as per Supply Code & SOP Regulations 2021.*


*5) An additional compensation of Rs. 1000/- be given to the consumer for failure of duty of the concerned staff.*

*6) Rs. 2000/- is fined to the concerned Meter Reading Agency.”*

This order has still not been implemented. MSEDCL has informed that if the above order of the Forum is implemented, it will actually amount to a further increase in the assessment bill. This is because the Internal Grievance Redressal Cell (IGRC) of the Respondent has considered an assessment period of 24 months, while, the Forum has considered an assessment period of 43 months. So far as the average consumption per month is concerned, the Forum has assumed the same average of 133 units per month which has been assumed by the IGRC.

2. The Appellant has filed this representation against the order of the Forum. An e-hearing was held on 26<sup>th</sup> September 2023 through video conference. Both the parties were heard at length. The written submissions and arguments of the Appellant are as under:

- (i) The Appellant is a residential consumer (No.073034083255) from 16.07.2016 at House No. 7221/18, Flat No. 18, Sai Prasad Heights, Ghodakenagar, Pimpalgaon-Basawant. The connected load of the Appellant is 0.70 kW against the Sanctioned load of 0.640 kW.


  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (ii) The Appellant is regular in the payment of electricity bills. The Respondent issued bills correctly up to the month of July 2017. The bills were in the range of 50 to 148 units per month.
- (iii) The Appellant suddenly received a bill of Rs. 79,900/- for 5416 accumulated units in the month of Feb. 2021. Hence a complaint was lodged on 08.03.2021. The Appellant also filed a complaint of high bill in the Internal Grievance Redressal Cell (IGRC) on 08.04.2021. The IGRC by its order dated 05.08.2021 assessed the Consumer for 133 units per month based on the Commercial Circular No. 133 dated 15.02.2011, and directed to revise the high bill, considering consumption of 133 units/month for the period of 24 months from **March 2019 to Feb.2021**, as the Appellant was billed with 'Faulty Meter' Status from March 2019 to Jan. 2021 as below:

Month	Previous Reading	Current Reading	Consumption	Billing Status	Month	Previous Reading	Current Reading	Consumption	Billing Status
Mar-19	1255	1255	28	Faulty	Mar-20	5481	5481	28	Faulty
Apr-19	1255	1255	28	Faulty	Apr-20	5481	5481	28	Faulty
May-19	1255	3106	28	Faulty	May-20	5481	5481	28	Faulty
Jun-19	3106	4214	28	Faulty	Jun-20	5481	5481	28	Faulty
Jul-19	4214	4640	28	Faulty	Jul-20	5481	5481	28	Faulty
Aug-19	4640	5481	28	Faulty	Aug-20	5481	5481	28	Faulty
Sep-19	5481	5481	28	Faulty	Sep-20	5481	5481	28	Faulty
Oct-19	5481	5481	28	Faulty	Oct-20	5481	5481	28	Faulty
Nov-19	5481	5481	28	Faulty	Nov-20	5481	5481	28	Faulty
Dec-19	5481	5481	28	Faulty	Dec-20	5481	5481	51	Faulty
Jan-20	5481	5481	28	Faulty	Jan-21	5481	5481	51	Faulty
Feb-20	5481	5481	28	Faulty	Feb-21	5481	10897	5416	Normal

- (iv) Had there been no interruptions or power cuts, the monthly assessed consumption of 133 units per month would be right. However, there were considerable interruptions and hence an assessment of 90/100 units per month would be more appropriate instead of 133 units per month.
- (v) Not satisfied with the order of IGRC, the Appellant filed a grievance application with the Forum on 25.10.2021. The Forum, by its order dated 18<sup>th</sup> May 2023 has partly allowed the grievance application. The operative part of the order of the Forum is mentioned in Para 1.

  
 (Dilip Dumbre)  
 Secretary  
 Electricity Ombudsman Mumbai




- (vi) The Forum failed to understand the basic issue that the assessed consumption should be 90 to 100 units per month instead of 133 units per month.
- (vii) The Appellant referred to the Judgment dated 12.03.2019 of Larger Bench of Hon'ble Bombay High Court in Writ Petition No. 10764 of 2011&Ors. which has allowed 24 months' retrospective recovery as per Section 56(2) of the Electricity Act, 2003 (the Act).
- (viii) The Appellant referred to the order of the Electricity Ombudsman (Mumbai) in Rep. 39/2022, 10/2023, 37/2023 in support of his grievance, where the Electricity Ombudsman has allowed recovery period of 24 months.
- (ix) The Appellant prays that the Respondent be directed
  - a) to revise the bill considering assessed use of 90 to 100 units per month (instead of 133 units per month) for the period of 24 months from March 2019 to Feb. 2020 without any interest and delayed payment charges.
  - b) to compensate suitably towards failure for taking proper readings as per Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 instead of Supply Code & SOP Regulations 2021.

3. The Respondent, by its letter dated 18.08.2023 has submitted its written reply. Its written submissions along with its arguments are as below:

- (i) The Appellant is a residential consumer as mentioned in Para 2 (i). A meter of Genus Make (Sr. No. 7650668) having a capacity of 5-30 Amp. was installed on 16.07.2016. The billing done for the Appellant from date of connection to Feb. 2022 is tabulated below:


Table 1

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



Month	Initial Reading (KWH)	Current Reading (KWH)	Cons. (Units)	Status	Month	Initial Reading (KWH)	Current Reading (KWH)	Cons. (Units)	Status	Month	Initial Reading (KWH)	Current Reading (KWH)	Cons. (Units)	Status
					Apr-17	575	723	148	Normal	Apr-18	1032	1061	29	Normal
					May-17	723	828	105	Normal	May-18	1061	1088	27	Normal
					Jun-17	828	913	85	Normal	Jun-18	1088	1119	31	Normal
Jul-16	0	0	32	RNA	Jul-17	913	968	55	Normal	Jul-18	1119	1139	20	Normal
Aug-16	0	82	82	Normal	Aug-17	968	975	7	Normal	Aug-18	1139	1141	2	Normal
Sep-16	82	171	89	Normal	Sep-17	975	984	9	Normal	Sep-18	1141	1152	11	Normal
Oct-16	171	263	92	Normal	Oct-17	984	997	13	Normal	Oct-18	1152	1170	18	Normal
Nov-16	263	312	49	Normal	Nov-17	997	1004	7	Normal	Nov-18	1170	1184	14	Normal
Dec-16	312	366	54	Normal	Dec-17	1004	1011	7	Normal	Dec-18	1184	1223	39	Normal
Jan-17	366	416	50	Normal	Jan-18	1011	1018	7	Normal	Jan-19	1223	1255	32	Normal
Feb-17	416	478	62	Normal	Feb-18	1018	1025	7	Normal	Feb-19	1255	1255	28	RNT
Mar-17	478	575	97	Normal	Mar-18	1025	1032	7	Normal	Mar-19	1223	1255	28	Faulty
Apr-19	1255	1255	28	Faulty	Apr-20	5481	5481	28	Faulty					
May-19	1255	3106	28	Faulty	May-20	5481	5481	28	Faulty					
Jun-19	3106	4214	28	Faulty	Jun-20	5481	5481	28	Faulty					
Jul-19	4214	4640	28	Faulty	Jul-20	5481	5481	28	Faulty					
Aug-19	4640	5481	28	Faulty	Aug-20	5481	5481	28	Faulty					
Sep-19	5481	5481	28	Faulty	Sep-20	5481	5481	28	Faulty					
Oct-19	5481	5481	28	Faulty	Oct-20	5481	5481	28	Faulty					
Nov-19	5481	5481	28	Faulty	Nov-20	5481	5481	28	Faulty					
Dec-19	5481	5481	28	Faulty	Dec-20	5481	5481	51	Faulty					
Jan-20	5481	5481	28	Faulty	Jan-21	5481	5481	51	Faulty					
Feb-20	5481	5481	28	Faulty	Feb-21	5481	10897	5416	Normal					
Mar-20	5481	5481	28	Faulty	Mar-21	10897	10990	93	Normal					

- (ii) July 2016 to July 2017: -The Respondent issued bills as per the actual meter reading for this period (Final Reading 913 kWh). The monthly consumption was in the range of 50 to 148 units per month.
- (iii) August 2017 to February 2019: - Unfortunately, the Meter Reading Agency of the Respondent did not take actual monthly meter readings from August 2017 (Initial Reading 968 kWh) to February 2019 (Final Reading 1255 kWh). The total consumption during this period is shown to be only 287(1255-968) units for 19 months, i.e. only 15 units per month (=287/19) with “Normal” Status. These recordings were obviously faulty or manipulated to drastically reduce the bill.
- (iv) March 2019 to November 2020: - The meter was functioning correctly; however, the **Appellant was mistakenly (or in connivance) billed with “Faulty” Status for only 28 units per month from March 2019 to Nov. 2020**, and again “Faulty” Status for 51 units per month for Dec. 2020 & Jan. 2021. It is suspected that these readings were manipulated.


  
 (Dilip Dumbre)  
 Secretary  
 Electricity Ombudsman Mumbai



- (v) The above period partially covers the period of Covid 19 Pandemic from 22<sup>nd</sup> March 2020 onwards, with complete lockdown for about 4 months, and partial lockdown for further one and half years, when there was severe restriction of movement of people and most people were working from home. Hence, generally there was excessive use of electricity during that period, while the recorded consumption was only 28 units per month.
- (vi) A proper reading of the Appellant was finally obtained by a new Meter Reading Agency only in the month of Feb. 2021. The Appellant was accordingly billed for accumulated consumption of 5416 (10897 kWh– 5481 kWh) units for Rs. 79,900/- in the month of Feb. 2021, for the period September 2019 to Feb 2021.
- (vii) The Appellant filed a complaint of high bill in IGRC on 08.04.2021 and to the Circle Office by email dated 20.04.2021 and requested to test the meter and revise the bill. Hence the meter was removed for testing purposes on 20.04.2021. The meter was tested on 22.04.2021. The test result found the meter in order. The same meter was re-affixed to the Appellant and is working satisfactorily at present.
- (viii) The IGRC by its order dated 05.08.2021 has assessed the Consumer as below based on Commercial Circular No. 133 dated 15.02.2011.

Category	Sub-Category	Load Factor X Diversity Factor %	Working Hours per Day	No of Days per Month
Domestic	Lights & Fans	25	24	30
	Heating & Cooling equipments	50	As per actual working hours	30


The load of the Appellant was found to be 2 Tubes, 3 LED Bulbs, 1 TV, 1 Fridge, 3 Fans and other essential points.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



**The connected load of the Appellant was 0.0740 KW. Hence, the assessment was calculated as  $.740 \times 0.25 \times 24 \times 30 = 133.2$  kWh i.e. 133 units per month.**

- (ix) The IGRC observed that the Appellant was under billed for 43 months from Aug. 2017 to Feb. 2021. The actual consumption was 9929 units [10897 kWh (recorded in Feb. 2021) – 968 kWh (recorded in August 2017)]. The average consumption comes to 231 units per month. However, based on the load factor, **the IGRC directed to revise the bill considering only 133 units/month and that too for the period of only 24 months from March 2019 to Feb. 2021 as per Commercial Circular No. 133 dated 115.02.2011. This calculation of IGRC was just and fair.**
- (x) The Appellant was not satisfied with this decision and wanted to reduce average consumption to about 100 units per month. So, he filed a grievance application in the Forum on 25.10.2021. The Forum, by its order dated 18<sup>th</sup> May 2023 actually increased the recovery period to 42 months. The operative order of the Forum is mentioned in Para 1.
- (xi) The Respondent has implemented the order of the IGRC by reducing the bill from Rs.79,900.31 to Rs.15,800.51. A credit of Rs. 64,099.80 was passed on to the consumer. The Appellant paid the revised bill, and currently there is no outstanding against the Appellant. However, the order of the Forum has still not been implemented in the interest of the consumer, because it will actually lead to increase of the assessment bill. The Respondent is trying to settle the case.
- (xii) Because of the suspected manipulations of the meter readings, the then Meter Reading Agency has been blacklisted from MSEDCL's work.
- (xiii) **The Appellant has enjoyed average billing at a much lower side from August 2017 to Feb. 2021.**
- (xiv) **There is no tendency for jumping of the meter reading in a Genus Meter. The meter is installed at the Society Meter Cabin of the Appellant. The meter has accurately recorded consumption.**

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai






- (xv) The Respondent cited the Judgment of the Hon'ble Supreme Court in Civil Appeal No. 7235 of 2009 in the case of M/s. Prem Cottex V/s. Uttar Haryana Bijli Vitran Nigam Ltd. for recovery of escaped billing. It is a case of “escaped assessment” and not “deficiency in service.”
- (xvi) In view of the above scenario, it is requested to reject the representation of the Appellant, and to give clear directions whether the order of the IGRC or the Forum is upheld.

### **Analysis and Ruling**

4. Heard the parties and perused the documents on record. The Appellant is a residential consumer (No.073034083255) from 16.07.2016 at House No. 7221/18, Flat No. 18, Sai Prasad Heights, Ghodakenagar, Pimpalgaon-Basawant.

5. It is observed from the CPL of the Appellant as shown in Table 1 of Para 3 (i) that he was billed as per actual consumption from July 2016 to July 2017 with a consumption pattern in the range of 50 to 148 units per month. Thereafter, the consumption recorded suddenly dropped to 7 to 9 units, 28 and 51 units per month. Thus, the Appellant seems to be underbilled from Aug. 2017 to Jan. 2021. The Appellant was finally billed with accumulated consumption of 5416 units in Feb. 2021 based on the actual meter reading of 10897 kWh. in Feb 2021 and the initial meter reading of 5481 in Sept. 2019. The newly taken meter reading of 10897 should actually be compared to the meter reading (968 kWh) of July 2017, because the readings after that are suspect, being abnormally low. Taking into account these 2-meter readings, the difference comes to:  $10897 - 968 = 9929$  units for a period of 43 months, i.e.  $9929 / 43 = 231$  units per month. Thus, the long average of consumption for the period of 43 months from Aug. 2017 to Feb. 2021 is found to be 231 units per month.

6. The Respondent inspected the Flat-Premises on 20.04.2021. During the inspection, the load of the Appellant was found to be: - 2 Tubes, 1 fridge, 4 Bulbs, 1 TV, 1 Mixer, 3 Fans, lighting, etc. The IGRC as well as the Forum has assessed the Appellant considering a

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai





connected load of 0.74 KW, and using the formula as per Commercial Circular 133 dated 15.02.2011, as below:

$0.740 \times 0.25 \times 24 \times 30 = 133$  units per month.


However, the long average is found to be 231 units per month for the period of 43 months from Aug. 2017 to Feb. 2021, including the lockdown period from 22.03.2020 onwards due to the Covid-19 pandemic. Giving the benefit of doubt to the consumer, the IGRC and the Forum have considered a load of only 133 units per month rather than 231 units per month. In this regard the calculations are more than fair to the consumer.

7. There are many factors which may increase electricity consumption, including poor efficiency and poor maintenance of electric gadgets as well as extensions of supply. A meter is installed for recording accurate consumption. There is no scientific reason or tendency for a digital meter to run fast for a specific period and to work normally or accurately in other periods, especially for a Genus make Meter. The meter was installed at the Society's meter Room, and the Society is the Trustee for the meter cabin. There is nothing on record to indicate that the meter was tampered. The meter testing report also found the meter in order. Thus, we must assume that the meter reading, when finally recorded, is true and accurate.

The assessment can be calculated in the following 2 alternative ways: -

Particulars	Period	Avg cons. Per month	Months	Cons. (Units)	Remarks
Alternative 1	March 2019 to Feb 2021	231 (long -term average)	24	5544	The meter was found in order. Assessment as per Section 56 (2) of the Act
Alternative 2	Aug. 2017 to Feb. 2021	133	43	5719	Assessment as per Forum's order, as a part of settlement.

Though the assessment period and consumed units are more in Alternative 2, the actual billed amount will be lesser due to lower average consumption and greater slab benefit. The Appellant cannot be given part benefit of Alternative 1 (i.e.,

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai




assessment for only 24 months) and part benefit of Alternative 2 (i.e., average consumption of 133 units per month, or even lower). We hold that the Appellant be billed with Alternative 2, as the Appellant gets a greater slab benefit under this alternative.

8. The order of the Forum is a reasoned one, considering the settlement of the case. The Forum's order is upheld.

9. The Representation is rejected and disposed of accordingly.

10. The Secretariat of this office is directed to refund the amount of Rs.25000/- deposit to the Respondent for adjustment in the ensuing bill of the Appellant.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

