

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 116 OF 2022

In the matter of high billing

Jayantilal Mavji Thakkar.....Appellant

V/s.

Brihanmumbai Electric Supply & Transport Undertaking (F/North Ward) Respondent
(BEST Undertaking)

Appearances:

Appellant: Harsha Jayantilal Thakkar

Respondent: 1. R. U. Kasar, Divisional Engineer, Customer Care, F/ North Dn.
2. A. J. Karbhari, AAM
3. K. J. Naik, Sub. Engineer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 20th September 2022

Date of Order: 30th September 2022

ORDER

This Representation was filed on 27th July 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 23rd May 2022 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).



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2. The Forum, by its order dated 23.05.2022 dismissed the Grievance Application No. FN-452-2022.


3. The registered consumer, Shri Jayantilal M. Thakkar died on 18.08.2020. The Appellant, Smt. Harsha Jayantilal Thakkar, daughter of Jayantilal Thakkar has filed this representation against the order of the Forum. The physical hearing was held on 20.09.2022. Both the parties were present. The Appellant's written submission and arguments in brief is stated as below: -

- (i) The Appellant is a three phase residential consumer (No. 653-093-027*2) having sanctioned load of 6.3 KW at Ground Floor, Plot-256, 16, Mrudula Mansion, Sewree Wadala Road No. 19, Wadala Post Office, Wadala , Mumbai.
- (ii) The Appellant received a high bill of Rs. 22,103/- for the billing month of July 2020 during the Covid-19 pandemic. The Appellant filed her complaint of high bill before the Respondent. The consumption pattern of the Appellant is an average of 300 units per month when there were 4 - 5 members in the family prior to the Covid -19 pandemic while after August 2020, there were only 2 surviving members, as 2 members died during the pandemic. The Appliance load was the same but actual use declined. This clearly indicates that the meter (No. L981247) was working fast, and hence, this meter was defective.
- (iii) The Respondent replaced this Meter (No. L981247) of the Appellant by a new Meter No. M200960 on 03.08.2020 without any intimation to the Appellant, purportedly during a "Mass Meter Replacement Drive". It is surprising that the Respondent did not change the meter of other Society Members. The Appellant suspects that the intention of the Respondent is questionable for doing meter replacement. The change of meter indicates that there was a defect in the meter no. L981247 since March 2020.
- (iv) The Appellant reiterated that only two family members are staying in the premises without using air conditioner, and no new appliances were installed when this meter (No. M200960) was in service. However, this meter also recorded consumption in the range of 249 to 542 units per month.


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- (v) The Appellant registered a High Bill complaint on 07.01.2021 for abnormal recording of new Meter No. M200960. The said meter was again replaced by another new Meter No. N201717 on 26.03.2021. It is learnt that the earlier meter (No. M200960) was sent for testing. It was learnt that the Testing Team declared the said meter 'defective'. An opportunity was not given to the Appellant to witness the testing. The person who witnessed this testing, Mr. Brijesh Upadhyay, who is another meter reader from BEST Undertaking, was not officially deputed by the Respondent, though he took Rs.2000/- unofficially to help her.
- (vi) There are various email correspondences with the Respondent, however, there was no proper response from the Respondent. On the contrary, the Appellant was cheated and misled on many occasions in this case.
- (vii) The Respondent sent this meter No. M200960 to the manufacturer, M/s L&T for analysis purpose. The meter was declared as normal in testing on 11.08.2021. However, the Appellant suspects that the Respondent, in collusion with manufacturer, managed to repair this meter before testing. Their email copy seems suspicious and fabricated, as it is not on their proper letterhead. A reputed company never send such testing details on email without any proper letter head. Hence, the Test Report of the said meter dated 11.08.2021 that it is normal has no meaning. The said meter was 'defective' as per the internal test report of the BEST Undertaking. Hence, the Appellant should be billed on 'average' basis as per guidelines of regulations in existence.
- (viii) As there was no fruitful response from the Respondent, the Appellant filed the complaint of high bill before the Forum on 23.03.2022. The Forum, by its order dated 23.05.2022 has dismissed the Grievance Application. The Forum failed to understand the basic issue.
- (ix) The Appellant argued against the Respondent on the following points:
- Respondent's failure to look into the overbilling matter,
 - Respondent's failure to resolve the complaint in time,
 - Respondent's failure to provide receipts and lab reports in September 2021 despite repeated requests of consumer.


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- d) Respondent's refusal to accept current charges, pending the dispute about high billing raised since July 2020 onwards till date.
- (x) The Appellant argued that Rs.2000/- was unofficially collected by Mr. Brijesh Upadhyay, an employee of the Respondent, for sending the meter to laboratory. However, the original report of faulty meter was not given, and even the receipt of Rs. 2000/- was not received. On the issue of using the services of Brijesh Upadhyay, the Appellant was quite ambivalent. On the one hand, she said that his intentions were initially good and helpful, and on the other hand, she accused him of misleading her and taking Rs.2000/- from her without any results. She also accused the BEST Management of 'silencing' Brijesh Upadhyay by threatening him.
- (xi) The Appellant further argued that Mr. Chavan, the then Divisional Engineer of the Respondent purposely harassed the Appellant by not solving the grievance in a proper manner.
- (xii) The Appellant claimed that her average consumption was not more than 250 to 300 units per month, in view of the fact that two members of the family were lost in Covid-19 pandemic. The consumption pattern of the previous year is not applicable or comparable for average consumption, as only two persons are living in the disputed period.
- (xiii) The Appellant prays that the Respondent be directed
- i. to revise of all the random bills in which the Appellant was overcharged from March 2020 to Nov. 2020 during the lockdown period due to Covid-19 pandemic.
 - ii. to rectify overbilling, which happened due to two faulty meters.
 - iii. to review of all fluctuating amounts on bills from March 2020 lockdown to Dec 2021, which are not true reflection of "actual consumption".

4. The Respondent filed its reply by its letter dated 23.08.2022. The physical hearing was held on 20.07.2022. Both the parties were heard. The Respondent's submission and arguments in brief is as below: -


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- (i) The Appellant (on behalf of the registered consumer Late Shri. Jayantilal Mavji Thakkar) is a three phase residential consumer (No. 653-093-027) having sanctioned load of 6.3 KW at Ground Floor, Plot-256, 16, Mrudula Mansion, Sewree Wadala Road No. 19, Wadala Post Office, Wadala, Mumbai.
- (ii) The Appellant filed a grievance of high bill which was received by her in the month of July 2020 due to Lockdown imposed during Covid-19 Pandemic, and the accumulated consumption bill of June 2020 was sent in July 2020.
- (iii) During the lockdown period of Covid-19 Pandemic, all activities (including meter reading at site) were suspended as per practice direction issued by the Maharashtra Electricity Regulatory Commission (the Commission). The actual meter reading for the billing months of April, May & June 2020 could not be taken due to the lockdown. The billing for April, May and June 2020 was done based on the previous consumption of 438 units recorded for the billing month of March 2020 whose reading was taken on 03.03.2020.
- (iv) The meter reading of the first Meter (No L981247) was taken as 73962 kWh on 02.07.2022. The actual consumption of 3032 (73962-70930) units was recorded for a period of four months i.e. from April 2020 to July 2020. Total consumption of 3032 units was proportionately divided in to four months as per the number of days of scheduled bill period, so as to give the necessary slab benefit as per tariff schedule in the respective monthly bill.
- (v) Later at the time of re-calculating, the earlier billing done during April 2020, May 2020 & June 2020 was reversed and credited back as it was based on estimated consumption.
- (vi) It is also to be noted that new higher tariff rates have been implemented from 01.04.2020 and the same are considered while calculating the bills with consumption dates after 01.04.2020. Appellant's bill would have increased by about 6% due to this factor.
- (vii) Meanwhile the old Meter No. L981247 of the Appellant was replaced by a second new Meter No. M200960 on 03.08.2020 under "Mass Meter Replacement Drive". The meters which are replaced in "Mass Meter Replacement Drive" were not sent for


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testing due to voluminous work. These meters were scrapped as per procedure laid down by the Respondent. Hence, this meter No. L981247 was not available for testing.

- (viii) The Appellant filed a High Bill complaint on 07.01.2021 for the new Meter No. M200960. Hence, the said meter was tested on site on 07.01.2021. As per the Testing Report it was found to be in order, still it was replaced by another third new Meter No. N201717 on 26.03.2021 for conducting Official Test of the replaced meter due to the Appellant's continuous complaints
- (ix) The second Meter No. M200960 of L& T make was sent for Official Testing in the BEST laboratory on 22.04.2021. Official Testing of this meter was done in the presence of the consumer's representative, Mr. Arif Shaikh. The said meter was found slow by 29.95 % during Dial Test Accuracy. The meter has also reported voltage discrepancy in the display counter. The meters of Mass Meter Replacement Drive were in warranty period. The said meter was sent to the manufacturer, M/s. L & T. The Manufacturer Test Report of the said meter dated 11.08.2021 stated 'Accuracy tested and found OK'. Hence, no amendment of the revision of bill was done. There is no merit for high bill complaint and hence it was closed.
- (x) Again, as per High Bill complaint received from the Appellant on 12.06.2021, her new Meter No. N201717 was tested on 12.06.2021. As per the testing report, the meter was found to be working within permissible limits of accuracy vide the ID No. 7159025, dated 12.06.2021.
- (xi) The Respondent have already replied to the letter received from the Appellant dated 16.02.2022 vide 'CCF/N/Complaint/198/2022, dated 24.02.2022' clarifying all the doubts regarding the high bills under dispute for 10 months till the bill month of Nov. 2020, and also regarding the meter replacement and Testing Reports of the Meter Nos. M200960 and N201717.
- (xii) In the past the Respondent has replied to the emails received from the Appellant regarding the above-mentioned high bill complaints on 02.11.2021. The Respondent has also explained all the queries/points raised with regards to the billing complaints to the Appellant personally at the time of her visit to the ward office.


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- (xiii) The Respondent put on record the consumption history of Consumer Account No. 653-093-027 during the period from April 2018 to February 2022.
- (xiv) It is observed that during the months of summer season i.e. April, May & June of the concerned year, the consumption trend is highlighted as below:
- (a) Year 2018: the consumption was in the range of **491 to 812** units per month,
- (b) Year 2019: the consumption was in the range of **477 to 760** units per month.
- (c) The average monthly consumption during the four months from April 2020 to July 2020 during Covid 19 was recorded on the basis of actual reading taken in July 2020 at site, which works out to 758 units per month. (i.e. total 3032 units / 4 months), which is in similar range as previous years, and considering slightly higher expected consumption during the lockdown 'stay at home' period.
- (xv) It is observed that prior to Covid-19 lockdown period i.e. except for one month of February 2020 (when consumption was 298 units), monthly consumption during the rest of the months i.e. from July 2019 to January 2020 was in the range of 417 to 621 units. **Hence, the very basis of the complaint of the Appellant that their average monthly consumption was in the range of 250 to 300 units is not correct.**
- (xvi) The monthly consumption pattern of Meter No. L981247 did not show any abnormal variation in units recorded prior to Covid 19 lockdown period. Hence, the claim of the Appellant that *"this meter L981247 was replaced with Meter No. M200960 on 03.08.2020 due to meter being faulty, and not as a part of Mass Meter Replacement Drive"* is also not correct.
- (xvii) After replacement on 03.08.2020, no abnormal change was observed in consumption recorded by meter no. M200960, and monthly consumption was in the range of 275 to 413 units until it was tested at site on 07.01.2021 upon high bill complaint received from the Appellant. After this test, the meter M200960 was replaced by meter no. N201717 on 26.03.2021, and meter no. M200960 was sent for Official Test on 22.04.2021.
- (xviii) Again the monthly consumption pattern of new meter N201717 was in the range of 313 to 502 units up to 02.06.2021. But the Appellant continued to complain about high bill. Upon receipt of the complaint on 12.06.2021 Meter No. N201717 too was


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tested on site and the meter was found to be working within permissible limits of accuracy.

Complaint to the Forum:


- (xix) Not satisfied with the remedy provided, the Appellant approached the Forum on 23.03.2022 requesting the Forum to direct the Respondent to correct all random high bills issued to them after Covid-19 Lockdown i.e. after March 2020 and reversal and refund of all interest charged on his bills (towards the unpaid outstanding amount).
- (xx) The Forum, by its order dated 23.05.2022 has rightly dismissed the Grievance Application. The order of the Forum is a reasoned order and covers all the points raised by the Appellant.

Present Status:

- (xxi) It can be seen from the Billing Ledger of the Appellant that from August 2020 onwards the Appellant was paying the bill amount in parts up till March 2021. Thereafter, the Appellant stopped making the payment and started paying bills again in part since February 2022. Thus, attracting Interest charges on unpaid bill amounts.
- (xxii) The Appellant has made an allegation of taking a bribe of Rs. 2000/- against Shri Upadhyay, the employee of the Respondent. The Respondent clarified that firstly, he was not officially assigned meter reading duty or any work related to the Appellant. The issue is a private matter between Appellant and Shri Upadhyay. If the Appellant desires, she has liberty to take up the issue with appropriate authority. This issue is unwarranted at present before the Forum,

Submission:

- (xxiii) The Respondent prays that the representation of the Appellant be rejected and direct the Appellant to pay all the outstanding bill amounts at the earliest.


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Analysis and Ruling

5. Heard the parties and perused the documents on record. The Appellant is a three phase residential consumer (No. 653-093-027*2) having sanctioned load of 6.3 KW at Ground Floor, Plot-256, 16, Mrudula Mansion, Sewree Wadala Road No. 19, Wadala Post Office, Wadala , Mumbai.

6. The GoM had imposed lockdown from 22.03.2020 onward due to the Covid-19 pandemic. During the lock down period, the activities of meter reading at site were suspended as per the directions of the Commission. Therefore, the actual meter reading for bill-months of April, May and June 2020 could not be taken. The billing for the bill-months of April, May and June 2020 was done based on estimated consumption of the previous period. The Respondent has taken actual meter reading (No. L981247) as 70930 on 04.03.2020, and the next actual meter reading was taken as 73962 on 02.07.2020. The estimated bill and revised bill for the period April 2020 to July 2020 is tabulated as below:

Month	Estimated bill (Units)	Status of billing	Month	Revision as per Cons.(Units)	Remarks	Last year,s month	Last yearCons.(Units)
Apr-20	438	Esimated	Apr-20	732	3032,=73962 (reading of 02.07.2020) - 70930 (reading of 04.03.2020)	Apr-19	477
May-20	438	Esimated	May-20	859		May-19	760
Jun-20	438	Esimated	Jun-20	732		Jun-19	737
Jul-20	3032	Actual cons. for 4 months	Jul-20	709		Jul-19	621
			Total	3032		total	2595

7. The Respondent stated that the new Tariff Order of the Commission was implemented from 01.04.2020 and the same has been considered while revising the bill. According to the respondent, it has also compared the above consumption of 3032 units recorded in April, May, June and July, 2020 with the consumption of 2595 units, recorded in the corresponding months of April, May, June and July, 2019.


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8. The Respondent replaced this Meter (No. L981247) by a second new Meter No. M200960 (initial reading 000005 kWh) on 03.08.2020 with a final reading of 74547 kWh. According to the Respondent, the Appellant has never disputed the accuracy of the meter and not requested to test the meter.

9. The Meter No. M200960 was replaced by Meter No. N201717 on 26.03. 2021. The meter was in service from 03.08.2020 to 26.03.2021(7 months 23 days' i.e.7.74 months) with initial reading of 000005 and final reading of 002632 kWh. The monthly consumption comes to about 339 (2627.74) units per month. This consumption is apparently in line with the Appellant's estimated consumption.

Testing of Meter No. M200960: -


10. The Meter No. M200960 was sent by the Respondent for Official Testing on 22.04.2021. Official Testing of this meter was done in the presence of the consumer's alleged representative, Mr. Arif Shaikh. The Appellant denied that he was her representative and stated that he had been deputed by Mr. Brijesh Upadhyay. The test result was as below: -

Accuracy Test: Active Energy (kWh Part) the meter was found slow by 29.67 to 30.56% at various load of 10%, 50 % and 100 % at 0.5 lag, 0.866 lag, and unity Power Factor.

Dial Test: Dial Test Accuracy found (-) 29.56 %.

Voltage: The voltage of 240 Volt applied for three phases; however, display shows R phase 240.10 V, Y phase 0 Volt and B phase 240.30 V. respectively.

This indicates that, during testing, Y phase voltage was missing, so the meter was recording 1/3rd lesser consumption; so the billing could not have been excessive. The said meter was in Warranty period. Hence, the Respondent sent the said Meter No. (M200960) to the manufacturer M/s. L & T for analysis. L& T by its email dated 11.08.2021 sent the Analysis Reports of 12 Meters, including the said Meter No. M200960. The analysis details of this meter indicated "Accuracy tested and found ok." The Appellant questioned the reliability of


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this report received by email; hence this office verified the same with the company (Powai office). It was confirmed that the emailed report was genuine.


11. The Respondent contended that the monthly consumption pattern of the new meter N201717 was in the range of 313 to 502 units up to 02.06.2021. However, the Appellant continued to complain about high bill. As per complaint on 12.06.2021, Meter No. N201717 was also tested on site and the meter was found working within permissible limits of accuracy.

12. The Forum by its order dated 23.05.2022 has given a detailed reasoned order by identifying seven issues of “*Points for determination*” and recorded the reasons for the findings in details. The order is self-explanatory and hence does not warrant any interference in principle. Since the second meter is found to be accurate, we have to rely on actual recorded consumption rather than oral arguments relying on the number of family members. So far as the third meter is concerned which was installed in March 2021, it is still functioning, and its readings are not in question.

13. However, considering various circumstances and the facts overall, it is directed that –

- (a) the Respondent is to waive off the Interest and Delayed Payment Charges from July 2020 onwards till the date of the order.
- (b) the Appellant to clear outstanding dues.
- (c) The Appellant may be granted suitable 3 equal monthly instalments without DPC and interest. If the Appellant fails to pay the instalments along with current bill within the stipulated time, the Respondent has liberty to take action as per law.
- (d) The Respondent to submit its compliance report within two months from the date of this order.


14. The Representation is disposed of accordingly. The Forum’s order is modified to the extent above.


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15. The secretariat of this office is directed to refund amount of Rs.15000/- to the Respondent for adjustment in the ensuing bill of the Appellant.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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